



EU-Turkey Relations

Theories, Institutions, and Policies

Edited by
Wulf Reiners · Ebru Turhan

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EU-Turkey Relations

“Never have relations between Turkey and the European Union been so tense. Yet rarely have we had the opportunity to realize how important this relationship is, for good and ill. At such a critical juncture, this edited volume by Reiners and Turhan provides a much needed theoretical, empirical and policy compass to guide us through the turbulent waters of what remains an existentially important relationship for both the European Union and Turkey.”

—Nathalie Tocci, *Special Advisor to EU HRVP Josep Borrell, and Director of the Istituto Affari Internazionali (IAI), Rome, Italy*

“This is an important and original contribution. It offers concrete suggestions concerning how to end the current stalemate in Turkey-EU relations and recreate the basis of a new partnership. It should appeal to a broad audience of scholars, students and practitioners.”

—Ziya Öniş, *Professor, Koç University, Istanbul, Turkey*

“This volume amounts to a quintessential handbook of EU-Turkey relations after 2009. The theoretical and empirical breadth of its contributions and their state-of-the art analyses in light of domestic, bilateral and global influences provide valuable insights for the interested public, policymakers, and experts alike. Instead of reaffirming stereotypes, the authors highlight the complexities of the relationship, providing an excellent basis for future studies as much as further political debate.”

—Thomas Diez, *Professor, University of Tübingen, Germany*

“This volume focuses on the last decade of the relations between the EU and Turkey when profound changes have taken place both in Europe and the World. The book’s unique contribution rests on the fact that it introduces a systematic and multidimensional analysis of the field bringing together studies on theories, actors, and policies. It should be praised as the result of a fruitful collaboration between scholars from the EU and Turkey—all of them European—when relations at the political level ran into hurdles.”

—Çiğdem Nas, *Secretary General, Economic Development Foundation (IKV) / Associate Professor, Yıldız Technical University, Istanbul, Turkey*

“With excellent timing Reiners and Turhan have brought together a distinguished team of experts to look at the dynamics of a relationship that is often problematic but of critical importance to both the EU and Turkey. The volume covers not only the current disputes between the two sides but offers a balanced, thoughtful but critical analysis of the multi-faceted EU-Turkey relationship over the past decade or so, providing us with an excellent and comprehensive study.”

—Geoffrey Edwards, *Senior Fellow and Emeritus Reader, University of Cambridge, UK*

Wulf Reiners · Ebru Turhan
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PREFACE

Gülü seven dikenine katlanır—who loves the rose should put up with its thorns. When we started the systematic re-assessment of the ever-evolving EU–Turkey relations more than three years ago, we saw the urgent need for a volume with handbook character that provided an update of the existing literature and a comprehensive study of the new complexities that epitomize the relationship. The world has changed since then more than most would have anticipated, creating an even greater need for this volume. We are happy and relieved that the plan has finally come together, despite the thorny character of this ‘academic rose’. Challenges concerned the complexity and dynamic evolution of the topic and the large scope of the volume, as well as the conditions under which it had to be coordinated, written and prepared. However, the greatness of a relationship lies not only in the challenges it faces, but in how it meets them. This insight—and attitude—is not only true for a comprehensive transnational knowledge cooperation project like the volume at hand, but also for EU–Turkey relations in general.

We are proud that the idea blossomed as a true, transformative collaboration between scholars from the EU and Turkey during times when cooperation at the political level has remained troubled. We initiated it during our time at the Turkish German University (TDU) in our capacity as coordinators of the Jean Monnet Module ‘INSITER—Inside the Turkey–EU Relations’ (2016–2019). During joint research activities in Berlin, Brussels, Istanbul and Paris, we conceptualized the central

elements for the different parts of the volume. The situation in Turkey, in Germany–Turkey and EU–Turkey relations had already become complicated, but the view at the ‘Ronde de la Villette’ in Paris reminded us that EU-Turkey relations encompass manifold components that will endure.¹ In recent months, collaborative work on the project helped us bridge the distance between the EU and Turkey as we worked remotely from home during the COVID-19 pandemic. In this context, we could not stress enough how fortunate and thankful we are that this fascinating group of scholars accepted our invitation to work with us. It is the balanced mix of authors from both the EU and Turkey that makes the volume a particularly rich academic bouquet.

In this spirit of cross-border and interdisciplinary collaboration, the volume has benefitted from the Jean Monnet Module INSITER, co-funded by the Erasmus+ program of the EU. It is published with support from the Managing Global Governance (MGG) program of the German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE). While the MGG partner countries are a defined group beyond Turkey, the underlying rationale for and questions around cooperation with these countries also apply to the EU/Germany–Turkey relationship. MGG facilitates knowledge cooperation, policy dialogue, and training on, with and between emerging economies (or rising powers), Germany and the EU to jointly address global challenges. Central reference points are the global goals prominently enshrined in the United Nation’s 2030 Agenda for Sustainable Development. The book is full of evidence of how the EU and Turkey hold the potential for mutually addressing these major economic, social and environmental challenges at the domestic, regional and global levels. The individual political agendas of the EU and Turkey and the common challenges are complex and intertwined, require both intensified cooperation and deepened analysis, and thus—in their respective and unique way—also speak to the discussion on cooperation with and among rising powers. Since Turkey shares many characteristics of the rising powers on which MGG typically focuses, the volume also contributes to the debate on important overarching questions of inter- and transnational cooperation, and the quest for global partnerships and effective multilateralism in times of global power shifts.

¹This fine building is located in the 19th arrondissement of Paris. It was originally erected as a customs facility and part of the city walls of Paris. The EU-Turkey Customs Union Agreement is one of the relatively stable components of EU-Turkey relations.

In this context, we are particularly grateful that this piece of knowledge co-creation can be published as an open access volume, making it widely available not only in the EU and Turkey but to researchers, policymakers and students around the globe, including but not limited to the MGG network.

Clearly, this book would not have been possible without support and maintenance from many sides. We would like to thank our authors for working to a high standard, their trust in us and their perseverance over months. Special thanks go to Dimitris Tsarouhas and Wolfgang Wessels for the encouragement and support to identify the right publishing house. In this context, we are much obliged to the external reviewers for their fertilizing inputs, as well as to Ambra Finotello, Rebecca Roberts, and John Justin Thomyar from Palgrave for the valuable guidance during the publication process. Furthermore, we would like to thank Megan Gisclon and Jannet King for the language editing, as well as Efsane Deniz Bař and Lukas Engels for their help in compiling and formatting the final manuscript. Our gratitude also goes to Atila Eralp, Nilgün Arısan Eralp, Rahime Süleymanođlu-Kürüm, Ayselin Yıldız, Melis Cin, Selin Türkeř-Kılıç, Diđdem Soyaltın-Colella, Beken Saatçiođlu, Özgehan řenyuva as well as Kevin Dickmann for their stimulating ideas and encouragement throughout this transformative process. EU–Turkey relations might not resemble the scent of sweet flowers these days. However, thanks to all these helping hands, this collaborative effort could help bring EU–Turkey studies as a field of analysis at the intersection of EU (integration) studies, International Relations and global governance studies to full bloom.

Bonn, Germany
Istanbul, Turkey
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Wulf Reiners
Ebru Turhan

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ABBREVIATIONS

AFET	Committee on Foreign Affairs of the European Parliament
AKP	Justice and Development Party
ALDE	Alliance of Liberals and Democrats
ANAP	Motherland Party
BDI	Federation of German Industries
CCT	Common Customs Tariff
CDA	Critical Discourse Analysis
CEECs	Central and Eastern European countries
CFSP	Common Foreign and Security Policy
CHP	Republican People's Party
COP21	21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC)
CSDP	Common Security and Defense Policy
CSOs	Civil Society Organizations
CU	Customs Union
CUJC	Customs Union Joint Committee
DCFTA	Deep and Comprehensive Free Trade Agreement
DEP	Democracy Party
DSP	Democratic Left Party
DTP	Democratic Society Party
EC	European Commission
ECF	Enhanced Commercial Framework
ECHR	European Court of Human Rights
ECR	European Conservatives and Reformists
EEC	European Economic Community
EFDD	Europe of Freedom and Direct Democracy

EMRA	Energy Market Regulatory Authority
ENTSO-E	European Network of Transmission System Operators for Electricity
EP	European Parliament
EPP	European People's Party
EU	European Union
EXIST	<i>EPİAŞ</i> / Energy Exchange Istanbul
FDI	Foreign Direct Investment
FTA	Free Trade Agreement
G20	Group of 20
GDP	Gross Domestic Product
GUE-NGL	The European United Left / Nordic Green Left
HADEP	People's Democracy Party
HDP	Peoples' Democratic Party
HI	Historical Institutionalism
HLED	High-Level Economic Dialogue
IMF	International Monetary Fund
IPA	Instrument for Pre-Accession Assistance
IR	International Relations
IS	'Islamic State'
JPC	EU-Turkey Joint Parliamentary Committee
LI	Liberal Intergovernmentalism
MENA	Middle East and North Africa
MEP	Member of the European Parliament
MGK	National Security Council of Turkey
MHP	Nationalist Action Party
MSP	National Salvation Party
NATO	North Atlantic Treaty Organization
NPAA	National Programme for the Adoption of the <i>Acquis</i>
NTB	Non-Tariff Barrier
PKK	Kurdistan Workers' Party
PYD	Democratic Union Party
RCI	Rational Choice Institutionalism
RP	Welfare Party
S&D	Progressive Alliance of Socialists and Democrats
SEE CAO	Coordinated Auction Office in South East Europe
SGC	Southern Gas Corridor
SI	Sociological Institutionalism
TANAP	Trans-Anatolian Natural Gas Pipeline
TAP	Trans-Adriatic Pipeline
TEİAŞ	Turkish Electricity Transmission Company
TEP	Third Energy Package
TEU	Treaty of the European Union

TOBB	Union of Chambers and Commodity Exchanges of Turkey
TÜSİAD	Turkish Industry and Business Association
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VLD	Visa Liberalization Dialogue
WTO	World Trade Organization
YPG	People's Protection Units

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Unpacking the New Complexities of EU–Turkey Relations: Merging Theories, Institutions, and Policies

Ebru Turhan and Wulf Reiners

1.1 THE NEW COMPLEXITIES OF EU–TURKEY RELATIONS

More than 60 years after Turkey’s application for association with the European Economic Community (EEC), relations between the European Union (EU)¹ and Turkey exhibit many unique features driven by persistent ambivalences, intricacies, and growing interdependencies across a wide array of issue areas. A tortuous, multifaceted love–hate

¹Unless specified differently, the term ‘European Union’ refers also to the political system of the ‘European Communities’ before the year 1993, when the European Union was established under its current name.

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relationship between the EU and its oldest associate member has subsequently emerged—a ‘curious love affair’ (Aydın-Düzgüt & Tocci, 2015: 1). Starting from a broad definition of EU–Turkey relations as ‘the totality of interactions within the international system’ (Buzan, 2009), the relationship extends not only to the disciplines of political science, economics, and history but also to legal and sociological aspects. The multiple layers of relations produce—and are subject to—a dense net of interdependencies,² which make issue-specific cooperation and policy harmonization a necessity (Moravcsik, 1997). The mutual policy sensitivity between the EU and Turkey engenders costs and benefits for both sides across a broad spectrum of areas including foreign and security policy, trade, migration, energy, and the environment. Beyond that, EU–Turkey relations impact the wider neighborhood and the global arena, be it the conflicts in the Middle East and North Africa (MENA) region, the transatlantic security agenda, or the implementation of the United Nations (UN) 2030 Agenda for Sustainable Development. Building on their respective capacities, Turkey, an ‘emerging middle power’ (Öniş & Kutlay, 2017: 170), and the EU share the aspiration to shape regional and international developments and bodies alike. In this, EU–Turkey relations have facilitated cooperation among a broad set of actors, including state and non-state actors, which operate in a complex multi-level setup and within multilateral frameworks like the North Atlantic Treaty Organization (NATO) or the Group of 20 (G20).

The strategic importance of EU–Turkey relations in (geo-)political, economic, and societal terms does not exhibit a clear, linear developmental path. Over many decades, the relationship has not only been a complex one but has also featured many stop-and-go cycles. There have been phases of rapprochement and progression, but also periods of indifference or regression—sometimes dominated by dynamic changes, sometimes by slow-moving developments or stagnation. Moments of EU–Turkey cooperation have thus been followed by periods when the actors drifted apart in non-concerted action—before new developments reminded them of the need to jointly manage their interdependence and, eventually, of their commonalities.

Today, the ebbs and flows in EU–Turkey affairs (Narbone & Tocci, 2007) have started to stagnate and cede their place to a ‘seemingly

²Interdependencies are here understood as ‘situations characterized by reciprocal effects among countries or among actors in different countries’ (Keohane & Nye, 1977: 7).

divergent relationship' (Müftüleri-Baç, 2016: 17) that lacks a sense of basic mutual trust and reliability between these 'key strategic partners' (Delegation of the EU to Turkey, 2020). While phases of estrangement have started to last longer, periods of consistent collaboration without major disruptions have practically disappeared (see also Reiners & Turhan, Chapter 16). Turkey is increasingly perceived by the EU and its member states as an 'unpredictable and unreliable partner' and as a conflict-inducing 'hostile neighbor' (Arısan-Eralp, 2019: 3) that is gradually dissociating itself from the Union's core norms and principles. For Turkey, on the other hand, the EU is progressively regarded as an enervated transformative power due to the resurgence of 'illiberalism as a driving force across Europe' (Öniş & Kutlay, 2020: 198) and as an emerging geopolitical rival steering power struggles in Turkey's neighborhood, including Libya, Syria, and the Eastern Mediterranean.

These new dynamics unfold against the background of the comatose state of Turkey's accession process, which constituted the institutional substratum of the bilateral dialogue together with the 1963 Association Agreement for many years. Following their commencement in October 2005, Turkey's EU accession negotiations entered a long-term trance in 2011 with only three negotiation chapters opened since then. The EU-Turkey Statement issued after the joint summit on 18 March 2016 (widely referred to as the EU-Turkey refugee 'deal') incentivized Turkey to cooperate on the management of irregular migration flows to Europe through, inter alia, promises to 're-energize the accession process' (European Council, 2016: para. 8). Despite this vow, Turkey's accession process entered a *de jure* freeze when the Council concluded in June 2018 that 'Turkey has been moving further away from the European Union and [...] no further chapters can be considered for opening or closing' (Council of the EU, 2018: para. 35).

These developments have led to the gradual emergence of a paradigm shift in EU-Turkey relations, placing a stronger focus on the possibilities and opportunities of alternative forms of cooperation beyond the accession perspective, which has dominated the debates for decades. At the same time, the failure to agree on the modernization of the EU-Turkey Customs Union (CU) and the suspension of the EU-Turkey high level dialogues on energy and economy in 2019 (Council of the EU, 2018: para. 35; 2019a: para. 4) raise doubts about the prospect of an alternative partnership model based on sector-specific functional cooperation.

The paradoxical coexistence of increasing interdependence and the divergence of normative and material preferences requires a systematic re-assessment of the EU–Turkey relationship. The book at hand aims to grasp this new complexity and ambiguity with a focus on the period after 2009 when the Treaty of Lisbon as the EU’s new constitutional basis entered into force. It aims to view, explore, and decode the evolution of the multifaceted, ever-evolving EU–Turkey relationship through three entry points that offer partly complementary, partly competing visions and explanations of the key drivers, actors, and processes that shape the relationship: (1) Theories and concepts, (2) institutions, and (3) policies. The book is accordingly structured in three main parts in order to unpack the conditions under which EU–Turkey relations have developed from these three analytical and conceptual perspectives. It assesses both cooperative behavior and joint approaches to challenges and solutions as well as the circumstances of those periods when constructive dialogue and integrated action to achieve common goals were not possible.

The investigation of the conditions and drivers that shape EU–Turkey relations takes place on the basis of a set of guiding questions and their synoptic, comparative analysis:

- (1) How can existing theoretical and conceptual models grasp and explain key turning points, periods, and trends in the evolution of EU–Turkey relations?
- (2) What roles did the central actors, forums, and institutional frameworks play in EU–Turkey relations, and how did the preferences, functions, and competencies of central EU institutions evolve in this context?
- (3) How did key policies and issue areas of EU–Turkey relations develop and influence the relationship as a whole?
- (4) How are the exogenous, endogenous, and bilateral determinants of EU–Turkey relations read through the distinct perspectives of the relevant theories, institutions, and policies?
- (5) What impact has the EU–Turkey relationship had on the EU and Turkey, respectively?

With the ambition to provide full access to a state-of-the-art understanding of EU–Turkey relations and their evolution over time, the

volume at hand combines analyses of institutions, policies, and theoretical and conceptual approaches through a systematic approach. We start from the understanding that the study of these interconnected dimensions as distinct objects of investigation offers comprehensive coverage of the interactions between the EU and Turkey. On this basis, complementary and comparative readings of this evolution become visible. To illustrate, we aim to reveal similarities or differences across the preferences and instruments of key EU institutions in their engagement with Turkey and allow for an assessment of the role of institutional actors. We seek to contrast different periods of EU–Turkey relations to show when and how cooperation has developed, whereas progress might have stagnated in other fields at the same time. We are interested in the influence of European and Turkish actors on each other, be it through accession-related conditionality dynamics or through geostrategic considerations. Beyond that, the objective is to contrast competing theoretical and conceptual explanations for the key developments in EU–Turkey relations, ranging from neoliberal to constructivist approaches. Ultimately, this complementary study is meant to generate a basis for extrapolation with a view to the future trajectory of the relationship. It also provides insight into the EU’s and Turkey’s relations with their neighbors and regional or global powers and sheds light on the conditions for cooperation in international relations more generally.

1.2 KEY DETERMINANTS AND MILESTONES OF EU–TURKEY RELATIONS

The identification of milestones and determinants of EU–Turkey relations (see Table 1.1) varies depending on the focus of the analysis. The reading of the evolution of relations from an institutional perspective such as the European Parliament, for instance, does not necessarily highlight the same turning points and key drivers as an analysis of a specific policy field like energy or foreign policy would do. Similarly, a view of relations through alternative forms of partnership between the EU and Turkey implies a time horizon different than that of a study of relations from a historical institutionalist or constructivist angle. Despite the differences, most studies refer to a shared set of interconnected sources of influence, which can be categorized into exogenous, endogenous, and bilateral dimensions. In this context, exogenous determinants include international law and multilateral frameworks as well as moments of

Table 1.1 Milestones of EU–Turkey relations (1945–2020)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
1945, Oct 24	Entry into force of the UN Charter signed by 12 European countries, incl. Turkey, as founding members	Multilateral
1948, Apr 16	Establishment of the OEEC (later OECD) with 18 European countries, incl. Turkey, as founding members	Multilateral
1949, Aug 9	Accession of Turkey to the Council of Europe	Multilateral
1952, Feb 18	Accession of Turkey to NATO	Multilateral
1958, Jan 1	Entry into force of the Treaty of Rome establishing the EEC (followed by the Treaties of Maastricht (1993), Amsterdam (1999), Nice (2003), and Lisbon (2009))	EU
1954, May 18	Turkey's ratification of the European Convention on Human Rights	Multilateral
1959, Jul 31	Turkey submits application for association with the EEC	Accession/Sectoral
1960, May 27	<i>Coup d'état</i> in Turkey	Turkey
1963, Sep 12	Association (Ankara) Agreement	Accession/Sectoral
1970, Nov 23	Additional Protocol annexed to the Association Agreement	Accession/Sectoral
1971, Mar 12	Turkish Military Memorandum	Turkey
1974, Jul 15	<i>Coup d'état</i> in Cyprus ('Sampson Coup'); Turkey's ensuing intervention in Cyprus	External crisis/Turkey
1980, Sep 12	<i>Coup d'état</i> in Turkey	Turkey
1981, Jan 1	Accession of Greece to the EEC	EU
1983, Nov 15	Unilateral declaration of independence of the Turkish Republic of Northern Cyprus, recognized by Turkey but not by the EEC	External crisis
1987, Apr 14	Application of Turkey for full membership in the EEC (rejected in 1989)	Accession

(continued)

Table 1.1 (continued)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
1990, Aug 2	Several EU member states and Turkey join the US-led multi-national coalition in the Gulf War	External crisis
1993, Jun 22	Formulation of membership criteria ('Copenhagen criteria') by the European Council ('Copenhagen European Council')	Accession
1995, Dec 31	Entry into force of the EU-Turkey Customs Union (CU)	Sectoral/Accession
1997, Feb 28	Turkish Military Memorandum leads to resignation of the prime minister	Turkey
1997, Dec 13	Rejection of Turkey's candidate status ('Luxembourg European Council')	Accession
1999, Sep 26	Formation of the Group of Twenty (G20) incl., several EU member states, the EU, and Turkey	Multilateral
1999, Dec 11	Confirmation of Turkey's candidate status ('Helsinki European Council')	Accession
2001, Mar 8	Adoption of the Accession Partnership to coordinate Turkey's EU accession (revised in 2003, 2006, and 2008)	Accession
2001, Mar 19	Adoption of the 'National Programme for the Adoption of the <i>Acquis</i> ' (NPAA) by Turkey (renewed in 2003 and 2008)	Accession
2001, Sep 11	Terrorist attacks on the United States	External crisis
2002, Nov 3	Justice and Development Party (AKP) wins general elections for the first time and has stayed in power since then	Turkey

(continued)

Table 1.1 (continued)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
2002, Dec 13	European Council decision to open accession negotiations with Turkey without delay if Turkey fulfils the Copenhagen political criteria	Accession
2003, Mar 20	Invasion of Iraq by the US-led multi-national coalition incl. EU member states	External crisis
Since 2003	Participation of Turkey in ERASMUS and follow-up programs	Accession
2004, Apr 24	Referendum on ‘Annan Plan’ in Cyprus rejects UN reunification plan	Multilateral/External crisis/Accession
2004, May 1	Enlargement of the EU, accession of Cyprus	EU
2004, Dec 17	European Council confirms that Turkey ‘sufficiently’ fulfils criteria for opening accession negotiations in October 2005	Accession
2005, Jul 29	Turkey signs the Additional Protocol extending the Customs Union to cover ten new EU member states incl. Cyprus	Accession
2005, Oct 3	Start of ‘open-ended’ accession negotiations with Turkey	Accession
2006, Dec 11	Council decision to suspend negotiations on eight chapters relevant to Turkey’s restrictions concerning the extension of the CU to Cyprus	Accession
2007, Jun–Dec	France vetoes the opening of five accession chapters of the <i>acquis</i>	EU/Accession
2007–2013	Instrument for Pre-Accession (IPA I) allocates a grand total of 4.795 million EUR for Turkey	Accession
2009, Dec 1	Entry into force of the Treaty of Lisbon	EU
2009, Dec 8	Cyprus vetoes the opening of six chapters of the <i>acquis</i>	EU/Accession

(continued)

Table 1.1 (continued)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
2010, Dec 17	Beginning of popular protests in MENA countries, including Tunisia, Libya, Egypt, and Syria, known as the ‘Arab Spring’	External crisis
2011, Mar 15	Start of civil war in Syria	External crisis
2012, May 17	Adoption of EU–Turkey ‘Positive Agenda’ to give new impetus to accession negotiations	Accession
2013, May 28	Beginning of ‘Gezi park’ protests in Turkey	Turkey
2013, Dec 16	Signing of EU–Turkey Readmission Agreement and launch of the Visa Liberalization Dialogue	Sectoral/Accession
2014–2020	Instrument for Pre-Accession (IPA II) allocates a grand total of 3.533 million EUR (excluding the allocation for Cross-border Cooperation)	Accession
2015, Mar 16	Launch of EU–Turkey High-Level Energy Dialogue	Sectoral/Accession
2015	Over one million migrants reached the EU irregularly by primarily using the Eastern Mediterranean route	External crisis
2015, Oct 15	EU–Turkey Joint Action Plan to support Syrians under temporary protection and to strengthen cooperation in migration management	External crisis/Sectoral
2015, Nov 29	EU–Turkey Statement: endorses the EU’s commitment to provide 3 billion EUR for the EU Refugee Facility for Refugees in Turkey; calls for reenergizing the accession process; approves the organization of high level economic & political dialogues	External crisis/Sectoral/Accession

(continued)

Table 1.1 (continued)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
2016, Mar 18	EU–Turkey Statement: mobilization of additional 3 billion EUR for the Refugee Facility; commitment to reenergize the accession process, acceleration of the Visa Liberalization Dialogue	External crisis/Sectoral/Accession
2016, Jul 15	Attempted <i>coup d'état</i> in Turkey; two-year state of emergency	Turkey
2017, Apr 16	Constitutional referendum followed by the replacement of the parliamentary system with an executive presidency	Turkey
2017, Nov 27	EU–Turkey High-Level Transport Dialogue Meeting	Sectoral/Accession
2018, Feb 9	Unfolding of dispute over exploration and exploitation rights of gas fields in the Eastern Mediterranean	External crisis/EU/Turkey
2018, Jun 26	Council decision to suspend the opening or closing of any negotiation chapter; ban on the start of negotiations for the reform of the CU	Sectoral/Accession
2019, Jul 15	Council decision to suspend further meetings of all high level dialogue mechanisms and the meetings of the Association Council	Sectoral/Accession
2019, Oct 14	Council condemns Turkey's military operation in Syria, and calls on the UN Security Council to continue efforts in order to stop unilateral action	External crisis/Multilateral
2019, Nov 27	Memorandum of understanding between Turkey and Libya over maritime boundaries in the Eastern Mediterranean	External crisis/Turkey
2020, Jan 31	Withdrawal of the UK from the EU ('Brexit')	EU
2020, Jul 13	Increasing tensions between the EU and Turkey within NATO over war in Libya; statements by the EU Foreign Affairs Council and Turkish Ministry of Foreign Affairs	External crisis/Turkey/EU/Multilateral

(continued)

Table 1.1 (continued)

<i>Date</i>	<i>Milestone</i>	<i>Dimension</i>
2020, Oct 1, 2020, Oct 16, and 2020, Dec 11	European Council deplores unilateral actions by Turkey in the Eastern Mediterranean; stresses the option to adapt restrictive measures; endorses the ‘conditional’ launch of a ‘positive political EU-Turkey agenda’; and calls for a ‘Multilateral Conference’ on the Eastern Mediterranean	External crisis/Sectoral/Multilateral

Source Authors’ compilation

external crises and key international developments. In turn, endogenous factors encompass internal developments within the EU and domestic developments inside Turkey. Determinants that are directly tied to the bilateral dialogue primarily refer to Turkey’s EU accession process as well as concern sectoral cooperation beyond the enlargement context.

1.2.1 Exogenous Determinants: Multilateral Frameworks and External Crises

International law and global or regional multilateral settings are among the fundamental exogenous factors that have shaped EU–Turkey relations. They partly concern the joint membership of the EU or EU member states and Turkey in intergovernmental and multilateral organizations and conventions such as the UN (1945), the Organization for Economic Co-operation and Development (1948), the Council of Europe (1949), NATO (1952), the European Convention on Human Rights (1953/4), and the G20 (1999). Turkey’s membership in these organizations mostly helped the country legitimize its seemingly inherent Western orientation (Müftüler-Baç, 1997; Oğuzlu, 2012) and strategically cooperate with EU member states in all major policy domains in multilateral platforms. Lately, however, Turkey’s commitment to multilateral setups such as NATO has been challenged by alternate orientations that are gaining more independence and salience within Turkey (Eralp, 2019). Turkey’s purchase of Russian S-400 missiles is a case in point.

Beyond the joint engagement in international organizations and multi-lateral forums, external shocks as well as key international and regional developments have had strong impacts on EU–Turkey relations. In this context, EU–Turkey cooperation and policy coordination have been driven by the need to mitigate crisis-impelled externalities. At the same time, divergences in visions and policy preferences between the EU, its member states, and Ankara have become visible in times of external crisis, too. Important external shocks for the evolution of EU–Turkey relations include changes to the post-Cold War international system that sparked Turkey’s partly assertive, partly multilateral regional activism (Sayari, 2000); the war in Kosovo in 1999 and the terror attacks of 11 September 2001, which reinforced Turkey’s function as a potential regional security-enabler and bridge-builder for the EU (Turhan, 2012); the London and Madrid terrorist attacks in 2003 and 2004 and growing Islamophobia in the EU thenceforward (Müftüler-Baç, 2016); and the 1990–1991 Gulf War and the 2003 Iraq War (Aydın-Düzgüt & Tocci, 2015). Ankara’s response to the outbreak of the Arab uprisings in 2011 and the ensuing Syrian civil war largely diverged from its Western allies. However, European and Turkish ambitions to control irregular migration impelled a limited, interest-driven rapprochement between the EU and Turkey in 2015/2016. A particularly complicated case for EU–Turkey relations has been the crises related to Cyprus. Initially, in 1974, after the Greek military coup and Turkey’s subsequent intervention on the island, related developments in Cyprus were treated as a bilateral conflict between Greece and Turkey. However, Greece’s accession to the Union in 1981 turned the EU from an observer into a key actor in the evolution of the dispute. Since then, the Cyprus conflict has become a key impediment to Turkey’s accession process and deepening sectoral cooperation between the EU and Turkey in trade and energy matters.

1.2.2 Endogenous Determinants: Internal EU and Turkish Domestic Developments

EU–Turkey relations have been heavily influenced by developments and adjustments concerning the constitutional and institutional architecture of the EU, the preferences and domestic conditions of EU member states, and Union-wide crises. Constitutionalizing acts that led to several treaty revisions over the years (Treaties of Rome, Maastricht, Amsterdam, Nice, and Lisbon) altered the institutions and processes that generate

EU policies *vis-à-vis* candidate states and key third countries including Turkey. The entry into force of the Lisbon Treaty in 2009 introduced considerable changes to the functions and powers of existing EU institutions—inter alia, the European Council, the European Parliament, and the European Commission (see Peterson & Shackleton, 2012). The provisions of the Lisbon Treaty also brought in the office of the High Representative of the Union for Foreign Affairs and Security Policy in juxtaposition to the establishment of the European External Action Service, which jointly carry out the EU’s Common Foreign and Security Policy (CFSP)—a policy domain of significant relevance for EU–Turkey relations.

In addition to reforms in the political system, the enlargement of the EU has influenced its relationship with Turkey primarily in two aspects. First, each enlargement round has amplified the political and public debates over the so-called ‘enlargement fatigue’ of the EU that underpins ‘a general post-accession reticence within the EU towards further widening in favour of a greater focus on deepening integration across Member States’ (House of Lords, 2013: 43). Turkey’s prolonged EU accession process has thus become less appealing across European political circles. Second, the accession of Greece and Cyprus to the EU in 1981 and 2004, respectively, undermined the bilateral feature of their disputes with Turkey and transformed the disputes into regular items on the EU agenda. Partly connected to these enlargements, EU–Turkey relations have also witnessed the expanding impact of member states’ individual preferences in the last two decades. This influence takes the form of unilateral vetoes on negotiation chapters or on the launch of negotiations on modernizing the EU–Turkey CU. In addition, national preferences of individual member states and EU–Turkey relations have been connected by a wide set of factors that have ranged from public opinion to nationalist and Islamophobic tendencies to divergences over policy design and crises. The EU’s efforts to manage irregular migration based on an externalization strategy amid the failure to reform its own asylum and migration policies and find internal solutions have had profound implications for EU–Turkey relations. The European debt crisis (starting from 2009) and the withdrawal of the United Kingdom (UK) from the EU (2020) are additional examples of the EU’s internal crises that have impacted EU–Turkey relations: for instance, by influencing Turkey’s perception of the EU and the debates about the future design of the bilateral relationship.

Domestic developments and transformations in Turkey have contributed to the definition of the scope, components, and overarching complexity of EU–Turkey relations, too. These internal milestones for Turkey largely relate to influential shifts and continuities in political, economic, and societal dynamics. In this context, Turkey’s party-political landscape, Islamist-secularist struggles, the restructuring of civil–military relations, successive constitutional reforms, as well as their effect on Turkey’s progress toward compliance with EU norms and principles have been of relevance. To illustrate, attempted or executed coup plots against copious Turkish governments have acted as important ‘brakemen’ in EU–Turkey relations. The Turkish military’s fortified influence over domestic politics after the coups in 1971 and 1980 brought about the EU’s temporary suspension of its economic and military assistance to Turkey (Yeşilada, 2002) and delayed Turkey’s application for full membership. On a similar note, intensified tensions and estrangement between Brussels and Ankara emerged over passable actions after the July 2016 coup attempt and were coupled with the EU’s criticism of ‘backsliding’ in various issue areas, including public service, the independence of the judiciary, and the freedom of expression in the post-coup political landscape (European Commission, 2016). Beyond that, the election of the Justice and Development Party (AKP, *Adalet ve Kalkınma Partisi*) to power in 2002, the 2013 Gezi Park protests, and the 2017 constitutional referendum that led to the replacement of the parliamentary system with an executive presidency are among the domestic developments with clear implications for the EU–Turkey relationship.

1.2.3 Bilateral Determinants: Accession Process and Sectoral Cooperation

A final category of major determinants of EU–Turkey relations covers key events and developments that concern Turkey’s longstanding EU accession process and the sectoral cooperation both within and outside the accession framework. The Association Agreement between the EEC and Turkey in 1963 (Ankara Agreement) envisaged the strengthening of economic and trade relations between both parties. It foresaw the establishment of a CU and the exploration of the possibility of Turkey’s accession to the Community. Whereas Turkey’s initial application for full membership in the EEC in 1987 was not accepted by the Community, the EU–Turkey CU entered into force in 1995. After Turkey’s status as

an accession candidate country had been rejected in 1997, it was finally acknowledgement by the Helsinki European Council in 1999. In the following years, the commencement of accession negotiations in October 2005, as well as the selective opening of negotiation chapters, were among the key milestones in the accession-related developments.³ The provisions of some of these milestones—for instance, the Ankara Agreement and the CU—initially addressed sectoral cooperation and issue-specific policy alignment between the EU and Turkey that were largely separate from the enlargement context. At the same time, the Turkish side viewed these sectoral initiatives, for the most part, as a leap toward full membership in the EU.

Considering the deadlock in the accession process, on the one hand, and growing issue-specific interdependencies, on the other, the EU and Turkey gravitated more and more toward the establishment of functional institutional mechanisms. In this context, the Readmission Agreement of 2013 in conjunction with the initiation of the Visa Liberalization Dialogue, the EU–Turkey Statement on the management of irregular migration flows to Europe in 2016, EU–Turkey joint summits and leaders’ meetings (since November 2015) as well as sectoral high level dialogues on ‘energy’ (since March 2015), ‘counter terrorism’ (joint consultations since June 2015), ‘political issues’ (since January 2016), ‘economy’ (since April 2016), and ‘transport’ (since November 2017) are included among these additional formats. These functional structures primarily envisage the deepening of interest-driven, sectoral cooperation and policy alignment between the EU and Turkey parallel, or complementary, to Turkey’s stalled accession process. As these initiatives can de facto promote Turkey’s sector-specific alignment with the EU *acquis*, they can also indirectly support progress in Turkey’s accession process. Beside these mechanisms, the EU–Turkey Association Council (54th meeting in March 2019) and EU–Turkey Joint Parliamentary Committee (78th meeting in December 2018) have been integral bilateral channels.

³As of November 2020, 16 of the 35 chapters have been opened, one of them is provisionally closed. See for a detailed overview Table 11.1.

1.3 A THREE-DIMENSIONAL APPROACH TO ADVANCE EU–TURKEY STUDIES

This volume is not the first endeavor that explores the multilayered universe of EU–Turkey relations. Previous studies built on comparative conceptualizations of Turkey as a partner for the EU across key policies (Aydın-Düzgüt & Tocci, 2015; Linden et al., 2012); its embeddedness in changing global, internal EU, or societal processes (Evin & Denton, 1990; Müftüler-Baç, 1997, 2016; Joseph, 2006); or the key obstacles to Turkey’s full membership in the EU (Nas & Özer, 2017). The existing literature has most prominently dealt with the relationship through the spectacles of EU enlargement. The debate can be traced back to the 1970s (Burrows, 1978) but accelerated after the Helsinki Summit in 1999, when scholars started to rethink both the EU’s enlargement policy (Sjursen, 2002; Schimmelfennig, 2001, 2006; Schimmelfennig & Sedelmeier, 2002) and the relationship between the EU and Turkey in this new context (e.g., Eralp, 2000; Müftüler-Baç, 2000; Müftüler-Baç & McLaren, 2003; Park, 2000; Rumford, 2000; Öniş, 2003; Eder, 2003; Emerson & Tocci, 2004).

Since the official start of the accession negotiations with Turkey in 2005, the literature has demonstrated an intensified interest in the transformation processes inside Turkey that followed the accession negotiations; be it from the perspective of EU conditionality (Schimmelfennig et al., 2003; Tocci, 2007; Saatçioğlu, 2009; Süleymanoğlu-Kürüm, 2019) or from the perspectives of ‘Europeanization’ and ‘de-Europeanization’ (Noutcheva & Aydın-Düzgüt, 2012; Börzel & Soyaltın, 2012; Alpan, 2014; Tekin & Güney, 2015; Aydın-Düzgüt & Kaliber, 2016; Süleymanoğlu-Kürüm & Cin, 2021). Studies on the ramifications of the EU’s internal dynamics for Turkey’s accession process (Müftüler-Baç, 2008; Müftüler-Baç & Çiçek, 2017; Turhan, 2012, 2016), identity questions (Rumelili, 2008, 2011; Lundgren, 2006; Nas, 2012), and Turkey’s alignment with EU norms in various policy fields, inter alia, economy (Togan & Hoekman, 2005; Uğur, 2006), foreign and security policy (Aydın & Akgül-Açıkmeşe, 2007; Oğuzlu, 2008; Yorulmazlar & Turhan, 2015), and migration policy (Bürgin, 2016; Yıldız, 2016), came into prominence after the accession talks formally took off.

Reflecting on the ‘never-ending story’ of Turkey and the EU (Müftüler-Baç, 1998) and the ‘open-ended’ nature of Turkey’s accession negotiations (Council of the EU, 2005: 5), we can observe, more

recently, a gradual re-orientation in EU–Turkey studies beyond the exclusive understanding of EU–Turkey relations as just another case of EU enlargement. An emerging array of studies scrutinizes potentials and challenges of alternative forms of partnership outside the accession context (e.g., Müftüler-Baç, 2017; Turhan, 2017, 2018; Saatçioğlu et al., 2019; Akgül-Açıkmeşe & Şenyuva, 2018). This trend is accompanied by scholarly debates on third countries’ selective alignment with the EU *acquis* (widely referred to as ‘external differentiated integration’) after the withdrawal of the UK from the EU (Schimmelfennig et al., 2015; Lavenex, 2015; Gstöhl, 2016; Leruth et al., 2019).

The book at hand not only builds on these existing studies but also contributes to the state-of-the-art debate on EU–Turkey relations. The volume has been finalized at a time when the ambivalences in the EU–Turkey relationship have broadened. The book assesses the new complexities that have generated the puzzling presence of both increased sectoral interdependence, on the one hand, and progressively diverging normative and (geo-)strategic preferences, on the other. Both sides have witnessed internal developments that bear great potential to affect the relationship: be it the post-coup political landscape in Turkey with ongoing ‘backsliding’ in terms of the rule of law and fundamental rights (European Commission, 2020) or be it the implications of Brexit for the EU polity and the EU’s relations with third countries accompanied by the rise of Euroskepticism and populism in EU member states. The EU–Turkey relationship is a ‘moving target’ that has undergone a critical transformation in recent years. Since the unfolding of the Syrian refugee crisis in Europe in 2015 and the EU–Turkey Statement in March 2016, the relationship has occupied a prominent space in political, public, and academic debates. Turkey’s accession process to the EU might have come to a formal pause in 2018. However, continuing and (partially) increasing interdependencies across a wide set of policies including migration and asylum, security, transport, economy, and trade make the relationship of critical importance for the future of both sides. The EU and Turkey are facing fundamental and immediate common challenges in the neighborhood. These challenges concern the MENA region, Western Balkans, and the Caucasus, economic recovery from the COVID-19 pandemic, as well as the management of irregular migratory flows. Beyond that, both actors have to respond to universal megatrends ranging from climate change and global power shifts in the international order to the impact of digitalization. Entangled in this challenging setup, however, divergences between

the EU and Turkey dominate the field of foreign and security policy orientations. The rise of a crisis in the Eastern Mediterranean is a case in point, where conflicting legal views on gas fields (Aydıntaşbaş et al., 2020) imperil a spillover of hostile relations to other issue areas driven by joint strategic interdependencies.

This book starts from the understanding that these developments necessitate a comprehensive, scholarly re-assessment of the EU–Turkey relationship in order to generate novel reference points for an assessment of the future trajectory of EU–Turkey relations. At the same time, the volume goes beyond a mere update of EU–Turkey relations after critical junctures like the refugee ‘deal’. It is distinct from existing analyses because of its handbook character that is derived from the three-dimensional perspective that brings together the analytical lenses of (1) theories and concepts, (2) institutions, and (3) policies. A particular advantage of this design is the opportunity to combine and contrast different angles of assessment. Following a systematic design, all parts address the guiding questions concerning actors, forums, preferences, competencies, issue areas, impact, explanations, and periods according to their roles and relevance for the respective perspectives. In this way, the distinct strengths of different approaches come together through a multi-angled approach that is particularly suitable to examine EU–Turkey relations as a ‘moving target’.

The first part of the book, ‘Theories and Concepts’, puts together complementary and competing conceptual and theoretical approaches with distinct analytical frameworks to study the overall evolution of EU–Turkey relations. The chapters cover approaches from major theoretical schools that are typically employed or referenced in EU–Turkey studies: neoliberalism/liberal intergovernmentalism (Müftüler-Baç & McLaren, 2003; Turhan, 2012, 2016; Reiners & Tekin, 2020), constructivism (Neumann, 1999; Sjursen, 2002; Aydın-Düzgit, 2012), historical institutionalism (Camyar & Tagma, 2010; Bürgin, 2016; Icoz, 2011), Europeanization (Noutcheva & Aydın-Düzgit, 2012; Börzel & Soyaltın, 2012; Alpan, 2014; Tekin & Güney, 2015; Aydın-Düzgit & Kaliber, 2016; Süleymanoğlu-Kürüm & Cin, 2021), rhetorical entrapment (Schimmelfennig, 2009; Bürgin, 2010; Saatçioğlu, 2012), and differentiated integration (Turhan, 2017, 2018; Müftüler-Baç, 2017; Özer, 2020). All chapters include an assessment of the basic features and core assumptions of the theory or concept under scrutiny, a brief review of the associated core literature and terminology, and the identification of key actors,

forums, institutional frameworks, and policies most relevant from the respective perspective. They offer a thorough reading of the evolution and key turning points of EU–Turkey affairs through the corresponding theoretical or conceptual spectacles and assess the strengths and limitations of the respective approach in grasping and explaining EU–Turkey relations.

The second part of the book, ‘Institutions’, investigates the institutional machinery of EU–Turkey relations by analyzing the roles and perspectives of the EU’s key institutions (European Council, European Commission, European Parliament) relevant for agenda-setting, external action, enlargement, crisis management, and for the adoption of the Union’s common norms and values in the context of EU–Turkey relations. The study of these institutions is imperative to get a full picture of the bilateral relationship. Cooperation and competition among them not only shape the Union’s policies; these considerably interdependent, ever-evolving institutions also link the EU to the international community (Peterson & Shackleton, 2012: 8–9). In this vein, the contributions in this part discuss the key documents produced by the institution(s) in dealing with EU–Turkey relations and include a description of the respective institution’s internal structure, including actors, mechanisms, decision-making processes, and (diverging) positions. These chapters thereby contribute to the understanding of the evolution of the institutions’ functions and preferences over time in influencing the bilateral dialogue.

Finally, the purpose of the third part of the book, ‘Policies’, is to offer readings of EU–Turkey relations from the perspective of the issue areas most relevant for the relationship: enlargement policy, trade and macroeconomic policies, foreign and security policy, migration and asylum policies, and energy policy. These policy fields have been repeatedly prioritized in official EU and Turkish documents and statements over the past decade to show the importance of an EU–Turkey partnership (European Commission, 2012; European Council, 2015; Council of the EU, 2019b). The chapters focus on the major dynamics behind the evolution of the respective policy over time and pay particular attention to phases and conditions of policy convergence and divergence. The analyses examine the key documents, speeches, and additional primary sources in order to assess the drivers of change and both mutually beneficial and detrimental initiatives.

1.4 COMPLEMENTARY AND COMPETING PERSPECTIVES: THEORIES, INSTITUTIONS, AND POLICIES

While the individual chapters of the volume work as stand-alone contributions, they provide both internal references to other chapters of the volume as well as external references suitable for a deepened study of the subject. To help contrast parallels and differences, the chapters work with similar instruments and elements such as references to relevant institutional frameworks, key concepts, and time periods. In regard to the latter, the book covers the full history of more than six decades of EU–Turkey relations: from the early days, marked by Turkey’s first application for associate membership to the EEC in 1959, to developments in 2020. Within this time frame, the edited volume pays particular attention to the period after the Lisbon Treaty entered into force in 2009.

Clearly, there are limits to this study, and the book has to leave aspects of EU–Turkey relations unaddressed. To illustrate, in our analysis of the ‘totality of interaction’, the volume does not offer an explicit focus on transnational or inter-societal relations. In this line, no chapter explicitly explores the impact of individual EU member states on EU–Turkey relations despite the great importance of the role of countries like Germany (Le Gloannec, 2006; Turhan, 2012, 2016, 2019; Reiners & Tekin, 2020), Greece, and Cyprus (Güvenç, 1998; Öniş, 2001; Tsakonas, 2001; Çelik & Rumelili, 2006; Dokos et al., 2018) or of the public opinion in individual member states (Ruiz-Jimenez & Torreblanca, 2007). However, the positions and policies of individual member states are covered throughout the volume, for instance, in the chapters on liberal intergovernmentalism (Tsarouhas, Chapter 2), the European Council (Turhan & Wessels, Chapter 8), foreign policy (Torun, Chapter 13), and energy (Sartori, Chapter 15). In this way, the volume also addresses the repercussions of bilateral relations between Turkey and individual member states on the relations between the EU and Turkey as a whole. The same is true for important subjects like human rights, which are not addressed as individual policy fields in this volume but are integral parts of various contributions, including the chapters on historical institutionalism (Icoz & Martin, Chapter 4), Europeanization (Alpan, Chapter 5), the European Parliament’s role in EU–Turkey relations (Kaeding & Schenuit, Chapter 10), and EU enlargement policy (Lippert, Chapter 11).

The ‘Theories and Concepts’ part of the book opens with the contribution by Dimitris Tsarouhas, who examines EU–Turkey relations from a

liberal intergovernmentalist perspective in Chapter 2. He argues that the three-step approach to integration espoused by the theory is key to understanding the development of EU–Turkey relations over time. Concrete steps of integration and cooperation, ranging from the CU to the opening of Turkey’s accession talks and the refugee ‘deal’ serve as examples to demonstrate how a transactional, issue-specific character of EU–Turkey relations has evolved over time and is unlikely to change any time soon. The EU’s prioritization of sector-specific interests and the complexity of bargaining between member states with asymmetric powers and diverging preferences on Turkey’s EU vocation have played a central role in this context.

In Chapter 3, Senem Aydın-Düzgüt and Bahar Rumelili offer a critical assessment of constructivist approaches to EU–Turkey relations that pinpoint the impact of norms, values, ideas, identities, and discourse. Departing from a distinction between ‘thin’, ‘liberal’ constructivism, on the one hand, and ‘thick’, ‘critical’ constructivism, on the other, they outline the main tenets of the different variants of constructivism and discuss the key premises in view of EU–Turkey relations. In doing so, the chapter provides an encompassing overview of constructivist studies on EU–Turkey relations over three periods, from 1997 to 2020. The chapter closes with food for thought on the future of the constructivist research agenda.

Gülay Icoz and Natalie Martin examine EU–Turkey relations in Chapter 4 through the lens of historical institutionalism. The authors stress the analytical power and relevance of a theoretical perspective that places significance on temporalities, critical junctures, and path dependencies in explicating why Turkey’s accession process has endured despite the absence of any major progress over the last decade. They argue that individual member states’ and EU institutions’ vetoes on negotiation chapters, the Arab Spring, and the illiberal drift within Turkey have served as critical junctures that have slowed down or sped up Turkey’s accession negotiations at various points in time. Following this assessment, the chapter shows how Turkey’s accession process has endured mainly because of the EU’s security considerations, which have functioned as a counterweight to normative concerns.

In Chapter 5, Başak Alpan presents a reading of the relationship from one of the most prominent conceptual approaches in EU–Turkey studies, the perspective of Europeanization. In her contribution she identifies four phases of convergence and divergence between the EU and Turkey, which

are each characterized by a distinct combination of components along the dimensions of polity, policy, and politics. Alpan argues that while the Europeanization process considerably transformed polity, policy, and politics in Turkey until the launch of accession negotiations in 2005, selective Europeanization and de-Europeanization dynamics have been intertwined in all three domains from 2006 onward. A key feature of the study is the analysis of the Turkish domestic debate on ‘Europe’ over time, which shows how the EU has served as a point of reference for Turkey’s reforms and domestic discourse, albeit with different connotations.

Frank Schimmelfennig presents the conceptual approach of rhetorical entrapment in Chapter 6. The approach emphasizes the impact of argumentative commitments on the behavioral preferences of self-interested community actors. He argues that in the context of EU enlargement, existing member states commit themselves to the Union’s accession rules and ethos-based obligations. This ‘entrapment mechanism’ not only functioned as a key driver of the Eastern enlargement but has also shaped Turkey’s accession process, particularly in the run-up to the launch of accession negotiations. At that time, he argues, opponents of Turkey’s membership felt obliged to decide in favor of accession talks against the background of ‘prior argumentative commitments’ and Turkey’s reform endeavors to align with democratic community norms. Beyond that, Schimmelfennig investigates why negotiations started to falter soon after their onset and concludes that Turkey-skeptics were released from the rhetorical trap once Turkey started to deviate from the path toward liberal democracy.

In the final chapter of the first section of the book, Chapter 7, Funda Tekin starts from the conception of Turkey as a unique accession candidate with a dubious accession perspective. On this basis, she examines the relationship with the EU from the perspective of differentiated integration. Tekin argues that the multidimensionality of EU–Turkey relations constitutes a state of conflictual cooperation that demands the consideration of alternative forms of integration outside the accession context in order to preserve and elevate existing forms of association between the two sides. The chapter elaborates on whether prevailing variable geometries in EU–Turkey relations can promote the formulation of a partnership model that would offer a soft landing from the fallout of the accession procedure. By embedding the concept of differentiated integration into the key tenets of the main European integration theories, the contribution

also provides a strong cross-connection to other approaches presented in this volume.

Part II of the book views EU–Turkey relations through the perspective of ‘Institutions’. It starts with a contribution by Ebru Turhan and Wolfgang Wessels on the role of the European Council in framing EU–Turkey relations (Chapter 8). Identifying the European Council as the key institution in determining EU–Turkey relations, they highlight its three main functions within the EU system for shaping the relationship: ‘master of enlargement’, ‘external voice and crisis manager’, and ‘agenda and direction setter’. Drawing on this categorization, Turhan and Wessels explore the major turning points, shifts, and continuities in the central functions, internal dynamics, and preferences of the key institution. The findings suggest a growing trend toward a more conflictual and hostile relationship between the European Council and Turkey as well as the expanding ‘bilateralization’ of the relationship. Still, with their central powers and functions, the Heads of State or Government will remain a key driver of the future trajectory of EU–Turkey relations, demonstrating an increased interest in ‘thinking outside of the accession box’.

In Chapter 9, Alexander Bürgin reviews the European Commission’s relations with Turkey across a selected array of policy areas. His analysis illuminates two central aspects of the Commission’s influence: the Commission serves both as a ‘guardian’ of the constitutive rules of the enlargement process and as an ‘agent of change’ in Turkish domestic politics, even in times of severe estrangement and amid bilateral disputes between the EU and Turkey. Bürgin shows how the Commission’s management of the Instrument for Pre-Accession Assistance (IPA) has promoted administrative capacity and policy-learning processes within Turkey’s bureaucracy, which, in turn, has engendered continued selective policy alignment despite the waning relevance of Turkey’s EU accession process. In this context, he characterizes the Commission’s role as an autonomous actor within the EU system and stresses its relevance for a norm-based, unbiased assessment of EU–Turkey relations.

In Chapter 10, Michael Kaeding and Alexander Schenuit examine the formal competencies, key procedures, and internal dynamics of the European Parliament (EP) in shaping EU–Turkey relations. Based on the voting behavior of the members of the EP, they show how the Parliament’s position on Turkey and its relationship with the EU have evolved over time. Following growing support for Turkey’s EU accession from

2005 to 2008, the EP has gradually developed into the only EU institution that openly lacks a political majority for the continuation of Turkey's accession process. The authors find that the EP has officially closed its 'accession door' for Turkey. At the same time, EP resolutions from 2005 to 2019 reveal the increasing relevance of new narratives for cooperation with Turkey that can orient the future trajectory of the EU–Turkey relationship.

Part III of the book deals with key 'Policies' in EU–Turkey relations. In Chapter 11, Barbara Lippert explores the relationship through the lens of one of the most influential and studied policy areas, namely the EU's enlargement policy. Her chapter presents the concepts, motives, and criteria for EU enlargement and applies them to the Turkish case. In this context, she addresses the aspects of Turkey's potential EU membership that are also of highest relevance for other areas of bilateral interaction, such as the question of Turkey's 'Europeanness', its 'strategic value', and the role of 'political order, democracy, and political culture'. Crucially, the contribution maps how specific features of the EU–Turkey relationship have played out from the period of pre-accession to the present accession negotiations. Lippert concludes that they have made Turkey a unique and (almost) dead case of EU enlargement policy.

In Chapter 12, Mehmet Sait Akman and Semih Emre Çekin examine the macroeconomic and trade policy dimension of EU–Turkey relations. The authors start from the question of to what degree and under what circumstances the EU has functioned as an 'anchor' for the Turkish economy. Their analysis reveals that the European anchor facilitated Turkey's far-reaching macroeconomic and trade policy transformation until 2008. The establishment of the CU was particularly influential in Turkey's trade policy transformation. At the same time, they argue that a comprehensive study of Turkey's economic reforms should also take into account the impact of the 'multilateral track' under the guidance of the Bretton Woods institutions. The authors conclude that the EU's role in the economic arena is diminishing and that the 'anchor' function might have been lost amid changing political circumstances, at least as long as an upgrade of the CU does not bring new momentum to economic relations.

The compatibility of Turkish and EU foreign policy is the focus of Zerrin Torun's analysis in Chapter 13. Based on a critical assessment of key international developments and Turkey's alignment with the EU's CFSP, she distinguishes four periods from 1959 to 2020 featuring different constellations of convergence and divergence. Turkey's

initial Western orientation after World War II, its increasing aspirations to create a new regional order, its development of ‘soft power’ instruments in the face of external shocks, and its progressively diverging (geo-)strategic interests with the EU in Syria and the Eastern Mediterranean are presented as the most influential drivers in this regard. The chapter concludes that issue-specific future cooperation between both parties based on ad hoc mechanisms might emerge as a counterweight to Turkey’s decreasing convergence with EU foreign policy.

In Chapter 14, Ayhan Kaya investigates Turkey’s migration and asylum policies from the perspective of Europeanization processes. Both before and after the March 2016 EU–Turkey Statement on irregular migration, this policy field constituted one of the most relevant and controversial areas of cooperation. Kaya reveals how Turkey initially aligned and then started to de-align its relevant policies and laws with or from EU norms after the 1999 Helsinki Summit. In this context, he scrutinizes the impact of key international developments, historical roots, Turkey’s EU accession process, and recent crisis situations in the Middle East on Turkey’s asylum and migration policies. Kaya shows how the Europeanization of migration and asylum policies corresponds to Turkey’s internalization of a rights-based approach up until the eruption of the Syrian civil war in 2011. He argues that the path dependent, ethno-cultural, and religious logic in receiving and welcoming Syrian refugees, a logic based on the discourses of ‘guesthood’ and the ‘Ansar spirit’, has propelled de-Europeanization dynamics.

In the final chapter of Part III, Chapter 15, Nicolò Sartori assesses the EU–Turkey relationship from the perspective of energy relations. In his contribution, Sartori places significance on the key energy policies of both parties and the main bilateral dynamics in the energy domain. He argues that energy security was often considered as a domain where mutual interests bore great potential to trigger convergence between the EU and Turkey. However, his analysis finds that significant differences remain regarding both actors’ energy profiles and policy priorities. The chapter identifies different periods of convergence, stagnation, and controversies between the EU and Turkey, the latter related to the disputes in the Eastern Mediterranean. In his contribution, Sartori also shows how new dialogue formats on energy cooperation were institutionalized between Turkey and the EU, despite Turkey’s ambition to exclusively connect the field to the accession process.

In the concluding Part IV of the volume, we, the editors, aim to harvest the conceptual, analytical, and empirical findings of the individual chapters in view of an overall assessment of EU–Turkey relations (Reiners & Turhan, Chapter 16). By taking up the guiding questions of the volume, the chapter condenses key insights derived from theories and concepts, institutions, and policies and reflects on the different periodizations of the relationship. In the next step, we assess EU–Turkey relations against a set of fundamental, mutually reinforcing enablers of cooperation and look at endogenous, exogenous, and bilateral determinants that are likely to shape the relationship in the future. The synoptic analysis also aims to translate the new complexities that epitomize the bilateral dialogue for the academic and political debate. In this context, the chapter not only presents terms of reference for the reinvigoration of cooperative trends in EU–Turkey relations but also points out the up-and-coming avenues for the future research agenda of EU–Turkey studies.

We hope, and are confident, that this volume can make a sustainable contribution to advance the understanding of EU–Turkey relations, on the one hand, and the development of EU–Turkey studies as a field of analysis at the intersection of EU (integration) studies, International Relations, and global governance studies, on the other. The individual political agendas of the EU and Turkey, as well as the common challenges at the regional and global level, are too complex, intertwined, and important to ignore the fundamental need for both intensified cooperation and deepened analysis.

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PART I

Theories and Concepts



Neoliberalism, Liberal Intergovernmentalism and EU–Turkey Relations

Dimitris Tsarouhas

2.1 INTRODUCTION

Liberal approaches to regional integration, including neoliberal variants preoccupied with institutional cooperation, have informed scholarship on European integration for a long time. They still do today, and for good reason: their problematization of economic actors and resources offers a welcome departure from the static diplomatic accounts of high level politics, while at the same time allowing for an analysis of the state (and its role in integration) that, occasionally, corresponds more closely to actual policymaking (instead of offering merely a normative account of state behavior). When they first emerged some decades ago, they neatly combined an appreciation for the salience of state interests in allowing for (or inhibiting) intra-state cooperation and combined that with an acute understanding of the important role that markets, technology, and interdependence between firms and states had come to play in contemporary efforts toward regional cooperation. Liberal intergovernmentalism (LI) has managed to achieve the status of a ‘baseline theory’ on the subject of

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European integration (Schimmelfennig, 2001). In that way, it is a theoretical approach, contested and often doubted as to its explanatory rigor, yet engaged with by most scholars that apply theoretical tools to studying the EU and its policies.

Does neoliberalism, and LI in particular, help us understand the relations between the European Union (EU) and Turkey? The question is far from rhetorical given the significance of this relationship in better understanding and evaluating Europe's regional integration efforts. This chapter begins with a discussion on neoliberalism and its core assumptions before moving on to a more detailed discussion of LI. The next section identifies the key institutions, actors, and policy areas applicable to the relationship between Turkey and the EU with regard to LI from 1963 to the present. The examples chosen, namely the Association Agreement, Customs Union (CU) and accession talks, seek to incorporate case studies that would, at first, appear both to fit well with liberal intergovernmentalist assumptions and those that do so to a lesser extent. In doing so, that section also discusses critiques against liberal approaches to enlargement as well as the specific case of Turkey. The conclusion summarizes the main findings.

Overall, I argue that liberal intergovernmentalist approaches to EU–Turkey relations are extremely useful in comprehending the set of dynamics that led to the signing of the EU–Turkey CU as well as the interstate forms of cooperation between the two sides in selected policy areas, not least migration and security. LI's emphasis on interstate bargaining and the salience it accords to economic groups at the domestic level also go some way toward explaining, at least partially, the opening of accession talks with Turkey in 2005. Turkish accession to the Union, given the theory's preoccupation with state–society relations and the asymmetry of preferences in the context of interstate bargaining, is difficult to envisage.

2.2 NEOLIBERALISM: CORE ASSUMPTIONS AND DEPARTURE POINTS

Neoliberalism has made important contributions in International Relations (IR) theory, especially regarding the role of institutions in facilitating cooperation. The debate between neorealism and neoliberalism in IR theory illuminated different aspects of neoliberalism and allowed for a structured comparison with (neo)realist thinking. Inspected from up

close, the two perspectives are not that different from one another (Jervis, 1999). Both focus on the state as the main unit of analysis in IR; both view the state as a utility-maximizer in an anarchic world and the maximization of power as crucial for every state's well-being; finally, both view intra-state cooperation as a difficult task, since anarchy allows for unilateral attempts by states to enhance their position and concentrate more resources. There are, however, important differences as well, and these will be discussed below.

Although neoliberalism does not deny the need for security or indeed military power, it does not see these features of the international environment as necessarily determining state behavior. Neoliberalism prefers to focus on other aspects of international governance such as International Political Economy, environmental protection, and regulatory politics. The rationale behind that choice is linked to neoliberalism's approach toward international cooperation. The latter is not only necessary in an increasingly interdependent world; it is also often unrealized, as states find themselves trapped in their own rationality and prove unable to escape from situations whereby enhancing cooperation would make them better off. To be sure, conflict in the international arena exists. Nonetheless, such conflict is, for neoliberals, avoidable and can be minimized through states' appropriate behavior. A large part of the relevant literature on neoliberalism therefore focuses on the set of conditions that would allow for enhanced cooperation. A realist reading of IR, even when analyzing cooperation, would draw attention to the implicit or explicit distributional conflicts inherent in attempts to spread cooperation: for neoliberals, though such conflicts often occur, they are decidedly less significant than the gains that states can expect to make. It is in that sense that relative gains matter for neoliberals much more than absolute gains.

What are the conditions that facilitate cooperation then, and how can conflict be mitigated? Two of the most important variables underlined by neoliberalism are information asymmetries and transaction costs. States will often fail to cooperate less because of malign intentions and more because they lack knowledge about the other side's intentions. Failure to know, and therefore to understand, can then lead to an uncontrollable spiral of tension, the outcome of which may be open conflict (Mercer, 1996). In that regard, state reputation plays a vital role in signaling one's intentions and reducing the possibility of misunderstandings (Mercer, 1996; see also Reiners & Turhan, Chapter 16). Importantly, this is not to be confused with reputation, which adds to a state's legitimacy by way

of a normative 'logic of appropriateness'. Reputation here allows for iterated games to become routine, meaning safe and predictable, allowing rational actors to maximize their benefit. Transaction costs can also be reduced through cooperation.

It is in that context then that neoliberalism underlines the role of institutions in facilitating cooperation, mitigating conflict, and securing a more predictable policy environment. Institutions, for neoliberals, are the 'enduring patterns of shared expectations of behavior that have received some degree of formal assent' (Jervis, 1999: 53). They concur with institutionalists focusing on comparative politics in that they stress how institutional settlements frame the context within which subsequent action often takes place and conditions the ability of states/parties/interest groups to shape their immediate policy environment in accordance with their own preferences (Hall & Taylor, 1996; Streeck & Kathleen, 2005). Where exactly lies the value of institutions then? Clearly, institutions have a functional role to play in reducing (sometimes eliminating) transaction costs as well as information asymmetries. Through their presence, they allow states to concentrate on benefit maximization. Yet, the most important aspect of institutions stressed by neoliberals, in sharp contrast to neorealist thinking, is that institutions can acquire a life of their own: that is, they are important in themselves and not merely as instruments of states. To put it in another way, neoliberals claim that the right institutional setup matters not merely in reducing the possibility of conflict but also because institutions themselves can change the calculations made by states, alter their set of preferences, and thus lead to forms of cooperation that may not have been envisaged to start with (Keohane & Martin, 1995; Russett et al., 1998; Simmons & Martin, 2002).

It is neoliberalism's institutionalist emphasis that makes it not only different from neorealism but also opens new avenues of thinking about regional integration. Neoliberalism applied to regional integration theory starts from the assumption, sometimes demonstrated in practice, that institutional settlements can transform the set of preferences that decision-makers are likely to adopt. This process will lead to the formation of more complex networks of interdependence, whereby any subsequent move adopted will be based on a cost-benefit analysis that does not spring from that specific round of exchange or bargaining but one adopted earlier. Over time, this leads to a situation whereby the institutional environment constrains statecraft to a degree unimaginable by neorealists, leading to

situations that are difficult to reconcile with a more traditional, state-centric understanding of international relations. The evolution of the EU and the pooling of states' sovereignty can thus be explained in this institutionalist manner.

Nevertheless, sovereignty remains a cornerstone of the identity that EU states maintain, and although often pooled and stretched in ways unforeseen, it maintains a supreme role in the EU policymaking setup. Delving deep into regional integration theory and seeking to make a distinct contribution to the puzzle of the EU, LI is worth exploring in some detail.

2.3 LIBERAL INTERGOVERNMENTALISM: A THREE-STEP APPROACH TO EUROPEAN INTEGRATION

If neoliberal institutionalism assigns an autonomous role to institutions, LI offers a different interpretation as to the evolution of the EU and its major decisions over time, more akin to a rational choice institutionalist perspective (Moravcsik & Schimmelfennig, 2009: 67). It also departs from the neofunctionalist approaches to integration and returns the focus to member states and their decisions. However, it incorporates elements of liberalism in explaining states' decision-making processes and seeks to account for the emergence of supranational EU institutions as well, while firmly grounded on the popular intergovernmentalist approach to regional integration.

To begin with, it is worth quoting the interpretation of EU integration by Andrew Moravcsik, the most prominent LI scholar. Though the definition was written more than twenty years ago, its basic premises still hold; indeed, their durability is what makes LI one of the most frequently cited theoretical approaches to the study of the EU:

EU integration can best be understood as a series of rational choices made by national leaders. These choices correspond to constraints and opportunities stemming from the economic interests of powerful domestic constituents, the relative power of states stemming from asymmetrical interdependence, and the role of institutions in bolstering the credibility of interstate commitments. (Moravcsik, 1998: 18)

Moravcsik's formulation encapsulates the gist of the LI argument and places, in sequential order, the successive steps that the theory applies to

explaining how and why integration has come about. We examine those below in turn, starting from the formation of national preferences and the role of domestic groups.

2.3.1 Step One: State–Society Relations and the Formation of National Preferences

From a liberal point of view, states' foreign policies are formulated as a result of the governments' interactions with domestic social groups. Therefore, state preferences cannot be assumed to be a priori fixed; they tend to evolve in accordance with the way in which domestic groups pressure their governments and as the latter seek to respond to those pressures (Moravcsik, 1993). This flexibility in the interpretation of state preferences allows LI to account for a variety of different policy positions among EU member states and underlines the salience of institutions in domestic settings, whether political, social, or economic. What kind of positions are states expected to assume based on an LI reading of integration? This is also impossible to presume without examining the specific policy area of major concern to a given state.

Although LI is often said to privilege economic issues over political ones, and especially producer groups' interests, this does not always have to be the case. LI pays special attention to interdependence and the forces of globalization, yet it underlines that there may well be policy areas (for instance immigration policy) where economic interest groups will not dominate the calculations of policymakers in formulating their state's policy position (Wincott, 1995). As will be shown below, this is particularly relevant with regard to EU–Turkey relations today and the central role assumed by the two sides' agreement on managing migration flows in 2016.

One of the most important LI insights in this respect is that EU integration began on the basis of concrete, issue-specific economic concerns and, therefore, was for a great period of time (indeed until today) dominated by state preferences formulated on that basis (Moravcsik, 1998: 3). This by no means suggests that factors such as geopolitics or ideology are to be excluded from the analysis: they have to be considered and examined. However, they tend to be of secondary importance in the great moments of deepening integration. The issue at stake, therefore, is less whether politics or economics matter but the relative weight of these variables in explaining state preferences. Moreover, LI's great advantage

is its flexible nature, being after all a synthesis of commercial liberalism and rational choice institutionalism. In that sense, the theory foresees the possibility of ideological and geopolitical reasoning playing an important role in decision-making processes should economic interests be weak and cause–effect relations uncertain (Moravcsik & Schimmelfennig, 2009: 85).

In line with this approach, EU–Turkey relations have developed over time based on a mutual rational choice calculation. Bilateral relations have varied depending on two major variables: (a) the costs associated with cooperation/non-cooperation that powerful domestic groups would have to bear; and (b) the variable geometry of state preferences at the level of the European Council and the Council (see Turhan & Wessels, Chapter 8).

2.3.2 *Step Two: Interstate Bargaining*

Once preference formation is complete at the domestic level (if only for a brief period and if only in specific issue areas), how do states come together at EU level? The bargaining process that ensues is by definition hard and prolonged, with different deals agreed between countries whose options and preferences vary. The bargaining outcome therefore reflects (relative) power relations between states as well as the degree of willingness they possess to strike a deal on a specific issue (Moravcsik & Schimmelfennig, 2009: 71). This affirms that there are important power asymmetries within the EU and that some states may be able to play their bargaining cards better than others. Nevertheless, and that is an important qualification, asymmetry is not necessarily the result of military prowess or economic might: it is often the result of states' relative position to other states with regard to the benefits they expect to derive from a particular bargain. States are, in that sense, asymmetrically dependent on one another and possess knowledge of this asymmetry (Moravcsik, 1998: 8). This can go a long way in explaining their bargaining strategy as they seek to compromise often conflicting preferences and develop a new arrangement (a treaty or major policy initiative) with which they can all live. A further key point is the disproportionately high amount of power that large member states retain in the EU negotiation process, especially at the level of the European Council.

According to the LI approach, major EU treaties have been fought over by states insisting on their own preferences and yet willing to

compromise when the stakes were high. Why? Because they were aware of the disproportionate benefits they were likely to acquire if they compromised on issues of secondary importance to them (Moravcsik, 1998: 3). Rational and aware of the iterated game-setting in which they have been drawn, states have not hesitated to threaten to veto proposals, or indeed exercise that right, whenever they felt that the cost-benefit calculation they engaged in saw them potentially ending up with less than they had expected to gain. On the opposite side of the spectrum, those states with less to gain at any particular bargaining round could afford to behave in a more obstructionist manner and press for more concessions, aware that their own loss in case of a collapse of bargaining was likely to be minimal.

A question that arises relates to the salience of institutions and the role of supranational institutions. LI concentrates on the role and bargaining power of member states; leaving little room for supranational actors to contribute to the formation of state positions in the context of momentous decisions, such as treaty revisions. There are exceptions to be sure, as Moravcsik (1998: 12) recognizes with regard to the signing of the Single European Act in 1986, in which the European Commission (EC) and then President Jacques Delors, in particular, played an active role. However, and this is key in understanding the rationale behind LI approaches, information asymmetries and transaction costs are not thought to be excessive within the EU policy- and decision-making structure. States know more or less what others think as well as what they know; they hardly feel the need to employ bodies such as the EC to cover those gaps, let alone allow such bodies a disproportionately high degree of decision-making autonomy. Supranational institutions are here facilitators for state preferences, sharply distinguishing LI from the more supranationalism-friendly interpretations of neofunctionalist theory. From an LI point of view, EU–Turkey relations are subject to hard intergovernmental bargaining premised on member states’ willingness to achieve desired outcomes as well as an outcome acceptable to all. Offering Turkey candidate country status in the 1999 Helsinki Summit is instructive. Following turbulence in the Balkans and with the Kosovo war ongoing, the Union’s decision to offer Turkey the prospect of EU membership was linked to the unanimous EU desire to maintain stability in a volatile region. The role played by individual member states mattered, too, however in that they saw stronger relations between the EU and Turkey as an opportunity to maximize their own benefits. Greece pressed and succeeded to have its bilateral disputes with Turkey upgraded to the

European Council level prior to the Helsinki Summit. Because of pressure from Greece, Cypriot membership to the EU would go ahead even without a solution to the Cyprus problem, while all candidate countries would have to recognize the jurisdiction of the International Court of Justice in resolving bilateral disputes (Terzi, 2005).

2.3.3 *Step Three: Institutional Formation*

The LI model conceives of a third step in integration explaining why institutions come to be formed. In the history of integration, multiple new institutions have been formed, many of them able to acquire more power over time. Beyond the obvious example of the EC, it is worth highlighting the role played by the European Central Bank in alleviating the immediate consequences of the financial and economic crisis.

In explaining the role of institutions, LI borrows heavily from regime theory (Keohane & Nye, 1977), which views institutions as essential ensuring that unwanted consequences in uncertain conditions will be effectively mitigated. In that sense, institutions play a crucial role in reducing the uncertainty that states face in a collective context and are necessary to ensure the durability of agreements reached and their effective implementation over time. This is not to be equated, however, with member states' permission to institutions to do as they see fit once established. When supranational institutions do gain more Treaty-based powers, this is the result of an attempt to control and cajole others in complying with commitments made earlier and to allow for the possibility of imposing sanctions in case of non-compliance. The non-compliance problem is common in international organizations, and LI attempts to explain the emergence of such institutions through a rational institutionalist approach (Pollack, 2003). Finally, LI asserts that supranational institutions tend to be reduced to the role ascribed to them in the EU. The vast majority of EU policy implementation, including abiding by regulatory standards, remains the responsibility of national administrations.

With regard to EU–Turkey relations, the role of the EC comes into sharp focus. Not least through its annual progress reports published since 1998, the Commission has been tasked by the Council to monitor Turkey's progress toward accession and warn the Council of possible red flags. Worsening progress reports after 2007–2008 played a role in reducing the pace of EU–Turkey negotiations and ultimately bringing the

process to a near stalemate (Macdonald, 2018). However, LI foresees that the ultimate decision on negotiations rests with member states. To illustrate, the EU–Turkey refugee ‘deal’ reached in March 2016 has little to do with supranational institutions and all to do with the alignment of interests between major political actors, most notably Chancellor Angela Merkel of Germany and President Recep Tayyip Erdoğan of Turkey (see also Reiners & Tekin, 2020). Further, although institutions such as the Commission and Parliament have played an important role in first encouraging and then discouraging accession talks, Turkish policymakers have emphasized that, to them, the real decisions relating to Turkey’s accession lie with EU leaders, that is, the European Council (Erdoğan, 2004). They have underlined the complementary character of supranational institutions, often ignoring the real value that lies with them, either in seeking to reinforce Turkey’s EU path in times of mutual distrust (as with the Commission’s Positive Agenda initiative in 2012 (European Commission, 2012)) or, voicing their opposition to Turkish accession on grounds of a malfunctioning democracy (as in the case of the EP’s vote to freeze accession talks in 2016 (Kroet, 2016)).

2.4 EU–TURKEY RELATIONS OVER TIME: TESTING LI THEORY

2.4.1 *The 1963 Association Agreement*

The relationship between Turkey and the then European Economic Community (EEC) dates back to the 1963 Association Agreement (also known as the Ankara Agreement) between the two sides. Turkey applied for associate membership in 1959, and the Agreement signed in Ankara four years later sent the two sides’ relations down an institutionalized path that remains in place. The primary aim of the agreement was to boost economic ties between the two sides and assist Turkey’s economic development through financial assistance and higher trade volumes. At the same time, the agreement foresaw a three-stage negotiation process through which a CU with Turkey became the core objective. This became reality by 1995, much later than originally envisaged.

Why was the Association Agreement signed? For Turkey, Germany was one of its major trading partners in the postwar era (along with the United States) on important products such as tobacco. Economic

arguments stood side by side with Ankara's attempt to enhance its international status and align itself with the nascent Community in the context of the Cold War rivalry and Ankara's Western-oriented foreign policy. Moreover, Turkey applied for associate membership only a few months after Greece did in an attempt not to be left behind. Germany stood to benefit from a CU with one of its major trade partners and so did other EEC countries, such as the Benelux states, whose export-oriented model also stood to gain from closer economic ties with Turkey. Countries such as France and Italy, on the other hand, saw in Turkey a direct rival for many of their agricultural products and resisted the idea of a CU, pushing this further down the road. For France then, as today, Turkey's European identity was questionable, which proved an obstacle for Turkey in negotiations (Erdoğan, 2002). German willingness to reach an agreement prevailed after such a concession was made, but only after incorporating Article 12 into the agreement and allowing for the transfer of Turkish migrant workers to Germany to supply the German labor market with much-needed workers during the postwar labor shortage. This agreement facilitated full employment and the emergence of the German *Wirtschaftswunder*, the 'economic miracle' of the postwar years (Capoulongo, 2015: 7–9). Bargaining between the two sides led to a three-phase agreement, the last stage of which envisaged the possibility of Turkey's EU membership, but only after Turkey abided by Treaty obligations and without offering any concrete timetable to that effect.

All in all, domestic interest groups and their salience are less important than interstate bargaining and a process of state preference formation, by both the EEC and Turkey, in explaining the signing of the Association Agreement. Tangible economic and political benefits, and the willingness of Germany to reach an agreement on an issue of high salience to its domestic policy agenda, played a key role.

2.4.2 *Turkey's Membership Application and the Signing of the Customs Union*

In 1987, Turkish Prime Minister Turgut Özal spearheaded Turkey's EU candidacy, and the country officially applied to join the bloc. A lot of water had flowed under the bridge since 1963: EU enlargement had taken place and the Union now numbered 12 members, Turkey's chronic political instability had led to a three-year-long military regime in the early 1980s, and Turkey's economic model was being transformed away from

import substitution and toward a liberalized, export-oriented approach to growth. The latter was of special significance for major EU exporters, seeing in Turkey a rising market economy with large growth potential, but is not the only salient factor here. The rise of political Islam in Turkey had been underway for some time already in 1987, and Turkey's political elite, as well as its secular business elite based in Istanbul and other major western cities, was fearful of a possible drift away from Western values. Özal and most of his successors during the 1990s used this political argument to obtain EU concessions, anchor their country to the Union, and complete the CU process (Ulusoy, 2007: 484).

The EEC was caught by surprise by Turkey's application: not least due to divisions among them and in order to partially externalize decision-making costs, member states asked the Commission for an opinion on the matter, and it took more than two years for the opinion to be released (European Commission, 1989). The negative assessment of Turkey's application cited socio-economic factors: structural disparities regarding agriculture and industry, low social protection as well as more technical arguments concerning the need to prioritize the completion of the Single Market over enlargement (European Commission, 1989). Moreover, the Commission also referred to democratic deficiencies in Turkey regarding freedom of expression or the right of minorities. By the 1980s, the Community had been transformed following the accession of former dictatorships in Greece, Spain, and Portugal: political criteria such as democracy and human rights would from now on become part and parcel of EU conditionality, a development that Turkey would confront time and again, not least following the adoption of the Copenhagen criteria in 1993 (Kahraman, 2000). The fact, however, that the same Commission opinion stressed the need for 'intensifying relations' between the two sides underscores the calculation in Brussels and most member states: Turkey remained too important, both economically and politically, to be ostracized. Member states were able to neither support nor reject Turkey's application as a result of the Commission opinion: Greece was alone in objecting to possible Turkish membership (Yılmaz, 2008: 5). To sweeten the bitter pill, the Council tasked the Commission to develop a plan to keep relations with Turkey on track, and the Commission set out a working program in 1992 aimed at completing Turkey's membership into the CU (Arıkan, 2006).

While uncertain and divided on the question of Turkey's membership, member states undoubtedly wished to keep Turkey in the Community

fold. The implementation of the CU, foreseen in the Ankara Agreement, had not taken place at this time, but by the mid-1990s conditions had become ripe. The EU stood to gain from anchoring Turkey in its markets and requested that Ankara expose itself to international competition. For Turkey, membership in the CU was seen (or interpreted) as a decisive step toward full EU membership. Greece, which had traditionally used its veto-wielding powers against Turkey's closer ties with the EU, now dropped its objections after receiving assurances that negotiations with Cyprus for membership would soon begin (Vidal-Folch, 1995). This exchange was, for Greek policymakers, an outcome that maximized their leverage. Because of the lifting of the Greek veto in the mid-1990s, the EU–Turkey CU came into being. Turkey's industrialists initially viewed the effects of the CU with suspicion, fearful of enhanced competition (Eralp & Torun, 2015: 17). Over time, however, the benefits from it have outweighed the costs (Togan, 2015).

Regarding the CU, one sees a successful case for LI and neoliberalism more generally, through which economic gains are spread to participating states and the institutions formed thereafter secure safe returns for contracted parties. A trickier case, however, is the start of accession negotiations with Turkey in 2005, to which we turn next.

2.4.3 *Turkey's EU Accession Talks: A Difficult Case*

Things get more complicated when the focus shifts to politics, and in particular when ideational perspectives enter the fray (Schimmelfennig, 2001). After all, explaining the decision to open accession negotiations with Turkey in 2005, and therefore opening the way for its full incorporation to the EU, is difficult to reconcile with an approach that sees domestic groups as key, given strong skepticism among the EU population over Turkish entry (Gerhards & Silke, 2011). More importantly, many member states stand to lose from Turkey's full entry: competition for scarce EU resources would increase and less prosperous states would have to join cohesion and solidarity funding with a large state more populous but poorer than them. Even if one allows for the LI claim that distributional consequences in the case of enlargement to Central and Eastern Europe were insignificant for EU-15 states, thus allowing for enlargement (Moravcsik & Vachudova, 2003), the same can hardly be said about Turkey, by far the largest among candidate countries.

In that context, then, and from an LI perspective, the decision to start accession talks is indeed a puzzle. This is linked to some of the criticism directed toward LI in particular for its neglect of previous commitments made by national governments and the rhetorical entrapment (Schimmelfennig, 2001; see also Schimmelfennig, Chapter 6) they subsequently face when confronted with candidates arguing about the relevance of their candidacy and the ‘Europeanness’ of their polity.

On the other hand, LI retains some explanatory power here, as well. Powerful domestic groups in key member states, such as the Federation of German Industries (BDI), openly backed Ankara’s accession bid. What is more, the BDI has been vocal in its support for continued accession talks with Turkey as late as in 2013: that is, when relations had started to sour (BDI, 2013). Stressing the salience of Turkey’s geostrategic importance and the fact that Germany is the country’s biggest trading partner were foremost in the BDI’s argumentation. Further, leading politicians in EU states were keen to emphasize the potential security gains for the Union with Turkey in it. In such an event, the argument went, the EU would demonstrate its openness to Islam and the Muslim world (Desai, 2005).

In that sense, LI’s emphasis on the prioritization of economic, sector-specific interests and its focus on asymmetrical bargaining at the level of the European Council and the Council appear vindicated. Moreover, the decision to begin accession negotiations was formulated in such a way that the open-ended nature of the negotiations’ outcome allowed for member states to read into the agreement whatever they wished. After accession talks had been agreed, French President Jacques Chirac stated that the issue would eventually be put to a referendum, a view echoed by Austrian Chancellor Wolfgang Schüssel (Yılmaz, 2008: 11).

2.4.4 *The EU–Turkey Trajectory Post-2005: Transactionalism in Action*

LI stresses the dominance of national predilections, the complexity of bargaining between states with asymmetrical preferences on Turkey, and the prioritization of economic and issue-specific interests over the more comprehensive and complex political relations that EU accession entails. It also maintains a rather skeptical view regarding enlargement in general, as new member states make bargaining ever more complex, thus making it harder to find a common denominator satisfying diverse priorities.

The start of accession negotiations in 2005 was controversial among many EU capitals and thus included several provisos that impeded progress in Turkey's accession talks. To start with, no EU *acquis* chapter was to be fully closed unless all of them had been successfully concluded. Second, although the aim of talks was full accession, other forms of aligning Turkey to the EU remained open in case accession talks stalled. Third, some member states reserved the right to ask their people via a referendum as to whether they would approve Turkish membership once negotiations had been concluded (BBC, 2004). No previous enlargement round had been negotiated under such circumstances, and the fact that Turkey-skeptic governments had taken over in France and Germany played into the hands of forces wishing to stall Turkey's accession progress. Moreover, the credibility of conditionality was compromised early when senior political figures disputed Turkey's 'Europeanness', thus deeming it ineligible for full membership (Uğur, 2010: 967–992), while rising Euroskepticism made things worse. Turkey's reform momentum, which had kicked off following the 1999 Helsinki Summit and culminated in political and economic progress by 2005, stalled afterwards. Ankara's erstwhile enthusiasm gave way to increasing skepticism and accusations of 'double standards' against Brussels, and major EU capitals became subject to Turkey's EU bashing (Hale, 2012). Progressive reforms were gradually rolled back (Aybars et al., 2018), despite the Commission's attempts to keep the talks going through initiatives such as the 2012 Positive Agenda (European Commission, 2012). The EU anchor soon lost its relevance in Turkey's domestic political debate, yet foreign direct investment (FDI), mostly originating from EU states, continued to flow into the Turkish economy. An increasing disjunction between political and economic relations ensued. The attempted coup in the summer of 2016 and the subsequent crackdown by Turkish authorities only made the situation worse. In 2020, the prospect of Turkey joining the EU is as distant as it was more than 20 years ago.

The EU–Turkey trajectory since 2005 fits a liberal intergovernmentalist approach. Member states remain divided on the question of Turkish accession, with some, such as Sweden and Spain, forming a small 'Friends of Turkey' circle, and with others, such as Austria, Cyprus, and France, remaining intensely skeptical. This diversity of preferences makes a decision difficult to reach. Hence, the concept of a 'privileged partnership' as first molded by Germany's Christian Democrats (Euractiv, 2004) (and other major industrial member states) is greatly beneficial to the EU

as it keeps Turkey economically anchored to the EU trade and industrial market structure through the CU while Turkey is prohibited from striking its own agreements with countries bound by agreements struck with the EU. FDI flows from Europe to Turkey make the latter dependent on such flows and increase the leverage of member states over Turkish decision-makers. The latter have often threatened Europe with the end of negotiations but have yet to take that step. According to LI, they are very unlikely to do so in the future, unless Turkey's economic salience becomes fully overshadowed by chronic political instability and isolation from the West.

Full Turkish membership would make the country an equal partner both politically and economically, raising its clout and redirecting resources away from current recipients. Instead of full membership, therefore, the EU aims at anchoring Turkey to its structures, since the country remains a major market for its goods and a vital regional player in a volatile region. Turkey wants EU accession much more than the EU does (or at least used to), and this bargaining asymmetry allows the Union to impose a *de facto* differentiated form of integration with Turkey, cooperating closely with it when it stands to benefit from such cooperation and rejecting full membership due to the strains it will impose on it.

The refugee crisis provides further testimony to that argument: the set of preferences for member states was clearly tilted in favor of outsourcing the problem of incoming irregular migrants and refugees, as the issue reached an explosive nature and threatened to destabilize domestic EU politics and integration itself. Turkey was a convenient partner for outsourcing, and the deal reached between the two sides relieved EU member states, primarily Germany, from a major problem. Using its classical tools of financial assistance and providing promises on accession talks and visa liberalization, the EU was able to entice Turkey to sign the deal. However, accession talks have been and remain part of democratic conditionality: Turkey's backsliding in this regard has allowed for the implementation of the deal without Ankara taking any concrete steps toward accession. From an LI perspective, a form of association between the EU and Turkey makes full sense, allowing the Union to benefit from the (economic and trade-related) leverage it holds over the country and use its relations with Ankara to deal with issue-specific problems, such as migration. Finally, confirming the centrality of member states and their preferences in decision-making is the fact that the EU–Turkey refugee 'deal' was made possible once the European Council opted for it (see

Turhan & Wessels, Chapter 8). The deal, which led to a sharp reduction in the number of irregular arrivals in EU member states (European Commission, 2018) became possible after the EU Heads of State or Government and the Government of Turkey released an ‘EU-Turkey Statement’ (European Council, 2016) to end irregular migration flows, assist Turkey in managing the flows, and provide for legal pathways for Syrian refugees to reach EU territory.

The EU decision to externalize migration governance to Turkey (Tsarouhas, 2018) became topical again in 2020, when the Turkish government decided to open its border to migrants wishing to leave. Chaotic scenes followed, with thousands of Pakistanis, Afghans, East Africans, and some Syrians trying to cross into Greece. The latter claimed the right to defend itself from an unexpected ‘invasion’, while Turkey claimed that the EU’s lack of solidarity toward Turkey prompted the move (Boffey, 2020). While the Commission president openly accused Turkey of politicizing the border to gain concessions from Brussels, European Council President Charles Michel referred to ‘differences of opinion’ and called for an open dialogue to overcome the challenge. The Union tasked the High Representative Josep Borrell to work with the Turkish foreign minister and come up with a way of overcoming differences regarding the migration deal. Turkey decided to open the borders to extract more support from Brussels, not only regarding financial assistance within the framework of the existing refugee ‘deal’ but also political support for its deep military involvement in Syria, which resulted in scores of dead Turkish soldiers. When EU leaders visited Greece and toured the border area together with the Greek prime minister, the solidarity displayed toward Greece indicated the failure of Ankara’s move (Fox, 2020).

This latest deterioration in EU–Turkey relations followed rising tension in 2018 and 2019 over the exploitation of hydrocarbons in the Eastern Mediterranean. Turkey conducted drilling off Cypriot territorial waters and with no agreement between the two sides on delineating their respective Exclusive Economic Zone. Despite EU warnings Turkey went ahead with a second drilling operation and a series of sanctions followed. In July 2019 the Council decided to freeze Association Council talks with Turkey, suspend all high level dialogue meetings between the two sides, and reduce pre-accession financial assistance for 2020 (Council of the European Union, 2019a). In November and amidst continued drilling by Turkey, the Council imposed an EU travel ban and asset freeze on Turkish individuals behind the ‘unauthorised drilling activities of hydrocarbons in

the Eastern Mediterranean' (Council of the European Union, 2019b). Sanctions and measures followed the call by the European Parliament in March 2019 to fully suspend EU accession talks with Turkey (European Parliament, 2019).

The assumptions and projections of LI in the post-2005 are confirmed. Enlargement to Turkey is a very distant prospect and asymmetrical preferences on Turkey make accession unrealistic. Brexit has weakened the 'Friends of Turkey' circle considerably, as have Ankara's actions in the Middle East and the Eastern Mediterranean. Divisions within the Council on Turkey remain but are currently overshadowed by Ankara's belligerent and rather dismissive approach to the Union. If relations improve, these divisions will emerge again. Powerful economic ties make cooperation relevant and even necessary, if only on a pragmatic and transactional basis. The migration crisis is a clear example: although tensions rose again in 2020, both sides maintain open channels of communication. Turkish President Erdoğan was invited to Brussels for talks with the Council and the Commission, and a few days later a meeting involving the leaders of Turkey, Germany, France and the UK took place on the migration deal and the situation in Syria (Euractiv, 2020). Relations with Turkey are now handled at a strictly intergovernmental level involving the heads of state and government, as the latest Merkel-Erdoğan-Macron meeting reveals. The Commission's role is secondary, as the Positive Agenda reveals, and the voice of the European Parliament, while loud, is hardly affecting the day-to-day handling of relations with Turkey.

2.5 CONCLUSION

This chapter has examined the core assumptions and departure points of neoliberalism and LI in IR. Neoliberalism's emphasis on the centrality of states in mitigating conflict and the institutionalist focus on regular interaction that builds trust and is even able to alter state preferences sits well with the evolution and development of the EU. LI, directly applicable to regional integration theories, shares most of the neoliberal institutionalist assumptions and adds layers of complexity through its three-step model of explaining the emergence of the EU as well as its major decisions over time.

LI is a major EU integration theory but has clear explanatory limits. Its rationalism struggles to account for the ideational and normative

elements embedded in at least some of the Union's policymaking, especially regarding external relations and enlargement to poorer states. Its emphasis on state–society relations as the initial integration step appears unrelated to the elite-driven origins of Cold War-era integration. Its disregard for supranational institutions downplays the role played by individual actors representing supranational institutions such as Delors in launching the Single Market or Draghi in diffusing the Eurozone crisis.

In the case of EU–Turkey relations examined above, and considering the evolution of relations in recent years, LI is a credible and convincing theoretical approach. It successfully accounts for the development of economic ties between the two sides starting from the 1960s, and its analytical tools also justify the continuous ups and downs in bilateral relations over the last decades. A form of association between the Union and Turkey is consistent with the three steps of LI, and one can plausibly argue that such an association is in fact exactly what underpins their relations. The EU and Turkey are joined by a CU (from which both, but especially the EU, benefit), have institutionalized cooperation and common bodies (supervised and directly controlled by states), and enjoy close ties on issue-specific areas, such as migration. The Union is likely to cultivate close ties with Turkey in a differentiated manner and to the extent that the specific policy area under consideration is one in which member states have clear and intense preferences. The trajectory that accession negotiations have followed since 2005 points to the new emphasis, by both Turkey and the EU, on issue-specific cooperation and the salience of member state preferences as well as powerful economic groups in a few member states.

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Constructivist Approaches to EU–Turkey Relations

Senem Aydın-Düzgit and Bahar Rumelili

3.1 INTRODUCTION

The end of the Cold War and the European Union’s (EU) decision to enlarge to countries of Central and Eastern Europe (CEECs) while leaving Turkey out of the new enlargement queue sparked a rising academic interest particularly in the role of identity in EU–Turkey relations in the late 1990s. As Turkey’s accession process progressed between 1999 and 2005, debates on the desirability of Turkish accession intensified in the EU. As the prospect of accession became more real, the opposition also began to be increasingly based on the grounds that the country posed a profound challenge to the European project due to the perceived ambiguities over Turkey’s ‘Europeanness’. It was explicitly and increasingly voiced, most prominently by former French President Nicolas Sarkozy and German Chancellor Angela Merkel, among others,

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that Turkey's democracy, geography, history, culture, and the mindset of its politicians as well as its people qualify it as a non-European state unfit to become a member of the EU.

This chapter focuses on the emergence and proliferation of constructivist approaches to EU–Turkey relations between 1997 and 2020, which placed significance on the role of identity in academic studies on the relationship. Constructivist approaches define identity as a socially constructed and relational concept. Being socially constructed means that identity is not an essentialist trait that exists as intrinsic to an individual or collectivity, but gathers its meaning through social interaction. Identity being relational implies that identities can only be articulated and enacted with reference to their constitutive Other(s). We will first outline the main tenets of constructivism and the premises of a constructivist approach to EU–Turkey relations. In doing so, we highlight the theoretical diversity within constructivism, especially the difference between the ‘thin’, ‘liberal’ constructivism on the one hand, and the ‘thick’, ‘critical’ constructivism that builds on poststructuralism on the other. On the basis of a literature overview, we discuss how these theoretical differences have played out in constructivist analyses of EU–Turkey relations through an in-depth analysis of selected works in three periods: 1997–1999, 2000–2010, and 2011–2020. We do not aim to provide a comprehensive overview of the entire constructivism-inspired literature on EU–Turkey relations; rather, we study exemplary authors for each period. In conclusion, we identify some future directions for constructivist research on EU–Turkey relations.

3.2 CONSTRUCTIVISM AND EU–TURKEY RELATIONS

Constructivist approaches in the broadest sense share an emphasis on the role of norms, values, ideas, identities, and discourse in the constitution of the social world. Norms set standards of appropriate behavior, ideas constitute shared understandings, discourse reflects dominant ways of representing reality, and identities are images and concepts of selfhood held by and attributed to actors (Jepperson et al., 1996). Constructivist approaches to international relations underline that states, just like human agents, do not exist independently from their social environment and its shared systems of meanings (Risse, 2009: 145) as reflected in norms, ideas, identities, and discourse, and they thus reject the treatment of states as strictly rational and self-interested actors pursuing strategic preferences

geared toward maximizing self-interest. Hence, according to a constructivist approach, the EU is a socially constituted actor; the interests of the EU and its member states are shaped by their identity conceptions and the prevailing norms and values of European and global international society. This is reflected in the EU's foreign policy behavior, such that its relations with all other actors, not only with 'Muslim' Turkey, are shaped by norms, values, and identity considerations (Manners & Whitman, 2003; Merand, 2006; Sedelmeier, 2005). In other words, EU–Turkey relations are not a unique case, where an exception from a strategic, utility-driven EU foreign policy unavoidably arises due to civilizational differences with non-EU actors.

Constructivist approaches are also united in their empirical emphasis on meaning and meaning structures. Hence, in a constructivist study of EU–Turkey relations, it is necessary to focus on the meanings that relevant actors attach to policy decisions. For example, it is not enough to note that the EU started accession negotiations with Turkey; what matters is how this decision was made sense of, explained, and justified by EU officials, member states' politicians, and other relevant actors. Similarly, it is not enough to simply list the political reforms Turkey undertook to buttress its membership bid; what matters are the meanings attached to those reforms.

There has been an overwhelming emphasis in constructivist approaches to EU–Turkey relations on the notion of identity. This is mainly because the prospect of Turkish accession to the EU has raised heated political debates in Europe on whether Turkey is a European country that can have a credible accession perspective on the grounds of culture, religion, geography, and history.

This almost exclusive focus on identity brings us to the necessity to clarify at the outset how constructivists approach the issue of identity, and the relationship between identity and norms, discourse, and behavior in international politics. One of the fundamental tenets of the constructivist approach is that identities are not fixed and rooted in some supposedly objectively identifiable characteristics of populations; instead, they are continuously constructed (and reconstructed/shaped), negotiated, and contested through interactions between political actors (Cederman, 2001: 10–11). The constructivist perspective does not claim that identity can be completely divorced from objectified traits, such as race, ethnicity, religion, history, culture, or the political system, but stresses that identity

is ultimately a presentation of self that is recognized by others (Wendt, 1994: 404–405) and that the meaning and salience of various objectified traits in constituting identities are negotiated and contested between political actors. For example, while constructivism would not deny that most European citizens subscribe—at least nominally—to the Christian belief, it would contend that the meaning and salience of Christianity in constituting European identity cannot simply be assumed as an objective fact. Similarly, other elements of European identity, including history, democracy, market economy, etc., are also products of an ongoing process of construction and negotiation within Europe and between European actors and others.

Applied to the case of EU–Turkey relations, the constructivist perspective would contend that the identity incompatibility between the EU and Turkey on the grounds of mainly cultural and religious differences between the two is socially constructed and cannot be assumed as a given. Identities are ‘historically contingent, tenuous, and subject to constructions and reconstructions’ (Risse, 2009: 167). Yet, this possibility of change, which arises from the socially constructed nature of identity, does not amount to a claim that identities can be changed, reimagined, and reconstructed overnight. Particular identity constructions are sticky, and they matter in terms of impacting attitudes and behavior in a given context. Although this is not a given, that relevant European and Turkish political actors represent European and Turkish identities as incompatible with one another matters because it shapes how the two sides make sense of each other’s political moves.

Over time, substantive variations have developed between constructivist approaches in their outlook on the ways in which identities, ideas, norms, values, and discourses play a role in the construction of social reality. There are many constructivist approaches that range along a continuum from a ‘thin’, ‘liberal’ constructivism to ‘thick’, ‘radical’, or ‘critical’ constructivist approaches (Checkel, 2007: 58). The former is an explanatory theory in competition with rationalism, which contends that identities, norms, values, ideas, and discourses matter in shaping states’ interests and hence influencing their actions. For that, thin-liberal constructivism pits norm- and identity-based accounts against purely interest-based ones and shows that the latter are insufficient in explaining the said outcomes. Accordingly, thin-liberal constructivist accounts emphasize, for example, that one cannot explain why the EU embarked on an ambitious enlargement policy that includes Turkey

without taking into account the constraining effects of enlargement discourse which underlined the duty of the EU to enlarge to democratic European states, hence rhetorically committing itself to enlarging to a democratizing Turkey, despite controversies over the country's European identity. States as agents interact and constitute the social structure of international politics, which in turn shape their identities and preferences (Wendt, 1999). In this case, the member states constructed the enlargement discourse, which imposes on them a duty to complete the unification of Europe and ties the expansion of EU membership to the fulfillment of value-based conditions. This, in turn, shaped their conceptions of European and national identity and preferences toward enlargement.

'Thick' and 'critical' constructivist approaches, influenced by poststructuralism, shy away from explanatory theory and, rather, focus on the 'how possible' question (Checkel, 2007: 58). For example, instead of debating whether interests or norms ultimately shape the EU's decisions on enlargement toward Turkey, thick-critical constructivists focus on laying out the set of meanings in discourses on European identity that make it possible for the EU to oscillate between inclusion and exclusion of Turkey (Aydın-Düzgüt, 2012). Also, in contrast to the thin-liberal approach, thick-critical constructivists do not treat language as a simple mirror of social reality but point to its constitutive dimensions. In line with their poststructuralist premises, they stress that there is no social reality outside language. In other words, neither the EU nor Turkey exist as independently constituted actors outside of discourse. Broader discourses on modernity and civilization, as well as more specific discourses on Europe and EU enlargement, produce certain subject positions for the EU and Turkey from and within the limits of which they act. Foreign policy, in this framework, is thus conceptualized as a discursive practice that constructs particular subject identities for states, positioning them *vis-à-vis* one another and thereby constructing a particular reality in which certain policies become possible (Doty, 1993: 305). The EU's enlargement policy is therefore first and foremost a discursive practice of constituting European identity in relation to others—be they candidates or outsiders. Thick-critical constructivists are interested in laying out how European identity and relations of difference and hierarchies of moral superiority/inferiority between Europe and others are constructed through the EU's enlargement policy. In poststructuralism, discourse is intimately linked with power, and a critical analysis of discourse

serves to expose how taken-for-granted structures of meaning naturalize hierarchies, limit agency, and marginalize alternatives.

Another key difference between thin-liberal and thick-critical constructivism emerges in the conceptualization of the relationship between identity and difference. As Rumelili (2004, 2007) points out, in thin-liberal constructivism, the discursive dependence of identity on difference is often overlooked. Hence, the formation of collective identities among states, such as European identity, is viewed mostly as a self-generated, self-sustained process based on shared norms, ideas, and understandings among states. In other words, European identity is constituted by characteristics that are internal to the EU—such as democracy, the rule of law, and respect for human rights—and not necessarily through differentiating Europe from others. Thin-liberal constructivists have argued in different formulations that European identity is not dependent on Othering; that it is a liberal, inclusive identity that constructs outsiders as less-than-Europe rather than as non- or anti-European (Wæver, 1998: 100) and a post-national identity premised on Othering its past rather than those external to it. In the context of EU–Turkey relations, this means that Turkey is not Europe’s Other and that the relationship is not based on Othering. In a thin-liberal constructivist perspective, the EU does not discriminate against Turkey, and the membership of Turkey in the EU is possible depending on how well Turkey adopts the EU’s self-generated, value-based conditions.

In contrast, thick-critical constructivist scholars have insisted that identity among states, like all other forms of identity, is constituted in relation to difference; it always resides in the nexus between the collective Self and its Others, not in the Self as seen in isolation (Neumann & Welsh, 1991; Neumann, 1998). Moreover, thick-critical constructivist scholars emphasize that identities are performed through practices of differentiation that distinguish the identity in whose name they operate from counter identities (Campbell, 1998; Weldes et al., 1999). Consequently, thick-critical constructivist analyses of EU enlargement and foreign policy have focused on the ways in which Europe constitutes its identity by constructing Eastern Europe, Russia, Turkey, the Mediterranean, and the United States as different, inferior, and in some cases threatening. It needs to be noted, however, that whereas in essentialist approaches, the difference between Self and Other is pre-given and rooted in inherent characteristics, in thick-critical constructivism, it needs to be produced and reproduced. In other words, Turkey is an Other of Europe not because it is Muslim and hence

different, but because the reproduction of European identity depends on the production of Turkey as different. Collective identity formation is a process that inevitably defines other identities and produces them as different. Consequently, thick-critical constructivist accounts of EU–Turkey relations have focused on identifying prevailing constructions of difference in various European discourses, focusing on EU institutions as well as different national discourses within the EU (Aydın-Düzgit, 2012; Tekin, 2010).

In sum, constructivism provides a rich conceptual and theoretical basis to make sense of EU–Turkey relations. It enables scholars to study the identity and value-laden aspects of the relationship without resorting to simplistic essentialism. The case of EU–Turkey relations also brings to the foreground competing propositions put forward by different variants of constructivism.

3.3 THE CONSTRUCTIVIST LITERATURE ON EU–TURKEY RELATIONS: NAVIGATING THROUGH CHANGE AND THEORETICAL DIFFERENCES

Having laid out conceptually how the basic premises of constructivism and its different variants would apply to the case of EU–Turkey relations, in this section we turn to analyzing actual constructivist accounts of EU–Turkey relations. We do not aim to provide a comprehensive overview. Most of the case-specific literature on EU–Turkey relations is theoretically eclectic and thus hard to classify in terms of theoretical perspective. Many constructivist studies on European identity and EU enlargement refer to the Turkish example but not at the level of depth necessary to consider them as a constructivist analysis of EU–Turkey relations. Therefore, below we analyze a sample of works and focus on discussing the ways in which they adopt certain constructivist premises in making sense of EU–Turkey relations and the ways in which they use the case of EU–Turkey relations to validate constructivist theoretical premises.

The constructivist literature on EU–Turkey relations can be temporally divided into three periods. First is the 1997–1999 period in which scholars tried to explain why and how Turkey was excluded from the ‘big bang’ wave of EU enlargement in the 1990s. The second period roughly spans from 1999 to 2010, when Turkey was for the first time given a

credible membership perspective through the decision to launch accession negotiations. This created a virtuous cycle of political reforms in the country, although this began to stagnate from 2006 onward. The third and the final period covers the post-2010 years in which Turkey's EU accession negotiations stalled with the de facto freezing of accession talks along with the EU's own internal crises and the democratic decline in Turkey. In many ways, the shifts in EU–Turkey relations—where the exclusionary relationship of the 1990s moved toward a credible membership perspective and convergence in the 2000s but reverted back to divergence in the 2010s—have created challenges for formulating a consistent constructivist perspective on the relationship.

3.3.1 *1997–1999: Exclusion from the Enlargement Wave*

Despite its expectations, Turkey was excluded from the list of countries announced by the EU in 1997 that were to join the EU as part of its 'big bang enlargement'. It was only in 1999 that Turkey was officially granted the status of candidate country destined to join the EU. The question of why the EU had been reluctant to accept Turkey as a member state was answered in most of these earlier works primarily with references to identity (Müftüler-Baç, 2000: 32; Öniş, 1999). While engaging with the role of a key constructivist concept, in this case mainly with regard to identity, these earlier works of the late 1990s stayed away from the heated theoretical debates between rationalism and constructivism ongoing at the time in the field of International Relations. Subsequently, a new generation of studies started to approach the question of Turkey's exclusion from/inclusion to Europe from an explicitly constructivist theoretical vantage point. Rather than only seeking to explain the state of EU–Turkey relations, these studies were also interested in demonstrating the impact of norms, values, ideas, and discourses in European enlargement and foreign policy through the case of Turkey.

A pioneering critical constructivist analysis of the EU–Turkey relationship in this period is Neumann's work on the discursive construction of European identity via its historical relations with the 'East'. In an initial study conducted with Jennifer Welsh (Neumann & Welsh, 1991), they argued that the discourses on Turkey in European history still have ramifications for contemporary European representations of the 'Turk' and Turkey. In Neumann's later work, he showed that despite the historical

importance of the Russian Other in the construction of European identity, ‘the constitutive exclusion of the Turk was central to the becoming of the “European”’ (Neumann, 1999: 60). In other words, in European history, being European was relationally defined as being non-Turkish, with the positive attributions associated with the former and the negative traits ascribed to the latter. Neumann argued that these long-lasting and well-entrenched historical stereotypes also impact on how the EU views modern Turkey and leads to a reluctance in its admission to the EU by also referring to Turkey’s exclusion from the enlargement queue in the 1990s. Nevertheless, carrying the sensitivity of a poststructuralist scholar over competing and contested representations, he also highlighted that in the case of Turkey, selective utterances from history and contemporary rhetoric tend to ‘present a picture that is a bit too stark in that it largely fails to highlight the ongoing struggles over representations of the “Turk”’ (Neumann, 1999: 63).

3.3.2 2000–2010: *Rise of Membership Prospects and the Period of Convergence*

In the 2000s, the European integration studies literature came under the strong influence of a variety of constructivist approaches. In the meantime, as the prospects for Turkey’s accession to the EU improved, interest in the case of EU–Turkey relations surged. As a result, constructivist approaches to EU–Turkey relations flourished and even diversified.

Earlier works in this period continued to focus on the reasons behind the tardy inclusion of Turkey in the EU enlargement queue. A highly influential study undertaken in this period explicitly took on the question of why the EU prioritized the CEECs over Turkey in the enlargement process (Sjursen, 2002, 2006). It rested on a Habermasian perspective, which argues that efforts to achieve consensus through discourse via appeals to legitimacy contributes to the construction of a social structure of politics. As such, Helene Sjursen focused on the ‘reasons’ given by policy actors in the EU to justify enlargement to candidate countries. Within this framework, she classified the arguments that were given in favor of enlargement under three categories *à la* Habermas: those that emphasize utility, those that refer to rights, and those that focus on values. She argued that enlargement to CEECs was justified on the basis of all these three argument types, while justifications for enlarging to Turkey

did not include a ‘value’ dimension that corresponds to a ‘shared identity’ and a ‘kinship based duty’, leading to the prioritization of CEECs over Turkey in the EU’s decision to enlarge (Sjursen, 2002).¹ Theoretically, overall, Sjursen’s contribution, which sought to identify the meaning structures used to justify EU policy toward different candidate countries and explain the different policy choices on that basis, reflected thin-liberal constructivist premises.

As relations between the EU and Turkey took a more positive turn, culminating in the launching of accession talks between the two sides in 2005, the focus of thin-liberal constructivist scholars shifted toward explaining Turkey’s later inclusion in the enlargement project despite the fundamental disagreements between the member states and the social, political, and economic challenges that the country was perceived to pose. Frank Schimmelfennig responded to this conundrum with his concept of ‘rhetorical entrapment’, which focused on the role of norms in the accession process (see also Schimmelfennig, Chapter 6). According to this thesis, which he had first developed to explain the EU’s decision to enlarge to the CEECs, member states had agreed to the opening of accession negotiations with Turkey not due to the convergence of their national preferences but because they were normatively constrained by the liberal-democratic identity through which the EU defined itself. As Turkey undertook key political reforms on the way to fulfilling the Copenhagen political criteria, objections to Turkish accession on culturalist, institutionalist, or economic grounds began to lose traction, and member states that no longer had legitimate grounds to deny accession gave the green light to the start of accession talks (Schimmelfennig, 2009).

In the early 2000s, Bahar Rumelili (2004) sought to make sense of the EU’s different treatment of various neighboring/candidate states and their changing approach toward Turkey within a thick-critical constructivist framework. She argued that while European identity is constituted in relation to difference, its Othering of outside states takes different forms, and constitutes different aspects of European identity. Contra Schimmelfennig, who argued that the EU’s liberal identity normatively constrained the member states in their approach toward Turkey, Rumelili claimed that European identity embodies both inclusive and exclusive

¹In later years, the same analytical framework drawing from Habermas’ theory of communicative action was also used in analyzing the ways in which Turkish political parties justified their views on Turkish accession to the EU (see Balkır & Eylemer, 2016).

aspects, which are invoked in relation to different Others at different times. She argued that the discourses on European identity situate Turkey in a ‘liminal’, ‘partly Self-partly Other’ position, which makes the EU both inclusionary and exclusionary toward Turkey.

Shortly after accession negotiations began between Turkey and the EU in 2005, incoming center-right governments in Germany and France reverted to exclusionary rhetoric toward Turkey, and the impasse over Cyprus led to the partial suspension of negotiations in 2006. Following Schimmelfennig’s thin-liberal constructivist argument, Engert claimed that both the EU’s decision to open accession negotiations with Turkey in 2005 and the subsequent partial suspension of negotiation chapters were the results of the EU’s adherence to liberal-democratic norms. In the former instance, the EU rewarded Turkey’s ‘norm confirmative behaviour’, but the refusal of Turkey to extend the Customs Union Additional Protocol to Cyprus constituted a violation of fundamental EU norms (Engert, 2010: 67).

Simultaneously, the case of EU–Turkey relations became embedded in the literature on European identity and normative debates about the future direction of the European polity. Thomas Diez (2004), for instance, criticized the claims that the EU constituted a fundamental challenge to the modern territoriality of the nation-state by resembling a ‘postmodern polity’ (Wæver, 1998). He noted that the presence of geographic and cultural Otherings in the EU’s discourses on third countries such as Turkey shed considerable doubt on whether the EU could actually be defined as a ‘postmodern polity’ (Diez, 2004). Thomas Risse identified two broad contours of European identity: an inclusive, cosmopolitan Europe that is more open to the idea of Turkey’s accession to the EU and an exclusive, essentialist understanding of Europe that rejects seeing Turkey as a member country (Risse, 2010: 213–220). Baban and Keyman (2008) explored the potential conceptual implications of Turkish membership for constructions of European identity along this exclusivist/cosmopolitan nexus. As such, they found that ‘the potential for a pluralistic cosmopolitan future for the EU depends on the possibility of a post-national, multicultural, and global Europe with the capacity to contribute to the creation of democratic global governance’ and that this would largely depend on the EU’s approach to Turkish membership and Turkey’s success in consolidating its democracy (Baban & Keyman, 2008: 109).

It was in this period that thick-critical constructivist studies began to delve deeper into the political debates on Turkish accession in the EU and specific EU member states. Adopting a constructivist ontology of identity as relational and discursively constructed, Tekin (2010) analyzed French oppositional discourses on Turkish accession, and by using Critical Discourse Analysis (CDA) as her method, demonstrated the discursive strategies through which Turkey had been subject to Othering in France. The example illustrates how toward the end of this period, constructivist approaches started to pay closer attention to methodology as well as to the need to differentiate between sites of authority in the EU, such as the specific EU institutions and the EU member states, in their analyses.

3.3.3 *2011–2020: Freezing of Accession Negotiations and the Period of Conflictual Cooperation*

Attention to methodology and differentiation between sites of analysis became a more dominant characteristic of the constructivist contributions in this period. For instance, Catherine MacMillan (2013) conducted an in-depth discourse analysis of the EU elites' discourses on Turkey to study the diverging national discourses on 'state' and the 'nation' in selected EU member states (France and Britain) as well as in Turkey to understand how these discourses impacted these states' overall discourses on European identity. Paul Levin took up the point expressed in earlier works by Neumann on the need for empirical historical research by conducting a detailed study of the historical evolution of the concept of Europe in relation to its encounters with the Muslims and the Turks over the entire history of their interaction. By theorizing identity as a dramatic reenactment where past representations are reproduced in novel ways, he argued in line with Neumann that this rich historical repertoire had largely penetrated contemporary European representations of Turkey. To illustrate his point, he analyzed the European Parliament debates (1996–2010) on Turkey, where he found that 'the historical legacy and repertoire of images generated over the course of centuries of hostile attitudes toward Islam and Ottoman Turks continue to influence perceptions of Turks and Turkey in the EU' (Levin, 2011: 182). Selin Türkeş-Kılıç also analyzed European Parliament debates (2005–2012) on Turkey, but from a Habermasian perspective focusing on justifications that the parliamentarians used in arguing for or against privileged partnership with Turkey. She found that the members of right-wing political party groups who

supported ‘privileged partnership’ rather than full membership for Turkey discursively constructed an essentialist European identity that excluded Turkey (Türkeş-Kılıç, 2020).

Aydın-Düzgit (2012) employed CDA to analyze EU elite discourses on Turkey in EU institutions and selected member states (France, Germany, and Britain). While also engaging with the normative debates on the modern/postmodern identity of the EU, she concluded that there are multiple ‘Europes’ that are being constructed through the discourses on Turkey, depending on the national, institutional, and the ideological milieus within which the discourses are (re)produced. Her analysis of EU texts revealed that the construction of European identity in the EU takes on complex dimensions that are impossible to reduce to the binary dichotomy of the modern/postmodern constructs of identity. She argued that the degree to which the modern state’s designation of territory and identity is employed in the discursive construction of European identity is dependent not only on the entity against which a relational identity is established but also on the nodal points (such as security) around which identities are constructed (Aydın-Düzgit, 2013). Similarly, Münevver Cebeci also looked at the type of Europe articulated through its foreign policy and claimed that an ‘ideal Europe narrative’ is discursively constructed by academics and the policymaking community to present Europe as a power that acts in ‘ideal ways’ on the world stage to ‘colonise’/‘influence’ others (including Turkey) (Cebeci, 2012: 583).

Toward the end of the 2000s, as Turkey under the single-party rule of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) began to turn further away from democratic consolidation and EU accession, poststructuralist scholars began to focus on the changing discourses on Europe within Turkey, hence shifting the level of analysis from the European to the Turkish national level. Alpan was among the first to point out the discursive shift that took place among the governing elite in Turkey after the opening of accession negotiations with the EU. By using Laclau and Mouffe’s discourse theory and its concept of ‘hegemony’, she claimed that while Europe was the central point of reference and thus ‘the main focus of the political struggle’ among the Turkish political elite in the period between 1999 and 2005, it ‘lost its central role in the political debates’ from then onwards (Alpan, 2014: 80). In her later work, she centered her analysis specifically on the AKP’s discourse on Europe, arguing that although Europe lost its

centrality in political debates in 2005, the AKP still utilized it as a reference point in giving meaning to its empty signifiers such as ‘advanced democracy’, where Europe was construed as an ‘unwanted partner’ and/or a ‘partner in crime’ (Alpan, 2016: 20–24). These findings were confirmed also in Aydın-Düzgıt’s critical discourse analysis of President Erdoğan’s speeches on Europe, where she identified that the president discursively constructed Europe as an ‘unwanted intruder’, ‘inherently discriminatory’, or having an ‘inferior democracy’ (Aydın-Düzgıt, 2016: 50–55). She argued that these representations in turn helped dismantle the discursive legitimacy of the EU’s democratic demands on Turkey and create a more difficult climate for the adoption of democratic reforms in the country (Aydın-Düzgıt, 2016: 56). Adopting a focus on the reception and contestation of European discourses in Turkey, but focusing on their relationship with domestic governance, others have argued that the neo-conservative ‘style of thought’ espoused by the AKP allowed it to ‘sublimate the position of the ‘Other’ in the ideational structure of Europe’, which helped in turn ‘reconstitute the identity’ of Turkey through neo-conservative ideas (Ertuğrul, 2012).

Meanwhile, Rumelili focused on the impact that changes in Turkish discourses had on Europe. She argued that Turkish discourses criticizing Europe as a Christian club and situating Turkey as both European and Islamic had a contestatory and subversive impact on discourses on European identity (Rumelili, 2007, 2008: 97–110). Subsequently, with Morozov, she comparatively analyzed how Russia and Turkey responded differently to exclusionary European discourses (Morozov & Rumelili, 2012). They found that the discursive debates and practices in Russia and Turkey have enabled certain articulations of European identity and constrained others. While Turkey challenges the constitution of Europe and Islam as mutually exclusive and inherently incompatible identities, Russia advances alternatives to the dominant Western liberal interpretation of European values.

Aydın-Düzgıt’s more recent work moved the focus from elite constructions of national identity to those of the public by exploring via focus group methodology whether the discursive shifts in the AKP’s debate on Europe led to changes in public constructs of national identity. She found that the AKP’s representation of Europe as politically and/or economically inferior to Turkey and Turkey’s representation as a superior nation to Europe, thanks to its unique Ottoman history, had penetrated public

discourse; however, Europe was also increasingly associated with normative values such as democracy and human rights in Turkey, particularly among those who identified themselves with the left-wing opposition parties (Aydın-Düzgit, 2018a, 2018b).

3.4 FUTURE OF CONSTRUCTIVIST APPROACHES TO EU–TURKEY RELATIONS

This chapter first outlined the main contours of the constructivist school of thought in international relations with a discussion of how the different variants of constructivism can be applied to the study of EU–Turkey relations, followed by an illustrative survey of the academic contributions in the field of EU–Turkey relations that base their accounts on constructivist theoretical premises.

Metatheoretical debates in IR are on the wane, and the rapid changes in EU–Turkey relations caution against teleological accounts. This context underlines the importance of change and urges constructivist scholars to explain the changes and continuities in identities and norms in both the history and the current state of the EU–Turkey relationship through systematic studies. As the more recent works in the field have shown, it is also imperative that future constructivist works in this area take into consideration mutual encounters and interactions in the (co) construction of identities and contestations of norms in the EU–Turkey relationship.

In line with this need, in their more recent studies, the authors of this chapter have attempted to display the changes and continuities in the identity representations between Europe and Turkey since the proclamation of the Tanzimat Edict in 1839. In line with this goal, they have studied cultural and identity interactions between Europe and Turkey from 1789 to 2016 in four key periods in the EU–Turkey relationship (1789–1922, 1923–1945, 1946–1998, 1999–2016). Conceptualising identity as discursive and relational, they have shown how representations of the European and the Turkish Other varied and evolved through cultural exchanges and political interactions in different historical periods (Aydın-Düzgit et al., 2017, 2018, 2020).

Overall, constructivist approaches to EU–Turkey relations have been particularly useful in showing how and when identity matters in the EU’s stance toward Turkish accession and, more recently, how it impacts Turkish policies toward Europe through shaping the Turkish elite and

public conceptions of identity. The key actors which have been studied in constructivist analyses were officials and politicians from the EU, its member states and Turkey as well as EU institutions and most notably the European Commission. While the main focus of interest has been the inclusion/exclusion of Turkey from the European project, it is important to note that there are few studies that apply a constructivist approach to specific policy areas of interest to both sides. One policy area where constructivist attention has recently been turning to is migration cooperation between Turkey and the EU and more specifically, how the migration deal between the two sides is compromising the EU's liberal identity (Martin, 2019). Constructivism has also proven useful in showing how Turkey competes with and contests the EU's development policy in sub-Saharan Africa by presenting itself as a 'virtuous actor' in the region as opposed to 'neocolonial Europe' (Langan, 2017).

External contestations of European normativity by Turkey through its foreign policies that extend beyond official development assistance in their shared neighborhood could also be another potential area of inquiry that could benefit from constructivist insights. Shifts and fluctuations in mutual identity representations in response to key contemporary developments in the EU and Turkey such as the EU migration crisis and Brexit could constitute other subjects of constructivist research. Finally, constructivism could be used in studying the implications of the changing nature of European integration toward further differentiation on mutual identity representations and normative expectations.

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Historical Institutionalism and EU–Turkey Relations: Path Dependence and Critical Junctures in the Accession Process

Gülay Icoz and Natalie Martin

4.1 INTRODUCTION

Historical institutionalism (HI) returned to the fore in the early 1990s as part of the new institutionalism group of theories, which also includes rational choice institutionalism (RCI) and sociological institutionalism (SI) (Hall & Taylor, 1996). HI is distinguished by its emphasis on processes over time, rather than examining snapshots, or moments in time, and theorizes two main concepts: stasis and change. Stasis, or why things stay the same, is attributed to ‘path dependence’, whereby what comes after is dependent on previous events (Sewell, 1996). Change is attributed to events of varying magnitude originating either within the institution or outside of it. Accordingly, HI considers whether the change process is one of ‘punctuated equilibrium’, implying a series

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of smaller scale events (Krasner, 1984), or fewer, but more significant ‘critical junctures’, as the mechanism that may sway path dependence off course (Cappoccia & Kelemen, 2007: 343–344). It is argued here that the Turkish accession process is a prime candidate for using this temporal approach—not least because EU–Turkey relations have existed since 1959, and hence, there is a rich process to study that would benefit from taking politics ‘[...] as a movie rather than a series of individual snapshots’ (Pierson, 2004: 1).

This chapter argues that HI is apposite to Turkey’s EU accession process because it asks questions that cannot be answered by snapshot theories.¹ The political landscapes of the EU and Turkey are complex and diverse, and mere snapshots cannot encompass this complexity. It argues that EU–Turkey relations exist—and have endured—for security reasons. These reasons began as strategic issues, during the Cold War, but have developed into a broader understanding of security since the 1990s to encompass human and energy security as well (among others) (Buzan et al., 1998). Moreover, the relationship is highly path-dependent for both material and ideational reasons: materially, the strategic security value of Turkey has endured, and ideationally, the liberal democratic reputation of the EU was staked upon it (Martin, 2015a: 109). The EU felt obliged to honor its commitments, *pacta sunt servanda*, regarding enlargement firstly from Eastern European states and then Turkey.

This chapter concentrates on the period from 2005, when Turkey’s accession negotiations with the EU began, to 2020. It will identify the path-dependent nature of the enduring relationship and the points at which endogenous and exogenous changes have influenced events. These points are characterized as ‘critical junctures’ (rather than punctuated equilibrium) and fall into two categories: those which have hindered the process and those which have expedited it. In the first category is the succession of member states which vetoed the opening and closing of the *acquis communautaire* chapters between 2006 and 2009, which led to a stalemate in the accession process. In the second, we see how the Arab Spring rejuvenated Turkey’s geostrategic value and its moribund accession process. It prompted, at least partly, the May 2012 Positive Agenda initiative to kick-start the accession process. The Arab Spring and the subsequent civil war in Syria also contributed to the refugee crisis of

¹For instance, other forms of institutionalism and theories such as Liberal Intergovernmentalism (see Moravcsik, 1999; Tsarouhas, Chapter 2).

2015/16, which further expedited the process and led to the Ankara-Brussels joint statements of November 2015 and March 2016 (the latter also known as the EU–Turkey refugee ‘deal’). Both statements attempted to breathe life into Turkey’s accession process to procure wider Turkish goodwill and cooperation. However, any progress made was then negated by the backlash to deteriorating human rights following the July 2016 attempted *coup d’état* (see also Turhan & Reiners, Chapter 1).

The net effect has been that neither attempts to sideline Turkish accession (through vetoes and opposition) nor kick-start it (from geostrategic need) have been effective—the process has continued regardless of positive or negative influences displaying resilient path dependence. This chapter will first outline the theory of historical institutionalism, placing it in the context of wider theory and metatheory, and exploring its relevance to Turkey and the EU. It will then analyze the nature of the critical junctures identified and how they relate to the underlying path dependence of Turkey’s accession process. Lastly, it will assess the explanatory value of HI and suggest directions for future research.

4.2 HISTORICAL INSTITUTIONALISM

4.2.1 *The Role of Time in Political Science and International Relations*

Historical institutionalism has fallen between the disciplinary silos of political science and International Relations (IR), which have very specific and individual theoretical approaches. Moreover, it has also been caught between metatheoretical debates in IR—positivism and post-positivism. The result has been that HI remains a niche theoretical approach that often gets lost within wider disciplinary disputes. However, this chapter will argue that HI has a valuable contribution to make to European studies, EU–Turkey studies and Turkish studies in explaining EU–Turkey relations because of its emphasis on temporality. As Steinmo (2008) has argued, what we now call HI is actually a form of historical description and not a new phenomenon. Within IR it was undermined by the influence of behavioralism in the 1950s and the subsequent development of positivist theories. It was the need to conform to the positivist norms of statistical measurement which led to an overemphasis on ‘snapshot’ approaches rather than the processes over time, which are harder to quantify because they retain context and explanatory power (Hay, 2002).

4.2.2 *New Institutionalism*

HI came into the theoretical lexicon of political science and IR in the early 1990s. It was coined by Steinmo et al. (1992), who drew on the macro-historical approaches of comparative political economy (Skocpol, 1979) and placed HI as one of the three variants of new institutionalism. Steinmo et al. applied the macro-historical emphasis to much shorter timescales and focused on the processes of stasis and change within institutions. As such, this approach still largely conformed to the contemporary positivist norms within IR and was couched within deductivist terms, seeing ‘institutions’ as either dependent or independent variables (Steinmo et al., 1992: 15).

It was further developed by Hall and Taylor (1996), who placed HI alongside RCI and SI as ways of theorizing institutions in general. Each strand of new institutionalism differed in its approach to the study of institutional policy and decision-making. RCI applied rational choice theory to institutional settings to examine the role of institutions in tempering the self-interested inclination of members (Steinmo et al., 1992). SI, on the other hand, incorporated the then-nascent approach of social constructivism to look at institutional decision-making from a cultural perspective (Hall & Taylor, 1996), which also taps into the logics of consequences and appropriateness (March & Olsen, 1984).

HI emphasized the importance of looking at more than snapshots of time, as both RCI and SI were inclined to do. Around this time, it was common for RCI to be characterized as a positivist approach and SI as an interpretivist approach, with HI characterized as a hybrid or eclectic approach (Hall & Taylor, 1996). However, it is argued that HI is a *sui generis* approach rather than as a compromise to solve a metatheoretical conundrum. As analyzed by Pierson and Skocpol, its defining characteristic and explanatory value lie in its emphasis on taking a long-term view:

Without the kind of attentiveness to temporally specified process [...] important outcomes may go unobserved, causal relationships may be misunderstood and valuable hypotheses may never receive consideration. (Pierson & Skocpol, 2002: 699)

Arguably, because of straddling disciplinary and metatheoretical divides, the concept of HI is ‘woolly’ and ill-defined (Rixen & Viola, 2016). Neither its definition nor its metatheory are consistent between advocates,

and HI would benefit from ‘theoretical refinement’ (Pierson, 2004: 139–142). However, the eclecticism of HI is a strength and is only problematic if judged by positivist standards. Instead, we argue that HI can be both deductive or inductive: hypotheses can relate to a time span, or evidence can be assessed over a time span. Furthermore, HI can also address material factors, for instance, written policies, or ideational factors, such as norms and values. Accordingly, it can use an array of data sources—quantitative, qualitative, or both (although usually qualitative)—because its defining feature within these broad parameters is time. As Pierson persuasively argues, although it has emerged as part of new institutionalism, HI is as concerned with history as it is with institutions:

[HI] scholarship is historical because it recognizes that political development must be understood as a process that unfolds over time. It is institutionalist because it stresses that many of the contemporary implications of these temporal processes are embedded in institutions, whether these be formal rules, policy structures, or social norms. (Pierson, 1994: 29)

HI scholars such as Pierson and Skocpol (2002) emphasize three key elements of HI: big real-world puzzles, temporality, and context—and this is HI’s uniqueness. However, this is not a zero-sum game but merely an assertion that different theories ask different questions. Therefore, which one is chosen will depend on the question being asked. With regard to Turkey’s EU accession process, HI can illuminate processes over time in a way in which RCI and SI cannot. HI is able to illuminate processes of change—or non-change—and, hence, more recently has come to be seen as a ‘useful tool’ in the study of institutions (Rixen & Viola, 2016: 4) and specifically the EU–Turkey accession process.

4.2.3 *Stasis and Change*

If the defining characteristic of HI is its attention to processes over time, then the tools it uses are those that look at the processes of stasis and change. Furthermore, HI examines the cause of the change in question, whether it is incremental or sudden. The primary tool for examining policy inertia, i.e., stasis, is ‘path dependence’, defined by Sewell as a concept in which ‘[...] what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later

point in time' (Sewell, 1996: 262–263). Similarly, Rixen and Viola (2016: 12) have characterized path dependence as '[...] a specific kind of process that is set in motion by an initial choice, decision, or event, which then becomes self-reinforcing'. Policy decisions become fixed because funds may have been invested or reputations are staked on their success; therefore, reversing the policy is more costly than continuing with it.

Path dependence therefore can be defined as the process in which what comes after depends on what went before. However, its simplicity is deceptive, because there are various reasons why path dependence—and therefore policy stasis—exists, and not all of them are present every time. These reasons are sunk costs, the notion of 'lock-in' or institutional inertia, and sequencing, which argues that some things may not happen because of previous decisions in which things may have happened if the previous event had not have happened (Cappoccia & Kelemen, 2007: 342). This contingent aspect of the concept of path dependence, therefore, has contributed to the criticism of the theory's 'woolliness'. As Mahoney has argued: 'Discussions of path dependence have been hampered by a basic problem; analysts often lack a clear understanding of the meaning of path dependence' (Mahoney, 2000: 535). The best way to understand path dependence is to acknowledge the influence of past decisions on what may follow and be aware that there may be several reasons for this. The factors involved should be established case by case. For this reason, process-tracing (George & Bennett 2005; see also Collier, 2011) is an oft-used methodology with this approach:

The aim has been to demonstrate the existence and effect of historical legacies in the political processes and institutions of the present. [...] For them, (HIs) [...] history matters; to understand the present is to understand how it has evolved from the past and to trace the legacies of that evolution. (Hay, 2002: 136)

Another recurrent criticism of HI is that its emphasis on path dependence precludes explanations of change. In other words, '[...] although it is well suited for explaining the persistence of policies, it is much less capable of explaining change in those same policies' (Peters et al., 2005: 1288). This criticism is countered by the concept of 'critical junctures', first used by Collier and Collier (1991).

Inevitably perhaps, the notion of a 'critical juncture' is also 'woolly': it can be seen as the start of a path-dependent process or the result

of exogenous factors that cause change to develop in a path-dependent process. Alternatively, it can be viewed as a necessarily arbitrary point or a convenient theoretical device to avoid going ever farther back into history or ‘infinite explanatory regress into the past’. The critical juncture is crucial to HI because ‘[...] after this [...] major alternative development trajectories are increasingly closed off’ (Mahoney, 2001: 8).

Cappoccia and Kelemen urge ‘caution and clarity’ in the approach. They define ‘critical’ through ‘probability jump’ and ‘temporal leverage’. That is increased likelihood—but not proof—that choices made at the given time will affect the outcome by triggering a path-dependent process ‘which constrains future choices’. Critical junctures must also be anchored to a unit of analysis as they are relative to time and space rather than absolute concepts. What is a critical juncture for one policy area may not be for another—or it may be at another time. These junctures are also relative to each other: ‘[...] the duration of the critical juncture must be brief relative to the duration of the path dependent process that it initiates’ (Cappoccia & Kelemen, 2007: 350).

4.2.4 *Historical Institutionalism and Turkey’s EU Accession Process*

What gives HI theoretical value is that it asks different questions than the other ‘institutionalisms’ as well as provides different theoretical perspectives due to its emphasis on temporality. When applying this to the case of Turkey’s EU accession process, we can ask what periods of stasis or change have occurred since accession negotiations were opened in 2005 and why these may have occurred. Additionally, it is useful in discussing what the sources of stability or change may be, and this may help with future predictions about the process. These sources or triggers can be internal, to the country or institution in question, or external (Cortell & Peterson, 1999: 185). External (global) triggers include war, pandemic, geopolitical conflict, changing balance of power within institutions, technological change, and macroeconomic change; internal triggers include revolution, civil war, military coups, elections/changes of government, economic growth rate, demographic change, and social movement/conflict (see also Turhan & Reiners, Chapter 1). In this case, we will consider the strength of the path dependency of the accession process and the nature of the various critical junctures it has reached—namely, member states vetoing

the opening and closing of the *acquis communautaire* chapters for Turkey between 2006 and 2009, the consequences of the Arab Spring and the illiberal nature of governance in Turkey.

Stasis and change can also be the result of individual action or agency (Gourevitch, 1986: 236). At critical junctures, individuals have a greater ability to influence policymaking. This has two consequences: (1) the range of plausible choices open to powerful political actors expands substantially, and (2) the consequences of their decisions on the outcome are potentially much more momentous (Martin, 2019). We believe paying attention to what politicians in Turkey and EU leaders do during these critical junctures is also crucial in explaining what impact the critical junctures have had on the accession process. For instance, emphasizing how politicians, such as then Turkish EU minister, Ali Babacan, or EU Enlargement Commissioner, Štefan Füle, present opportunities to enact new plans and realize new ideas during the critical junctures (Gorges, 2001: 156), we can explore if any critical juncture in the accession process has translated to opportunities for new ideas or new plans.

The analysis below concentrates on the accession process from the opening of negotiations in 2005 until 2020. It considers the points of change already outlined and the impact they may have had on the accession process. It argues, the accession process remains in a state of ‘managed containment’ (Martin, 2019) that has been constant since 2005. The points of change, or critical junctures, have been the result of internal EU dynamics, in particular opposition to the Turkish case, and external geopolitical factors, namely the Arab Spring. These have slowed down or sped up the process at various points in time; but overall, very little has changed due to Turkey’s poor record of liberal democracy.

4.3 TURKEY’S EU ACCESSION PROCESS: STASIS AND CHANGE SINCE 2005

The Turkish case is the longest standing accession process in the EU. Ankara’s first approach to join, what was then the EEC, was in 1959 and an Association Agreement was signed in 1963. The delay was the result of the intervening *coup d’état* in Turkey in which the Prime Minister, Adnan Menderes, and others, were executed by the Kemalist military. The illiberality on display ruled out imminent membership for Turkey but the Association Agreement enabled the member states to maintain Ankara’s

goodwill within ‘Europe’ and, crucially, within NATO. Although very separate institutions, Brussels had come under some pressure from the USA not to alienate Ankara for these hard power geostrategic reasons (Martin, 2015a: Chapter 1). Even after the Cold War ended, Washington used possible EU candidacy as an incentive for democratization in Turkey because that was deemed to be in NATO’s interests. With the UK as a proxy within the EU, the USA encouraged the EU–Turkey Customs Union of 1995 and the candidacy offer made at the Helsinki European Council in 1999. Once the offer had been made Turkey was then able to ‘sufficiently fulfill’ enough of the Copenhagen criteria, with some nudging from the UK, for the EU to feel obliged, *pacta sunt servanda*, to honor its commitment and open accession negotiations in 2005 (Martin, 2015b).

Hence, Turkey was admitted into the European sphere, as an aspirant member, and subsequently a formal candidate, because of its security value in different ways at different times. This security value became a driver of the enduring path dependence and is still evident in Turkey’s accession process. Since the beginning of the Cold War it has been too valuable strategically to cast adrift from ‘Europe’ but not quite valuable enough for this to override the liberal democratic criteria of the EU. This ‘ying’ and ‘yang’ dynamic, between security and liberal identity, is what has maintained the process in stasis despite several junctures over time where it may have changed by going forward—or ending altogether.

4.3.1 *Vetoes*

As agreed at the European Council meeting in December 2004, the EU opened accession negotiations in 2005 by adopting the Negotiation Framework (European Commission, 2005), which set out principles governing the negotiations on the thirty-five chapters of the *acquis communautaire*.² However, difficulties centered on Turkey’s reluctance to recognize the sovereignty of Cyprus and the legitimacy of its shipping flag soon emerged. Consequently, in December 2006 the Council agreed to block the opening of eight chapters, covering policy areas relevant to Turkey, as well as the closure of other chapters due to the problems between Turkey and the Republic of Cyprus (Council of the European Union, 2006). Relations with Cyprus were (and remain) highly sensitive

²For a comprehensive overview of the accession negotiations and the status of individual chapters see also Lippert (Chapter 11).

in Turkey, especially after the 2004 referendum (Hannay, 2005), and the EU's actions made Turkey's EU accession dependent on the resolution of the Cyprus issue, which was highly unlikely. The EU negotiator Ali Babacan reacted by accusing the EU of discrimination:

[...] for Turkey we have found out that the opening of the chapters and closing of the chapters could be influenced by reasons which are of a very political nature. [...] Now we cannot open eight chapters, we cannot close any of the chapters until the Cyprus issue is resolved [...]. (Parker & Thornhill, 2007)

The incident also negatively impacted Turkish public opinion of the EU as the Cyprus issue was seen as evidence of prejudice against Turkey as a Muslim country. This loss of trust affected the future of the accession process.

While the Turkish authorities were still absorbing the effects of the December 2006 veto, French President Nicholas Sarkozy blocked the opening of Chapter 17, 'Economic & Monetary Policy', in June 2007. Furthermore, Sarkozy was highly undiplomatic when justifying this block, stating, 'I do not believe Turkey has a place in the European Union' (Parker et al., 2007). Following this, France blocked another four in December 2007 and a further six in December 2009 (Turhan, 2016: 469). However, regardless of the reaction to Sarkozy's comments and the subsequent Cypriot actions, the accession process remained intact, albeit dormant. It is thus pertinent to ask why the accession process endured these vetoes from 2006 to 2009. There are two interconnected points to answer this question. The first is that while both the Council and Nicholas Sarkozy vetoed the opening of negotiations on certain chapters, they did not suggest calling off the accession process. Secondly, since the Turkish authorities did not drastically react to the European Council's veto position, apart from an expression of disappointment, the course of action did not change.

4.3.2 *The 'Positive Agenda'*

Hence, although the initial period of accession negotiations was turbulent and little progress was made, the negotiation process continued despite the vetoes. Subtracting the 2006 Council veto (eight chapters), then the

French veto (five chapters), and finally Cyprus' veto (six chapters), there were only three chapters left to open.

In May 2012, Commissioner for Enlargement and European Neighborhood Policy, Štefan Füle, and Turkish Minister for European Affairs (and then Chief EU negotiator) Egemen Bağış, launched the 'Positive Agenda' in Ankara. The aim of this process was to keep Turkey's accession process alive and put it back on track after a period of, in their words, 'stagnation'. The Positive Agenda was described as '[...] a new way of looking at the accession negotiations. It is the new way we communicate and interact with each other. It is the way how we look at each other as two equal partners' (European Commission, 2012). It was designed not to replace but to complement the accession process and give it renewed impetus (Paul, 2012). The initiative outlined policy areas in which Turkey was expected to carry out reforms:

- Fundamental human rights
- Visa, mobility, and migration
- Trade
- Energy
- Counterterrorism
- Foreign affairs.

Working groups were established on eight chapters designed to accelerate Turkey's process of alignment with EU policies and standards in those areas. The Positive Agenda, which was Füle's personal initiative (Paul, 2012), increased the scope for dialogue between the EU and Turkey and opened doors for further integration.

While the Positive Agenda was treated as an opportunity to restart the process by both sides after the vetoes and years of stagnation, the accession process soon returned to a stalemate due to the deterioration of human rights in Turkey including press freedom (Committee to Protect Journalists, 2012). The accession process was further stymied when Ankara suspended contact with the EU while Cyprus held the rotating EU presidency from July to December 2012. Ankara had consistently refused to recognize the sovereignty of Cyprus due to the sensitivity of the reunification issue and had made its views clear regarding the legitimacy of Nicosia assuming the rotating presidency role for the EU. When this transpired regardless, Ankara was implacable. Turkish Deputy Prime

Minister, Beşir Atalay, said: ‘[...] we will freeze our relations with the EU. We have made this announcement, as a government we have made this decision. Our relations with the EU will come to a sudden halt’ (Dombey, 2011).

This freeze put the accession process back on hold, and the Positive Agenda stalled. When Füle stepped down from being European Commissioner for Enlargement and European Neighborhood Policy in October 2014, the Positive Agenda fizzled out. Although the accession process itself endured, the legacy of the Positive Agenda was not positive: Turkey continued to believe the EU did not want Turkey as a member, and the EU was concerned by the Turks’ implacability over Cyprus.

4.3.3 *The Refugee Crisis*

It took the refugee crisis of 2015–2016 to bring the accession process back to life. The EU had actually begun discussing migration matters with Turkey in 2013, and France subsequently removed its veto over Chapter 22, ‘Regional Policy and Coordination of Structural Instruments’. In December 2013, the European Commission and the Turkish authorities had signed the EU–Turkey Readmission Agreement, which initiated the EU–Turkey Visa Liberalization Dialogue (VLD) (European Commission, 2014; see also Kaya, Chapter 14). This agreement aimed to limit the influx of irregular migrants entering the EU through Turkey and return any irregular migrant who is found to have entered the EU through Turkey. In return for implementing this agreement, the EU promised to begin an EU–Turkey VLD to progress toward eliminating the visa obligation currently imposed on Turkish citizens travelling to the Schengen area for short-term visits. The VLD had a positive impact on the Turkish public opinion about the EU, which had been lukewarm previously. In 2013 only 45% believed membership would be a good thing, while in 2014 this had risen to 53% (German Marshal Fund, 2014). Since Turkish people had waited for a visa-free regime for several years, they regarded the Readmission Agreement as part of the price to pay. However, many Turkish officials still regarded Brussels with suspicion as a result of the vetoes from 2006 to 2009.

So, while some progress had already been made in implementing the Readmission Agreement, the migration issue in Spring/Summer 2015 brought the matter to a head following a sudden increase in the number of people moving through Turkey into the Schengen area. This sentiment

was particularly acute following the death of the two-year-old refugee, Aylan Kurdi, in September 2015 and the heartbreaking photograph of his body on a Turkish beach (Smith, 2015). The need to procure Turkish cooperation to manage the refugee issue became acute and forced the EU to offer incentives on accession. In the November 2015 EU–Turkey Statement (European Council, 2015), which followed several weeks of negotiation, the EU and Turkey agreed to initiate regular EU–Turkey summits (see also Turhan & Wessels, Chapter 8), to ‘re-energize’ the accession process and open Chapter 17 of the *acquis communautaire*. Additionally, there was the promise of visa liberalization, 3 billion euro of humanitarian aid and the Joint Action Plan on ‘migration management’ to curtail the number of people reaching Greece from Turkey (Turhan, 2016). The Commission also delayed the 2015 progress report, which highlighted a negative trend in respect for the rule of law and fundamental rights, until after the November general election in Turkey.

A further EU–Turkey Statement was agreed in March 2016 under which there would be an ‘acceleration’ of visa liberalization and irregular migrants would be returned to Turkey in exchange for migrants in Turkey to go to the EU. An additional 3 billion euro was agreed for humanitarian aid and work to ‘upgrade’ the Customs Union was ‘welcomed’ by both sides (European Council, 2016). Moreover, the accession process would be re-energized, again, with the opening of Chapter 33³ and preparatory work on other chapters would ‘continue at an accelerated pace’ (European Commission, 2016). The opinion in Brussels and other member state capitals was that these measures would not have been agreed without the imperative of the migration situation. The two joint statements (of November 2015 and March 2016) and the March 2016 deal were achieved despite Turkey’s deteriorating human rights record (Esen & Gümüşçü, 2018), which was the reason for considerable cynicism.

The March 2016 refugee ‘deal’ was criticized both for its inherent illiberality and its reliance on the illiberal human rights regime in Turkey.⁴ On the second point, the United Nations High Commissioner for Refugees and Amnesty International opposed the plan to return migrants back to

³Chapter 33 of the *acquis communautaire* refers to financial and budgetary provisions.

⁴It was also criticised on the grounds that it relied on an unlikely solution to the Cyprus problem to make it work (see Martin, 2019).

Turkey because of its human rights record and the fairness of its asylum system (Pitel, 2016). Amnesty International was also scathing of the EU, claiming it was ‘shirking its responsibility to people fleeing war and persecution’ by using Turkey as a ‘border guard’ (Amnesty International, 2016). After the first joint statement, in November 2015, Marc Pierini, the former EU Ambassador to Ankara, had said the EU’s willingness to reach such agreements with Turkey in spite of Ankara’s human rights record was ‘EU *Realpolitik* at its worst’. Pierini attributed it to ‘political panic’ and said the EU had gone to Erdoğan ‘on our knees’ and ‘now he is playing us’ (Pitel & Beesley, 2015). A senior EU diplomat said Erdoğan had gone from being ‘untouchable’ in the EU in the summer of 2015, to being the ‘dinner companion of choice’ of the EU’s three presidents (of the Parliament, Commission, and the European Council) as well as that of German Chancellor Angela Merkel in the autumn (Barker, 2015). The migration issue should therefore be seen as an exogenous shock to the EU–Turkey relations which kick-started the accession process temporarily but undermined the liberal credentials of the EU (Martin, 2018).

4.3.4 *Authoritarian Drift*

Hence the accession process slumped after the vetoes and was revived, but only temporarily, by the Positive Agenda. It took the geopolitical imperative of the refugee crisis to bring both sides back to the table primarily because the EU felt it had no other option at that time. However, once the refugee situation stabilized, the accession process returned to stasis, this time because human rights in Turkey deteriorated even further following the July 2016 *coup d’état* attempt. Moreover, the mainstay of the March 2016 deal, visa liberalization, had not been forthcoming because Turkey had failed to meet the condition of liberalizing its counterterrorism legislation.

Whilst Turkey had been ‘drifting’ toward authoritarianism prior to 2016, the scale of detentions, many on spurious grounds of ‘terrorism’ (Martin, 2018), after the attempted *coup d’état*, provoked hostility within the EU despite the need to maintain the refugee ‘deal’. Dimitris Avramopoulos, the EU’s Migration Commissioner, said: ‘We have always been clear with our Turkish partners on visa liberalization—if Turkey wants visa liberalization, all conditions must be met’ (Pitel & Brunsten, 2016). The European Council President at that time, Donald Tusk, said the decline of liberal democracy in Turkey jeopardized its accession

prospects: ‘We want to keep the doors open to Ankara, but the current reality in Turkey is making this difficult’ (Barker et al., 2017). Austria, a longstanding critic of Turkey’s accession, called for membership talks to be frozen (Beesley, 2016), and Germany also voiced misgivings about human rights in Turkey (Wagstyl & Chazan, 2017). Erdoğan’s response was to call the EU member states’ bluff: he accused them of discriminating against Turkey and dared them to ‘do the necessary thing’ if they could no longer tolerate working with his country (Pitel, 2017).

In 2019, the European Parliament (EP) voted to suspend accession talks with Turkey (European Parliament, 2019) due to concerns about human rights and civil liberties, political pressure on the judiciary, and the unresolved territorial disputes with Cyprus and other neighboring countries, which were also stressed in the 2019 country report of the Commission (European Commission, 2019). Although EU governments have the final say in any suspension, the EP’s decision was a serious setback for accession negotiations. The Turkish government dismissed the vote as ‘worthless, invalid and disreputable’ (Reilhac, 2019) but further problems emerged in Summer 2019 over Cyprus. In July, Turkish Foreign Minister Mevlüt Çavuşoğlu said that his government was suspending the Readmission Agreement with the EU due to the stalemate over visa liberalization following the 2016 refugee ‘deal’ (Candau, 2019). There has also been controversy over the sovereignty of gas reserves found in the Eastern Mediterranean and Turkish drilling activities (Pitel, 2019), which resurrected Turkey’s issues with Cyprus and led to several sanctions by the Council, *inter alia*, the suspension of the Association Council and further meetings of the EU–Turkey high level dialogues for the time being (Council of the European Union, 2019). So, in summary, the refugee crisis was an opportunity to progress the accession process, but this did not materialize because of the authoritarian drift in Turkey which worsened further following the attempted coup in July 2016. Since then, the situation has continued to flounder and has been complicated further by a dispute over gas reserves with Cyprus.

4.4 THE ACCESSION PROCESS GOES ON (AND ON?)

Turkey’s EU accession process began as a result of a security imperative during the Cold War and has demonstrated ongoing path dependence for related reasons. Even after the Cold War ended, Turkey retained geostrategic significance for the EU and NATO, including during the

Balkan wars, the Iraq war, and more recently, the Syrian civil war and the parallel migration crisis. It is argued here that since accession negotiations were opened in 2005, the accession process has been tested and thrown off course at various times by different events; however, the process has also shown remarkable resilience, as a result of path dependence. HI illuminates this temporal process, unlike comparable theories such as RCI, SI, or liberal intergovernmentalism. While RCI, SI, and liberal intergovernmentalism may have valid points to make about, say, the December 2004 European Council or the EU–Turkey Statements in 2015 and 2016, they consider these events as snapshots rather than as part of a long-term process. They simply do not ask these questions; they ask other types, of equally valid questions, but not questions of temporality.

Since 2005, there have been several points of change, both pushing and constraining accession, which we have identified as critical junctures. The accession process has been influenced by the changing constellation of state leaders within the EU and their views on Turkey as well as the consistent hostility of member states such as Austria and Cyprus to the Turkish case. However, the EU’s need to placate Turkey over security issues and maintain wider cooperation has boosted Turkey’s accession progress. While vetoes have acted as a deterrent to accession, security issues have been an incentive for Turkey’s accession. However, neither has sustainably impacted the actual accession process.

Various actors’ vetoes on opening and closing chapters between 2006 and 2009 deterred the Turkish government from continuing with liberalizing reforms as it lost confidence in the EU’s sincerity about accession. It should be noted that, at this time, Turkey’s withering accession process was convenient for several member states which had not been whole-hearted supporters of opening negotiations in 2005 but had felt cornered into agreeing to it because of the *pacta sunt servanda* effect. However, as has been outlined, whilst the accession process was moribund after 2006, the process itself continued as a bureaucratic entity. Conversely, the Positive Agenda was hailed as a ‘new beginning’ for EU–Turkey relations but never overcame the twin problems of Turkey’s declining human rights record and the legacy of its Cyprus relationship. It failed to kick-start the process, and no tangible progress was made, but accession continued as before within the EU bureaucracy for the same reason: security. Turkey’s covert involvement in the Syrian civil war was an open secret even then. Turkey’s overt relevance to both the future of the Assad regime and the Kurdish issue was obvious, and this was enough to maintain relations.

The refugee crisis in 2015 was another factor which kick-started accession process in spite of the EU's liberal credentials. While the 2016 refugee 'deal' was signed before the further deterioration of human rights following the attempted coup in July of that year, it was nevertheless signed amidst the ongoing persecution of journalists and academics as well as serious human rights issues in eastern, Kurdish areas of Turkey such as Cizre and Nusaybin (United Nations, 2017). The EU sealed the deal despite challenges to its liberal principles in the face of rising populism and opposition to immigration in some member states. However, the further deterioration of human rights provided cover for various member states to backtrack on the visa aspect, and yet, like before, the accession process itself remained intact. Overall, accession has been strongly path-dependent, based on a security imperative that has endured, but has failed to advance because of human rights concerns.

4.5 CONCLUSIONS

HI's *raison d'être* is to highlight the existence and significance of processes over time. Analyzing Turkey's accession process through this approach, it has been argued that the path-dependent nature of Turkey's EU accession process has endured for broadly defined security reasons. Turkey became an applicant and a candidate because of security considerations and the process has continued for broadly similar reasons in a broadly similar way meaning the status of Turkish accession in 2020 is not that different to 2005. Overall, the positive influence of security concerns in forwarding the process has been balanced by the negative influence of Turkey's poor human rights record. Hence, the accession progress has been driven by its security value, but this has never been strong enough to overcome the residual misgivings (and hostility) from the EU side to translate into real accession progress. Turkey has progressed more when its perceived security value was higher—and the converse is also true—but the net effect, over time, is managed containment. Overall, it has retained its place as a potential candidate of the EU, for security reasons, but has never maintained sustained and meaningful progress. The security reasons have not been enough to override the underlying hostility of several member states who have been able to fall back on 'human rights' to put the brakes on. The significance for HI is that it is these patterns, of

stasis and change, over time which would not be revealed by other theories within political science or IR because they do not ask such temporal questions.

Nevertheless, the value of HI could also be viewed as a weakness as it does not address the details of the other institutionalisms and liberal intergovernmentalism, among others. It has neither the forensic rigor of RCI, nor the ideational freedom offered by the interpretivism of SI. In taking such a long-term view, HI inevitably has to make generalizations, leaving it susceptible to accusations of ‘woolliness’. In addition, HI does not address the *minutiae* of wider issues inherent within the argument presented here. For example, the *locus* of this path dependence argument is the ‘security imperative’: this is not part of HI theory per se but is incorporated into it instrumentally when it helps explain the concept of path dependence. A similar logic applies to the notion of liberal democracy which is acting as a counterweight to security in this path-dependent process. HI uses these concepts to explain the temporal processes but does not speak to them directly and does not address the issues of metatheoretical commensurability.

However, what HI does do is identify patterns over time. The future for HI is to streamline the metatheory and extricate HI from the metatheoretical no-mans-land so it can develop on its own terms and incorporate the ‘thick description’ and context that was stripped out by the dominance of positivism. It is suggested that the development of HI within a critical realist metatheory would be a productive way forward (Bhaskar, 1989; Wight, 2006). Tighter definitions of the change mechanisms would also help it lose its ‘woolliness’. As Rixen and Viola (2016) argue, HI has much to offer to the study of institutions in general and EU–Turkey relations in particular.

Lastly, it is likely that the path dependence of Turkey’s EU accession process will survive the authoritarianism of the ruling Justice and Development Party (AKP) and the Erdoğan government because of the ongoing security imperative. This has underpinned the path-dependent nature of the relationship since the beginning, and it has been further galvanized by sunk costs and institutional inertia. If illiberality in Turkey were tempered, it is possible that the accession progress could resume. However, what cannot be predicted are the critical junctures yet to happen. These could be endogenous—as a result of the political or economic collapse of the EU itself or a collapse resulting from pandemic. Alternatively, these could be exogenous factors concerning regional

geopolitics (see also Reiners & Turhan, Chapter 16). The accession process could restart if Turkey liberalized, but what we do not yet know is the severity of the events which could blow it off course once more.

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Europeanization and EU–Turkey Relations: Three Domains, Four Periods

Başak Alpan

5.1 INTRODUCTION

The concept of Europeanization has by now become one of the most versatile concepts of European studies. From the early 1990s, scholars have used the term as a tool for the analysis of different aspects of the transformative power of European integration (see Cowles et al., 2001; Kohler-Koch & Eising, 1999; Featherstone & Radaelli, 2003), as well as for studying various facets of the transformation triggered by European integration in the member states of the European Union (EU) and candidate states. Since the 1999 Helsinki decision, when Turkey was granted EU candidacy, Europeanization has been one of the leading

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conceptual approaches¹ through which EU–Turkey relations have been examined. According to the seminal conception of the term by Radaelli, Europeanization is

a process of construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies. (Radaelli, 2003: 30)

One of the most extensive analyses of the concept is provided by Olsen, who focuses on two key dimensions of institutional change: changes in ‘political organization [and] changes in structures of meaning and people’s minds’ (Olsen, 2002: 926). Thus, the focus of the Europeanization approach is to find out how the European level affects domestic politics, policies, and polity, and whether Europeanization leads to convergence or divergence between the European level and the domestic level in a particular country. This process of change applies to various domains that impact the domestic level and to various degrees (substantive scope) in EU member countries, EU candidate states, and neighboring countries (territorial scope), including Turkey.²

As far as the EU–Turkey dialogue is concerned, Europeanization could be explained as the transformation of the way in which Turkish institutions, policies and ‘way of doing things’ are constructed and implemented so as to ensure Turkey’s overall convergence towards EU standards. In turn, de-Europeanization can be understood as ‘the loss or weakening of the EU/Europe as a normative/political context and as a reference point in domestic settings and national public debates’ in Turkey (Aydın-Düzgüt & Kaliber, 2016: 5).

¹The general consensus in the literature is that Europeanization is not a new theory, nor an *ad hoc* approach, but rather a way of organizing and orchestrating existing concepts, and that ‘Europeanization should be seen as a problem, not as a solution’. By the same token, Europeanization is not the *explanans* (the solution, the phenomenon that explains the dependent variables), but the *explanandum* (the problem that needs to be explained). In this respect, I will be using the term ‘approach’ or ‘concept’ (rather than ‘theory’) with regard to Europeanization throughout the paper (see Radaelli, 2004: 1).

²For the distinction between territorial and substantive aspects of Europeanization see Lenschow (2006: 59–61).

The ‘territorial scope’ of Europeanization refers to the space within which the EU has impact. Territorial scope focuses on the question of whether the EU impact remains limited to the EU member states or whether it also includes non-member states such as Turkey. Besides the territorial scope of the concept, Europeanization is also assessed in the literature in terms of its influence across the interrelated polity, policy and politics domains. The ‘polity’ domain covers national governance systems, administrative structures and the executive, legislative, and judicial authorities of the country in question. The ‘policy’ domain refers to the broader legislative framework, such as the economy, agricultural, justice, and home affairs policies of the country in question. Finally, the domain of ‘politics’ concerns the political parties, political actors, elections, and public opinion of the country (Bache & Jordan, 2006). The shifts in the domestic identities and discourses are also taken under the rubric of politics in this chapter, given that the political science debates, at least from the early 1980s onwards, were an extension of its scope. Here, the domain includes not only formal institutions but also informal political processes, identities, discourses, and power negotiations in the political realm (Bache & Jordan, 2006).

This chapter aims to trace the theoretical underpinnings of the Europeanization approach and to explore the Turkish case by referring to different mechanisms and variants of Europeanization through an analysis of these domains in four different periods between 1963 and early 2020. These periods are in line with major milestones of EU–Turkey relations (Hauge et al., 2016; Eralp, 2009; see also Turhan & Reiners, Chapter 1). The underlying question is the extent to which the Europeanization approach constitutes a useful tool to grasp and understand EU–Turkey relations, and how it helps make sense of phases of convergence and divergence between the two parties.

5.2 EUROPEANIZATION STUDIES AND THE RESEARCH AGENDA ON TURKEY

Although the Europeanization approach has been part of the core research agenda since the 1990s, the analytical focus of the literature has shifted throughout generations. The literature on Europeanization initially aimed to explain the development at the European level, focusing on distinct structures of governance specializing in the creation of authoritative European rules (Cowles et al., 2001: 3) and their impact on

policies, politics, and polities at the domestic level in member states (Börzel & Risse 2003: 59). The early examples of the literature aimed to define the relationship between the European and the domestic level in a top-down manner, whereby the domestic is determined by the European level. This earlier group of studies, also dubbed as ‘first-generation’ (see Bache & Marshall, 2004) Europeanization literature or ‘Europe-as-fixity’ (Alpan, 2014: 69) studies, depicted ‘traditional Europeanization’ (Moga, 2010), and defined ‘Europe’ as a fixed, categorical, and teleological entity to which the domestic level has to adjust.

By the late 1990s and early 2000s, Europeanization was re-conceptualized as a bottom-up process encompassing different aspects of society and politics in candidate states and in third countries. A bottom-up approach to the study of Europeanization ‘[...] start[ed] and finish[ed] at the level of domestic actors’ (Radaelli & Pasquier, 2006: 11). With Eastern enlargement, in particular, research on the EU’s ‘transformative power’ (Börzel & Risse, 2009) shifted from membership to the accession context, and so-called ‘enlargement-led Europeanization’ (Moga, 2010: 6) started to focus on the domestic sphere (Schimmelfennig et al., 2006). This ‘second-generation’ Europeanization literature (Schimmelfennig & Sedelmeier, 2005) put the role of conditionality³ and the Copenhagen criteria at the center of the analysis, which acted as a catalyst for domestic reforms, such as in the fields of politics, law, and education, in candidate states.

Turkey’s EU integration was understood and studied within the context of second-generation Europeanization literature, especially in the aftermath of the Helsinki decision, with a focus on normative aspects of integration, identity constructions, and domestic conditions regarding candidate countries. Several studies examined Europeanization within the context of Turkey’s EU accession by comparing it with the Central and Eastern European countries (Kubicek, 2003; Schimmelfennig et al., 2003) and with the other candidates in the Western Balkans (e.g., Noutcheva & Aydın-Düzgit, 2012). However, most scholars used the term to examine the democratic change in Turkey’s political regime as a result of political reforms in order to meet the Copenhagen criteria.

³The EU conditionality, the main strategy of the EU *vis-à-vis* candidate states, is defined as a ‘reactive reinforcement’ by the EU. It checks fulfilment or non-fulfilment of the EU’s conditions, imposed on the candidate states without punishing non-compliant candidates. See Schimmelfennig et al. (2002: 2) for a detailed discussion.

There has also been considerable interest among Turkish academics on the impact of Europeanization on specific policy areas such as foreign policy (Terzi, 2012; Günay & Renda, 2014), minority policy (Yılmaz, 2017; Grigoriadis, 2008a; Atıkcın, 2010), gender policy (Özdemir, 2014; Kılıç, 2008; Dedeoğlu & Elveren, 2008), and migration policy (Bürgin, 2016; İçduygu, 2015). Beyond that, the second-generation Europeanization research agenda also included the study of identities (Rumelili, 2008; Nas, 2012), discourses (Aydın-Düzgüt, 2016; Alpan, 2014), and public debates (Kaliber, 2016).

5.3 EUROPEANIZATION IN TURKEY: FOUR PHASES

In line with historical milestones that framed the flow of EU–Turkey relations and the dominant feature of the Europeanization process during the respective periods, this chapter scrutinizes Europeanization in Turkey over four phases. It does so on the basis of an analysis across the domains of polity, policy, and politics. The first period, ‘Europeanization as rapprochement’, covers the years between 1959 and 1999 and thus the time from Turkey’s first application for associate membership until the European Council’s decision to grant Turkey the status of an accession candidate. The second period, ‘Europeanization as democratic conditionality’, between 2000 and 2005 lasts up until the launch of accession negotiations. The third period is dubbed ‘Europeanization as retrenchment’. It covers the period from 2006 until the Justice and Development Party’s (AKP) landslide electoral victory in 2011, when the party consolidated its power position and when the pace of EU reforms and the overall credibility of the EU substantially dropped. The final ongoing period, ‘Europeanization as denial’, includes the developments until 2020 and signifies the failing credibility, yet ensuing resonance, of Turkey’s potential EU accession.

5.3.1 *Europeanization as Rapprochement (1959–1999)*

5.3.1.1 *Polity: The European Economic Community as a Natural Extension of Western Organizations*

In the 1960s and 1970s, for the Turkish political establishment, European Economic Community (EEC) membership was nothing but ‘a logical extension of Turkey’s inclusion in other Western organizations, since it was seen as the economic dimension supplementing and cementing the

Western alliances' (Eralp, 1993: 26). Therefore, Turkey's relations with the EEC in this period did not lead to a fundamental shift in state-society relations and were mainly based on economic and security narratives (Hauge et al., 2016: 11). During this period, there was also no substantial institutional change in Turkey associated with the EEC. The most important development was Turkey's application for association to the EEC in 1959 and the signing of the Agreement Creating an Association between the EEC and Turkey, famously known as the Ankara Agreement. It constituted the first contractual relationship between the two sides (Aydın-Düzgüt & Tocci, 2015: 10). The agreement primarily envisaged the establishment of a Customs Union (CU) between the EU and Turkey in three stages. It also stated that the parties should examine the possibility of Turkey's EEC accession 'as soon as the operation of this Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community' (EEC-Turkey Association Agreement, 1963: 15).

The institutional structure established by the Agreement consisted of an Association Council, where top-level officials from both sides would regularly meet; an Association Committee, to assist the work of the Council; and a Joint Parliamentary Committee, bringing together Turkish and European parliamentarians (Aydın-Düzgüt & Tocci, 2015: 11). The establishment of an EU-induced polity change after the Ankara Agreement came first, but it was followed by other institutions, such as the Capital Markets Board in 1981, which aimed to achieve liberalization and harmonization with the European economy. Although relations deteriorated during the 1970s due to financial crises in Europe and Turkey, and Turkey's intervention in Cyprus in 1974 and its subsequent decision to unilaterally freeze relations and economic obligations with the Community in 1978, the institutional structure created by the Ankara Agreement continued to form the institutional backbone of the CU and EU-Turkey relations outside the enlargement context. The final stage of the CU with the EU was reached by Decision No. 1/95 of the Association Council (EC-Turkey Association Council, 1996), and the CU entered into force on 31 December 1995.

5.3.1.2 Policy: First Steps in EEC-Induced Policies

Europeanization in terms of policy change was less significant in the first period. Most of the policy changes were realized, with Turkey's fulfillment of its obligations stemming from the Association Agreement. Accordingly,

after the completion of the CU, Turkey aligned its customs tariff with the Common Customs Tariff imposed on third countries (EC-Turkey Association Council, 1996: Article 13). This also meant the alignment of Turkey's commercial policy, customs law, competition law, taxation law, and intellectual property law with the EU *acquis* (European Commission, 2020).

Within the context of the military memorandum of 1971 and the *coup d'état* in Turkey of 1980, EU institutions increasingly criticized the democratic deficits and human rights violations (Hauge et al., 2016: 13). The European Parliament (EP) issued eleven resolutions regarding human rights violations between 1980 and 1985, criticizing Turkey's death penalty, use of torture, and mass trials against demonstrators (Balfé, 1985: 47; Hauge et al., 2016: 13). In return, Turkey accepted the right of individuals to petition the European Court of Human Rights (ECHR) in January 1987, and the compulsory jurisdiction of the ECHR in September 1989 (ECHR, 2010: 52). The early signals of the EEC's democratization agenda regarding Turkey did not, nevertheless, lead to any significant policy change in Turkey in the realm of democracy and human rights in the 1990s. Despite the EEC's human rights-based approach, Europeanization in this period was generally an extension of the normalization and economic liberalization in Turkey that came after the 1980 coup. Turkey's first application for full membership in 1987 and its rejection in 1989 should be understood within this context.

The EEC's focus on human rights and democratization in Turkey continued in the 1990s. However, the confinement of democratization to the economic realm in the 1980s was now increasingly replaced by democratization attempts within the political sphere. To give one example, in March 1994, the EP harshly criticized the removal of the parliamentary immunity of deputies of the pro-Kurdish Democracy Party (DEP), although this did not resonate in Turkish politics. Accordingly, the Luxembourg European Council of December 1997, again denied Turkey full candidate status on the grounds that 'the political and economic conditions allowing accession negotiations to be envisaged are not satisfied' (European Council, 1997: para. 31). However, despite Turkey's lack of progress in the fulfillment of the political criteria, just two years after the Luxembourg decision, in December 1999 the Helsinki European Council confirmed Turkey's candidate status in the wake of the strong support of the then German chancellor Gerhard Schröder and from the USA (Park, 2000: 36).

5.3.1.3 *Politics: 'Europe' as an Identity Marker in Turkish Politics*

While Europeanization in this first phase significantly affected economics and institutions, we also see that the European level impacted the negotiation of collective identities on the various levels of subjective affiliations. In continuation of the tradition in Turkish politics since the eighteenth century, political actors used 'Europe' as an identity marker in their public discourses during this period. Turkish media, business, and the majority of the political elite highlighted the symbolic and political importance of joining the EEC, expressed as Turkey's determination to be a permanent member of the 'European society of states', an ideal prescribed by the founder of the republic, Mustafa Kemal Atatürk. Similarly, despite its overwhelmingly economic character, the signing of the Association Agreement in 1963 was described in the Turkish press as the 'reaffirmation of Turkey's Western identity' and 'Europeanness' (Çalış, 2015: 125; Kaliber, 2013: 11). In the 1980s, Turkey perceived that its Western identity was approved and its place in the East–West divide of Cold War politics was consolidated through Europeanization. During the November 1987 general election campaign, the election motto of the Motherland Party (*Anavatan Partisi*, ANAP) under the leadership of Turgut Özal was 'Turkey: a European country which is able to catch up with the era' (Alpan, 2015: 13). Similarly, after the CU Agreement, prime minister Tansu Çiller referred to the CU as the obvious outcome of Turkish efforts to include Turkey in the 'European family' (Neziroğlu & Yılmaz, 2013: 7071).

At the same time, Turkey's EEC association application also generated resentment in political circles. On the one side, the Islamist political movements of the late 1960s conceived Turkey's integration with the EEC 'as the last stage of the assimilation of Turkey's Islamic identity into the Christian West' (Güneş-Ayata, 2003: 216). The rising pro-Islamic party of the time, MSP (*Milli Selamet Partisi*, National Salvation Party), characterized the EEC as a 'Christian Club'. Economically, these parties claimed that the EEC would weaken domestic industries and make Turkey a prey to 'Western imperialism' (Güneş-Ayata, 2003: 216). On the other side, the Left's motto 'They are the partner, we are their market'⁴ pointed to the economic asymmetry between Turkey and the EEC.

⁴In Turkish, the word '*ortak*' means both 'partner' and 'common'. Hence, with this slogan, the detrimental and 'colonizing' effects of the Common Market for Turkey and Turkish economic independence were emphasized.

While the excitement of the CU positively affected political actors' opinions about the EEC/EU in the first half of 1990s, the second half of the 1990s was marked by intense domestic and external political developments, such as consecutive coalition governments getting into power, the 28 February process,⁵ the Imia crisis,⁶ the Cypriot acquisition of Russian S-300 missiles, and Cyprus's prospective EU membership. The picture in Turkey became even more complicated with the 1997 European Council decision in Luxembourg. Both the Turkish government and the opposition parties were critical that EU accession talks could not start. In this context, Turkey's Foreign Minister at that time, İsmail Cem, stated that 'Turkey is European anyway. [...] We do not need anyone's approval for this' (Erdoğan et al., 2008: 47). Not surprisingly, the political tide completely reversed in the aftermath of the Helsinki decision, when Prime Minister Ecevit signaled, 'Europe cannot exist without Turkey, and Turkey cannot exist without Europe' (Demirtaş, 1999).

5.3.2 *Europeanization as Democratic Conditionality (2000–2005)*

5.3.2.1 *Polity: Transformation of the Strong State Tradition*

The anchoring of Turkey to EU conditionality brought about by the Helsinki decision triggered a shift in state–society relations throughout the Turkish political landscape. Turkey's introduction of several constitutional reform packages between 1999 and 2004 was perceived as a direct challenge to the traditionally strong state structure (Glyptis, 2005). Historically, in Turkey, the state, rather than the government, constituted 'the primary context of politics' (Keyman & Koyuncu, 2005: 109). This shift away from the state emerged within the broader context of cosmopolitan democratization in the late 1980s and 1990s, which anchored citizenship, rights, and freedoms in the international context rather than in the nation-state (Rumford, 2003).

The era of democratic conditionality ushered in the introduction of basic freedoms such as the freedom of thought and expression, the

⁵The National Security Council during its meeting on 28 February 1997 forced the pro-Islamist Welfare Party (RP) to withdraw from government due to its anti-secular activities. This development is known as a 'postmodern coup' in Turkish public discourse and is dubbed as the '28 February process' in Turkish politics.

⁶In 1996, Imia, a pair of uninhabited Greek islets, was at the epicenter of a rapid escalation that brought Greece and Turkey to the brink of war.

prevention of torture, strengthening of democracy, and civilian authority (Republic of Turkey Ministry of Foreign Affairs, 2007). However, the civilianization process of Turkish politics did not necessarily equal democratic consolidation within the country (Güney, 2015). The AKP government claimed to need ‘the protection of democratic rights and liberties’ more than any other political group in Turkey, specifically in order to survive in the Turkish secular context (Hale & Özbudun, 2010: 10). Accordingly, legislative measures in this period that intended to civilianize politics ‘helped solidify the AKP’s position vis-a-vis the secular military via lessening the latter’s political influence’ (Saatçioğlu, 2014: 91). The most important among these were the changes that concerned the role and structure of the National Security Council (MGK), an essential state institution, established in 1961, that strengthened the role of the military in politics. The October 2001 amendments to the constitution increased the number of civilians in the MGK and reduced the power of its decisions to that of simple recommendation (Cizre, 2003: 222).

In this period, another noteworthy EU-induced institutional change was the establishment of a Secretariat General for EU Affairs in 2000 to ensure internal coordination and harmonization in the preparation of Turkey for EU membership. In line with the economic criteria of the Copenhagen criteria, the liberalization of the markets and harmonization with the CU continued during this period. The establishment of the Turkish Accreditation Agency (1999), the Energy Market Regulatory Authority (2001), the Turkish Sugar Authority (2001), the Tobacco and Alcohol Regulatory Authority (2002), and the Public Procurement Authority (2002) all contributed to the Europeanization of Turkey’s institutions (Erdenir, 2015: 28–29), since these regulatory and supervisory institutions aimed to harmonize the market with European and international standards.

5.3.2.2 *Policy: Policy Reforms to Meet EU Accession Criteria*

Turkey’s candidacy status created pressure on the country to adopt EU rules and resulted in comprehensive reforms between 1999 and 2004. The main impact of the 1999 Helsinki decision was of the introduction of a pre-accession strategy for Turkey. This strategy included providing assistance to Turkey to ensure a faster adaptation to the EU *acquis* through several programs and funding schemes. In order to ‘participate in Community programs and agencies and in meetings between candidate

States and the Union in the context of the accession process' (European Council, 1999), Turkey had to undertake a substantial degree of democratization and human rights reforms, which rendered reform synonymous with Europeanization. Some of those reforms were directly related with the obligations of the CU and functioning of the free market, such as the amendment of competition policy in 2002 and the introduction of the Public Procurement Act in 2003. Turkey's ambitious structural reform program of 2001, with the aim of laying a foundation for sustainable growth, can also be interpreted as laying the foundations of harmonization with the European and international economy (Dutz et al., 2005: 283).

Other reforms had a wider resonance in terms of compliance with the Copenhagen criteria and would fall more within Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom, and Security) of the EU *acquis*. In 2001, the Turkish parliament was engaged in the most pervasive constitutional change of the Republican era, as 34 articles of the constitution of 1980 were amended to meet the EU's demands with regard to civil–military relations. The amendments were a part of the so-called 'silent revolution' between 1999 and 2005 (Aydın-Düzgüt & Tocci, 2015: 6). Examples include the amendment of the Press Law, the Law on Political Parties, the Law on Associations, the Law on Meetings and Demonstration Marches, the Law on Civil Servants, the Law on the Establishment of and Proceedings at the State Security Courts (Republic of Turkey Ministry of Foreign Affairs, 2007: 6). These laws were deemed a fundamental step toward meeting the Copenhagen criteria in the 2002 progress report of the Commission. The Turkish government also revised the Civil Law in 2001, Labor Code in 2003, and Penal Code in 2005. The 2004 constitutional amendment is particularly important in Turkey's Europeanization process with a view to the change in Article 10 stating that Turkey's international obligations are superior to Turkish law. This was a radical step in transitioning the Turkish state's traditional definition of sovereignty in preparation for EU accession (Müftüleri-Baç, 2016a: 5).

The alignment of Turkey's foreign policy with EU standards commenced in this period in a parallel fashion (see also Torun, Chapter 13). To illustrate, starting from 2002, the Turkish Minister of Foreign Affairs began to attend the so-called 'Gymnich Meetings', informal meetings of the EU foreign ministers (Müftüleri-Baç, 2016b: 99). Similarly, in view of the Helsinki European Council conclusions and

the Accession Partnership document, which linked Turkey's EU membership to resolution of its border conflicts with Greece, the two states agreed to cooperate on various issues, such as tourism promotion, the fight against terrorism, the removal of landmines along the border, irregular migration, and trade and environmental issues (Çelik & Rumelili, 2006: 218).

Against this background, at its meeting in December 2004, the European Council decided that Turkey sufficiently fulfilled the criteria to open accession negotiations. The EU opened membership negotiations with Turkey in October 2005 and adopted a negotiating framework to outline negotiations in the 35 *acquis* chapters (European Commission, 2005).

5.3.2.3 *Politics: Europe as Everybody's Project*

During the post-1999 period, 'Europe' held the utmost salience and significance for political actors and institutions. There was almost no political party that did not possess an opinion on Europe in its discourse or party program. The EU was also a significant element of identity negotiations for political actors. During the coalition government of the Democratic Left Party (DSP), the Motherland Party (ANAP), and the Nationalist Action Party (MHP) from 1999 to 2002, as well as under the following AKP government, 'Europe' had an apolitical, natural, and consensual connotation, and emerged as a common platform bringing everyone together (Alpan, 2014: 74). As stated by İsmail Cem, 'Europe is not an issue of controversy but an issue of compromise' (Radikal, 2002a) and 'an extra-political party issue' (Radikal, 2002b). This consensual and non-ideological tone was frequently used by the AKP. In his first speech after the launch of the EU negotiations, Recep Tayyip Erdoğan, then AKP party leader, pointed to the 'natural' character of Turkey's European project, neutralizing the internal contradictions of Turkish society (as quoted in Yetkin, 2005). He also considered that for the '40-year-old European dream of 70 million' to come true, Turkey should be accepted as an EU candidate (as quoted in Radikal, 2004). This consensual tone was also reflected in public opinion. In a poll in which respondents were asked whether they would vote for or against Turkey's bid for full membership in the EU if a referendum were held in 2002, 64% of the respondents indicated that they would vote for EU membership, whereas 30% said that they would vote against it (Çarkoğlu, 2003: 172).

The Europeanization process also drew new, favorable attention toward minorities in Turkey. After the European Commission's 2004

progress report for Turkey had designated the Kurds and Alevi people as minorities (European Commission, 2004), ‘Europe’ emerged as a keyword for minorities and multiple identities (i.e., simultaneous identification with Kurdish identity and Turkish citizenship). Right after the Helsinki Council, the famous motto ‘the way to the EU passes through Diyarbakır’ (as cited in Munyar, 2002)⁷ was put forward by Mesut Yılmaz, then deputy prime minister. Business circles also showed similar support for EU-related democratic reforms. The Turkish Industry and Business Association (TÜSİAD) played an active role in lobbying in Brussels before the Helsinki Summit and pressed for the resolution of highly controversial issues such as the extension of cultural rights and the Cyprus dispute (Öniş, 2003: 19).

That said, the EU reforms also triggered an anti-reform reaction across the political landscape. For instance, according to Tuncer Kılınç, then Secretary General of the MGK, the EU posed a ‘danger’ to Turkey, with its hidden agenda and demands for ‘unilateral concession’ (as cited in Radikal, 2003). According to this line of thought, the EU emerged as a body that created social cleavage where it had not previously existed. This idea also found resonance, to some extent, among the general public. The reform package ratified in 2002 on the abolition of the death penalty, for example, was supported by only 38% of the public (Çarkoğlu, 2003: 187). All in all, the EU penetrated domestic debates, and political actors’ references to Europe drew the contours of the political domain during this period. The EU was the *lingua franca* of politics so that each and every political identity had to talk that language and make the EU a reference point in order to assert its location within politics (Alpan, 2014: 69).

5.3.3 *Europeanization as Retrenchment (2006–2011)*

5.3.3.1 *Polity: Focus on State-Society Relations*

The picture of EU–Turkey relations started to change after 2005. A new Ministry of EU Affairs was established under the auspices of the first EU Minister, Egemen Bağış. There was an institutional focus on the EU perspective, and selective institutional reforms were carried out. However, these changes mainly relied on popular support to legitimize reforms in sensitive areas, such as in civil–military relations (Yılmaz, 2016: 93).

⁷Diyarbakır in South-East Turkey holds the largest Kurdish population of any Turkish city.

While civil–military relations had undergone many reforms since the post-1980 period, the government still chose to retain some of the infamous remnants of the 1980 coup, such as the High Education Board YÖK (*Yükseköğretim Kurulu*), which exercises significant government control over universities (Noutcheva & Aydın-Düzgit, 2012: 70).

A similar situation was seen in the area of judicial reform. In August 2009, the government announced the Judicial Reform Strategy and put its main provisions to the public vote in the 2010 referendum. The amendments were presented as democratizing the judiciary and making it more responsive to society’s demands by diversifying the background of the members of the Constitutional Court and by widening the composition of the High Council, which determines the career paths of judges and prosecutors. But these amendments were criticized for retaining substantial provisions that compromised judicial independence, in particular with regard to the powers of the Minister of Justice in the High Council (Noutcheva & Aydın-Düzgit, 2012: 70). These developments, which culminated in the 2010 constitutional changes, contributed to the primacy of the executive over the legislative and the judiciary, which was identified by some as the beginning of the so-called ‘de-Europeanization’ trend in Turkish politics (Saatçioğlu, 2016: 136).

5.3.3.2 *Policy: Selective Europeanization*

Formally speaking, Europeanization was still at the top of the agenda in this period. For instance, 2008 was proclaimed the ‘European Year’ by the AKP, and in early 2009 the Turkish parliament passed the long-overdue ‘National Programme for the Adoption of the *Acquis*’, a blueprint for the reforms needed to gain full membership of the EU. Nevertheless, what characterized this period was the dramatic decrease in the number of legal amendments (Yılmaz, 2016: 90). So-called ‘selective Europeanization’ came to the forefront, in which the government cherry-picked which areas and which issues within these areas to reform (Yılmaz, 2016: 90–94). For instance, as a part of the Ninth Reform Package, minority protection was further strengthened by adopting new laws such as the Law on Foundations and implementing minority protection rules (e.g., the launch of Turkish Radio Television 6 broadcasting in Kurdish). In this period, some elements of the controversial Article 301 were also amended in line with the strong social pressure from civil society and the EU. Article 301 of the Turkish Penal Code had penalized those ‘who explicitly insult Turkishness, the Republic, or Turkish Grand National Assembly’. According

to the new, less restrictive wording, Article 301 penalized ‘insulting the Turkish nation’ and required the permission of the Minister of Justice to file a case.

However, despite these reforms many problematic issues for minority protection were untouched, such as restrictions on the use of minority languages in political life (Yılmaz, 2014: 245). Rather than pursuing a comprehensive EU-triggered reform agenda, the government carried out significant yet sparse reform attempts congruent with its own political agenda. Starting in 2005, in parallel with the relaunch of Kurdistan Workers’ Party (PKK) terrorism and rising nationalist movements, Turkey also witnessed the delimitation of fundamental rights and freedoms, especially after the amendments made to the Anti-Terror Law in 2006 (Aytar, 2006). The 2010 constitutional referendum paved the way for the concentration of power in the hands of the executive, and undermined the independence of the judiciary (Özbudun, 2015).

On the foreign policy front, Turkey’s participation in the EU-led operations that had made use of NATO assets since 2003 made it possible for the country to continue its alignment with the Common Foreign and Security Policy of the EU during this period (see Torun, Chapter 13). Active Turkish participation in the NATO missions in Afghanistan, in the UN Interim Force in Lebanon in 2006, as well as in the EU-led operations in the Balkans indicated ‘a Europeanization of foreign policy where Turkey demonstrated its ability as a team player for the EU’ (Müftüler-Baç & Gürsoy, 2010: 412). However, toward the end of this period, Turkey started to become less inclined to comply with the EU’s foreign policy parameters. Ankara’s stance on the Iranian nuclear deal at the June 2010 United Nations Security Council and its response to NATO’s intervention in Libya in 2011 indicated that Turkey had started to follow its own foreign policy options, rather than acting in line with European and American positions (Müftüler-Baç, 2016b: 99).

5.3.3.3 *Politics: ‘Europe’ No Longer the Lingua Franca*

After 2005, ‘Europe’ no longer emerged as the *lingua franca* of politics in Turkey (Alpan, 2016: 23). Support for EU accession in the country shifted from 74% in favor in December 2002 to 57% in favor in May 2006 (Yılmaz, 2011: 187). With the launch of EU–Turkey negotiations, the idealistic, historical-emotional rhetoric turned into a much more realistic and down-to-earth perception of the EU.

During this period, Turkish politics was dominated by debates on charges against well-known novelists and journalists based on Article 301, and the fight over Abdullah Gül's presidency, which was seen by some circles as an AKP maneuver to further 'Islamicize' the country and to harm secular and Republican values. The picture got even more complicated with the e-memorandum released by the Turkish Chief of the General Staff in April 2007, which voiced the military's concerns over the diminishing secular values of the Republic (Grigoriadis, 2008b). Europeanization was still a significant narrative but not the indispensable goal it had been before. Rather, the AKP's emphasis on a multidimensional approach to foreign policy, and its claim to be a soft power in the region due to the country's newly assumed leadership role in the East, were the dominant narratives during this period (Çağaptay, 2009; Batalla, 2012; see also Kaya, Chapter 14). This new activism in Turkey's foreign policy created question marks about whether or not Turkey was shifting its axes away from its predominantly Western orientation toward a more Eastern-oriented foreign policy.

In this respect, identity constructions during this period rarely entailed references to 'Europe' or 'Europeanness'. 'Europe' in this period was usually used by the adversaries of EU accession in Turkey, rejuvenating the historical 'double standards' discourse, which revolves around the EU's 'insincerity' and 'insensitivity' to Turkey's priorities and values stemming from history and state tradition. For instance, Hüseyin Kıvrıkoğlu, former Chief of General Staff, accused the EU of aiming to impose on Turkey conditions similar to 'Sèvres and Lausanne', the two post-World War I agreements between Turkey (or rather the Ottoman Empire) and the European states (as cited in Bila, 2005). The latter point was raised during the Article 301 trials, where members of the European Commission, who were among the audience during the trials, were accused of trying to 'intervene in the Turkish judiciary' (Radikal, 2006).

During this period, criticism from the EU on democratic practices in Turkey continued, especially when the Turkish Constitutional Court banned two pro-Kurdish political parties, the People's Democracy Party (HADEP) in 2005 and the Democratic Society Party (DTP) in 2009, on charges of aiding the PKK and carrying out activities challenging the state. The government's reactions to the intensified EU criticism were indicative of the AKP's weakened reliance on the EU (Noutcheva & Aydın-Düzgit, 2012: 70). To illustrate, in response to the critical report of the EP on Turkey published in 2011 (European Parliament, 2011), then Prime

Minister Erdoğan stated that the ‘Parliament is entrusted to draft the report, and we are entrusted to do as we see fit’ (as cited in *Milliyet Daily*, 2011). At the same time, the opposition Republican People’s Party’s (CHP) Euroskepticism during this period was mainly ‘an outcome of its distrust of the AKP government’s honesty and ability in implementing the required reforms for Turkey’s EU membership’ (Celep, 2011: 425). Some CHP officials expressed concerns that the EU’s purpose might be to maintain Turkey’s candidate status forever or to treat Turkey as a second-class partner, because both scenarios served the EU’s interests better (Gülmez, 2006). In either case, Europe had lost its central role within political debates, accompanied by growing skepticism and indifference in Turkish society toward Europe—even a turning away from Europe in many spheres of politics and society (Alpan, 2014: 69).

5.3.4 *Europeanization as Denial (2012–2020)*

5.3.4.1 *Polity: Customs Union and Migration at the Forefront*

Although the picture of Europeanization in the realm of polity after 2011 was gloomy, there were some noteworthy developments during this period. Perhaps the most important milestones in this respect came with two events: the debates on the modernization of the CU Agreement, with the intention to extend its scope beyond the manufacturing sector on the one hand, and the December 2013 Readmission Agreement followed by the March 2016 EU–Turkey Statement (also known as the EU–Turkey refugee ‘deal’) connected to the visa liberalization process for Turkish citizens on the other (see also Kaya, Chapter 14). The mutual willingness to cooperate on irregular migration partially revived the accession negotiations, with the opening of the chapters on ‘Economic and Monetary Policy’ and ‘Financial and Budgetary Provisions’, and was connected to an envisaged acceleration of the visa liberalization process.

The CU and its institutional structure had contributed to the EU–Turkey relations and the introduction of EU-induced polity in Turkey in the previous periods, but the overall backsliding in the reform process was reflected in the operation of the CU, as the ‘institutional rule-based economic governance [was] weakened’ in this period (Arısan-Eralp, 2018: 3). Nevertheless, the discussions on upgrading the CU started in 2014 at the initiative of the European Commission and were accelerated with the May 2015 declaration by Turkey’s Economy Minister Nihat Zeybekçi and the European Commissioner for Trade Anna Cecilia

Malmström (Arisan-Eralp, 2018: 1). Based on an impact assessment, the Commission recommended to the European Parliament and the European Council the commencement of negotiations for the modernization of the CU and ‘to further extend the bilateral trade relations to areas such as services, public procurement and sustainable development’ (European Commission, 2016). Although the European Parliament supported the CU revision, ‘which would keep Turkey economically anchored to the EU’ (European Parliament, 2019: para. 23), negotiations have not been launched as of the time of writing.

From a polity perspective, it could be argued that this period has witnessed a number of changes, and even ruptures in terms of EU–Turkey institutional relations. The EU–Turkey Association Council, the main body of the CU, which was officially designed to meet twice a year, had a meeting in March 2019 after a four years hiatus (Council of the EU, 2019). During this period, most of the institutional communication between the parties took place in the form of bilateral meetings and high level dialogue mechanisms outside the accession framework. Indeed, cooperation between the EU and Turkey was heightened in this period through the establishment of the High-Level Energy Dialogue in 2015 and High-Level Political Dialogue in 2016; the latter within the framework of the March 2016 EU–Turkey Statement. This tendency to underline the possibility of enhancing sectoral cooperation between parties without Turkey being a full EU member, thereby introducing a differentiated polity framework to EU–Turkey relations outside accession perspective, has been dubbed as ‘external differentiated integration’ in the academic debates on EU–Turkey relations.⁸

The emphasis on issue-based cooperation between the EU and Turkey also appeared in the domain of migration. A Readmission Agreement was signed in December 2013 (EU–Turkey Readmission Agreement, 2013), which also initiated the Visa Liberalization Dialogue and created a roadmap for the accomplishment of the visa liberalization between two

⁸‘External differentiated integration’ stipulates that the EU increasingly seeks alternative models of alignment with third countries that promote non-member states’ selective adoption of EU norms. For a discussion on ‘external differentiated integration’ and its impact on EU–Turkey relations see Turhan (2017) and Tekin (Chapter 7).

parties. The March 2016 EU–Turkey Statement accelerated the fulfillment of Turkey’s obligations stemming from it, but as of the time of writing, six benchmarks have yet to be fulfilled.⁹

A final highlight of this period has been the adoption of a controversial 18-article constitutional amendment package by the Turkish Parliament in January 2017, which aimed to transform Turkey from a parliamentary governance system to an executive presidency (Paul & Seyrek, 2017). The constitutional changes, approved in the April 2017 referendum, scrapped the role of prime minister and gave the president sweeping powers, making the president the head of government as well as the head of state. The referendum results were fiercely criticized by the opposition CHP, the Peoples’ Democratic Party (HDP) (BBC News, 2017), and the civil society. The EU Delegation election observers found that the referendum was unfair and not free (McIntyre, 2017), documenting in this way the limited degree of Europeanization in the process.

5.3.4.2 *Policy: The Continuation of Selective Europeanization*

Although it is possible to observe a high degree of compliance with EU rules and laws in Turkish legislation in the years after 2011 (European Commission, 2018), the steady decrease in the commitment to Europeanization continued in this period. Crucially, Turkey continued an approach of selective Europeanization in ‘policy’, following its priorities and responding to external challenges.

During this period, the government focused on various judicial reforms aimed at increasing the efficiency of the system. The EU and Turkish government launched the so-called ‘Positive Agenda’ in 2012 in order to revitalize EU–Turkey relations, which prioritized judicial reform as ‘the most essential of all areas’ (European Commission, 2012). Beyond that, in 2014 Turkey published a policy statement regarding its EU accession process, titled ‘Turkey’s European Union Strategy’. It aimed to promote EU harmonization efforts and accelerate ‘the work in all chapters, whether politically blocked or not’ (Republic of Turkey Ministry for EU Affairs, 2014: 5).

In this context, EU-related reforms continued in fields that included civil-military relations, freedom of expression and media, and the fight against corruption (Yılmaz, 2016: 94). However, in contrast to earlier

⁹For a detailed analysis of the EU–Turkey Readmission Agreement see Kaya (Chapter 14).

reforms, the judicial reform packages of 2013 and 2014 aimed at decreasing the relative independence of the judiciary from the executive (TRT Haber, 2014). In December 2013, a governmental decree was adopted to guarantee that all forms of investigations conducted by public prosecutors can proceed only on the basis of a green light from their superiors, especially the Minister of Justice (Müftüler-Baç, 2016c: 18). Thus, the Europeanization impact continued more as a continuation of the government's political agenda rather than as an attempt of harmonization with EU legislation.

In the field of migration policy, the EU–Turkey Statement to end irregular migration from Turkey to the EU, as announced by the European Council and Turkey on 18 March 2016, re-calibrated Turkey's migration policy. The so-called refugee 'deal' stipulated that 'all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey' and 'for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria' (European Council, 2016). Besides the connection to EU accession negotiations and the visa liberalization roadmap, the arrangement implied enforced border-control measures by Turkey. However, it was subsequently subject to several disputes between the two sides, which points to the fragility and reversibility of EU-induced policies in this period.

5.3.4.3 *Politics: 'These Things Happen in Europe As Well'*

The AKP's landslide victory in parliamentary elections in 2011 was a turning point for the Europeanization debate and EU–Turkey relations. The crackdown on the Gezi Park protests in 2013, the government's ban on social media sites such as Twitter and YouTube in 2014, and the handling of the Ergenekon and Balyoz trials were indicative of a reversal of the Turkish government's commitment to the EU's political rules (Müftüler-Baç, 2016a: 6). The feeling of disenchantment and disappointment with the EU peaked when EU officials, again, aired alternative forms of partnership with the EU other than full membership (see also Tekin, Chapter 7), bringing back the aforementioned 'double standards' discourse. In April 2017, Commissioner for European Neighbourhood Policy and Enlargement Johannes Hahn suggested that EU member states and Turkey should initiate a more essential discussion on a 'new format for relations with Turkey' (Politico, 2017). The EU anchor moved even further away as Commission President Jean-Claude Juncker

made it clear that no enlargement would be possible until 2019, effectively freezing Turkey’s accession to the EU—while mentioning the need to ‘maintain a credible enlargement perspective for the Western Balkans’ (European Commission, 2017).

Nevertheless, Europe did not completely disappear from political debates and identity negotiations. Political actors made references to Europe as an ‘unwanted guardian’ and/or ‘a partner in crime’ (Alpan, 2016: 23). In particular, just before and after the 2011 parliamentary elections, then Prime Minister Erdoğan claimed that ‘these things happen in Europe as well’, when he was accused of being authoritarian and anti-democratic. In a speech at the Parliamentary Assembly of the Council of Europe, Erdoğan stated that he

embraced every kind of group in Turkey including Kurds, Turks, Romas. [...] But, what I see in France today is that the Roma population is being expelled. Is this democracy? I see that there is no respect for religious beliefs in France. Those who attempt to criticize Turkey should first look at themselves. (Erdoğan, 2011)

The same attitude could be sensed in Erdoğan’s answers to criticisms posed against him for use of excessive force in the Gezi Park protests or when asked what would happen to those who were jailed, tried, or expelled from work after the 15 July 2016 coup attempt (*The Guardian*, 2017). These examples illustrate the new role of ‘Europe’ in the Turkish political discourse.

5.4 CONCLUSION

‘Europe’ has been the most popular yet most volatile buzzword in Turkish politics. Stretching from Selim the Third, the Ottoman sultan who initiated the restructuring of the Ottoman army along European lines in the eighteenth century, to Mustafa Kemal Atatürk, who saw Europe as the embodiment of civilization and constructed Turkish modernity on this premise, the emergence of ‘Europe’ as a journey and as a target to reach has colored Turkish political history. This intense preoccupation gained particular momentum and form with the 1963 Ankara Agreement and the 1999 Helsinki European Council decision. The academic Europeanization literature also agrees that the issue is not whether Europe matters for

Turkey, but how it matters, to what degree, in what direction, at what point in time (Börzel, 2003).

Since 1959, the ‘European impact’ on Turkey has been predominantly associated with the reforms made within domestic legal and institutional structures and the overarching democratization and pluralization processes in the country. There has been considerable interest in the impact of Europeanization on particular aspects of policies and policy areas. The EU acted as a ‘democratization anchor’, and ‘reinforcement by reward’ worked as a powerful trigger for compatible reforms, in line with EU legislation (Schimmelfennig & Sedelmeier, 2004: 662). The Europeanization process not only shaped polity, policy, and politics in Turkey but also complemented domestic, regional, and global processes.

The picture started to change after 2005, when Europeanization and the EU accession started losing salience both for the AKP government and other domestic actors, accompanied by an increase of Euroskeptical tendencies in the wider public. In the period after 2005, ‘Europe’ was no longer the *lingua franca* in the Turkish political landscape in the context of a trend that is sometimes dubbed as ‘de-Europeanization’ in the literature. However, this does not mean that ‘Europe’ completely disappeared from domestic policy orientations, political debates, and identity negotiations. Rather, the AKP used ‘Europe’ strategically to justify actions that the EU criticized.

Many variables, such as the unwillingness of European and Turkish leaders to foster Turkey’s full EU membership, Turkey’s poor score on human rights and democratization, the blockage of numerous negotiation chapters, and Europe’s own perpetual crisis in economics, identity, and politics have created the impression that the Europeanization process has come to a halt for Turkey. However, as this chapter has shown, Europeanization is a versatile and complex process, covering vast areas of policy, politics, and polity, accompanied by larger domestic, regional, and global processes. This process is not limited to Turkey’s EU accession. The concept of Europeanization will therefore continue to constitute a valuable point of reference for the study of the EU-orientation of polity, policy, and politics, regardless of whether Europeanization will create opportunities for new political debates, discourses, policies, and actors in the case of Turkey.

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Rhetorical Entrapment in EU–Turkey Relations

Frank Schimmelfennig

6.1 INTRODUCTION

Rhetorical entrapment is a causal mechanism that induces self-interested and strategic actors to behave in line with the norms of their community. International communities define common standards of appropriate behavior to which their member states commit themselves. When member states violate the community standards, they can be shamed into compliance by exposing the inconsistency between normative commitment and actual behavior. The rhetorical entrapment mechanism synthesizes key elements of rationalist institutionalism as we find it in neoliberal or liberal-intergovernmentalist theories of international politics and European integration (see Tsarouhas, Chapter 2) and sociological institutionalism, the foundation of many constructivist approaches (see Aydın-Düzgit & Rumelili, Chapter 3).

In the context of European Union (EU) enlargement, and EU–Turkey relations specifically, rhetorical entrapment refers to a process through which member and candidate countries are induced to abide by the EU’s

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membership norms—above all, its liberal democratic values. In line with the rhetorical entrapment mechanism, the better a candidate state meets the membership norms of the EU, the more likely rhetorical entrapment is to occur, and the more likely the opponents of membership are compelled to accept enlargement against their national preferences. Candidate countries are more easily entrapped the more they identify with the EU community and its fundamental values.

This chapter has two main parts. First, I present the theoretical assumptions, scope conditions, and propositions of the rhetorical entrapment mechanism in contrast to alternative mechanisms of international cooperation. Subsequently, I apply the mechanism to EU–Turkey relations with a focus on the period between 1999 and the start of accession negotiations.¹

6.2 THEORY: STRATEGIC ACTORS, COMMUNITY ENVIRONMENTS, AND RHETORICAL ACTION

The causal mechanism of rhetorical entrapment draws on both rationalist and sociological institutionalism. In line with rationalist institutionalism, it assumes that international actors interact strategically based on exogenous policy preferences. In line with sociological institutionalism, it assumes that this interaction takes place within a community environment defined by a common ethos (a collective identity based on fundamental common values and norms) and a high interaction density.

6.2.1 *Rationalist Institutionalism and Enlargement*

Rationalist institutionalism conceptualizes the international system as an anarchical environment characterized by the predominance of material structures like the distribution of power and wealth.² These material conditions are the most important explanatory factors for the processes and outcomes in international relations. Ideas and institutions are mostly treated as intervening variables between the material interests and the

¹The chapter builds on earlier studies, in particular Schimmelfennig (2001, 2003a, b, 2008, 2009). Please confer to these publications for further references and data.

²A classical statement is Waltz (1979).

material environment of the actors, on the one hand, and the individual actions and collective outcomes, on the other (see Goldstein & Keohane, 1993). They provide constraints and incentives, not reasons, for action. Rationalist institutionalism further assumes that actors act egoistically. They choose the behavioral option, which promises to maximize their welfare, or at least satisfies their selfish goals, under the given circumstances.

These premises provide the theoretical foundation for the rationalist analysis of international organizations and their enlargement. In the rationalist account, international organizations help states pursue their foreign policy goals more efficiently. These assumptions can be applied easily to issues of EU membership and enlargement. A member state favors the admission of a non-member state—and a non-member state seeks membership—under the condition that it will reap positive net benefits from enlargement and that these benefits exceed the benefits it would secure from a different kind of relationship (such as simple cooperation or association). Enlargement then takes place if, for both the member states and the candidate countries, marginal benefits exceed the marginal costs.

6.2.2 *Sociological Institutionalism and Enlargement*

The assumptions of sociological (or constructivist) institutionalism differ from rationalist institutionalism with regard to both structures and actors. Sociological institutionalists regard the environment of social actors as a cultural or institutional environment structured by collective schemata and rules. Collective ideas and institutions shape the identity and the interests of the actors. Social actors are assumed to internalize or habituate institutional rules and rule-following behavior.

Accordingly, sociological institutionalism assumes that social actors act on the basis of internalized cultural values and social norms rather than their self-interest. The most widely assumed logic of action is the ‘logic of appropriateness’ according to which ‘political institutions are collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations’ (March & Olsen, 1989: 160). Actors judge alternative courses of action not by the consequences for their own utility but by their conformity to institutional rules or social identities.

Whereas rationalist institutionalism emphasizes the instrumental, efficiency-enhancing functions of international organizations in the service of state actors, sociological institutionalism sees them as autonomous and potentially powerful actors with constitutive and legitimacy-providing effects. International organizations are ‘community representatives’ (Abbott & Snidal, 1998: 24) as well as community-building agencies. Whereas in the rational-institutionalist perspective, the EU serves the economic or security interests of its members, in a sociological-institutionalist perspective, it represents an international community of values, it upholds these values *vis-à-vis* the member states, and it disseminates them among non-members. The EU’s institutionalized collective identity is that of a community of European, liberal democratic states. In its current version, the Treaty on European Union states in Article 2 that the ‘Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’.

According to sociological institutionalism, enlargement is shaped by ideational, cultural factors, too. The most relevant of these factors is ‘community’ or ‘cultural match’, that is, the degree to which the actors inside and outside the organization share a collective identity and fundamental beliefs. Studying enlargement in a sociological perspective, then, primarily focuses on the analysis of social identities, values, and norms, not the material, distributional consequences of enlargement for individual actors. Whether applicants and member states regard enlargement as desirable depends on the degree of community they perceive to have with each other. The more an external state identifies with the international community that the organization represents and the more it shares the values and norms that define the purpose and the policies of the organization, the more it aspires to membership and the more the member states are willing to admit this country. If enlargement decisions are contested, we expect to see an arguing process to determine which decision is most in line with the collective identity, the constitutive beliefs and practices of the community, and the norms and rules of the organization.

The organization’s enlargement decisions follow its membership rules and practices rather than expedient interest-based calculations and the distribution of material bargaining power among the member states. The membership rules of a community organization oblige the EU to grant membership to all states that share, or aspire to, the collective identity of the community and are committed to their constitutive values and norms—even in the case of net costs.

6.2.3 *Rhetorical Action and Enlargement*

Rhetorical action is the strategic, self-serving use of arguments. Rhetorical entrapment denotes the mechanism by which actors are compelled to act in conformance with their prior argumentative commitments in a situation in which conformance runs counter to their current preferences.

Rhetorical action and entrapment start from a strategic view of norms and normative action. In this view, norms are not motives for action nor are they merely constraints; they are ‘resources for human strategies’ in social interactions (Edgerton, 1985: 12–14). In the same way, Erving Goffman’s theory of ‘dramaturgical action’ views individuals as performers. As performers, ‘individuals are concerned not with the moral issue of realizing standards but with the amoral issue of engineering a convincing impression that these standards are being realized’ (Goffman, 1959: 251). Performers do not internalize the values and norms of their community but understand that conformity is expected from and beneficial to them. Communities exhibit a ‘vener of consensus’ that is ‘facilitated by each participant concealing his own wants behind statements which assert values to which everyone present feels obliged to give lip service’ (Goffman, 1959: 9).

This strategic view of norms bridges rationalist and sociological institutionalism. In contrast to the rationalist focus on material bargaining power, social values and norms are theorized to produce strong effects on actor strategies and collective outcomes. In contrast to sociological assumptions of internalization and appropriate action, they are seen to do so among strategic actors. Rhetorical action assumes that the actors involved in EU policymaking have self-centered preferences and act strategically to achieve an outcome that maximizes their utility. The actors follow a logic of consequentiality, not appropriateness, and they do not change their identity or learn and internalize new, appropriate preferences as a result of the interaction.

At the same time, rhetorical action assumes that the EU constitutes a community environment for actors. A community environment affects interactions and outcomes in four important ways. First, it triggers arguments about the legitimacy of preferences and policies. In a rhetorical action perspective, actors are able—and forced—to justify their preferences on the basis of the EU’s community ethos. They choose ethos-based arguments to strengthen the legitimacy of their own preferences against the claims and arguments of their opponents. Second,

the community ethos is both a resource of support for legitimate actions and a constraint that imposes costs on illegitimate actions. It adds legitimacy to and thus strengthens the bargaining power of those actors that pursue preferences in line with, although not necessarily inspired by, the community ethos. Third, community membership forces actors to be concerned about their image. This image not only depends on how they are perceived to conform to the community ethos but also on whether their arguments are perceived as credible. Credibility is the single most important resource in arguing and depends on both impartiality and consistency (Elster, 1992: 13–50). If inconsistency and partiality are publicly exposed and actors are caught using the community ethos opportunistically, their standing as community members suffers. As a result, their future ability to argue successfully will be reduced. Finally, community members whose preferences and actions violate the community ethos can be shamed into compliance by other community actors who (threaten to) expose the inconsistency between their earlier commitment to the community ethos and their current actions.

This is rhetorical entrapment. Because rational members of a community are concerned about their image of legitimacy, a community environment has the potential to modify the collective outcome that would have resulted in an anarchical, material environment. In a community environment, norm-based collective outcomes are possible even among strategic actors and in absence of coercive power or egoistic incentives to comply.

There are a number of scope or facilitating conditions for rhetorical entrapment to work. First, rhetorical entrapment depends on the existence of an international community and the strength of its community ethos. Technical or global international organizations are less likely to have a strong community ethos and exhibit rhetorical entrapment than community-building regional organizations. Second, rhetorical entrapment depends on the density and permanence of the community. Participating in a community with a long-term horizon, actors' standing and credibility matter more than during a short-term interaction. And the more densely the community members interact, the higher the likelihood is that inconsistencies and partiality in the use of community standards are detected. Whereas permanence makes it costlier for actors to argue opportunistically in their own favor, density makes it more difficult to do so. Third, the more constitutive a policy issue is or the more it involves fundamental questions of community purpose, the easier it is for interested actors to bring in questions of legitimacy and to frame it as an issue of

community identity that cannot be left to the interplay of self-interest and bargaining power. Controversial questions of EU constitution making or membership will therefore engender a more ‘value-laden’ policy process than issues of technical regulation or subsidy distribution. Fourth, even among issues that are constitutive or can be linked to constitutive issues, community effects may vary according to the values and norms in question. According to Thomas Franck, the degree to which an international rule ‘will exert a strong pull on states to comply’ depends on four properties that account for its legitimacy: determinacy, symbolic validation, coherence in practice, and adherence to a norm hierarchy (Franck, 1990: 49). To the extent that the relevant community norm possesses these qualities, it becomes difficult for the shamed member to circumvent the practical implications of the norm rhetorically.

These conditions are all present within the EU and in the EU enlargement process. From its start, the EU has been designed to build an ‘ever closer union’ of the peoples of Europe. Over the course of time, and especially since the ratification of the Treaty of Maastricht, the density of integration has increased strongly. Moreover, the EU has developed, explicitly formulated, and institutionalized its European, liberal democratic community ethos and linked the issue of enlargement to this ethos. Article 49 (TEU) explicitly links EU membership to the liberal democratic values and norms proclaimed in Article 2 of the Treaty.

In sum, the hypotheses on EU enlargement decisions based on the rhetorical action/entrapment approach borrow from rationalist institutionalism with regard to the preferences and behavior of the actors and from sociological institutionalism with regard to the outcomes. Accordingly, member states’ initial enlargement preferences are divergent and reflect individual concerns and cost-benefit calculations. Actors use their bargaining and veto powers in EU decision-making to push enlargements they prefer and prevent those they reject. If the bargaining outcome based on the intergovernmental constellation of preferences and power is in line with membership norms, rhetorical action is unnecessary. If the two diverge, however, and the preferences of the less powerful member states match the community norms, they will use rhetorical action to shame the more powerful member states into conformity with their ethos-based obligations. The better a candidate state meets the ethos-based membership norms of the EU, the more likely rhetorical entrapment is to occur, and the more likely the opponents of membership are compelled to accept enlargement against their national preferences. In contrast, if

the candidate does not meet the ethos-based conditions for admission, or if the proponents of enlargement lack credibility in arguing the case for enlargement, rhetorical entrapment will fail.

6.2.4 *Eastern Enlargement: The Original Context of the Rhetorical Action Argument*

In the EU context, the rhetorical action argument was first used to explain Eastern enlargement (Schimmelfennig, 2001). When the Central and Eastern European countries (CEECs) demanded EU membership in the early 1990s, this demand was met with divergent member state preferences. The distribution of preferences largely corresponded with member states' strategic and financial self-interest. Member states that neighbored the CEECs generally favored Eastern enlargement because of higher interdependence. In contrast, the main recipients of the EU budget's infrastructure and agriculture subsidies as well as low-tech producers among the member states feared budgetary and trade competition with the relatively poor, agricultural, and low-tech producing CEECs. Geopolitical interests also had an influence. The Southern member states were concerned that the community balance of power would shift east and in favor of Germany.

The pro-enlargement member states such as Germany, the UK, or Denmark represented not only a minority of member states but also wielded less bargaining power than their opponents. Even for Germany, the greatest potential beneficiary of Eastern enlargement, the CEECs were of far smaller economic and political importance than the other EU member states. Under these circumstances, the supporters of enlargement had no attractive outside options and could not credibly threaten the opponents with exit or alternative agreements. In the absence of material bargaining power, they, therefore, turned to rhetorical action.

The rhetorical strategy of the proponents of enlargement constructed enlargement as an issue of identity, values, and norms and opposition to enlargement as a betrayal of the community's principles, purpose, and past promises. The CEECs invoked the pan-European, liberal identity of the community and claimed to share this identity. According to this line of argument, the CEECs have traditionally shared the values and norms of European culture and civilization, confirmed their European identity in the revolutions of 1989, and 'returned to Europe' after the Cold War period of artificial separation. Advocates framed enlargement as an issue

of EU identity, arguing that it ought not to be seen and decided from the vantage point of national interests and material cost–benefit calculations. They accused the reticent EU member states of acting inconsistently and betraying the fundamental values and norms of their own community if they continued to prioritize their individual economic or geopolitical interests.

It was difficult for the enlargement skeptics to rebut these arguments without, at the same time, casting doubt on their own commitment to the institutionalized identity and fundamental norms of the EU. They were thus rhetorically entrapped. Consequently, they did not publicly reject Eastern enlargement for instrumental reasons. When the European Commission presented its report on enlargement based on the Community’s vision of a pan-European liberal order and proposed accession criteria focusing on liberal democratic political and institutional conditions at the Copenhagen summit in 1993 (European Council, 1993), the skeptics acquiesced to Eastern enlargement. CEECs that met the liberal democratic accession criteria were invited to accession negotiations.

6.3 RHETORICAL ENTRAPMENT AT WORK: THE WAY TO EU MEMBERSHIP NEGOTIATIONS WITH TURKEY

6.3.1 *A Hard Case*

The opening of accession negotiations with Turkey in 2005 is a particularly ‘hard case’ for the rhetorical entrapment explanation developed in the context of the EU’s Eastern enlargement. While the initial conditions were similar in both cases—such as divergent member state preferences and net costs for the EU in comparison with the status quo of association—the opposition to Turkish accession ran deeper, and the potential costs of Turkish membership were higher.

Four conditions inhibited Turkey’s membership prospects in the second half of the 1990s, when Eastern enlargement started. First, Turkey was poorer and more agricultural than any member state. Turkish membership was thus likely to increase the divergence of living standards in the EU, create high potential for labor migration, and instigate demand for high net payments from the structural and agricultural funds. Second, the impact of socio-economic divergence was magnified by the size of Turkey’s population. With more than 70 million inhabitants and a rapidly

growing population, Turkey was projected to be the largest member state by the time it joined. Third, as a large Muslim society, Turkey would have strongly increased cultural diversity in the EU. Fourth, Turkish democracy was unstable and illiberal. It is thus no small wonder that Turkey's membership had the lowest approval rating in public opinion surveys among all candidates and was strongly contested among the member states. And yet, the EU decided to accord Turkey official candidate status in 1999 and to open accession negotiations in 2005.

EU member states held intense and highly divergent preferences on Turkish membership in the period from the late 1990s to the opening of accession negotiations (Schimmelfennig, 2009: 413–431). In 1997, the opponents of granting Turkey candidate status were the clear majority. Principled opposition based on cultural grounds was strong among the Christian Democrat and conservative parties. In March 1997, the group of the European People's Party in the European Parliament framed the EU as a Christian community and categorically excluded the membership of a Muslim country. The conservative heads of government of Belgium, Germany, Ireland, and Spain supported this declaration. Because of its territorial conflicts with Turkey and the Turkish occupation of Northern Cyprus, Greece was another principled opponent of Turkish membership. Other member states, in particular in Northern Europe, stressed the deficient human rights situation in Turkey. France and Italy appeared to be most inclined to grant Turkey a more concrete membership perspective. As in the case of Eastern enlargement, the UK was the member state most consistently in favor of Turkish accession. Member state preferences on Turkey differed somewhat from the pattern in the Eastern enlargement case in that they had a strong party-political component and in that Turkey's EU neighbors, Greece and Cyprus, had generally not been supporters of Turkish membership. In both cases, however, member states had conflicting enlargement preferences.

Even though Turkey was a difficult candidate and gave rise to strong controversies among the member states and societies, the EU opened accession negotiations in 2005. How was that possible? From a rhetorical action perspective and in analogy with the Eastern enlargement case, we can formulate the following expectations. First, the EU officially judged and decided on Turkey's eligibility in accession negotiations based on the democratic and human rights situation in the country. Conversely, all other criteria that shaped member states' preferences and the debate on Turkey's membership—be they religious-cultural, economic, geographic,

or military-strategic—were of lower legitimacy and therefore not part of the official discourse of EU institutions. Second, EU member states were obliged to consider Turkish candidacy for membership based on the (Ankara) Association Agreement of 1963, which acknowledged Turkey as a ‘European’ country and committed the EU to ‘examine the possibility of the accession of Turkey’ (EEC-Turkey Association Agreement, 1963). Blocking candidate status became more difficult to sustain the more countries in a similar situation were granted membership perspective. Third, the opening of accession negotiations depended on Turkey’s compliance with the constitutive political norms of the EU. Blocking accession negotiations becomes more difficult to sustain the more Turkey complies and the more the European Commission, the authoritative EU organ for reviewing the fulfillment of accession criteria, confirms compliance. Advocates of accession negotiations with Turkey would point toward Turkish progress in meeting the EU’s criteria and call on the EU to keep its conditional promise of membership. Progress in accession negotiations equally depended on compliance with the constitutive political norms of the EU. Only a breach of these norms (or the promises made to respect them) constituted legitimate grounds for suspending or canceling these negotiations. The historical record of the process leading to the start of Turkish accession negotiations in 2005 largely supports these expectations of the rhetorical action approach.

6.3.2 *From No to Yes on Turkish Candidate Status*

At the meeting of the EU–Turkey Association Council in April 1997, the EU reaffirmed that Turkey was eligible for membership and that the country would be judged on the same criteria as the other applicants. In December 1997, however, the European Council at Luxembourg followed the Commission’s recommendation to exclude the country from the list of candidates for membership. The Commission justified its recommendation on the grounds that Turkey did not fulfill the Copenhagen criteria. Given the political situation in Turkey at the time, and in comparison with other (potential) candidate countries, this assessment was not discriminatory and in line with community norms.

In 1999, however, the EU surprisingly reversed its 1997 decision and granted Turkey official candidate status, even though the political and human rights situation had not significantly improved. Thus, the EU decision cannot be explained by rhetorical entrapment. It may have

been motivated in part by the fact that Turkey's non-candidate status became more and more awkward as an increasing number of countries in Turkey's neighborhood (Bulgaria, Romania, and the Western Balkans) obtained a membership perspective. More importantly, however, the decision resulted from a combination of the perceived need to upgrade the Turkish status for strategic reasons and a change in pivotal member state preferences.

For one, the member states were concerned by the Turkish government's harsh reaction to their 1997 decision. Turkey refused to participate in the European Conference set up in Helsinki for the 'European states aspiring to accede to the EU', blocked meetings of the EU-Turkey Association Council, suspended talks on the solution of the Cyprus conflict, and threatened to veto the use of NATO facilities for EU military missions. There was a widespread perception that the EU had to make an accommodative gesture to safeguard the strategic partnership and to ensure Turkey's cooperation on these important security issues (Öniş, 2000: 470).

The most consequential change between 1997 and 1999, however, was the softening of the German and Greek positions due to predominantly domestic causes (Müftüler-Baç & McLaren, 2003: 17-31; Öniş, 2000: 473). In Germany, the center-right government was replaced by a coalition of the Social Democrats and the Greens in 1998, which did not share the religious-cultural concerns of its predecessors and advocated a proactive strategy to bring Turkey in line with European norms and closer to membership. In Greece, the hardliner foreign minister Theodore Pangalos was replaced with George Papandreu in 1999. He stood for a new foreign policy outlook advocating the inclusion of Turkey as a way of cooperatively solving the security problems in the Aegean Sea.

6.3.3 Rhetorical Entrapment and the Opening of Accession Negotiations

Even though the 1999 decision cannot be explained by compliance with community norms, it opened the path to rhetorical entrapment. First, it considerably strengthened the rather vague membership commitment of the Association Agreement. Second, it strengthened the role of the European Commission in the process. It was now up to the Commission to assess Turkey's progress with regard to the Copenhagen criteria and to recommend the opening of accession negotiations. Third, it constrained

the EU to use the same criteria for Turkey that it had used for the CEECs. Consequently, Turkey's application would be judged primarily on the merits of democracy, human and minority rights, and the rule of law. Cultural, religious arguments were excluded from the assessment, and economic criteria were of secondary importance. This meant that Turkey could be certain to enhance its prospects for accession negotiations by improving its dismal human rights record. It would become difficult for the principled opponents of Turkish membership to block the opening of accession negotiations if Turkey fulfilled the political criteria.

Encouraged by its candidate status and credible membership perspective, the Turkish government undertook significant reforms. The European Council meeting in December 2002 welcomed 'the important steps taken by Turkey towards meeting the Copenhagen criteria' (European Council, 2003: 5). It concluded: 'If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay' (European Council, 2003: 5). This tangible goal prompted the Turkish government to accelerate the pace of reform—in particular, since the new Justice and Development Party (AKP) government had its own self-interested reasons to constrain the power of state institutions dominated by the Kemalist establishment through these reforms.

After far-reaching reforms in sensitive issue areas such as judicial reform, civilian control of the military, Cyprus, and Kurdish minority rights, the Commission in 2004 positively assessed the political criteria and recommended the opening of accession negotiations. In December 2004, the European Council followed the recommendation under two conditions. First, Turkey needed to adopt six additional pieces of legislation. Second, and more controversially, the Turkish government agreed to sign an Additional Protocol to the Ankara Agreement that would extend the Customs Union (CU) to all new member states including Cyprus. Turkish Prime Minister Recep Tayyip Erdoğan refused to sign the Additional Protocol at the summit but promised to do so before the actual opening of negotiations on October 3, 2005. At the same time, he insisted that this signature would not be tantamount to recognizing the Republic of Cyprus.

In 2005, the EU context deteriorated. First, the failed referendums in France and the Netherlands were widely interpreted not only as a negative vote on the Constitutional Treaty but also on the enlargement

of the EU. The opponents of Turkish accession used the referendum results as evidence for the need to change course. More directly, the referendum further weakened French President Jacques Chirac. Second, the early parliamentary elections in Germany resulted in the defeat of the Social Democrat-Green government. The Social Democrats stayed in government with the Christian Democrats but had to accept Angela Merkel as chancellor, who had campaigned for 'privileged partnership' rather than full membership. Thus, two key advocates of accession negotiations had become neutralized. Third, the Republic of Cyprus, which had the strongest stake in Turkey's decision on the Additional Protocol, had become a member state. Thus, while the pro-Turkey camp was weakened, the anti-camp was reinforced through the membership of a country with particularly intense preferences.

Thanks to rhetorical entrapment, however, the opponents of Turkish membership could not deny Turkey's progress on its way toward liberal democracy and could not legitimately call into question the Commission's report and recommendation to open accession negotiations. However, they brought up alternative routes to block or prevent the talks and eventual membership. For one, they tried to include alternatives to full membership such as 'privileged partnership' into the Negotiating Framework. In addition, they sought to exploit the Turkish reluctance to recognize Cyprus. Both attempts failed in 2005. The Negotiating Framework of the Commission listed accession as the only 'shared objective' of the negotiations (European Commission, 2005). Moreover, the Commission reiterated that, in contrast to the extension of the CU, the recognition of Cyprus under international law was not a precondition of accession talks. Turkey signed the Protocol extending the CU in July 2005.

The opponents of Turkish membership only acquiesced in accession negotiations as long as Turkey continued to comply with EU norms and keep its own promises. Otherwise, they could seize the opportunity to block the path to Turkish accession. This became obvious in 2006. With accession negotiations secured and parliamentary elections approaching, the reformist zeal of the Turkish government weakened. The Commission's regular report revealed a mixed picture, with small progress in many fields and stagnation in others. The main bone of contention, however, was Turkey's refusal to fully extend the CU to Cyprus. It continued to deny access to Cypriot vessels and aircraft (or those coming from Cyprus). The opponents of Turkish membership (such as Cyprus and

France) promptly demanded sanctions. Now, the supporters of Turkey were entrapped. On 29 November 2006, the Commission presented its recommendations on the continuation of Turkey's accession negotiations: eight chapters relevant to Turkey's restrictions on Cyprus should not be opened, and no chapter should be declared provisionally closed until Turkey lifted the restrictions against Cyprus. At their meeting on 11 December 2006 the foreign ministers of the EU accepted the recommendations.

The decision of 2006 demonstrates that rhetorical entrapment cuts both ways. As long as Turkey complied with EU norms, it backed the supporters of Turkish accession and constrained the skeptics. However, when Turkey failed to comply, it gave legitimacy to the skeptics' demands to slow down the accession process and forced the supporters of Turkey's membership bid to join in. The events of the first half of the 2000s thus demonstrate the typical actor constellation of rhetorical entrapment in enlargement. To overcome the standoff between proponents and opponents of enlargement among the member states, the Commission plays the role of a referee enforcing the community rules. Whereas the member states take the ultimate decisions on enlargement issues, they are constrained by the norms of enlargement to the extent that the accession country abides by these norms and the Commission is perceived as an impartial arbiter.

6.4 CONCLUSIONS

This chapter introduced the mechanism of rhetorical entrapment and applied it to EU–Turkey relations. The theoretical approach is best suited to explain the period between the granting of candidate status (1999) and the start of accession negotiations (2005), which is positioned against the backdrop of Turkey's unfavorable starting position as a candidate country and increasing opposition to membership among EU member governments and publics. As long as Turkey progressed on meeting the official political criteria for EU membership, the supporters of Turkish membership could legitimately argue in favor of the EU's obligation to heed past promises and include all European countries willing to adopt the EU's core values and norms. In contrast, the opponents were silenced. The rhetorical entrapment mechanism also elucidates why accession negotiations began to stall soon after their start. The opponents of Turkish membership were released from the rhetorical trap when Turkey failed

to heed its own promises and honor its own obligations as a candidate state.

However, rhetorical entrapment fails to explain the earlier and later periods of EU–Turkey relations. Before Turkey conformed to the liberal democratic norms and conditions of EU membership, it could not entrap the member states. As explained above, the 1999 decision to grant candidate status to Turkey was not due to entrapment but to geopolitical considerations (and a favorable ideological constellation of EU member state governments). Similarly, rhetorical entrapment did not help Turkish membership prospects after 2006. A vicious cycle developed between Turkey’s stagnating liberalization (and, later on, increasing authoritarianism), on the one hand, and the shrinking credibility of the EU’s accession perspective, on the other. The more the Erdoğan government and presidency ignored the liberal democratic community norms of the EU, the less the member states felt obliged to uphold a credible membership promise for Turkey. Because the Turkish government lacked a sincere commitment to the community norms, the decreasing credibility of the membership perspective could not prevent democratic backsliding.

Geopolitical and strategic interests have come to dominate EU–Turkey relations again, as before 1999. These interests also explain why the accession negotiations that started thanks to rhetorical entrapment continue formally. The return of rhetorical entrapment depends on two conditions that appear unlikely in the near future: a credible return to liberal democracy in Turkey and a credible membership perspective for Turkey in the EU. In the meantime, the dominant mode of interaction between the EU and Turkey has shifted from arguing to bargaining, from the use of values and norms to the exchange of threats and promises. Characteristically, the most recent—but ultimately empty—agreement on re-energizing the EU–Turkey accession process did not follow from an improvement in Turkey’s compliance record with EU membership norms, or from a credible signal of EU commitment to Turkish membership. Rather, it was part of a *quid pro quo* in the context of the March 2016 EU–Turkey refugee ‘deal’.

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Differentiated Integration: An Alternative Conceptualization of EU–Turkey Relations

Funda Tekin

7.1 INTRODUCTION

The year 2019 marked the twentieth anniversary of the European Council’s decision to grant Turkey the status of accession candidate. However, over the past few years there have been few reasons to celebrate this milestone. In 2018, the Council of the European Union (EU) claimed Turkey ‘has been moving away from the European Union’ (Council of the EU, 2018: 13), which makes its accession highly unlikely. A basic dilemma renders Turkey a ‘unique’ accession candidate: while Turkey officially entered the accession track in 1999, considerations of Turkey’s place ‘out(side) of the accession box’ (Turhan, 2017) have never subsided—mainly for three reasons.

Firstly, in addition to the general enlargement fatigue that has prevailed in the EU for the past decades, so-called ‘Turkey fatigue’ (Soler et al., 2018) has led member states and societies to question whether Turkey could actually ever belong in the EU for cultural, economic, geostrategic, and political reasons. The 2005 Negotiating Framework between the

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EU and Turkey clearly reflects such fatigue. It introduces a new open-ended framework for negotiations with all future accession candidates, ‘the outcome of which cannot be guaranteed beforehand’ (European Commission, 2005: para. 2). Additionally, and more importantly, the framework considers ‘long transitional periods, derogations, specific arrangements or permanent safeguard clauses’ and Turkey’s full anchoring in European structures ‘through the strongest possible bonds [...] if Turkey is not in a position to assume in full all the obligations of membership’ (European Commission, 2005: para. 12). The latest developments in Turkey, such as the constitutional changes to an executive presidential system in 2018 as well as Turkey’s drilling activities in the Eastern Mediterranean and military interventions in Syria since 2018, have increased doubts as to Turkey’s membership qualities.

Secondly, accession negotiations began stagnating immediately after their initiation in October 2005 and came to a standstill with the Council conclusions of June 2018, which consider ‘no further chapters [...] for opening or closing’ (Council of the EU, 2018: 13). Political and legislative reforms that determine Turkey’s compliance with the Copenhagen criteria moved in a downward spiral from the golden years of full-swing reforms in the early 2000s to a phase of stagnation between 2005 and 2013. Lately, Turkey seems to have left the European track altogether, with a strong de-Europeanization trend in reforms moving Turkey away from the EU (Tekin & Deniz, 2019; for de-Europeanization see Aydın-Düzgüt & Kaliber, 2016; see also Alpan, Chapter 5; Kaya, Chapter 14). Additionally, individual EU member states and the Council have been blocking the opening of 14 chapters of accession negotiations. Cyprus represents the most prominent veto player in this process. The EU’s negotiation record with Turkey is poor: as of May 2020, only 16 out of 35 chapters have been opened, of which only one has been provisionally closed (Chapter 25—Science and Research; see also Lippert, Chapter 11).

Thirdly, EU–Turkey relations have always included other forms of integration in addition to the accession process. Turkey is associated with the EU through the Customs Union (CU), and both sides cooperate specifically in various fields of mutual interest, such as migration, energy, security, counterterrorism, and economic and trade relations as well as transport and agriculture. This cooperation is mainly framed through high level dialogues. In November 2015, the decision was taken to hold biannual meetings, so-called EU–Turkey summits, on the highest political

level. Yet, so far there is a rather scattered picture of such a framework of enhanced institutional engagement: since November 2015 there have been four high level dialogues on economic issues; five on political issues such as migration, counterterrorism, rule of law, and the current state of play in the accession procedure; two on transport; and three on energy (European Commission, 2019: 3). However, EU–Turkey summits disappeared from the agenda after the failed coup attempt in Turkey in July 2016, and later the General Affairs Council decided to suspend the high level dialogue format in July 2019 in reaction to Turkey’s drilling activities in the Eastern Mediterranean Sea (Council of the EU, 2019). Although this affects EU–Turkey relations at a technical level, cooperation between the two sides continues in areas of mutual interest.

EU–Turkey relations are trapped between the accession procedure and looser forms of cooperation resulting from the multidimensionality of the relationship, where conflicts disrupt cooperation rooted in mutual economic, geostrategic, cultural, and political interests. In addition to being an accession candidate, Turkey functions as a ‘key partner’, which is annually confirmed by the European Commission’s Turkey reports mostly referring to the economic dimension of the relationship (European Commission, 2019: 6). Additionally, the EU acknowledges the country’s strategic relevance by referring to Turkey also as a ‘key strategic partner’, which was most evident during the so-called migration crisis in 2015 and 2016 (European External Action Service, 2017). The challenge is that the EU and Turkey are caught in a relationship of ‘conflictual cooperation’ (Saatçioğlu et al., 2019: 3) that prevents both sides from fully breaking apart while at the same time precluding any form of closer integration.

With the aim to assess the challenges that result from the state of conflictual cooperation for the future of EU–Turkey relations, this chapter introduces the concept of differentiated integration and discusses its explanatory value by analyzing the complete spectrum of possible forms of Turkey’s integration into the EU—reaching from full accession on the one end to issue-specific ad hoc cooperation on the other. Differentiated integration means that ‘one group of [member] states is not subjected to the same [Union] rules as others’ (Tekin & Wessels, 2008: 25), referring to ‘any modality of integration or cooperation that allows states (members of the EU and non-members) and sub-state entities to work together in non-homogeneous, flexible ways’ (Lavenex & Krizic, 2019: 3). Differentiation can thus narrow the separation between EU membership and non-membership, because as it becomes the ‘new normal’ of European

integration (Schimmelfennig et al., 2015; Lavenex & Krizic, 2019: 3), the scope, nature, and form of membership as such will transform, too. This is a precondition for ‘variable geometry Europe’, which represents a form of differentiation in which ‘the EU does not work on the basis of a “one size fits all” principle but can actually adopt tailor made initiatives consistent with the legitimate needs and wishes of all its member states and peoples’ (Bertoncini, 2017: 6) and third countries.

This chapter builds on the general assumption that such variable geometries in EU–Turkey relations could provide a soft landing from the fallout of the accession procedure. The first section of this chapter is dedicated to providing a concise overview of the many faces of differentiation in European integration and EU–Turkey relations. It provides a comprehensive definition of differentiated integration before it discusses how this concept is reflected in political and academic debates in Turkey and the EU. After having established that differentiated integration has only recently been acknowledged as a relevant concept to apply to EU–Turkey relations, the second section explores different European integration theories in order to highlight different methods of explaining differentiation in EU–Turkey relations. Section three traces the empirical evidence of variable geometries in EU–Turkey relations with the aim to establish the need for conceptualizing EU–Turkey relations in view of differentiated integration. The chapter concludes in section four by linking the empirical findings to the conceptual elements of differentiated integration and discussing their explanatory value for the future EU–Turkey relationship.

7.2 THE MANY FACES OF DIFFERENTIATION IN EUROPEAN INTEGRATION AND EU–TURKEY RELATIONS

Since the early 1950s, differentiation has featured in the European integration process. Its many faces—including forms of differentiation in primary and secondary law, in internal and external governance, and of a short-, medium- or long-term nature (Stubb, 1996: 283; Holzinger & Schimmelfennig, 2012: 292)—draw a complex picture of a ‘Union united in diversity’. First, it is important to understand the broad concept of differentiated integration in general terms. Second, an assessment of how this concept is generally perceived by the EU and Turkey in view of their relationship will lay the grounds for discussing the concept’s explanatory value for EU–Turkey relations.

7.2.1 *Defining the Concept of Differentiated Integration*

The broad body of literature on differentiated integration reflects the complexity of existing forms of differentiation, providing multiple definitions of the concept depending on the object of analysis (Schimmelfennig et al., 2015; Lavenex, 2015: 836; Tekin, 2012; Gänzle et al., 2019). In general terms differentiated integration encompasses all ‘forms of participation below the threshold of full membership’ (Lavenex & Krizic, 2019: 3). It has an internal and an external dimension (Schimmelfennig et al., 2015: 764). Internal differentiation refers to the phenomenon that some EU members do not take part in cooperation arrangements adopted by other EU members. External differentiation means that some third countries selectively join existing EU arrangements or selected regulatory structures in specific policy areas such as the internal market or the Schengen Area (Lavenex & Krizic, 2019: 3).

Internally, European integration has always featured various forms of differentiation in terms of transitory periods, different levels of implementation of secondary law, individual member states opting out of certain EU policies, or pre-defined rules applicable only to a certain group of member states (e.g., Article 136 of the Treaty on the Functioning of the European Union) (Tekin, 2012). The time dimension of differentiation inherent to the legal provisions becomes relevant for assessing the implications for the European integration process (Goetz, 2009, 2010). Temporality of differentiated integration fosters either sustainable fragmentation or inherently provides for complete integration at some point in the future. Some forms of differentiation can also provide a link between the internal and external dimension. In this context, the Schengen Area is a textbook example of differentiation: it includes Norway, Iceland, Liechtenstein, and Switzerland as third countries to the EU, but not all EU member states have joined that area either permanently, like Ireland and formerly the United Kingdom (UK), or temporarily, like Cyprus, Bulgaria, Romania, and Croatia.

The EU’s external differentiation is just as diverse as its internal differentiated integration. There is one general feature that currently applies to all forms of external differentiation. In institutional terms, based on the current EU treaties, partial membership in the EU does not exist as only accession according to Article 49 of the Treaty on European Union (TEU) grants a state full rights and obligations of membership in the EU.

This creates a general difference between internal and external differentiation: EU member states that have opted-out of certain policies cannot vote on the respective files but do not lose their voting rights on the policies they remain part of. Third countries, however, generally lack the right to fully participate in EU institutions, which means they do not have voting rights in the policy fields in which they participate. To illustrate, the countries of the European Economic Area apply a substantial part of the internal market's *acquis communautaire* but cannot vote in the respective legislative procedures. This makes the EU the decision-giver of such decisions to third countries, creating an asymmetric relationship that determines external differentiation. We can state, however, that there is no model of association or integration with the EU that would apply universally to any third country. Consequently, the re-association of the UK with the EU after its exit from the Union (Brexit) cannot provide a blueprint for the EU's relations with Turkey or any other third country, even though political leaders' expectations were high (Gabriel, 2017a). The scope, content, and aim of each relationship differ and hence require a tailor-made approach.

The concept that provides the best picture of the EU's external differentiation is 'variable geometries' (Tassinari, 2006; Bertoini, 2017), which constitutes different—and sometimes even overlapping—forms of association and integration with different member and non-member states. Each state sets up different regulatory and organizational boundaries as well as establishes different scopes of alignment with the *acquis*, levels of policy harmonization, instruments of enforcement, and inclusion in EU structures (Ülgen, 2012: 12–15). This concept is particularly relevant for Turkey, because due to its uniqueness, the EU–Turkey relationship has already established variable geometries of its own as explained below in Sect. 7.3.

7.2.2 *Concepts of Differentiation in Debates on EU–Turkey Relations*

Although differentiation plays an important role in the overall EU–Turkey relationship, for a long time, this concept was not prominently included in the broader literature on EU–Turkey relations. Ever since the misperception in Turkey of the general, underdeveloped concept of 'privileged partnership' introduced in 2004 (zu Guttenberg, 2004), the EU has tried to avoid political debates with strong references to alternative forms of

integration. Only in view of developments in Turkey and the EU in the 2010s, such as democratic backsliding in Turkey or rising populism and Euroskepticism in the EU, did differentiated integration gain ground in academic and political circles on both sides, resulting in a broad variety of conceptions.

Still, in the political debate these concepts are seldom discussed and do not provide many details on the already existing institutional forms of cooperation between the EU and Turkey outside of the accession framework. In 2017, Sigmar Gabriel, former German Minister of Foreign Affairs, demanded ‘alternative forms of closer cooperation’ (Gabriel, 2017b). One year later former Commissioner for European Neighbourhood Policy and Accession Negotiations Johannes Hahn promoted the idea of a ‘realistic strategic partnership’ (Hahn, 2018) between the EU and Turkey. Such statements set a certain tone in the debate but do not provide sufficient information on the detailed structure of a variable geometry for EU–Turkey relations. To qualify for this, there needs to be further consideration on the actual scope, institutional form, and content of such alternative forms of integration. Academic and policy-oriented assessments of EU–Turkey relations discuss more elaborate concepts (see Müftüler-Baç, 2017; Hürsoy, 2017; Aydın-Düzgit, 2017; Turhan, 2017), specifically looking at options such as ‘associate membership’ (Duff, 2013), ‘gradual membership’ (Karakas, 2013), ‘virtual membership’ (Ülgen, 2012), or ‘junior membership’ (Lippert, 2017). All of them share the fundamental requirement of full adherence to the values and principles of the EU. Yet, they define the quality of the envisaged membership differently. While associate and gradual membership foresee Turkey’s ‘membership without full integration’ based on sectoral voting rights in the (extended) Council, virtual membership builds on the principle of ‘integration without full membership’ (Karakas, 2013: 1067), granting Turkey consultation rights in institutional bodies only. Such concepts, however, do not conclusively solve the dilemma that according to the current treaties, partial membership as such does not exist.

Another issue that such concepts address is the question of whether or not to abolish the accession perspective altogether. ‘Associate membership’, for example, is conceived as a true alternative to the EU’s enlargement policy proposing the introduction of a separate procedure with its own treaty provisions (Duff, 2013). At the same time, given the strong lock-in effects of the accession procedure and the political costs of its termination, concepts such as ‘dynamic association’ (Saatçioğlu

et al., 2019) or Turkey's functional integration into the EU (Müftüler-Baç, 2017; Cianciara & Szymański, 2020) consider alternative forms of integration in addition to the accession procedure. They recommend canceling the accession track only if the new form of integration has been successfully institutionalized.

7.3 THEORETICAL CONSIDERATIONS ON THE EXPLANATORY VALUE OF DIFFERENTIATED INTEGRATION FOR EU–TURKEY RELATIONS

Differentiated integration is a concept rather than a theory of European integration in its own right (Holzinger & Schimmelfennig, 2012). In order to deepen our understanding of the explanatory value of internal and external differentiation for EU–Turkey relations from a theoretical perspective, it is helpful to revisit some of the most prominent European integration theories, i.e., historical institutionalism, liberal intergovernmentalism, functionalism, post-functionalism, and constructivism. In this context, it is helpful to embed differentiated integration into the respective theoretical background and to apply them together to the EU–Turkey relationship.

Building on key arguments in historical institutionalism, external differentiation can provide neither an explanation nor a solution to EU–Turkey relations, because there is no future scenario other than Turkey's EU membership. The main assumption is that 'institutional choices taken in the past persist, or become "locked in", thereby shaping and constraining actors later in time' (Pollack, 2008: 4; see also Icoz & Martin, Chapter 4). This would imply that the decisions to grant Turkey accession candidate status in 1999 and to open accession negotiations in 2004 were 'sticky' and therefore resistant to change. Both transaction costs and institutional thresholds for canceling the accession procedure are high (Pollack, 2008: 3). The political damage within the EU's relationship to a 'key strategic partner' that has been promised full membership would be significant. The decision to cancel the accession process with Turkey would require a unanimous vote of all member states. These lock-in effects create a path dependency that motivates policymakers to stick to past decisions even though this might represent an inefficient outcome that neither Turkey nor the EU has full confidence in ever achieving (Pierson, 1996: 123; 2000: 251). In historical institutionalism, internal differentiation is

a crucial element of EU–Turkey relations, because it can help solve this dilemma. Following this logic, Turkey could accede to the EU under stricter conditions compared to other member states—e.g., permanent safeguard clauses—which would represent some sort of ‘underprivileged membership’ but would follow the logic of path dependence.

Liberal intergovernmentalism explains internal and external differentiation by focusing on member states as prominent actors. Member states’ national preferences, driven by the issue-specific interests of powerful domestic constituents and the intergovernmental bargaining power of state actors, are key variables in this context (Karakas, 2013: 1058; see also Tsarouhas, Chapter 2). This approach can facilitate our understanding of why Turkey accepted a negotiating framework that not only strongly deviates from those of other accession candidates but also seems to be disadvantageous. The permanent safeguard clauses, expected to apply after accession, would create a high degree of internal differentiation. The negotiation framework already prepares the ground for anchoring Turkey in the EU through the strongest possible bonds, if Turkey would not be capable of assuming all obligations of membership. This means that alternatives to full membership compete against the accession procedure. Accession negotiations represent asymmetric relations in which Turkey—still driven by strong support for EU membership among its domestic constituents¹—has less bargaining power than the EU.

A functionalist explanation of EU–Turkey relations deals with ‘anchoring Turkey in multiple layers into EU institutions and policies’ (Müftüler-Baç, 2017: 418). Issue-specific interdependence and spillover effects instead of the accession promise are the main drivers of such a functional EU–Turkey relationship. Based on this logic, cooperation or sectoral integration in one area creates functional pressures demanding integration in another related area. External differentiation is hence determined by a logic responding to functional needs rather than solely member states’ preferences. A functionalist analysis can also extend to the governance level, focusing on participation in transgovernmental regulatory agencies (e.g., Frontex, Europol, European Environment Agency) (Lavenex, 2015: 840). Respective patterns of flexible integration reflect third countries’ sectoral interdependence and bureaucratic affinity ‘with arrangements reaching from full membership to association without

¹According to polls in 2019 public opinion support for EU membership was 60% (see İktisadi Kalkınma Vakfı, 2019).

voting rights, observer status and punctual participation in particular functions and fora' (Lavenex, 2015: 838).

In view of EU–Turkey relations, a purely functionalist logic cannot provide a full explanation of the potential of external differentiation becoming a structuring principle of the relationship. Building on post-functionalist arguments (Hooghe & Marks, 2009: 1), interdependences are a necessary but not a sufficient variable of differentiation. Politicization in the sense of ‘an increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation’ is the variable that completes the picture (Schimmelfennig et al., 2015: 771; Saatçioğlu, 2020: 169; Cianciara & Szymański, 2020). While interdependences are drivers of integration, politicization is an obstacle to it. This means that ‘external differentiation results if non-members that are unable to join because EU membership is highly politicized opt in selectively in highly interdependent but weakly politicized policy areas’ (Schimmelfennig et al., 2015: 765) (e.g., in economic and monetary affairs), security and defense (engagement with Eurocorps, Frontex, Europol, PESCO), as well as research and development. Turkey’s EU membership is highly politicized both in Turkey and EU member states, and therefore, external differentiation seems to be an appropriate frame for the relationship between the EU and Turkey. Yet, alternative forms of integration with the EU other than full membership—such as ‘privileged partnership’—are also highly politicized in Turkey, which limits the options for structuring the relationship (Saatçioğlu, 2020: 173).

Constructivism (see Aydın-Düzgüt & Rumelili, Chapter 3) can provide information on differentiation in EU–Turkey relations in two ways: whether and to what extent alternatives to accession are viable options as well as under which conditions full integration into the EU remains possible. Both sides can agree on alternatives to accession if there is ideational consensus, which means that legitimate constitutional ideas about European integration should match on both sides (Leuffen et al., 2013: 99). In this context, differentiation could narrow the separation between EU members and non-members if the dominant constitutional ideas in the EU and in Turkey allowed the two parties to choose their scope and form of integration within a broader set of variable geometries (Leuffen et al., 2013: 100). Since 2014, EU institutions have started to officially acknowledge differentiated integration to represent an important tool for managing heterogeneity among member states as long as

it is not of a permanent nature (European Council, 2014: 11). Turkey can consider alternatives to its accession to the EU only if ‘EU regulations change, different membership alternatives are developed, and several membership countries decide to alter their membership status’ (Bağış quoted in Karakas, 2013: 1058). As constitutional ideas of both sides agree to differentiation only conditionally, it currently seems highly challenging to think out of the accession box and to construct alternative forms of Turkey’s association or integration with the EU.

A constructivist analysis can further facilitate our understanding of external differentiation in EU–Turkey relations in view of the unlikelihood of Turkey’s full membership in the EU. To this end an assessment of ideational contestation is helpful. Policy areas with little contestation feature high integration potential and vice versa (Leuffen et al., 2013: 100). More importantly, identity representations of one another in Turkey and in the EU can impact Turkey’s integration into the EU and/or the extent of external differentiation. If there is reciprocal representation of the ‘Other’ as part of a common/shared identity, Turkey’s full integration into the EU will remain an option (Aydın-Düzgüt and Rumelili, 2021). The more identity representations diverge, the less integration will be possible, and forms of external differentiation will become more relevant. As soon as both sides represent each other as the alien ‘Other’ in the formation of their identities, external differentiation will be undermined and eventually threatened. Ideational contestation in EU–Turkey relations has continuously increased and acts as a hurdle to full membership in the EU.

This brief overview has highlighted that we can find explanatory value in the concept of differentiated integration for EU–Turkey relations. This is important because the relevance of the EU’s external variable geometries increases as the likelihood of Turkey becoming an EU member decreases to the point of vanishing altogether.

7.4 THE VARIABLE GEOMETRIES OF EU–TURKEY RELATIONS

The variable geometries of EU–Turkey relations take three distinct forms: accession, functional cooperation in terms of ‘regulatory approximation for neighbouring countries without accession’ (Lavenex, 2011: 373), and cooperation in international organizations.

7.4.1 *Accession: A Lost Cause for EU–Turkey Relations?*

Accession is the most institutionalized framework of EU–Turkey relations (Schröder & Tekin, 2019). If completed, Turkey will be fully included in EU structures with the rights and obligations of a full member state. This implies commitment to the values referred to in Article 2 of the TEU and their promotion (Art. 49 TEU) and, hence, to stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. Additionally, full membership in the EU requires complete implementation of the *acquis communautaire*, including adherence to the aims of the political, economic, and monetary union, as well as having a functioning market economy and the capacity to cope with competition and market forces in the EU (European Council, 1993: 13). The accession framework includes multiple enforcement measures that aim at facilitating Turkey’s eventual full integration in the EU (e.g., Accession Partnership, Negotiating Framework, the Commission’s progress reports that are since 2015 titled Turkey reports, and screening of negotiation chapters). In financial terms the Instrument for Pre-Accession Assistance provides support for reforms in Turkey on its way into the EU. By 2014 Turkey had adopted 326 primary and 1,730 secondary pieces of legislation to ensure alignment with the EU *acquis* in all 35 chapters (Müftüler-Baç, 2017: 424). Afterward, the pace of alignment slowed down with ‘more instances of backsliding regarding a number of key aspects in the areas of free movement of capital, public procurement, competition, information society, economic and monetary policy, and external relations’ (European Commission, 2019: 8). The accession process is of a highly asymmetrical nature, because it is strongly determined by the EU’s conditionality. Turkey has no influence on the conditions for accession, which are defined by the Copenhagen criteria.²

7.4.2 *Functional Cooperation: Differentiating the Picture of EU–Turkey Relations*

Functional cooperation in EU–Turkey relations is multifaceted. External differentiation takes the form of pure association without any participation or representation in EU institutions but in joint association councils,

²For a detailed overview of the evolution of Turkey’s accession process see also Turhan and Reiners (Chapter 1) and Lippert (Chapter 11).

high level dialogues, joint summits, or committees. The 1963 Association Agreement between Turkey and the European Communities/European Union has aimed at promoting ‘the continuous and balanced strengthening of trade and economic relations between the Parties, while taking full account of the need to ensure an accelerated development of Turkish economy and to improve the level of employment and the living conditions of the Turkish people’ (EEC-Turkey Association Agreement, 1963: Art. 2). This agreement constitutes the most prominent framework for functional cooperation so far. The framework for achieving the aim of the Association Agreement is the Customs Union (CU), which entered into force on 31 December 1995. Within the CU Turkey aligned with the EU *acquis* in trade policy, the Common External Tariff, and parts of agricultural policy in relation to industrial components of agricultural products. The association framework is also highly institutionalized with regular meetings of the Association Council, which includes representatives of the Turkish government, the European Council, and the European Commission. This body is supported by a number of committees (e.g., Association Committee, Customs Union Joint Committee). The Association Council is supposed to meet annually, but after the failed coup attempt in Turkey on 15 July 2016, the meetings were canceled and only taken up again in 2018; these meetings were canceled for a second time in 2019 in reaction to Turkey’s drilling activities in the Eastern Mediterranean off the shores of Cyprus (Council of the EU, 2019). Although the association framework is highly institutionalized, Turkey’s integration in EU structures is rather low, because it is not represented in EU institutions and hence not involved in the decision-making procedures of the relevant EU policies. This asymmetric relationship becomes particularly evident whenever the EU is negotiating free trade agreements with other third countries. In that case Turkey is required to negotiate similar arrangements with the respective country on a bilateral basis (Müftüler-Baç, 2017: 426; see also Akman & Çekin, Chapter 12). In December 2016, the European Commission asked the Council for a mandate to modernize the CU (European Commission, 2016) with the aim to extend it in the service sector and in terms of public procurement and to integrate Turkey further into the internal market. Such upgrading of the CU would even out some of the asymmetries in the relationship, but this endeavor was blocked by a group of EU member states (Council of the EU, 2018).

In addition to the association framework, which has a strong focus on the CU, functional cooperation has been structured in high level

dialogues on key thematic issues since 2015. Such meetings on energy, economy, transport, the fight against terrorism, and foreign and security policy framed within the high level political dialogue contribute to exploring the vast potential of EU–Turkey relations in the fields of common interest (European Council, 2015). The Heads of State or Government of the EU member states and of Turkey decided to establish this framework with the EU–Turkey Statement of 29 November 2015, when the high number of refugees on their way through Turkey into the EU demanded a comprehensive and joint solution. This joint statement also endorsed the realization of biannual EU–Turkey summits to discuss and assess the EU–Turkey relationship on the highest possible level (European Council, 2015). This institutional framework of summits and high level dialogues acknowledges the importance of overcoming common challenges while working with key partners and strategic allies in the region. It does not particularly aim at Turkey’s alignment with the EU’s *acquis*, but both sides agree on joint actions such as the exchange of good practices and closer cooperation between Turkish authorities and EU agencies as well as on joint work programs.

Finally, functional cooperation takes the form of Turkey either contributing to certain EU policies or being affiliated with the EU’s agencies. Turkey’s contribution to the Common Security and Defense Policy (CSDP) is somewhat remarkable. It has participated in multiple CSDP missions and operations—mostly within the framework of the NATO–EU cooperation scheme. With contributions to nine out of 30 EU-led operations, Turkey constitutes one of the biggest contributors after France, Germany, and the UK (Müftüler-Baç, 2017: 428). The Lisbon Treaty introduced the procedure of the Permanent Structured Cooperation (PESCO; Art. 42, 46 TEU), which a group of EU member states can use for establishing more binding commitments on military cooperation among themselves. In December 2017, PESCO was activated, including multiple ad hoc capability projects enhancing the operational readiness and contribution of the armed forces of the 25 participating member states. Although the PESCO arrangement generally is open to third countries’ contributions through invitations in projects to which they can bring ‘substantial added value’ (Notification on PESCO, 2017: 8; see also Aydın-Düzgüt & Marrone, 2018: 18), the likelihood of PESCO becoming an important feature in the variable geometries of EU–Turkey relations is rather uncertain. Such an invitation requires a unanimous decision by the member states, which in view of the conflictual relations

between Turkey and Cyprus seems rather unlikely (for detailed discussion see Aydın-Düzgüt & Marrone, 2018).

Turkey is also an important strategic partner in the EU's energy policy in view of large-scale projects such as the Southern Gas Corridor or the Trans Anatolian Natural Gas Pipeline (see Sartori, Chapter 15). Additionally, functional cooperation in the EU's Area of Freedom, Security, and Justice is quite substantial. On the one hand, there is the EU–Turkey Statement on migration of March 2016 establishing a 1:1 mechanism for returning and relocating Syrian refugees with the aim to decrease the migration pressure on the Greek islands as well as a Refugee Facility for Turkey totaling 6 billion EUR for supporting Turkey in hosting about 4 million refugees. This form of cooperation has turned into a stone of contention which has been repeatedly instrumentalized by the Turkish president for negotiating terms of cooperation also in other areas. On the other hand, Turkey is affiliated with Europol and Frontex not through membership but through strategic cooperation and working arrangements (Lavenex, 2015). It is included in the Civil Protection Committee of the Commission's Directorate General for European Civil Protection and Humanitarian Aid Operations. This diversity of functional cooperation frames the EU's relations with Turkey as a 'strategic' or 'key' partner guided by mutual benefits and structural needs for cooperation that might have spilled over from other policy areas.

7.4.3 Intergovernmental Cooperation: The Outer Layer of the EU's Variable Geometries with Turkey

The third dimension of the EU's variable geometries with Turkey is framed by intergovernmental cooperation through memberships in other international organizations. All member states of the EU are members of the Council of Europe and so is Turkey. The EU and the Council of Europe are bound to each other through shared values and fundamental rights. The Council of Europe has a large-scale country-specific cooperation scheme in Turkey consisting of EU/Council of Europe Joint Programs providing assistance in the fight against corruption, in the field of justice, in the education system, and in meeting the reform agenda. Consequently, it can be perceived as an additional reform driver for Turkey's alignment with the EU's *acquis* and fundamental values. Another important international cooperation for EU–Turkey relations is the European Energy Community. Its aim is to extend the EU's internal

energy market to Southeast Europe and the Black Sea region. Turkey is only an observer state and is not willing to become a full member as long as its perspective of eventually becoming a full member of the EU is uncertain. Membership in the European Energy Community would require alignment with most of the *acquis*. The Turkish political establishment is prepared to comply with this requirement only shortly before accession into the EU (Kopac & Ekinci, 2015).

The variable geometries of EU–Turkey relations account for the EU’s relations with Turkey as an accession candidate, an ‘association partner’, a ‘key partner’, and a ‘strategic partner’. This creates a complex picture with different levels of institutionalization and asymmetry in the relationship. Nevertheless, this multi-structure-approach allows for relations stretching across the dimensions of politics, economics, security, energy, and migration.

7.5 CONCLUSIONS AND OUTLOOK ON THE DIFFERENTIATED FUTURE OF EU–TURKEY RELATIONS

By 2018, the accession procedure between the EU and Turkey had run dry. Turkey’s accession to the EU seems to be an unrealistic scenario for the (near) future of EU–Turkey relations. Consequently, alternative forms of Turkey’s integration with the EU are worthwhile. Thus, differentiated integration provides an appropriate conceptual framework. The presented discussion of the concept of differentiated integration, its theoretical logic in view of EU–Turkey relations, and finally, practices of differentiation in this relationship allows us to generally confirm the guiding assumption that variable geometries of EU–Turkey relations represent a soft landing from the fallout of the accession procedure. Nevertheless, such a confirmation requires a concluding assessment of the benefits and limitations of the explanatory value of external differentiation in this relationship.

EU–Turkey relations are becoming increasingly conflictual in all relevant dimensions due to developments both in Turkey as well as the EU, particularly between 2016 and 2020 (Soler et al., 2018; Saatçioğlu & Tekin, 2021). Politically, the failed coup attempt of July 2016 and the subsequent state of emergency as well as the constitutionalization of the executive presidency in Turkey have moved the country away from the EU and its core values. Rising right-wing populism in the EU and

crises in the European integration process have further contributed to ‘Turkey fatigue’. On both sides the EU–Turkey relationship in general and Turkey’s accession to the EU in particular have become increasingly politicized, which was especially evident in 2017 when Turkey held the constitutional referendum and several EU member states—e.g., Germany and the Netherlands—held national elections. This fueled the blame game on both sides, culminating in Turkish government representatives comparing the German and Dutch approach toward Turkey to methods used during the Nazi regime (The Guardian, 2017). Turkey was not a major topic in the electoral campaign of the *Spitzenkandidaten* for the European elections in 2019—but when it was mentioned, the abolition of the accession procedure was the most prominent message (Euronews, 2019).

These events have increased demands for a post-functionalist analysis of EU–Turkey relations in order to facilitate the understanding of the scope of differentiation in this relationship. Economically, the instability of Turkey’s economy and the devaluation of the Turkish lira have raised concerns in the EU. Until recently the energy dimension had been perceived as one of the least conflictual areas within EU–Turkey relations. However, Turkey’s drilling activities off the shores of Cyprus have put this at risk. Additionally, differences in the two sides’ energy mixes circumvent closer cooperation. In security terms increasingly divergent geostrategic interests such as Turkey’s military interventions into Syria as well as its relations with Russia (e.g., Turkey’s purchase of the S-400 missile system) drive the EU and Turkey further apart. Finally, in migration policy the EU–Turkey Statement of March 2016, which was supposed to represent a stable framework for mutual beneficial cooperation, turned into a potential strain on relations as Turkey has repeatedly threatened to break up this deal.

Consideration of this increasingly ‘conflictual cooperation’ in EU–Turkey relations is relevant for assessing the explanatory value of differentiated integration for two reasons. On the one hand, Turkey’s accession to the EU becomes an increasingly unlikely scenario even in the longer term. This increases the demand for alternative forms of integration and hence the EU’s external differentiation. On the other hand, the increasing conflicts between the EU and Turkey affect the dimension of functional cooperation in the EU’s variable geometries with Turkey. In July 2019, the EU decided to cancel its high level dialogues with Turkey and EU–Turkey summits. In November 2019, the Council decided on restrictive

measures in response to Turkey's illegal drilling activities in the Eastern Mediterranean, including sanctions on involved persons (Council of the EU, 2020), which is an unprecedented move against an accession country. This highlights that the functionalist logic in EU–Turkey relations that would anchor Turkey in multiple layers of EU institutions and policies due to mere functional pressures and spillover effects can be undermined and might eventually lead to ‘spillback effects’ undermining the relationship at large (see Goldner-Lang, 2020).

Literature on differentiated integration in EU–Turkey relations has a strong focus on functional cooperation (see Müftüler-Baç, 2017; Cianciara & Szymański, 2020; Saatçioğlu, 2020). Yet, a constructivist assessment of the consensus on legitimate constitutional ideas deserves further attention in future studies, because so far it has been under-represented in research on EU–Turkey relations. Differentiation has not yet become the predominant structuring principle of either European integration or EU–Turkey relations. On the one hand, the Turkish establishment is only reluctantly and conditionally warming up to the idea of considering such alternative forms. Brexit might contribute to this development, because the UK represents an influential actor both in Europe and at the global level. Accordingly, Brexit might increase the credibility and attractiveness of forms of association to the EU that would replace the membership perspective. On the other hand, although EU institutions have started to officially acknowledge differentiation as a valid structuring principle for the future European integration process, differentiation does not yet represent the ‘new normal’, i.e., the new constitutional idea. Hence, the separation between the EU members and non-members persists. This is further confirmed in view of institutionalist considerations; the likelihood for changes to the EU treaties in the near future is low. This means that although internal differentiation might increase, the scope and commitment of membership will not substantially change. Even if the scenarios of ‘those who want more do more’ or ‘doing much more together’ that were outlined by the Juncker Commission in 2017 for a more differentiated future of the EU27 (European Commission, 2017) would materialize, decision-making in EU institutions would still remain the exclusive privilege of EU member states.

In spite of the limitations of differentiated integration for EU–Turkey relations, this concept represents a way out of the dead-end accession track. The question remains how to frame such an alternative concept

for integrating Turkey with the EU. The challenge is that the uniqueness of EU–Turkey relations, defined by persistent and multidimensional ties, makes it imperative to develop an original relationship model that would borrow some elements from other existing models of the EU’s relations with third countries.³ Any model that would fall below the established levels of rules-based cooperation and Turkey’s integration in EU institutions such as a pure strategic partnership or the European Neighborhood Policy would represent a setback in EU–Turkey relations. At the same time, any model with higher degrees of integration such as the European Economic Area would require substantial political and legislative reforms in Turkey.

The modernization of the CU seems to be a tangible option for generating economic, political, and strategic benefits for both sides. Economically, it would expand the CU to include services and consequently create expectations for mutual economic gains, although these would be higher for Turkey than for the EU (Gros et al., 2018). Politically, the EU could still be a driver for reforms in Turkey in spite of the weakened conditionality within the accession procedure. Strategically, within the modernized CU, Turkey would be able to participate in future free trade agreements negotiated by the EU with other third countries, which would diminish the asymmetric nature in this form of external differentiation. At the same time, a modernization of the CU cannot be the only element in future EU–Turkey relations. Turkey’s involvement in regulatory bodies dealing with key policies that are of mutual interest to the EU and Turkey remains essential. This can further increase and solidify EU–Turkey relations and might create some spillover effects. To this end, the focus needs to be on those areas where interdependence is high and politicization is low in order to circumvent the strongly politicized debates on Turkey’s EU membership. The future of EU–Turkey relations is differentiated through developments across multiple dimensions; therefore, differentiated integration provides an appropriate framework for conceptualizing the different forms of Turkey’s integration and association with the EU.

³For an overview of possible models of internal and external differentiation in EU–Turkey relations see Saatçioğlu et al. (2019).

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PART II

Institutions



The European Council as a Key Driver of EU–Turkey Relations: Central Functions, Internal Dynamics, and Evolving Preferences

Ebru Turhan and Wolfgang Wessels

8.1 INTRODUCTION

With its central functions and wide-ranging activities within the political system of the European Union (EU), the European Council has turned into the key EU institution in framing and shaping EU–Turkey relations. Since its establishment in 1974, it has been making the most fundamental and far-reaching decisions on the EU–Turkey relationship. The influence of the European Council in EU–Turkey relations is derived from its role and status in EU decision-making. No institution other than the European Council has enjoyed so much ‘explicit political leadership in the EU process’ (Wallace, 2010: 82), gradually expanded its functions beyond

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the legal provisions enshrined in treaties, and evolved into a ‘living institution’. As a ‘place of power [...] where great European debate takes place on a one-to-one basis’ (de Schoutheete, 2012a: 22), the European Council is composed of the Heads of State or Government¹ of the member states, its President, and the President of the European Commission (Art. 15(2) Treaty on European Union, TEU). It sets the strategic direction of the Union, amends EU treaties, and takes over key agenda-setting and decision-making functions in enlargement policy and ‘new areas of EU activity’ including economic governance and foreign affairs (Fabbrini & Puetter, 2016: 482).

Since its creation, the European Council has reached agreements on the most crucial and controversial aspects of Turkey’s EU accession process. Yet, the functions and powers of the Heads of State or Government in EU–Turkey relations are not exclusively limited to the accession process. The European Council serves as a key ‘driver’ of manifold aspects of EU–Turkey relations. Drivers are understood as ‘structural/agency-related’ or ‘material/ideational elements’ that determine the direction and scope of a relationship (Tocci, 2016: 4). Drawing on both written provisions of the treaties and real-world patterns, this chapter identifies the European Council’s roles as the EU’s ‘master of enlargement’ (Lippert, 2011: 254), ‘external voice and crisis manager’, and ‘agenda and direction setter’ as its three central functions that drive the EU–Turkey relationship. The central focus of this chapter is the evolution of the European Council in framing relations with a candidate country—or what many now call a ‘strategic partner’—and the identification of the critical turning points and shifts in the central functions, internal dynamics, and preferences of this key institution.

The many faces of the European Council make it a core component of the institutional machinery maintaining relations between the EU and third countries, including Turkey. Nevertheless, theoretical and empirical studies on the dialogue of the European Council with third countries are rare. Such studies are outnumbered by existing empirical analyses of the institutional evolution, internal dynamics, and influence of the European Council (Bulmer & Wessels, 1987; Wessels, 2016; Werts, 2008; Tallberg, 2008; de Schoutheete, 2012b), its presidency (Alexandrova

¹For the members of the European Council, this chapter uses the official term ‘Heads of State or Government’ and, contingent on the context, ‘Union’s leaders’, and ‘member states’ highest political representatives’.

& Timmermans, 2013; Crum, 2009; Dinan, 2013), and theoretical considerations on the power of the European Council within the EU system (Fabbrini & Puetter, 2016). A limited number of works touches upon the European Council's relevance for the EU's relationship with third countries while studying its role in crisis management, enlargement, external action, or the area of freedom, security, and justice (Anghel et al., 2016; Wessels, 2016; Nugent, 2010). However, these studies do not provide systematic and in-depth insight into the dialogue of the Union's leaders with third countries or examine country cases like Turkey.

This chapter first outlines the central functions and powers of the European Council within the EU system that are of major relevance to EU–Turkey relations and identifies the key tasks, mechanisms, and actors related to each role. In the ensuing sections, it elaborates on the evolution of these a priori identified functions and their impact on EU–Turkey affairs from 1987 to 2020 while also scrutinizing their limits and potential to unfold EU–Turkey affairs. As far as the European Council's role as the master of enlargement is concerned, the chapter chronologically reviews the European Council's far-reaching conclusions on Turkey's accession process and examines the expanding impact of member states' individual preferences on the European Council's role as a driver of Turkey's accession process. The chapter then elaborates on EU–Turkey cooperation in times of crisis by paying specific attention to the management of the 2015/16 refugee 'crisis' and discusses whether collaboration with Ankara during external shocks is becoming an ever-growing role and a challenge for the European Council. Of specific relevance for the last section is the analysis of the empirical evidence offered by the conclusions of the European Council, which frame different narratives for the doctrine on Turkey and offer a systematic assessment of the evolution of the European Council's role as an 'agenda and direction setter' in the EU–Turkey relationship.

The main finding of this chapter is that the European Council has at different times functioned as a positive driver of both Turkey's EU accession process and of an interest-driven, transactional partnership between the Union and Turkey. At the same time, the findings showcase a growing trend toward a more conflictual, relatively hostile relationship between the European Council and Turkey. Diverging geopolitical interests—especially in the Eastern Mediterranean—and normative considerations as well as the expanding impact of bilateral issues and member states' individual

preferences shape the European Council's role as a driver of EU–Turkey relations.

8.2 EU–TURKEY RELATIONS: THE MANY FACES OF THE EUROPEAN COUNCIL

As the constitutional architect, key decision-maker, strategic guide, and external voice of the EU (Wessels, 2016), the European Council has many functions as a driver of the EU–Turkey dialogue. Its roles as ‘master of enlargement’, ‘external voice and crisis manager’, and ‘agenda and direction setter’ stand out in view of their relevance for the design of bilateral affairs and their salience in political and public discourses.

Despite the comatose state of Turkey's EU accession negotiations and palpable challenges concerning their full-fledged revival, Turkey's accession process still constitutes the political and institutional backbone of EU–Turkey relations. The European Council's role as the master of enlargement has been a decisive factor in the formulation of EU–Turkey relations, although the treaty provisions attribute only a marginal role to the European Council in the widening process. Article 49 (TEU) requires the Council to be mindful of the ‘conditions of eligibility agreed upon by the European Council’ for the accession of third countries and charges the member states with the signing and ratification of the accession treaties. In June 1993, third countries' eligibility for membership was tied to certain conditions by the conclusions of the Copenhagen European Council. The ‘Copenhagen criteria’ require

[the] stability of institutions guaranteeing, democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union’, and ‘candidate's ability to take on the obligations of membership’. (European Council, 1993: 13)

This qualitative accession conditionality serves as a ‘bargaining strategy of reinforcement by reward’ (Schimmelfennig & Sedelmeier, 2004: 670), making the major exogenous incentive—full membership in the Union and progress toward it—conditional on Turkey's and other candidates' alignment with the EU's norms (see also Lippert, Chapter 11).

The real-world patterns of accession management reveal the steering influence of the European Council beyond the legal provisions. For the

preparatory phase of the accession process, the Heads of State or Government frame and adapt their enlargement doctrine in order to display the EU's narratives about the necessity for widening the Union (Lippert, 2011). They sign different types of association agreements with third countries to foster alignment with EU norms and decide by unanimity about the candidate status of a third country and the launch of accession negotiations. In the case of Turkey, these steps took place in 1963 (Association Agreement), in 1999 (candidacy), and in 2004 (decision to start negotiations), respectively (see also Turhan & Reiners, Chapter 1). Throughout the negotiation phase, the European Council carefully monitors the talks; if necessary, adjusts their course with interim decisions (e.g., calls for the suspension of talks with the request of one-third of its members); and makes the political decision on accession. In the follow-up phase, the Heads of State or Government individually steer the signing and ratification of accession treaties according to their own domestic political landscapes and, if necessary, re-negotiate the terms of accession in the event of a request by prospective members (Wessels, 2016: 183–186; Turhan, 2016: 465; Nugent, 2010: 175).

Secondly, the European Council's duty as the external voice and crisis manager of the Union has been a key driver of the EU–Turkey dialogue, particularly since 2015. The written provisions assign the President of the European Council the role of 'external representation' in matters relating to the Common Foreign and Security Policy (CFSP) based on a division of labor with the High Representative (Art. 15(6) TEU). In its capacity as the crisis manager, the European Council frequently issues statements and declarations in the area of external action with the purpose of carving a distinguishable profile in the international system and offsetting the externalities of regional or international crises. Since the enactment of the Lisbon Treaty, the EU has become vulnerable to a series of external shocks. The lack or constrained presence of supranational competences in crisis-relevant policy areas such as CFSP and Common Security and Defense Policy coupled with the high degree of political salience carried by crisis-related issues reinforces the European Council's role as a crisis manager (Fabbrini & Puetter, 2016: 488–489).

The Union's leaders' intensified efforts to offset crisis-induced negative externalities for the EU have increased their cooperation with key third countries, including Turkey. The EU's leading mechanisms of crisis dialogue include joint declarations, statements, action plans as well as

joint summits and bilateral meetings, where the Union is typically represented by the presidents of the European Council and the Commission. As the EU's sixth largest trading partner and 'key strategic partner' (European Council, 2015a), Turkey's pivotal role in the containment of regional crises was underlined by several European Council conclusions. The announcement of the EU–Turkey refugee 'deal' subsequent to a joint summit between the European Council and the Turkish government on 18 March 2016 elevated the Union's leaders' central role as a collaborator with Turkey in negating external shocks.

Lastly, the European Council's 'most traditional function' (de Schoutheete, 2012b: 56) as an agenda and direction setter shapes the scope and political direction of EU–Turkey relations. The Lisbon Treaty charges the Heads of State or Government with providing 'the Union with the necessary impetus for its development' (Art. 15(1) TEU). This function empowers the European Council with the design of the overarching guidelines, political direction, and priorities of the EU, including those concerning the *finalité* of the European integration process. The European Council conclusions are the decisive mechanism for the accomplishment of this duty. They are central documents in which issues are initiated and framed, and the broad political parameters of future policy are set to be operationalized by other institutions (Princen & Rhinard, 2006). For this purpose, the conclusions of the European Council produce specific 'narratives' on certain issues or agents, which are 'stories told by actors to comprehend and frame the world in which they interact' (Wehner & Thies, 2014: 421). Narratives are helpful to legitimize policy direction and actions as they characterize and label the agents or issues involved in the stories and construct a causal relationship between sequential events (Oppermann & Spencer, 2016). They are contingent on critical turning points that generate 'new stories to make sense of the new events' (Wehner & Thies, 2014: 421).

European Council conclusions on Turkey construct the strategic orientation, policy objectives, and priorities of the EU and its institutions regarding their dialogue with Turkey both within and outside the accession framework. They frame and design certain narratives concerning the EU's doctrine on Turkey, which comprise 'interpretations [...] of the evolution, drivers and actors, as well as the goal (or *finalité*) of the EU–Turkey relations' and emerge 'in response to key critical junctures and milestones of the relationship' (Hauge et al., 2019: 3–4). As casual stories these narratives characterize Turkey by placing it in relation to the EU

and its norms and preferences. They also legitimize the European Council's policy direction and enable—or constrain—opportunities for action of other EU institutions involved in EU–Turkey affairs.

8.3 THE EUROPEAN COUNCIL AND TURKEY'S EU ACCESSION PROCESS: FAR-REACHING DECISIONS, UNILATERAL VETOS, AND GROWING DOUBTS

While Turkey applied for full membership in the European Economic Community in 1987, issues related to Turkey's accession did not appear in the European Council conclusions until 1992 (see Table 8.1). The European Council's initial reaction to the application appeared in its June 1992 conclusions, which discussed the applications submitted by Turkey, Cyprus, and Malta, and underlined the need to assess each application on its own merits (European Council, 1992). The considerably delayed and vague response to the Turkish case signaled the unexpected timing of the application and the lack of interest of the Heads of State or Government to perceive Turkey as a serious candidate for full membership. In the aftermath of the Copenhagen conclusions, the leaders' agenda lacked any reference to Turkey's accession until 1997.

8.3.1 *The European Council's Rise as a Positive Driver of Turkey's Accession Process*

The European Council took up its function as the 'master of enlargement' at the Luxembourg Summit on 12–13 December 1997. It became an active, key player in Turkey's accession process when it rejected Turkish demands to be included in the list of official candidates. At the same time, the European Council also took over the role of 'stabilizer' of the bilateral dialogue and sought to prevent Turkey's alienation from the EU by inviting it (alongside official candidates) to participate in the 'European Conference', which was planned to act as a forum for political consultation (European Council, 1997).² As a result of Greek reservations, EU leaders affirmed that Turkey's participation in the conference was conditional upon the principle of 'good neighborliness'. While initial conceptualizations of this criterion appeared for the first time in the July

²However, this substitute arrangement never got off the ground.

Table 8.1 The European Council conclusions on Turkey's accession to the EU (1987–2020)

<i>Date</i>	<i>Place of meeting</i>	<i>Main subjects/conclusions related to Turkey's EU accession process</i>
26–27 June 1992	Lisbon	<ul style="list-style-type: none"> • Discussion on applications submitted by Turkey, Cyprus, and Malta
12–13 December 1997	Luxembourg	<ul style="list-style-type: none"> • Turkey's invitation to the European Conference • Confirmation of Turkey's eligibility for accession
15–16 June 1998	Cardiff	<ul style="list-style-type: none"> • 'European Strategy' for Turkey • Turkey's inclusion in the list of countries to be evaluated by the Commission's progress reports
11–12 December 1998	Vienna	<ul style="list-style-type: none"> • Further development of EU–Turkey relations based on the European Strategy with the purpose of preparing Turkey for membership
10–11 December 1999	Helsinki	<ul style="list-style-type: none"> • Confirmation of Turkey's candidate status • The need to fulfill the political criteria
19–20 June 2000	Santa Maria da Feira	<ul style="list-style-type: none"> • Candidacy based on the same criteria as applied to the other candidate states • Endorsement of Turkish efforts to meet the accession criteria • Concerns about human rights, rule of law, and judiciary
7–9 December 2000	Nice	<ul style="list-style-type: none"> • Invitation for the Commission to present proposals for the single financial framework for assistance to Turkey and for the Accession Partnership • Progress achieved in implementing the pre-accession strategy
15–16 June 2001	Gothenburg	<ul style="list-style-type: none"> • Importance of the Accession Partnership and the National Programme for the Adoption of the Acquis (NPAA) • New prospects for Turkey's European perspective after Helsinki (1999) • Further emphasis on human rights in Turkey's National Programme is needed • Invitation for the Council to adopt the single financial framework for pre-accession assistance

<i>Date</i>	<i>Place of meeting</i>	<i>Main subjects/conclusions related to Turkey's EU accession process</i>
14–15 December 2001	Laeken	<ul style="list-style-type: none"> • Progress toward complying with the political criteria • Prospect of opening accession negotiations • Concerns about human rights • Endorsement of recently adopted reforms in Turkey and emphasis on further implementation
21–22 June 2002	Seville	<ul style="list-style-type: none"> • Possibility of a new decision to be taken in the Copenhagen European Council • Turkey's progress in fulfilling the economic criteria brings forward the opening of accession negotiations
24–25 October 2002	Brussels	<ul style="list-style-type: none"> • Invitation for the Commission to prepare for the Copenhagen Summit and the elements regarding the next stage of Turkey's candidacy • Candidacy based on the same criteria as applied to the other candidate states • Acknowledgment of steps taken by Turkey toward meeting the Copenhagen criteria
12–13 December 2002	Copenhagen	<ul style="list-style-type: none"> • Remaining shortcomings in the field of political criteria • The possibility of a decision by the December 2004 European Council to open accession negotiations without delay
19–20 June 2003	Thessaloniki	<ul style="list-style-type: none"> • Acknowledgment of the reform process in Turkey
12–13 December 2003	Brussels	<ul style="list-style-type: none"> • Revised Accession Partnership and increased pre-accession financial assistance • Significant progress in meeting the economic criteria and progress in meeting the political criteria • Concerns about judiciary, civil–military relations • Settlement of Cyprus problem to facilitate membership
17–18 June 2004	Brussels	<ul style="list-style-type: none"> • Far-reaching decision to be taken by the December 2004 European Council • Acknowledgment of reforms in Turkey • Far-reaching decision to be taken by the December 2004 European Council • Invitation for Turkey to conclude talks with the Commission on the adaptation of the Association Agreement
4–5 November 2004	Brussels	<ul style="list-style-type: none"> • Presentation by the president of the Commission of a study on issues arising from Turkey's membership perspective

(continued)

Table 8.1 (continued)

Date	Place of meeting	Main subjects/conclusions related to Turkey's EU accession process
16–17 December 2004	Brussels	<ul style="list-style-type: none"> • Far-reaching reform process in Turkey • Welcoming of Turkey's decision to sign the Additional Protocol to the Association Agreement
15–16 June 2006	Brussels	<ul style="list-style-type: none"> • Turkey sufficiently fulfills the political criteria • Opening of accession talks on 3 October 2005 • Affirmation of commitment to support Turkey in its efforts to comply with membership obligations • Concerns about the fulfillment of Turkey's obligations stemming from the Additional Protocol
14–15 December 2006	Brussels	<ul style="list-style-type: none"> • Endorsement of the Council conclusions on Turkey adopted on 11 December 2006 regarding the suspension of talks on eight chapters of the <i>acquis</i>
9 December 2011	Brussels	<ul style="list-style-type: none"> • Recalling of the Council conclusions of 5 December 2011 on enlargement
23–24 October 2014	Brussels	<ul style="list-style-type: none"> • Recognition of all member states as a necessary component of the accession process
15 October 2015	Brussels	<ul style="list-style-type: none"> • Stressing the need to respect Cyprus' sovereignty • Declaring the need to re-energize Turkey's accession process (under the heading 'Cooperating with third countries to stem the flows')
20 June 2019	Brussels	<ul style="list-style-type: none"> • Reaffirmation of previous Council conclusions (including the conclusions of 26 June 2018 and 18 June 2019, which forbade the opening or closing of any further chapters)

Saurte Own compilation based on the official conclusions of the European Council on Turkey's EU accession process

1997 ‘Agenda 2000’ Communication of the Commission (Saatçioğlu, 2009), its endorsement by the EU leaders and affiliation with Turkey took place at the Luxembourg Summit. Accordingly, the European Council added another qualitative component to the accession conditionality outside of the Copenhagen framework.

In the immediate aftermath of the Luxembourg decision, the European Council abruptly became a positive driver of Turkey’s accession process with the far-reaching decisions it took in 1998 and 1999. While the Cardiff European Council in June 1998 endorsed Turkey’s inclusion in the list of countries to be annually reviewed by the Commission regarding their progress toward accession (European Council, 1998: para. 64), the Helsinki European Council in December 1999 confirmed Turkey’s candidate status (European Council, 1999: para. 12). The Helsinki decision positioned Turkey within the institutionalized normative system of the accession process. Yet, the change of heart of the Union’s leaders was anything but normative. Security considerations of the EU after the war in Kosovo accompanied by the replacement of Christian Democrat Helmut Kohl with the Social Democrat Gerhard Schröder as German chancellor primarily brought about Turkey’s candidacy (Turhan, 2012; see also Schimmelfennig, Chapter 6). The normative consistency of the Helsinki conclusions was further undermined by Cyprus’ exemption from the ‘good neighborliness’ criterion (European Council, 1999: para. 8(b)). Thus, with its conclusions in Helsinki, the European Council paradoxically acted as a positive driver of both Turkey’s EU perspective and the Cyprus conflict.

The period from 2000 to 2004 marked the ‘golden era’ of the Union’s leaders’ function as a positive driver of Turkey’s EU path. This was reflected in the mentioning of issues related to Turkey’s accession in 12 of a total of 18 ordinary European Council conclusions, which essentially acknowledged Turkey’s progress toward compliance with the political and economic criteria (see Table 8.1). Accordingly, EU leaders sent a strong political signal both to Turkey and other EU institutions regarding their ‘position that Turkey will be judged on the basis of objective criteria’ (Müftüler-Baç, 2008: 206). The EU leaders’ solid commitment to the accession process accompanied by Ankara’s execution of an effective reform process brought about the historic decision of the European Council in December 2004 to open accession negotiations with Turkey on 3 October 2005.

At the same time, the December 2004 conclusions laid a rocky foundation for Turkey's accession negotiations, which indicated the EU leaders' perception of Turkey as a special candidate. They mentioned for the first time in history the 'open-ended' feature of accession talks and included an exit clause in the framework for negotiations:

While taking account of all Copenhagen criteria, if the Candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the Candidate State concerned is fully anchored in the European structures through the strongest possible bond. (European Council, 2004a: para. 23)

The conclusions also underlined the possibility of long transition periods and permanent safeguard clauses, and created a direct linkage between Turkish membership and the EU's absorption capacity by stating that,

[...] accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms. (European Council, 2004a: para. 23)³

8.3.2 *The European Council's Development from a Positive Driver to a Brakeman in Turkey's EU Path*

After the launch of negotiations, two developments precipitated the gradual evolution of the European Council from a positive driver to a 'brakeman' in Turkey's accession process. The first development was individual member states' vetoes of the opening of talks in various chapters of the *acquis*. The initial unilateral veto was adopted by then French President Nicolas Sarkozy in June 2007 against the opening of Chapter 17. The French move had three major implications: first, the blocking of a chapter on the grounds that it would bring Turkey closer to membership (Bilefsky, 2007) de facto abolished the 'open-ended' feature of accession negotiations. Second, the French action served as a model for other unilateral vetoes, such as the French veto on four chapters in December

³Absorption capacity, also known as 'the Union's capacity to absorb new members, while maintaining the momentum of European integration' is often called the 'fourth' Copenhagen criteria (European Council, 1993: 13).

2007, the Cypriot blockage of six chapters in December 2009, and the German veto on one chapter in June 2013 (Turhan, 2016). These multiple vetoes demonstrated the expanding impact of bilateral issues and member states' individual preferences on the European Council's role as a driver of Turkey's accession process (see also Müftüler-Baç & Çiçek, 2017; Tsarouhas, Chapter 2). Third, the individual vetoes undermined the normative consistency of the EU's *acquis* conditionality, since Turkey's 'advanced' or 'moderately advanced' level of alignment with the *acquis* in various chapters had not been rewarded with the opening of negotiation talks in those chapters.⁴ This also impaired the European Council's role as a credible and cogent player in Turkey's accession process.

The weakened interest of the Union's leaders in Turkey's full membership emerged as the second major development in the negotiation phase. From 2005 to 2020, only six of a total of 67 ordinary European Council conclusions referenced Turkey's accession process, which generally contained a negative tonality regarding the matter (see Table 8.1). In December 2006, the European Council took a far-reaching decision and adjusted the course of negotiations with its endorsement of the Council's conclusions on 11 December 2006. The conclusions suspended talks on eight chapters of the *acquis* (Council of the EU, 2006) on the grounds of Ankara's non-implementation of the Additional Protocol of the Association Agreement that foresees the opening of Turkish harbors and airports to Cyprus as originally endorsed by the June 2004 European Council. After December 2006, matters related to Turkey hardly appeared in the conclusions of the European Council in the context of enlargement. This represented a stark contrast to the European Council's statements on the Western Balkans, which repeatedly underlined palpable support for their accession (e.g., European Council, 2008, 2011, 2019b).

There were two primary reasons behind the EU leaders' vanishing interest in acting as a positive driver of Turkey's EU perspective. Firstly, the diminishing appeal of EU norms as a reference point in the reform processes in Turkey, what came to be known as 'de-Europeanization' (Aydın-Düzgüt & Kaliber, 2016: 5–6; see also Alpan, Chapter 5; Kaya, Chapter 14), weakened the plausibility of Turkey's accession process. The

⁴According to the 2012 progress report, Turkey had achieved 'advanced' or 'moderately advanced' level of alignment with the *acquis* in these four chapters blocked by member states: Chapters 15, 17, 26 and 31 (European Commission, 2012).

Heads of State or Government largely perceived the Turkish government's activities as not contributing to the goal of membership. Secondly, the resurgence of far-right, Euroskeptic political parties in the EU echoed the concerns of the European public about migration and cultural diversity (Kaya, 2020). This brought into question the salience of Turkish membership and constrained the policy options for mainstream governing leaders.

The European Council's function as a key driver of Turkey's EU accession prospects was temporarily boosted during 2015 and 2016. Faced with an unprecedented flow of Syrian refugees to Europe in late 2015 and the inability to find an EU-wide solution, the Heads of State or Government declared the need to re-energize Turkey's accession process in their conclusions on 15 October 2015 (European Council, 2015b). The strategic dependence of the Union's leaders on cooperation with Turkey concerning the management of irregular migration flows was reflected in their realization of two bilateral summits with the Turkish government, followed by the joint statements of 29 November 2015 and 18 March 2016 (the latter also known as the EU–Turkey refugee 'deal'). The statements reaffirmed the European Council's commitment to restore Turkey's accession process and its readiness to open Chapters 17 and 33 (European Council, 2015c, 2016a). The EU leaders' interest-driven support for Turkey's accession negotiations came at a time when Turkey's sustained non-compliance with the political criteria was reiterated in various EU documents and created a 'functional give-and-take relationship' (Saatçioğlu, 2020: 7) with Ankara based on an illiberal deal (Martin, 2019; see also Icoz & Martin, Chapter 4).

The European Council's support for Turkey's accession process quickly deteriorated following the announcement of the March 2016 joint statement. After the opening of talks in Chapters 17 and 33 in December 2015 and June 2016, respectively, the European Council conclusions did not include any reference to the Union's leaders' interest in accelerating Turkey's accession negotiations. Contrarily, Turkey's heightened bilateral tensions with various member states, the deterioration of the EU–Turkey dialogue in the aftermath of the attempted coup on 15 July 2016, and diverging geopolitical preferences over Northern Syria, Libya, and the drilling activities in the Eastern Mediterranean contributed to the reinforcement of the European Council's role as a brakeman in Turkey's accession process.

In October 2017, the European Council tasked the Commission with evaluating whether to cut or reorient Turkey's pre-accession funds (European Council, 2017a), leading to a reduction of 105 million EUR in Turkey's pre-accession funds in 2018. More recently, in their June 2019 conclusions, the Heads of State or Government adopted the formulation of the Council, claiming: 'Turkey has been moving further away from the European Union' (Council of the EU, 2018: para. 35). They also reaffirmed previous Council conclusions regarding the suspension of key enlargement-related dialogue mechanisms, including the opening or closing of any chapters in accession talks and the meetings of the EU-Turkey Association Council (European Council, 2019a). The expanding 'bilateralization' of European Council-Turkey relations has further boosted the European Council's growing role as brakeman in Turkey's accession process. Turkey has been increasingly confronted with unilateral statements of member states (e.g., Austria, Germany, France) suggesting ending the accession process or ruling out the opening and closing of any chapter (see e.g., Reuters, 2016, 2020; CDU, 2018; Hürriyet Daily News, 2018). Rising tensions in the Eastern Mediterranean between Turkey and various member states including France, Greece and Cyprus over drilling rights and territorial claims reinforced the bilateralization of the European Council's relationship with Turkey, and further weakened the likelihood of a revitalization of Turkey's accession negotiations.

8.4 EU-TURKEY COOPERATION IN TIMES OF CRISIS: AN EVER-GROWING ROLE OR CHALLENGE FOR THE EUROPEAN COUNCIL?

Since the early stages of the bilateral dialogue, the Heads of State and Government have acknowledged Turkey's post-Cold War geopolitical role in the EU's immediate neighborhood as a 'regional stabilizer' and 'arbiter' (Öniş, 1995: 50–51). The European Council conclusions in June 1992 attached the 'greatest importance' to 'the Turkish role in the [present] European political situation' (European Council, 1992: 5). Numerous regional crises and security challenges including the Kosovo war, September 11 attacks and the subsequent war in Iraq, the Arab uprisings of early 2011, and the ongoing Syrian civil war brought recurring attention to Turkey's potential as a security-provider for the EU. In

this context, the European Council conclusions underlined the importance of ‘Turkey’s regional initiatives with the neighbours of Iraq and Egypt’ (European Council, 2003: 2) or its efforts ‘to secure progress on the Tehran Research Reactor agreement’ (European Council, 2010: 13) amid the international community’s concerns over the Iranian nuclear program. Successive presidents of the European Council and high level political representatives of individual member states have repeatedly come together with the Turkish prime minister and/or president during official visits or on the sideline of multilateral summits in order to promote policy coordination in times of severe foreign policy crises.

However, it was not until the transformation of the so-called Syrian refugee crisis into a European crisis that the Heads of State or Government put forth a substantial effort to systematize and institutionalize EU–Turkey cooperation in crisis management and make regular reference to Turkey in their summit conclusions as a collaborator in crisis situations. The unprecedented scale of irregular migration flows to the EU in 2015 moved Turkey to the epicenter of the governance of the refugee crisis alongside the European Council. The evolution of the roles of the European Council and Turkey in the management of the refugee crisis can be divided into three distinct stages (see for a similar periodization Anghel et al., 2016: 14).

The first stage (April–July 2015) commenced in the immediate aftermath of the 19 April 2015 boat disaster off the coast of the Italian island of Lampedusa in which more than 600 refugees from Syria drowned on their way to the EU. During this stage the European Council took measures to prevent the loss of life in the Mediterranean Sea and ease the disproportionate burden placed on the frontline member states with ‘temporary and exceptional relocation over two years from [...] Italy and Greece to other Member States’ (European Council, 2015d: 2). However, the Union’s leaders were unable to live up to their commitments as a result of ‘lack of policy harmonization, low solidarity, and absence of central institutions’ (Scipioni, 2018: 1361). Specifically, the relocation of Syrian asylum seekers, a German-led initiative, was not wholeheartedly embraced by the majority of the Union’s leaders, and the transfer of Syrian asylum seekers from Italy and Greece to other member states remained at remarkably low levels. This undermined the European Council’s capacity to effectively execute the internal dimension of its response to the refugee crisis.

The second phase (August 2015–March 2016) encompasses member states' unilateral reactions to the crisis and the European Council's subsequent 'externalization' of EU border management to Turkey, which involved a 'redefinition of migration management beyond the territorial borders of destination states [in the EU]' (Üstübcici, 2019: 1). With the purpose of encouraging other member states to relocate refugees (Niemann & Zaun, 2018), in August 2015 Germany unilaterally declared its temporary suspension of the Dublin Regulation, which affirms that the country of first entry should process asylum claims in the EU. But, the unprecedented number of refugees arriving in Germany did not result in EU-wide responsibility-sharing. Rather, Germany's declaration adversely strengthened unilateralism in the European Council and brought about a 'domino effect' of internal border controls in individual member states (Scipioni, 2018: 1365). In view of these internal constraints, on the one hand, and Turkey's function as a key transit country for the refugees, on the other, the European Council engaged with Ankara for the purpose of reducing irregular migration flows from Turkey to the EU. On 23 September 2015, an informal meeting of the Heads of State or Government underlined the need to 'reinforce the dialogue with Turkey at all levels' (European Council, 2015e). Former European Council President Donald Tusk's letter addressed to the Union's leaders ahead of the European Council summit on 15 October 2015 (Macdonald, 2015) and the conclusions of the October summit (European Council, 2015b: 1) signaled the European Council's readiness to incentivize Turkey in exchange for cooperation on the management of migratory flows.

The European Council held two joint summits with Turkey on 29 November 2015 and 18 March 2016 to determine the scope and conditions of EU–Turkey cooperation and the reward mechanism to be offered to Turkey. The EU–Turkey joint statement issued following the summit on 18 March 2016 framed the final agreement between both parties. It endorsed Turkey's readmission of all irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 and the EU's resettlement of one Syrian from Turkey to the member states for every Syrian returned to Turkey from the member states. Turkey was offered a wide range of incentives, ranging from a total of six billion EUR of financial aid for hosting refugees to the acceleration of Turkey's Visa Liberalization Dialogue and accession negotiations (European Council, 2016a; see also Turhan, 2016). The European Council's joint summits made Turkey 'the only candidate country with which the EU holds bilateral summits'

(Müftüler-Baç, 2016: 100) and fortified Ankara's function as a key partner of the EU in crisis situations by institutionalizing policy externalization and bilateral cooperation in migration matters.

The third phase (April 2016–ongoing) spans from the implementation of the EU–Turkey 'deal', including discussions regarding its sustainability as well as the evolving conflictual dynamics of EU–Turkey cooperation, until the present. The European Council conclusions and statements of key member states largely portray the 'deal' as a success story accentuating the decline in irregular crossings from Turkey to Europe (e.g., European Council, 2016b: 1). However, various studies question its unequivocal impact on refugee arrivals in the EU, referring to other factors like the closing of the Balkan route (Adam, 2017; Walter-Franke, 2018). Return and resettlement numbers related to the 'one in, one out' mechanism have remained remarkably low, which has raised doubts over the Heads of State or Government's commitment to burden sharing. While the disbursement of EU financial aid carries on with some delays, other key components of the reward mechanism (e.g., the acceleration of Turkey's accession process and Visa Liberalization Dialogue, joint summits between the European Council and Turkey, and the upgrading of the Customs Union (CU)) remain to be fulfilled as a result of technical benchmarks or heightened political tensions between the EU and Turkey.

Ankara's periodic unilateral statements indicating the possibility of the suspension of the refugee 'deal' amid political tensions with Brussels or individual member states (e.g., Deutsche Welle, 2017, 2019) have cast doubt on the sustainability of the deal. Turkey's temporary *de facto* withdrawal from the deal in late February 2020 with the opening of its Western borders amidst the emergence of a new humanitarian crisis in the Syrian province of Idlib and the ensuing prospect of a new refugee wave indicates the fragility of the deal and the changing dynamics in EU–Turkey cooperation. In response to Ankara's appeal for a new 'deal', the EU and Turkey agreed in early March 2020 to enter 'a process to take stock of the implementation of the EU-Turkey Statement' (European Commission, 2020: 3–4).

Thus, we observe a paradox: issue-specific interdependence in favor of Turkey accompanied by weak or absent incentives for policy compliance (Turhan & Yıldız, forthcoming) and growing tensions between the EU and Turkey over diverging geopolitical and normative preferences make EU–Turkey cooperation in crisis management both imperative and challenging for the Heads of State or Government. The European Council conclusions of 1 October 2020 also illustrated the perplexing co-existence

of issue-specific interdependencies in favor of Turkey and the growing estrangement between the EU and Turkey. The conclusions framed a ‘dual strategy’ by offering the conditional launch of a positive agenda with Turkey, on the one hand, and by threatening to impose restrictive measures and possible sanctions, on the other (European Council, 2020).

8.5 THE EUROPEAN COUNCIL AS THE ‘AGENDA AND DIRECTION SETTER’ IN EU-TURKEY RELATIONS: COMPETING NARRATIVES ON TURKEY⁵

The conclusions of the European Council over the last four decades frame the Union’s narratives on Turkey, which are ‘legitimizing stories for specific policy actions’ (Ceccorulli & Lucarelli, 2017: 84). These casual stories couple lessons from the past with the future when proposing issue-specific policies (Radaelli, 1999). The European Council’s narratives on Turkey construct specific characterizations and labels of the country at different points in time and under distinct circumstances. They showcase the Union’s leaders’ prevailing perception of Turkey and the present and future of EU-Turkey relations. The way the European Council discursively characterizes Turkey justifies the agendas of member states’ highest political representatives concerning EU-Turkey relations and the policy actions endorsed by the European Council conclusions. Influential narratives are particularly those that are capable of telling a more convincing story than the competing narratives, and which are reiterated on a more regular basis over time (Tonra, 2011). The study of the European Council conclusions from the early 1980s to 2020 reveals both shifts and continuities in the Union’s leaders’ narratives on Turkey. Four (master)narratives—the normative, the accession, the transactional partnership, and the conflict narratives—stand out in view of their repeated iteration by the European Council, their distinct readings of past and present events, and their influence on the direction of the EU-Turkey partnership.

⁵This section partially builds on Wessels (2020).

8.5.1 *The Normative Narrative*

From the early 1980s to the start of Turkey's accession negotiations, the European Council's 'normative narrative' has often remained at the core of the Union's leaders' readings of Turkey and EU–Turkey relations. The normative narrative refers to the liberal democratic values of the Union (Art. 2 TEU and Charter of Fundamental Rights of the EU) as the focal point for the further progression of the EU–Turkey relationship, in general, and Turkey's EU accession process, in particular. Notably, respect for human rights, democracy, rule of law, fundamental freedoms, and independent and efficient judiciary, which are at the crux of the European Council's Copenhagen political criteria and of Chapter 23 of the *acquis*, have recurrently provided the Heads of State or Government with legitimate ground for the improvements and setbacks in EU–Turkey relations. Following its confirmation of Turkey's candidacy, the European Council repeatedly acknowledged in its conclusions from 2000 to 2004 Ankara's progress in complying with the political criteria while also demanding further alignment in various issue areas as a condition for commencing accession negotiations (see Table 8.1). In doing so, it provided Turkey's accession process with further normative impetus for its advancement. Throughout the negotiation phase, the normative content of the European Council conclusions has been largely reduced to concerns over Turkey's commitment to good neighborly relations and international law, while the EU's criticism of a broad range of Turkey's normative failings has rather been left to other institutions like the European Parliament and the European Commission (see also Bürgin, Chapter 9; Kaeding & Schenuit, Chapter 10). More recently, in its June 2019 conclusions the European Council endorsed previous Council conclusions that justified setbacks in the deepening of EU–Turkey relations, including preventing the modernization of the CU, according to Turkey's diminished commitment to good neighborly relations and peaceful settlement of disputes (European Council, 2019a). Key documents of individual member states like the German coalition agreement in 2018 also ruled out any reform of the CU until the situation of rule of law, democracy, and human rights is improved in Turkey (CDU, 2018). Overall, as Turkey's membership prospects started to deteriorate, the European Council's normative narrative was largely replaced by utility-maximizing calculations, according to the interest of the Heads of State or Government 'in the development of

a cooperative and mutually beneficial relationship with Turkey’ (European Council, 2020: para. 15).

8.5.2 *The Accession Narrative*

The ‘accession narrative’ underpins Turkey’s labeling by the European Council as an accession candidate with a functioning and promising accession process. This narrative was high on the agenda of the Heads of State or Government between 1997 and 2006. Throughout this period almost all European Council formulations on Turkey appeared under the section ‘enlargement’ in the summit conclusions and communicated both the positive developments and remaining shortcomings regarding Turkey’s transformation on its path toward accession. Based on the evaluation of past developments and experiences, the EU leaders narrated policy actions about the future direction of Turkey’s accession process. Those ranged from inviting the Commission to prepare ‘proposals for the single financial framework for assistance to Turkey as well as for the Accession Partnership’ (European Council, 2000: para. 17) to demanding ‘full and timely implementation of reforms at all levels of administration and throughout the country’ (European Council, 2004b: para. 27). While the European Council confirmed the launch of Turkey’s accession negotiations in December 2004, the possibility of long transition periods and permanent safeguard clauses led to Turkey’s labeling as a ‘special candidate’. In this context, the December 2004 conclusions confirmed the EU leaders’ openness to alternative forms of partnership outside the accession framework. That the European Council conclusions have increasingly dealt with matters related to Turkey under other sections and that they have not included any precise formulation about Turkey’s accession negotiations since October 2015 suggest the transience of the accession narrative and confirm the European Council’s increasing interest in ‘thinking outside of the accession box’ (Turhan, 2017) in regard to the future design of EU–Turkey relations.

8.5.3 *The Transactional Partnership Narrative*

With the gradual evaporation of the accession narrative, the European Council’s ‘transactional partnership narrative’ has gained importance. The underlying logic of this narrative is its characterization of Turkey

and its relationship with the EU largely independent from the accession process and its accompanying norms-based conditionality through locating an interest-driven, functional partnership in areas of common interest to the center of bilateral affairs. The transactional partnership narrative partly draws on the logic of ‘external differentiated integration’, which refers to forms of cooperation/policy harmonization between the EU and non-member states ranging from ‘narrow, bilateral, static’ to ‘broad, multilateral, dynamic models’ (Gstöhl, 2015: 855; see also Tekin, Chapter 7). Former European Council President Tusk’s labeling of Turkey as a ‘key partner’ of the EU ‘in areas of common interest for EU-Turkey relations such as security, migration and energy’ (Delegation of the EU to Turkey, 2018) indicates the broad spectrum of policy fields concerning this narrative. At the same time, of particular relevance for the transactional partnership narrative has been the vast number of European Council conclusions on EU–Turkey cooperation on the management of the migration influx to Europe. In their October 2009 conclusions, the Heads of State or Government had already welcomed ‘the beginning of the reinforced dialogue on migration with Turkey’ (European Council, 2009: para. 38). However, the exacerbation of the Syrian refugee crisis in 2015 and the resulting EU–Turkey ‘deal’ of March 2016 primarily evoked an interest-driven functional partnership between the EU and Turkey and induced the recurrent use of the transactional partnership narrative by the Heads of State or Government. The March 2016 agreement did not incorporate any normative conditionality that fell back on the EU’s political criteria. On the contrary, it offered Ankara material rewards and an upgrade of its institutional dialogue with the EU outside the accession framework based on frequent joint summits and thematic high level dialogues. These mechanisms mimic the dialogue procedures the EU utilizes in handling its official strategic partnerships that are largely of a transactional and sectoral nature (Turhan, 2017). Following the making of the EU–Turkey ‘deal’, a large number of European Council formulations on Turkey popped up under the heading ‘migration’ in the summit conclusions, underpinning the Union’s leaders’ perception of Turkey as a key partner rather than a promising candidate for accession. During 2016–2017 the European Council reiterated in its conclusions its ‘commitment to the EU-Turkey Statement’ (e.g., European Council, 2016c: para. 1) and repeatedly demanded the ‘implementation of the EU-Turkey Statement in all its aspects’ (e.g., European Council, 2017b: para. 20). The transactional partnership narrative came once again into prominence

in 2020 when in their 1 October 2020 conclusions, the Heads of State or Government endorsed the conditional ‘launch a positive political EU-Turkey agenda with a specific emphasis on the modernisation of the Customs Union and trade facilitation, people to people contacts, High level dialogues, continued cooperation on migration issues’ (European Council, 2020: para. 19).

8.5.4 *The Conflict Narrative*

The conflict narrative primarily draws on Turkey’s portrayal by the European Council as a difficult cooperation partner and a problematic neighbor. Growing disagreements with Ankara over geostrategic priorities and regional threat perceptions as well as Turkey’s strained bilateral dialogue with several member states have lately evoked the emergence of this narrative. The conflict narrative pinpoints the gradual shift of EU-Turkey relations from a primarily cooperative to a progressively uncooperative and conflictual one, thereby generating cautiousness about the reinforcement of the institutional dialogue between the EU and Turkey even for transactional purposes. In recent years, several developments have served as enablers of the conflictual dynamics in the bilateral relationship and promoted the conflict narrative. In view of mounting tensions between the EU/Cyprus and Turkey over drilling activities in the Eastern Mediterranean, in October 2014 the European Council initially expressed its ‘serious concern about the renewed tensions in the Eastern Mediterranean and urged Turkey to show restraint and to respect Cyprus’ sovereignty over its territorial sea’ (European Council, 2014: para. 24). Since 2018 the conflict narrative has increasingly replaced the transactional partnership narrative in the conclusions of the European Council, which have recurrently characterized Turkey as a destabilizing actor and a major source of conflict in the Eastern Mediterranean and Northern Syria. The conclusions reiterated the Union’s leaders’ ‘full solidarity with Cyprus’ (European Council, 2018: para. 12) and underlined ‘the serious immediate negative impact that such illegal actions have across the range of EU-Turkey relations’ (European Council, 2019a: para. 17). They characterized Turkey’s Syria policy as a critical threat to European security (European Council, 2019b: para. 7) and deemed the memorandum signed between Turkey and Libya on Mediterranean maritime sovereignty in November 2019 as incompatible with international law (European Council, 2019c: para. 19). More recently, in their 1 October

2020 conclusions, member states' highest political representatives indicated the possibility of imposing sanctions and restrictive measures in the event of renewed unilateral attempts by Turkey (European Council, 2020: para. 20). Such formulations signal a turn toward a narrative that questions Turkey's credibility as a reliable partner and stabilizing actor in the EU's immediate neighborhood and challenges the further deepening of EU–Turkey relations even on a primarily transactional and sector-specific basis.

8.6 CONCLUSION AND OUTLOOK: A KEY INSTITUTION'S EVER-EVOLVING ROLE IN A CONFLICTUAL PARTNERSHIP

The European Council serves as a key driver of EU–Turkey relations. This chapter has illustrated that the powers of the European Council are derived from the three functions it performs in the ever-evolving EU system.

First, as the master of enlargement, the European Council remained a positive driver of Turkey's EU accession process from the late 1990s to 2005. The interest and influence of the Heads of State or Government in Turkey's EU aspirations were manifested in the far-reaching decisions they took in 1999 and 2004, and the high number of detailed conclusions they formulated on Turkey's accession. Throughout the negotiation phase, the European Council gradually developed from a positive driver to a brakeman in Turkey's accession process as a result of the unilateral vetoes of individual member states, increasing bilateralization of European Council–Turkey relations, and evolving normative conditions in Turkey.

Second, in their capacity as the external voice and crisis manager of the EU, the Heads of State or Government systematized EU–Turkey cooperation in crisis management and placed Turkey at the epicenter of the governance of the refugee crisis with the EU–Turkey Statement in March 2016. The commitment of member states' highest political representatives to a reinforced partnership with Ankara based on an extensive reward package, which even foresaw the acceleration of Turkey's accession negotiations at a time of greater normative uncertainty, was an instance in which the strategic interests of the Heads of State or Government trumped normative concerns. This demoted the normative consistency of the EU's conditionality strategy, placing EU–Turkey relations primarily along a transactional axis outside the accession framework. At the same

time, Turkey's temporary *de facto* withdrawal from the refugee 'deal' put the sustainability of a functional relationship between two parties with increasingly diverging geostrategic and normative preferences into question, turning EU-Turkey cooperation in times of crisis into a growing challenge for the European Council.

Third, over the last four decades, the conclusions of the European Council have framed diverse narratives on Turkey that have shaped the overarching agenda and course of EU-Turkey relations. The disappearance or, at times, coexistence of some (master)narratives since the early 1980s highlights the complexity and layered nature of the Union's leaders' mental maps of a moving target. The findings of this chapter indicate a clear shift from the use of the 'accession narrative' and 'normative narrative' to formulations based on the 'transactional partnership narrative' in the European Council's characterization of Turkey following the launch of the accession negotiations. However, contrary to the Parliament's actions, the Heads of State or Government have refrained from officially closing 'the accession door for Turkey' (see Kaeding & Schenuit, Chapter 10) and remained interested in acting as a central 'stabilizer' of EU-Turkey relations based on their self-interested, utility-maximizing calculations. At the same time, the latest statements of the European Council from 2018, 2019, and 2020 emphasize a turn toward the 'conflict narrative', which portrays Turkey as a dissonant partner and problematic neighbor. The increased use of the conflict narrative by the Union's leaders challenges the reconfiguration of EU-Turkey relations even on a primarily transactional and sector-specific basis.

Growing divergences between the Heads of State or Government and Turkey over geopolitical interests and normative principles suggest a long-lasting role for the European Council as a brakeman in Turkey's accession process. This brings the European Council to an important crossroads in its function as a driver of EU-Turkey relations. On the one hand, the recent turn toward more conflictual and uncooperative relations between the European Council and Turkey makes the search for an innovative partnership model for EU-Turkey relations outside the accession scheme tricky. On the other hand, in view of the ever-evolving political contexts and issue-specific interdependencies between the EU and Turkey, the future trajectory of the bilateral relationship is likely to rest on an institutionalized alternative path. This could force the European Council to develop a strategy for a special partnership and frame a respective narrative based on geopolitical arguments. The findings of this chapter provide

plentiful evidence that with their powers and central functions in the making of the EU–Turkey dialogue, the Heads of State or Government will remain a key driver in the design of an institutionalized alternative path for EU–Turkey relations.

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The European Commission's Role in EU–Turkey Relations

Alexander Bürgin

9.1 INTRODUCTION

The European Commission (EC), the EU's executive, is a key actor in EU–Turkey relations. Its main responsibilities are the monitoring of the political and economic situation in Turkey, and the management of EU funds for Turkey. EC–Turkey relations date back to the 1963 Association Agreement, whose final goal, a Customs Union (CU), was realized in December 1995 (EC–Turkey Association Council, 1995). In this framework, the member states mandated the EC to monitor economic, financial, and trade developments in Turkey, as well as the implementation of the CU's provisions. Since conferring candidate status to Turkey in 1999, the accession process has become the cornerstone of EC–Turkey relations, coordinated by the Commissioner for Neighborhood and Enlargement as well as the Directorate General for Neighborhood and Enlargement Negotiations. However, due to the slow progress in accession negotiations, since 2015 the EC has launched institutionalized high level dialogues on specific policy areas related to but independent

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from the accession process, including foreign policy, economic policy, and energy and climate policy. In this regard, the EU Delegation in Ankara, formerly known as the Delegation of the EC in Turkey, plays a crucial role, as it is in frequent contact with Turkish officials and reports daily to the EC's headquarters in Brussels on the developments in Turkey.

The influence of the EC within the EU system is a controversial topic in the literature, and a final consensus on this issue has not emerged (Moravcsik, 1998; Sandholtz & Stone Sweet, 1998; Peterson, 2015; Pollack, 2003). According to the intergovernmentalist view, the EC is merely an agent of the member states, acting as a secretariat, as in any other international organization. In contrast, according to the supranationalist view, the EC is much more: it is able to act autonomously and provide policy leadership to the EU based on its expertise, legal competences, and transnational networks (Nugent & Rhinard, 2016).

The EC's influence in candidate countries' domestic politics triggered a similarly intensive academic debate within the Europeanization literature (Grabbe, 2001; Sedelmeier, 2011; Schimmelfennig & Sedelmeier, 2005). The EC is able to exercise influence via two mechanisms. The first is related to the EU's conditionality strategy, offering incentives such as the opening of a new accession chapter in return for meeting certain benchmarks. The second is related to social learning in the interaction between actors from the EU and the candidate country. This implies a process whereby positions, interests, and identities are shaped through exchange with other actors (Checkel, 2005). According to this mechanism, harmonization with EU standards is therefore not simply the result of strategic cost-benefit calculations but rather of the learning and persuasion processes in networks between EC officials and bureaucratic actors in the candidate country.

While the accession literature generally acknowledges the explanatory power of the EU's conditionality strategy, several studies on Europeanization processes in Central and Eastern European countries also highlight the relevance of EU-induced learning and socialization processes in a candidate country's reform process (Andonova, 2005; Braun, 2016; see also Alpan, Chapter 5; Lippert, Chapter 11). In regard to Turkey, the fading credibility of Turkey's membership perspective due to the EU's internal problems, such as rising Euroskepticism as well as Ankara's increasing alienation from the EU, have undermined the EU's conditionality strategy; its transformative influence has decreased significantly since

the opening of accession talks (Aydın-Düzgüt & Kaliber, 2016; Aydın-Düzgüt & Noutcheva, 2012; Yılmaz, 2014). With this decline, continued partial alignment with EU standards is often attributed to domestic factors in Turkey, particularly the governing party's domestic agenda (Avcı, 2011; Yılmaz & Soyaltın, 2014) or the country's modernization strategy (Kaliber, 2013).

The remainder of this chapter analyzes EC-Turkey relations since Turkey's official application for membership in 1987, arguing that it plays a crucial role in two regards. First, related to the discussion on the EC's role within the EU's institutional architecture, the EC, as a 'protector of the rules of the game', regularly opposes some member states in favor of candidate countries, illustrating its autonomous role (Bürgin, 2013; Schimmelfennig, 2008). Second, concerning the EC's role in Turkish domestic politics, it has been an important 'agent of change', even in times of deteriorating political relations. Because of its contributions to regular interactions, in particular in the framework of projects financed by the EU's Instrument for Pre-Accession Assistance (IPA), the EC has continued to increase administrative capacity and policy learning processes within Turkey's bureaucracy (Bürgin, 2016).

9.2 FIELDS OF EC-TURKEY RELATIONS

9.2.1 *Accession Negotiations*

The EC has an important agenda-setting and monitoring function in Turkey's accession process. After Turkey's application in 1987, the EC's initial evaluation suggested that further reforms were needed before Turkey could become a candidate country (European Commission, 1989). In 1997, the member states mandated the EC to monitor Turkey's progress regarding the membership conditions defined in the Copenhagen criteria. These included three criteria: first, political criteria, such as stable institutions guaranteeing democracy, rule of law, human rights, and respect for and protection of minorities; second, economic criteria, such as a functioning market economy and the capacity to cope with competition and market forces within the EU; and third, the ability to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union (European Council, 1993).

The EC published its first progress report in 1998, followed by annual country reports. In preparing these reports, the Commission makes

use of information from a variety of sources: the Turkish government; reports and decisions of the European Parliament (EP); the evaluations of the European Council, the Organisation for Security and Co-operation in Europe, international financial organizations; and non-governmental organizations. Based on the EC's 2004 recommendation to start the accession process, the member states opened negotiations with Turkey on 3 October 2005. In the first stage, between October 2005 and October 2006, the EC held screening meetings with Turkish officials in order to compare Turkey's policies with the EU's whole body of common rights and obligations, i.e., the *acquis communautaire*, specified in 33 policy-related negotiation chapters.¹ The EC's resulting screening report identified shortcomings to be addressed during the accession process. In conclusion of these screening reports, the Commission recommended either the opening of negotiations or the requirement of compliance with certain opening benchmarks.

The Council, whose agreement to the opening of a chapter depends on a unanimous vote, set closing benchmarks for most chapters that Turkey must meet before the closure of negotiations in the policy field concerned. No negotiations on any individual chapter can be closed until every EU government reports its satisfaction with the candidate's progress in that policy field. The whole negotiation process is only concluded definitively once every chapter has been closed. According to the negotiating framework, the EC can recommend that the EU suspend accession negotiations:

In the case of a serious and persistent breach in Turkey of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one-third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will decide by qualified majority on such a recommendation, after having heard Turkey, whether to suspend the negotiations and on the conditions for their resumption. (European Commission, 2005)

¹In total, there are 35 negotiation chapters, but Chapter 34 (Institutions) and Chapter 35 (Other Issues) are addressed at the very last stage of the negotiations. For a comprehensive overview of the accession negotiations and the status of negotiations chapters see also Lippert (Chapter 11).

As of November 2020, the only provisionally closed chapter is the chapter on Science and Research; sixteen chapters have been opened, while fourteen chapters are blocked by the political decisions of the Council or individual member states (see also Turhan & Reiners, Chapter 1, Lippert, Chapter 11). In addition, although the screening process was completed in 2006, screening reports of eight chapters are pending approval at the Council. Since the screening reports are not officially sent to Turkey, the potential opening benchmarks of those chapters are not communicated.

The IPA is the main financial instrument for supporting the alignment of a candidate country with EU legislation and standards. Managed by the EC, financial assistance under IPA is available for the following four specific objectives: (i) support for political reforms; (ii) support for economic, social and territorial development; (iii) strengthening the ability of the beneficiary country to fulfill the (future) obligations stemming from membership in the EU by supporting progressive alignment with the Union *acquis*; (iv) strengthening regional integration and territorial cooperation.

The EU has allocated 3.533 billion EUR (not including the allocation for Cross-border Cooperation) under IPA 2014–2020 for Turkey. The EC's Indicative Strategy Paper for Turkey (European Commission, 2014a) translated the political priorities set out in the enlargement policy framework into key areas for prioritizing financial support, namely, democracy and governance; the rule of law and fundamental rights; environment and climate action; transportation; energy; competitiveness and innovation; education, employment, and social policies; agriculture and rural development; and regional and territorial cooperation.

Following the Heads of State and Governments' decision in October 2017 to decrease IPA funding for Turkey by 175 million EUR in a symbolic stand against Turkey's distancing from the EU's political values, the EC reoriented the pre-accession funds for Turkey in the 2018–2020 period. According to its Revised Indicative Strategy Paper for Turkey 2014–2020, the EC focused IPA assistance on the pillar 'Democracy and Rule of Law', with continued support for rule of law, fundamental rights, public administration reform, civil society organizations (CSOs), and Union programs, while proportionally reducing the support for the pillar 'Investing in Competitiveness and Growth' (European Commission, 2018: 17). The focus on CSO support comprises four types of action: (i) improving the legislative environment for the operation of CSOs and their participation in policymaking; (ii) strengthening cooperation

between CSOs and the public sector by supporting the establishment of balanced and transparent mechanisms; (iii) building the capacity of CSOs to improve outreach, governance, and institutional capacities, such as advocacy, administrative, and fundraising skills; and (iv) encouraging exchanges and cooperation between Turkish and EU citizens on areas of common interest, sharing technical knowledge and expertise, and developing long-term partnerships. Regarding the latter, since 2004 Turkish citizens, companies, and non-governmental organizations have been eligible to participate in European Community programs, managed by the EC, in particular in the field of education, research, employment, and social policies.

The IPA funds for Turkey were further cut by 146.7 million EUR for the 2019 budget in December 2018, in ‘view of the situation in Turkey as regards democracy, rule of law, human rights and press freedom’ (Council of the EU, 2018), and by 85 million EUR for the 2020 budget in July 2019 in response to Turkey’s gas exploration off the coast of Cyprus, which the member states condemned as illegal. In addition to the financial cuts, the Council also suspended negotiations on the Comprehensive Air Transport Agreement, agreed to temporarily suspend the Association Council and further EU–Turkey high level dialogues, and invited the European Investment Bank to review its lending activities in Turkey (Council of the EU, 2019).

9.2.2 *Trade Relations*

When the CU between Turkey and the EU was realized on 31 December 1995 (see also Akman & Çekin, Chapter 12), a Customs Union Joint Committee (CUJC), in which the EC represents the EU, was established to ensure the proper functioning of the CU. The CUJC exchanges views on the degree of alignment between Turkish and EU legislation and on implementation-related problems in the areas of direct relevance to the functioning of the CU. The CUJC, consequently, formulates recommendations to the Association Council.

In December 2016, the EC proposed to modernize the CU, addressing its current limitations, such as the exclusion of agricultural goods, services, and public procurement (European Commission, 2016a). Another issue is Turkey’s increased involvement in the conclusion of EU free trade agreements with third countries. According to the EC, a modernization of the CU will lead to a 27 billion EUR increase in

EU exports to Turkey, while Turkey could gain a 5 billion EUR increase in its exports to the EU (Kirişçi & Ekim, 2015). The EC proposal was based on comprehensive preparatory work throughout 2015 and 2016 under the joint leadership of Trade Commissioner Cecilia Malmström and Commissioner Johannes Hahn in charge of Neighborhood Policy and Enlargement Negotiations, including technical discussions with the Turkish side, a public consultation with stakeholders, a detailed impact assessment, and a study by an external consultant. The EC underlined that the reform of the CU constitutes one important element in Turkey's accession process and should not be considered as an alternative to it (European Commission, 2016b: 8). However, as of November 2020, the member states justify the postponement of approval of the EC's proposal, citing concerns 'about the continuing and deeply worrying backsliding on the rule of law and on fundamental rights [in Turkey], including the freedom of expression' (European Council, 2019).

9.2.3 *Refugee Management and Visa Liberalization Process*

The EC was a crucial actor in the deepening of EU-Turkey cooperation in irregular migration management (see also Kaya, Chapter 14). In January 2011, the EC and the Turkish government announced the finalization of talks on an EU-Turkey Readmission Agreement, which was then signed by Ankara in December 2013 and entered into force in October 2014. The agreement obliges Turkey to take back irregular immigrants from third countries who have used Turkey as a transit country on their way to the EU from December 2016 onwards (EU-Turkey Readmission Agreement, 2013). Cooperation was further strengthened through the Commission Action Plan of October 2015 (European Commission, 2015), which guided the EU-Turkey Statement agreed on 18 March 2016 (European Council, 2016), in which both parties, the European Council and the Turkish government, decided to take steps toward ending irregular migration from Turkey to the EU. In order to achieve this goal, Turkey agreed to take back all new irregular migrants crossing from Turkey into the Greek islands after 20 March 2016. For every Syrian returned to Turkey, the EU offered to resettle another Syrian from Turkey to the EU, taking into account the United Nations (UN) Vulnerability Criteria. In addition, the EU announced a more rapid disbursement of the allocated 3 billion EUR under the EU Facility for Refugees in Turkey, established at the end of 2015, and mobilized an

additional 3 billion EUR to be used toward the Facility up until the end of 2018. Furthermore, the EU committed itself to re-energizing the accession process and opened Chapter 33 during the Dutch presidency in the second half of 2016. Finally, the realization of a visa waiver for Turkish citizens was announced at the end of June 2016 on the condition that all benchmarks were met (see also Turhan & Wessels, Chapter 8).

The number of irregular immigrants arriving in Greece from Turkey dropped dramatically after the agreement took effect. According to the EC, which is responsible for monitoring the implementation of the EU–Turkey Statement, daily crossings have decreased from 10,000 people crossing in a single day in October 2015, to an average of 105 people per day. In total, irregular arrivals remain 94% lower than the period before the Statement became operational, and the number of lives lost at sea has decreased substantially, from 1175 in the 20 months before the Statement to 439 since the Statement has been in place (European Commission, 2020a).

A controversy between the EU and Turkey emerged regarding the EU's financial aid for Syrian refugees, agreed within the EU Facility for Refugees in Turkey. Ankara's complaint, that the EU has not fully disbursed the promised six billion EUR is rejected by the EU who emphasizes that the transfer of money is made based on the contracted projects. According to the EC, as of 31 March 2020 all operational funds have been committed, 4.7 billion EUR contracted, and more than 3.2 billion EUR disbursed. The operational funds for the Facility for 2016–2017 have been fully contracted, of which 2.48 billion EUR has been disbursed. For 2018–2019, 1.76 billion EUR has been contracted, of which 768 million EUR has been disbursed. The main focus areas are humanitarian assistance, education, health, municipal infrastructure, and socio-economic support (European Commission, 2020b).

Another controversy emerged on the benchmarks to be fulfilled for a visa waiver for Turkish citizens. A Visa Liberalization Dialogue (VLD) was already launched on 16 December 2013, in parallel with the signature of the EU–Turkey Readmission Agreement. At that time, the member states mandated the EC to start a VLD with Turkey on the conditions to be fulfilled for the elimination of the visa obligation currently imposed on Turkish citizens for short-term visits to the Schengen area. The VLD is based on the Roadmap toward a Visa-Free Regime with Turkey, which sets out the requirements that would enable the EP and the Council to amend Regulation (EC) No. 539/2001, allowing Turkish citizens with

biometric passports meeting EU standards short stays in the Schengen member states without a visa (i.e., up to 90 days within any 180-day period). The Roadmap outlines 72 benchmarks under five thematic groups, namely document security; migration management; public order and security; fundamental rights; and readmission of irregular migrants (European Commission, 2013).

According to the EC's third report on Turkey's progress in fulfilling the requirements of its visa liberalization roadmap (European Commission, 2016c), seven requirements out of 72 remain unfulfilled, including in particular the demand for a revision of the legislation and practices on terrorism in line with European standards—notably, more closely aligning the definition of terrorism with that set out in Framework Decision 2002/475/JHA, as amended in order to narrow the scope of the definition, and by introducing a criterion of proportionality. The European Parliament Conference of presidents (EP president and political group leaders) stressed that the EP can only vote on the EC's proposal for lifting the visa requirement for Turkish citizens (European Commission, 2016d) once all benchmarks have been fulfilled (European Parliament, 2016). As Turkey refused to align its anti-terrorism laws with the demands of the EU, the visa liberalization talks stagnated.

In response to the controversies over the visa waiver, and on the EU's financial aid for Turkey, the Turkish president regularly threatened to withdraw from the March 2016 refugee 'deal' and 'open the gates'. Erdoğan finally acted on his threat in February 2020, when he encouraged thousands of refugees in the country to move toward the border crossing between Turkey and Greece. He argued that a joint Russian-Syrian military offensive in north-west Syria, forcing tens of thousands of refugees fleeing toward Turkey, made it impossible to contain the flow of refugees from Turkey to the EU. EU leaders criticized Ankara for using the refugees as a lever to extract more from Europe. As both sides had no interest in an escalation of the conflict, the EU and Turkey agreed on 9 March 2020 that the 2016 refugee agreement should remain valid, but subject to review.

9.2.4 *High Level Dialogues*

In May 2012, the EC agreed with Turkey on a so-called 'Positive Agenda', intended to both support and go beyond the accession negotiations themselves, covering features important to both sides, such as

visa and border management, migration, trade, energy, counterterrorism, and foreign policy dialogue. The Positive Agenda aimed to bring a fresh dynamic and a new momentum to EU–Turkey relations after a period of stagnation caused by the freezing of eight negotiation chapters by the Council in December 2006 and the unilateral blockage of further chapters by France and Cyprus (Turhan, 2016: 469). To this end, working groups were set up to accelerate the process of Turkey’s alignment with EU policies and standards, reflecting the intention to complement and support rather than replace the accession process (European Commission, 2012a). In 2015, Turkey and the EC launched high level dialogues between Commissioners and Turkish ministers in the field of foreign policy, economic policy, energy and climate policy, providing opportunities to work on projects of common interest beyond the framework of the accession process. The high level dialogues were further institutionalized at an EU–Turkey summit on 29 November 2015, where the EU heads of state or government and Ahmet Davutoğlu, then prime minister of Turkey, agreed to reinforce the political exchange through more frequent and better-structured meetings, including the organization of biannual summits (European Council, 2015). While these meetings were in fact less frequent than planned, due to the deterioration of the relationship in the aftermath of the attempted coup of 15 July 2016, these exchanges intensified after May 2017 (European External Action Service, 2018), before being temporarily suspended by the 15 July 2019 Council decision in response to Turkey’s gas exploration in the Eastern Mediterranean.

9.3 THE COMMISSION AS A CRITICAL BUT FAIR SUPPORTER OF TURKEY’S ACCESSION PROSPECTS

Regarding the scientific debate on the role of the EC within the institutional architecture of the EU, a chronological review of key EC activities supports accounts that consider the EC as an autonomous, influential actor rather than as a powerless agent of the member states. This interpretation is reflected in the decision to open accession talks in 2005. Despite granting Turkey candidate status in 1999, EU member states were still divided over Turkey’s eligibility in principle. Attempts were made by Turkey’s opponents such as the governments of Austria, Greece, and Cyprus, or French Prime Minister Dominique de Villepin, to include in the negotiation framework a ‘privileged partnership’ as an alternative

to full membership and to make the recognition of Cyprus a precondition for the opening of accession talks (Schimmelfennig, 2008: 21).

However, in 2004, the EC published a country report acknowledging Turkey's reform efforts (European Commission, 2004a: 55). The EC concluded that Turkey had satisfactorily fulfilled the Copenhagen criteria and therefore qualified for the opening of accession talks (European Commission, 2004b: 3). While this decision required a unanimous decision in the Council, the opponents of accession talks found themselves entrapped, compelled to comply with the rules of procedure agreed in 1999, when Turkey was given the status of a candidate country. Therefore, they could not legitimately deny negotiations (Schimmelfennig, 2008: 22; see also Schimmelfennig, Chapter 6).

After the talks began, the EC was also crucial for their continuation. Although Turkey had signed an Additional Protocol to the Ankara Agreement in July 2005, obliging it to extend its CU to the new member state Cyprus, Ankara refused its implementation. Its argument was that the EU had gone back on its promise, made in a decision of the Council of foreign ministers in April 2004, to open trade with the isolated Northern Cyprus. The EU had promised to open trade with the North as a means to reward the Turkish Northern part of the island for their 'yes' vote in the reunification referendum. In April 2004, the Greek Cypriots had rejected the reunification plan under the auspices of then UN General Secretary Kofi Annan, while the Turkish Cypriots had approved it. Subsequently, the Republic of Cyprus joined the EU in May 2004 and vetoed any direct trade relations between the EU and the Northern part of the island. After Turkey refused to fulfill its obligation to open its ports and airports to the Greek Cypriots, some member states requested a full suspension of accession talks in 2006 (Turhan, 2016: 468). However, Oliver Rehn, Enlargement Commissioner from 2004 to 2010, reminded the member states that the EU also had failed to keep its promises. In the end, the Council decided not to suspend talks entirely but followed the EC's proposal to only suspend talks on eight trade-related chapters.

The conditions for Turkey's accession process further deteriorated with the Constitutional Treaty's ratification problems after the negative referendums in France and the Netherlands in 2005 and the rejection of the Lisbon Treaty in the Irish referendum in 2008. While survey analyses revealed no significant relation between the 'no' vote and public opinion on Turkey's membership prospects (Ruiz-Jimenez & Torreblanca, 2008: 29), opponents of Turkey's accession framed the opposition against the

Constitutional Treaty in France and Netherlands as an expression of public opinion against further enlargement and, in particular, as a rejection of Turkey's membership (Bürgin, 2010). Commissioner Olli Rehn, however, strongly rebutted the opponents' position, arguing, 'we have to respect existing commitments' (Bürgin, 2010: 421).

Rehn's successor, Štefan Füle, was equally committed to Turkey's accession perspective and was the co-initiator of the Positive Agenda in 2012. The EC's pro-Turkey approach is also illustrated in the debate on visa waivers for Turkish citizens in the same year. EU member states offered the Western Balkan countries a visa liberalization process in return for the Readmission Agreement; however, for Turkey, member states offered only visa facilitations. The EC, concerned about the EU's credibility, argued that Turkey should be offered the same incentives as the Balkan countries. This strong EC support contributed to the start of talks on visa liberalization with Turkey (Bürgin, 2013).

The EC's favor for a re-energized accession process is also evident in its repeatedly expressed support for opening Chapters 23 (judiciary and fundamental rights) and 24 (justice, freedom, and security). For instance, in its 2014 progress report, the EC stated that it was in the interest of both sides that the opening benchmarks for these chapters were defined as soon as possible to allow talks on the respective chapters to be opened (European Commission, 2014b: 1). So far, however, member states have not agreed on a common position, including a definition of the opening benchmarks for these chapters.

Despite former EC President Jean-Claude Juncker's statement at the start of his term in 2014 that Turkey will not join the EU in the foreseeable future (CBS News, 2014), and then Commissioner for Enlargement and Neighborhood Johannes Hahn's call in November 2018 to end negotiations with Turkey, the EC has remained committed to the continuation of the accession process. While the EP and some member states demanded an end of the accession process to show their disapproval of Ankara's response to the attempted 2016 coup, the EC, despite joining widespread criticism toward Turkey, opposed an official breakup of the talks. The EC did, however, recommend switching the focus to ongoing work on projects of common interest rather than the accession process itself (Eder, 2017). During a NATO summit in Brussels on 25 May 2017, Juncker, then European Council President Donald Tusk, and Turkish President Recep Tayyip Erdoğan agreed to resume an open dialogue, at all levels, through a process of engagement in areas of common

interest, in particular in the form of a resumption of high level dialogues between Commissioners and Turkish ministers. In February 2018, Tusk and Juncker jointly invited Erdoğan to a meeting on 26 March 2018 in Varna, hosted by Bulgarian Prime Minister Boyko Borissov as the leader of the country holding the rotating presidency of the Council of the EU at that time (European Council, 2018).

Also the approach to Turkey of Ursula von der Leyen, EC President since July 2019, is critical but fair. In February 2020, Turkey signed a memorandum of understanding with Libya on a demarcation of maritime zones in the region that ignored the island of Crete, which von der Leyen condemned as unacceptable. However, in the March 2020 controversy on migration policy cooperation, she struck a more conciliatory tone. After Ankara's announcement on 28 February 2020 that Turkey would no longer stop migrants crossing into the EU, prompting thousands to make their way to the Greek-Turkish borders, on 9 March 2020, European Council President Charles Michel and Ursula von der Leyen met President Erdoğan in Brussels. After the meeting, she stressed the need to support Turkey, involving finding a path forward for the two sides. To this end, she announced a review of the 2016 refugee 'deal' to find a common understanding of elements that are missing and those that are already in place, so that missing elements can be implemented (European Commission, 2020c).

9.4 THE COMMISSION AS AN AGENT FOR CHANGE IN TURKEY

The role of the EC in the management of the IPA funds illustrates its role as an agent for change in Turkey in two regards. First, the EC's discretion in the approval of IPA projects created an incentive for the project applicants in Turkish ministries to comply with the EC's demands. After consultations with the Directorate for EU Affairs, which is responsible for IPA coordination on the Turkish side and held ministry status between 2011 and 2018, the EC sets criteria for the distribution of funds. This is important in balancing the Turkish side's tendency to prioritize infrastructure projects with the EC's preference for directing funds toward projects focusing on the fulfillment of the political criteria (Bürgin, 2016: 112).

Another source of influence is the EC's power over the acceptance of proposals. Once the amount for each component and sector is decided, Turkish ministries and agencies are requested to submit project proposals.

The selection process is jointly coordinated by the Directorate for EU Affairs and the EC; but the final decision belongs to the latter. Thus, the EC has significant discretion in deciding which projects are accepted, blocking some and prioritizing others. It can exploit the competition for projects among departments and oblige ministries to ensure the inclusion of certain aspects in the programming phase, regardless of whether these are a priority for the applicant. For instance, the EC promotes stakeholder participation. Thus, consulting civil society actors in the policy formulation phase is a precondition for a successful project application, resulting in institutionalized NGO involvement, even though the extent of the change in attitude varies across the ministries. Potential beneficiaries, particularly ministries, tend to modify their project proposals after direct contact with the EU Delegation in order to increase their chances of success. Consequently, projects originally designed as simple requests for technical assistance have been modified into twinning projects in line with the EC's preferences (Bürgin, 2016: 113). Twinning brings together public administration officials of EU member states and beneficiary countries with the aim of achieving concrete mandatory operational results through peer-to-peer activities. Between 2002 and 2015, 163 twinning projects were funded in Turkey in various fields, from civil enforcement to integrated border management, emission control, public accounts, and organized crime (Delegation of the EU to Turkey, 2020).

Second, beyond setting incentives, the EC exercises a softer influence on Turkish domestic politics via institution building and social learning in networks established between the EC and Turkish administrators in the IPA process (Bölükbaşı & Ertugal, 2013; Bürgin, 2016; İçduygu, 2007; Kirişçi, 2012). In order to manage the EU accession talks and the IPA process, Turkish ministries established EU departments in which an increasing number of staff members have benefitted from IPA-financed trainings. As a consequence, while in the past only a few, rather isolated international relations experts were involved in EU affairs, today an extensive community of EU experts exists in Turkey, facilitating intra- and inter-ministerial exchange in EU-related matters. These experts are important agents of change, as their recommendations are often more widely accepted than those from the EU delegation (Bürgin, 2016: 113). In this regard, the EC was able to establish a partnership with the Directorate for EU Affairs, which, as the national IPA coordinator, has an important mediation function between the EC and the project beneficiaries in the ministries. Intensive training measures on IPA principles regarding

programming, implementation, monitoring, and evaluation, in addition to a significant increase in staff, have resulted in an improved institutional capacity of Directorate for EU Affairs, thus contributing to more effective project implementation in all IPA components (European Commission, 2012b).

Further research is required to understand the effect of the attempted *coup d'état* in 2016 and the subsequent deterioration of the political relations on the cooperation at the administrative level. While some EU officials stated there has been no negative effect on project work at administrative level, as this work is characterized by high levels of professionalism and mutual respect, others highlighted that projects at the administrative level cannot easily escape from the influence of the broader political context, arguing that increases in mutual mistrust at political level also affect the technical level.² Furthermore, it has been stated that ‘Turkish sensitivities over hosting EU or member state officials within state bodies have become stronger’ and that after the attempted coup ‘cooperation with EU bodies has slowed down’ (Young & Küçükkeleş, 2017). This is illustrated by the cut of IPA funds and a slight decrease in the number of completed twinning projects since 2011 (The Republic of Turkey Directorate for EU Affairs, 2020).

9.5 CONCLUSION

After a review of EC–Turkey relations across a selection of policy areas, this chapter has illustrated two aspects of EC influence in EU–Turkey relations. First, as a defender of the rules of the (enlargement) game, it has rebuffed attempts by some member states to undermine Turkey’s membership prospects. The EC’s influence in the debate on the most appropriate approach to Turkey underlines its autonomous role within the EU system and the relevance of its norm-based argumentation. However, due to Turkey’s current alienation from the EU’s normative standards, norm-based arguments in favor of Turkey’s membership have lost much of their weight. Therefore, an interesting avenue for research is to explore

²Interviews conducted by the author with officials from the European Commission in Brussels, October 2016, and with officials from Germany’s National Contact Point for EU *Twinning* and TAIEX at the Federal *Ministry for Economic Affairs and Energy*, December 2016.

the extent to which the EC has been able to maintain its influence in the debate among the member states on the future of EU–Turkey relations.

Second, the EC’s critical but fair approach and its role in the management of the IPA funds have contributed to the survival of the accession process in Turkey in some policy fields, despite the deterioration of political relations since the opening of the accession talks. Ankara’s continued harmonization with the EU *acquis* in some sectors, despite the waning relevance of the EU’s conditionality strategy, can be explained in part by Turkish domestic factors, such as Turkey’s general modernization strategy, and by the effects of social learning processes enabled by good working relations between officials from the EC and the Turkish ministries.

There is still a lack of investigation into how far the EC has been able to establish mutual trust and lasting policy networks in its frequent interactions with officials in Turkish ministries. In particular, there is a lack of studies on how the recent deterioration in political relations has affected EU–Turkey relations at the administrative level. Social learning processes outside the official accession negotiations framework represent an opportunity to revive Europeanization processes in Turkey and deserve greater scholarly attention. Therefore, further research may benefit from greater attention to the role of the Turkish bureaucracy. These actors, although frequently engaged with EU actors and EU projects, are neglected by the Europeanization literature on Turkey, which rather tends to focus on the behavior of the political elite, in particular the ruling party, in order to explain the success or failure of Europeanization processes. The EC therefore remains a crucial actor in shaping the future of EU–Turkey relations.

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The European Parliament's Perspective on EU–Turkey Relations

Michael Kaeding and Felix Schenuit

10.1 INTRODUCTION

Over the past fifteen years, the political situation between the European Union (EU) and Turkey has experienced many ups and downs. Driven by the migration crisis, the failed *coup d'état* on 15 July 2016, and ongoing (mutual) provocations, relations between Brussels and Ankara continue to face a multitude of challenges. These challenges have also shaped the debates and decisions in the European Parliament (EP) regarding EU–Turkey relations. These, in turn, have influenced the current state of the accession negotiations. According to the EU Treaty, the EP has the right to veto future rounds of EU enlargements. During the last fifteen years, several resolutions on the general situation in Turkey, concrete calls to ‘freeze’ accession negotiations in 2016 (European Parliament, 2016) and the recommendation to ‘suspend’ negotiations in 2017 and 2019

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(European Parliament, 2017, 2019a) show that relations between the EP and Turkey have become increasingly politicized and tense. The adoption of these EP resolutions also confirms the observation that Members of the European Parliament (MEPs) more and more feel the need and responsibility to express their opinions and concerns about the situation in Turkey (Phinnemore & İçener, 2016).

The role of the EP in EU–Turkey relations has attracted some scholarly attention, with scholars having explored EP–Turkey relations from several perspectives. Scholars have analyzed the reasons why the EP’s role in promoting the EU’s fundamental values in Turkey has remained largely limited to the implications of the post-enlargement European international society for Turkey. They also focused on the discourses of the main center-right political party group (European People’s Party, EPP) in the EP concerning Turkey’s accession to the EU, uncovered what drives the EP’s discussions on a so-called ‘privileged partnership’ for Turkey, and how MEPs voted on a particular amendment proposing a special status for Turkey (Gürkan, 2018; Aydın-Düzgüt, 2015; Rumelili, 2011; Yuvacı, 2013; Türkeş-Kılıç, 2020).

This contribution will go one step further. Based on MEPs’ voting behavior on all Turkey-related files since 2005, we will show how the EP’s support for Turkey’s accession to the EU has changed over time. After having a supportive role in the first years of official negotiations, the attitude of the MEPs changed significantly over the years. In 2017, the EP called for suspending negotiations with Ankara. Twelve years after the official start of accession negotiations, the EP closed its ‘accession door’. In this chapter, we will analyze the EP’s perspective on EU–Turkey relations over the years and its role in Brussels’ institutional structures. We use VoteWatch Europe data to show why Sjursen’s (2002: 491) early observation in 2002—that ‘[...] in order to trigger a decision to enlarge, something more than instrumental calculations and something less than a selfless concern for human rights has been at play’—is an accurate description of the EU’s negotiations with Turkey. Finally, we will identify a possible key for ‘re-opening’ the EP’s ‘accession door’ and provide an outlook for the EP perspective on EU–Turkey relations.

10.2 EU–TURKEY RELATIONS AND THE EUROPEAN PARLIAMENT

10.2.1 *History and Formal Competencies*

Unlike any other candidate state, Turkey is a divisive issue in political discussions surrounding EU enlargement. Back in 1959, at the dawn of European integration in the European Economic Community, Turkey applied for (associate) membership of the newly formed confederation of states. In 1963, an association agreement was drawn up with a view toward membership (see also Turhan & Reiners, Chapter 1). During this period, the European and Turkish parliaments started to cooperate in an EU–Turkey Joint Parliamentary Committee. Initially, each side sent a delegation of 15 members to the committee, which aimed to meet twice a year, in venues alternating between Turkey and either Brussels or Strasbourg. In accordance with the EP's resolution of 14 May 1965, the EP is to reflect on all matters relating to Turkey's relations with the EU. For example, after the entry into force of the Customs Union on 31 December 1995, the EP also scrutinized Turkey's implementation (European Parliament, 2009). At the start of Turkey's application, both sides were aware that Turkey's EU accession would be a long-term process; the goals of European integration were, and still are, uncertain, and the cultural, political, and religious character of the states involved are very different.

Article 49 of the Treaty of the European Union states that an absolute majority of the EP must consent to the accession of a new member state. Although the European Council and the Council remain the most important institutions in the enlargement process (Turhan, 2016; see also Turhan & Wessels, Chapter 8), the EP's final approval of accession provides the MEPs with veto power. Therefore, the EP established an internal monitoring process with regard to Turkey's accession from 2005 onward. Following the European Commission's annual country reports,¹ the MEPs express their opinions on the current state of the EU's negotiations and relationship to Turkey through an annual resolution on these reports. In addition to this, the resolutions on the EU's enlargement

¹Until 2014, the reports were named 'progress reports', from 2015 onwards the published reports by the Commission are named 'Report on Turkey'. They are also commonly referred to as 'country' or 'regular' reports. See also Bürgin, Chapter 9.

strategy are part of the EP's role in the negotiations. Another, more technical, competency stems from its role in the adoption of the multi-annual financial framework. Within the adoption of this special legislative procedure, the EP has a vote on the allocation of the Instrument for Pre-accession Assistance (IPA) (European Parliament, 2018; for a detailed analysis on the role of IPA in Turkey, see Youngs & Küçükkeleş, 2017).² The EP is not capable of 'suspending' the accession negotiations on its own, but it can adopt critical resolutions, as it did in 2016, 2017, and 2019.

10.2.2 *Relevant Actors and Procedures in the European Parliament*

The following section identifies the relevant actors and procedures regarding EU–Turkey relations within the EP. In addition to the already mentioned resolutions on country reports by the Commission, this section will also shed light on important MEPs, the Turkey delegation, and the importance of 'resolutions on topical subjects'.

10.2.2.1 *Members of the European Parliament*

Within the EP, three MEPs are of particular importance for the EP's role in EU–Turkey relations. Firstly, the rapporteur, who is responsible for drafting resolutions on the reports on Turkey, has considerable influence on the EP's position on developments in Turkey. As the EP's rapporteur on Turkey between 2014 and 2019, Kati Piri (Progressive Alliance of Socialists and Democrats (S&D), Netherlands) coordinated these resolutions. For the 9th legislative term (from October 2019 onward) the EP appointed Nacho Sanchez Amor as the new rapporteur (S&D, Spain). The prominence of the rapporteur was exemplified in an occurrence in 2016: Shortly before the above-mentioned resolution on suspension in November 2016 and her forthcoming visit to Turkey as part of an official EP delegation, Piri was declared a *persona non grata* by the Turkish government (Baydar, 2016). The former president of the EP, Martin

²The Instrument for Pre-accession Assistance for Turkey amounted to 3.533 million EUR from 2014 to 2020 (IPA II), not including the allocation for Cross-border Cooperation. Between 2007 and 2013, the EU spent 4.799 million EUR for IPA I. For IPA II, the EU agreed on the following priority sectors for funding: democracy and governance, rule of law and fundamental rights, home affairs, environment and climate action, transport, energy, competitiveness and innovation, education, employment and social policies, agriculture and rural development, and regional and territorial cooperation.

Schulz, therefore, postponed the visit of the delegation, although he initially arranged to continue the trip in order to strengthen the dialogue between the EU and Turkey.

The president of the EP is the second MEP of individual importance. On the one hand, s/he represents the EP's viewpoint on developments in Turkey and EU–Turkey relations as well as personally deals with Turkish government officials during their visits in Brussels; therefore, s/he is in direct contact with Turkish government representatives. For example, in 2019, EP President David Sassoli declared Turkey's military incursion into Northern Syria 'an act of war' (Kennedy & Chadwick, 2019). On the other hand, the president is responsible for reacting to the criticism of EP resolutions coming from the Turkish government.

In addition to the rapporteur and the president, the chair of the foreign affairs committee (AFET) is a person of interest. As the AFET committee is responsible for relations with candidate countries and therefore prepares the EP's internal procedures and resolutions, its chair—together with the rapporteur—is responsible for coordinating and organizing a majority vote on the EP's positions on EU–Turkey relations.

10.2.2.2 *The European Parliament's Delegation to the EU–Turkey Joint Parliamentary Committee*

The EP has 41 delegations to third countries. Each MEP is a full member of one delegation and a substitute member of another. Twenty-five MEPs are regular members of the Turkey delegation and, together with twenty-five parliamentarians from Turkey, they form the EU–Turkey Joint Parliamentary Committee (JPC). According to its Rules of Procedures approved in 2010, 'the Committee shall, in principle, meet three times a year' with a view to 'analyse and evaluate issues related to all existing bilateral arrangements between Turkey and the EU' and strengthen 'the relations between the Turkish Grand National Assembly and the European Parliament' (European Parliament, 2010: Rule 2). According to the 2019 EP resolution, the JPC met in March 2018 'after three years of standstill in interparliamentary relations' (European Parliament, 2019a). The following section analyzes the composition of the EP delegation during the last three terms of the EP and argues that party group affiliations and nationality matter. An analysis of the EP's composition by country reveals a remarkable imbalance in both of these categories.

10.2.2.3 *Composition of the European Parliament Delegation*

As Fig. 10.1 shows, the composition of the EP delegation according to political group does not differ significantly from the party-political composition of the plenary. The relative proportions of the parties seem to have been consistent over the last four election periods.

However, taking a look at the composition of the EP delegation by nationality (Fig. 10.2), the proportions of the various nationalities of MEPs in the delegation have changed significantly over the last few years, and the proportionality by member state has not been maintained. The United Kingdom, for example, was no longer represented at all in the EP delegation in the 8th election period, despite having a relatively large number of MEPs. However, Greek and Cypriot MEPs have always been considerably overrepresented (17%). During the 8th legislative term, the number of Greek MEPs outnumbered even the German delegation, closely followed by the Cypriot MEPs, despite the clear differences in their respective absolute numbers of MEPs (Germany: 96, Greece: 21, Cyprus: 6). Today, still, 17% of MEPs sitting on the delegation are from Greece and Cyprus.

Traditionally, also, with the exception of the current (9th) election period, at least one of the vice-chairs has been a Greek MEP. Greece and Turkey are closely connected with the Cyprus conflict, which represents one of the key differences of opinion between Turkey and the EU (see also Turhan & Reiners, Chapter 1). In the 8th election period, chair and all vice-chairs have been Greek and Cypriot MEPs. The principle of ensuring that within the delegation ‘Member States [...] are fairly represented’ (European Parliament, 2020: 123), set out in the Rules of Procedure of the Parliament, is clearly not observed here.

10.2.2.4 *Resolutions*

In the EP, two different types of resolutions are especially relevant for the EU’s relations with Turkey. First, MEPs vote on incident-driven ‘resolutions on topical subjects’. They use this to express their opinions about specific developments in Turkey or EU–Turkey relations in a more general sense. Second, the EP has a more routinized procedure and formulates a resolution on the Commission’s country report on Turkey. During the last few years, so-called ‘own-initiative’ reports have been adopted more and more frequently (see Table 10.1). The most recent EP resolutions on Turkey illustrate the relevant topics discussed in the EP in this context: the Armenian ‘genocide’, the situation of journalists in Turkey, a response

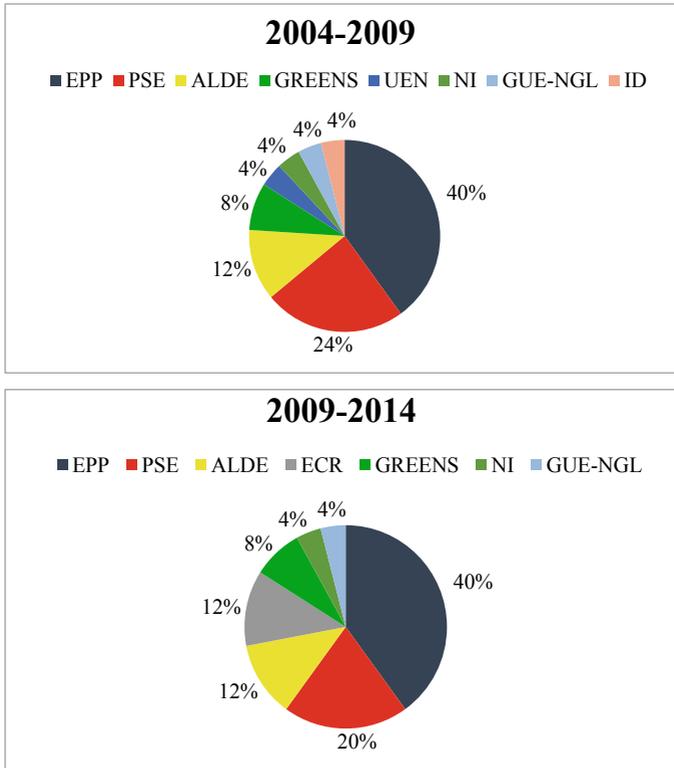


Fig. 10.1 Composition of the European Parliament's Delegation to the EU-Turkey Joint Parliamentary Committee by political group in the 6th (2004–2009), 7th (2009–2014), 8th (2014–2019), and 9th (2019–2024) election period³ (*Source* Own compilation based on European Parliament [n.d.]. Delegation to the EU-Turkey Joint Parliamentary Committee: Members [current term and archives])

³Abbreviations of political groups in the EP in alphabetical order: ALDE: Alliance of Liberals and Democrats for Europe—RENEW: Renew Europe since the 9th EP term; ECR: European Conservatives and Reformists; EFDD: Europe of Freedom and Direct Democracy; EPP: European People's Party; GREENS: Greens—GREENS/EFA: Greens-European Free Alliance since the 9th EP term; GUE-NGL: European United Left/Nordic Green Left; ID: Identity and Democracy; NI: Non-Inscrits (MEPs not in a political group); PSE: Party of European Socialists/Progressive Alliance of Socialists and Democrats (S&D).

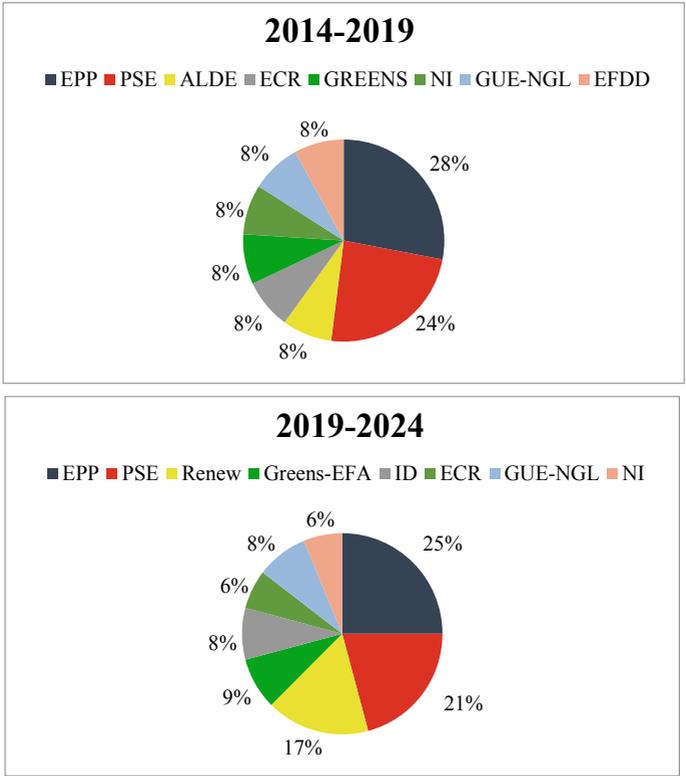


Fig. 10.1 (continued)

to police intervention in the Gezi Park demonstrations, a response to the political developments after the coup attempt, and the current human rights situation in Turkey.

The Commission’s annual country reports and the EP’s subsequent response provide deeper insight into the relationship between the EU and Turkey. Since the start of the official negotiations in 2005, these reports have acted as some kind of official barometer for accession negotiations with Turkey. The Commission drafts these reports as part of the annual ‘enlargement package’ for each candidate country and potential candidate countries. In the reports, the Commission assesses the current

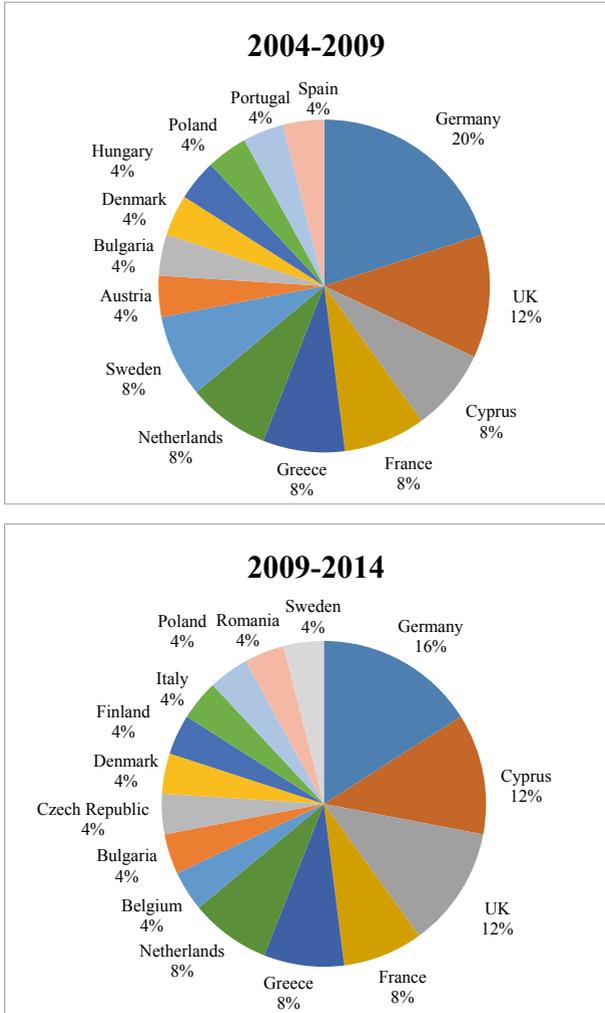


Fig. 10.2 Composition of the European Parliament's Delegation to the EU-Turkey Joint Parliamentary Committee by nationality in the 6th (2004–2009), 7th (2009–2014), 8th (2014–2019), and 9th (2019–2024) election period (*Source* Own compilation based on European Parliament [n.d.]. Delegation to the EU-Turkey Joint Parliamentary Committee: Members [current term and archives])

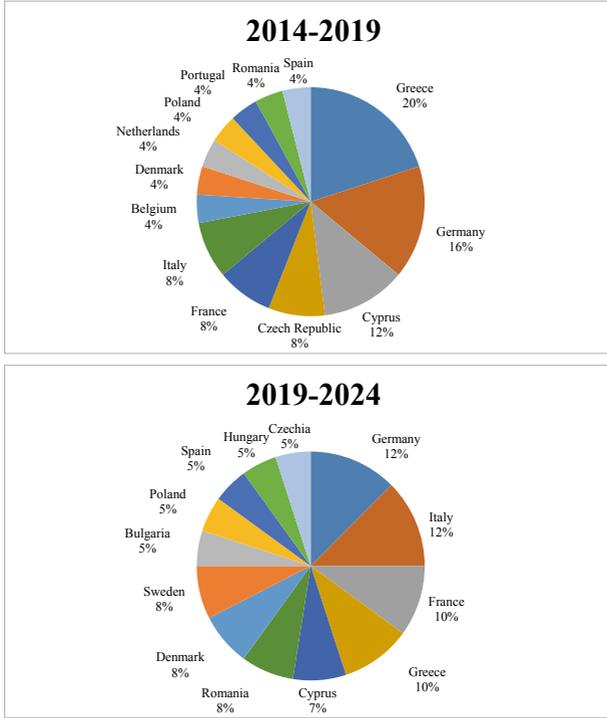


Fig. 10.2 (continued)

developments in each country on the basis of the criteria that are relevant to accession (see also B urgin, Chapter 9). In response, the EP then adopts a resolution on these reports in which it expresses an opinion on the current developments in the relevant country and the status of the negotiations. These annual EP resolutions have therefore become a routine within the Parliament. During the last fifteen years, these resolutions have covered a vast variety of topics and were always adapted to the current political situation and occurrences in Turkey and the EU. Nevertheless, some topics have been constantly debated from 2005 until today. Phinnemore and  cener observe, ‘debates on the Commission’s regular reports on Turkish accession have often been heated’ and that the following issues have been debated regularly: ‘the rule of law, freedom of press, democratic backsliding, authoritarian tendencies, social media

Table 10.1 List of the European Parliament's topical resolutions on Turkey (2009–2019)

<i>Year</i>	<i>Title of resolution</i>	<i>Document file Date of the vote</i>
<i>7th Legislative Term (2009–2014)</i>		
2009	Resolution on the Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey	2009/2675(RSP) 26.11.2009
2010	Trade and economic relations with Turkey	2009/2200(INI) 21.09.2010
2012	2020 perspective for women in Turkey	2011/2066(INI) 22.05.2012
2013	Resolution on the situation in Turkey	2013/2664(RSP) 13.06.2013
<i>8th Legislative Term (2014–2019)</i>		
2014	Resolution on Turkish actions creating tensions in the exclusive economic zone of Cyprus	2014/2921(RSP) 13.11.2014
2015	Resolution on freedom of expression in Turkey: recent arrests of journalists, media executives and systematic pressure against media	2014/3011(RSP) 15.01.2015
2016	Resolution on the situation of journalists in Turkey	2016/2935(RSP) 27.10.2016
2016	Resolution on EU–Turkey relations	2016/2993(RSP) 24.11.2016
2018	Resolution on the current human rights situation in Turkey	2018/2527(RSP) 08.02.2018
2018	Resolution on the violation of human rights and the rule of law in the case of two Greek soldiers arrested and detained in Turkey	2018/2670(RSP) 19.04.2018
2018	Resolution on the extension of the facility for refugees in Turkey	2018/2072(BUD) 04.07.2018
2018	Resolution covering the cancellation of the support to Turkey from IPA II	2018/2165(BUD) 02.10.2018
<i>9th Legislative Term (2019–2024)</i>		
2019	Resolution on situation in Turkey, notably the removal of elected mayors	2019/2821(RSP) 19.09.2019
2019	Resolution on the Turkish military operation in northeast Syria	2019/2886(RSP) 24.10.2019

Source Own compilation based on the Legislative Observatory of the EP

bans, the freedoms and rights accorded to religious and ethnic minorities, Turkish Government positions on the Cyprus issue and the Armenian “genocide” (Phinnemore & İçener, 2016: 457). Furthermore, Phinnemore and İçener highlight the EP’s ‘fierce criticism’ on the handling of the Gezi Park protests. They conclude that while there is support for Turkey’s accession in the EP, it is ‘highly conditional, and it cannot mask the opposition’ (Phinnemore & İçener, 2016: 457).

10.2.3 *Methodology: VoteWatch as the Key to Assessing Power Dynamics in the European Parliament*

Focusing on the voting records of MEPs in light of the annual resolutions on the regular reports on Turkey is a useful tool to trace the state of affairs in EU–Turkey relations from the EP’s perspective. Our analysis for the adopted resolutions from 2005 to 2019 is based on data made available by VoteWatch Europe.⁴ The study of this data helps identify possible turning points and other characteristics of the EP’s perspective on EU–Turkey relations.

The VoteWatch database includes all electronic roll-call votes in the EP. It includes final votes as well as partial votes on amendments. The data can be organized by political group affiliation, nationality, and voting behavior of the individual MEPs. Besides breaking down the votes into ‘For’, ‘Against’, ‘Abstention’, ‘Absent’, and ‘Didn’t vote’, the database also classifies the MEPs as being loyal to their European political group line or deviating from it. The political line of the group is determined by the majority of the votes cast within each party. In addition to breaking down the voting results in this way, the VoteWatch portal calculates a cohesion rate within the political groups and member states for each vote.

The main weakness of the data lies in its limited availability. The VoteWatch database can collect electronic roll-call votes only. Every vote decided by so-called ‘show of hands’ is not part of the database. In this particular analysis, the data for the resolutions in 2007, 2010, 2011, and 2018 is missing. Despite the shortcomings of the available data, the dataset helps identify voting patterns of individual political groups and national delegations over the last fourteen years inside the EP.

⁴VoteWatch Europe is an independent, international non-governmental organisation. It provides access to the voting data of the European Parliament and European Council. For the Parliament, the voting data for all roll-call votes since July 2004 is available.

10.2.4 *Changes in Sentiment in EU–Turkey Relations? Parliamentary Voting Results from 2005 to 2019*

Our interpretation of the data is based on the following observation and assumption: from 2005 to 2016, every single resolution included the demand to open new negotiation chapters in the accession process. Although many counterarguments by opponents of Turkey's accession can be found in the text of the resolutions, voting for these resolutions, in the end, legitimized the ongoing process and can therefore be interpreted as support for the accession process. On the basis of this assumption, it can also be said that the 2017 resolution then did not include any demand to open new chapters and even called—as mentioned above—for the 'suspension' of the ongoing process. By including the call for suspending the accession process, the meaning of voting 'for' and 'against' reversed. Whereas voting 'for' the resolution stood for support of an ongoing accession procedure from 2005 to 2016, voting 'for' the resolution in 2017 was an expression of deep concern about the accession process and the political demand to put the procedure on hold.

10.2.4.1 *Decreasing Support for Turkey's Accession in the European Parliament*

Looking at the voting behavior of the Parliament on various resolutions since 2005 (Fig. 10.3), it becomes clear that the EP's voting behavior severely changed between 2005 and 2019. The EP's highest approval rating of Turkey's accession was reached in 2008, with just over 70% of MEPs in favor. In comparison with 2005 (49%), the approval level had risen by 23%. At the same time, the number of votes 'against' had decreased by 11% in this period (2005–2008). However, this trend was reversed with the resolution in 2012. Since then, support within the Parliament has fallen. While the proportion of MEPs rejecting the resolutions rose to 20% by 2014, the approval level dropped to 63% (2014) and then to 49.9% (2016).⁶ In 2017, however, the trend of decreasing 'for' votes reversed due to the above-mentioned reorientation of the political

⁶In the case of rulings on which a decision is made by means of a consent procedure, an absolute majority of the MEPs is required, i.e., 50% of the constituent MEPs plus one. This means that everyone who does not vote in favor rejects this absolute majority. This group of objectors, which is made up of three subgroups (Non-voters, Absent, and Against) would have been able to prevent Turkey's accession to the EU in 2005 and again in 2016.

demand of the resolution. The remarkable increase of ‘for’ votes (+14%) is therefore due to the inclusion of the political demand to ‘suspend’ the accession negotiations (European Parliament, 2017: 7). If this reorientation is taken into account (‘Reoriented For’ in Fig. 10.3), support for the accession negotiations continued to decrease and reached its lowest level in 2017.

Figure 10.4 illustrates the support for the accession procedure based on the condensed observations and assumptions presented above. By assuming that ‘non-voters’, ‘abstentions’, and ‘against’ votes from 2005 to 2016 and ‘for’ voters in 2017 imply opposition to the formal accession process, the chart illustrates that the support for the accession procedure increased from 2005 (47.71%) to 2009 (71.74%) and decreased since then to 36.23% in 2017. In 2019, 50.67% of MEPs voted for the resolution, which is due to the fact that the resolution recommends that the EU ‘suspend’ the accession negotiations.

10.2.4.2 Strategic Non-voters in the European Parliament

There is a correlation between the number of MEPs who did not vote and those who voted ‘for’ the resolution. This trend implies that MEPs who do not wish to vote in favor of the resolutions would rather not take part

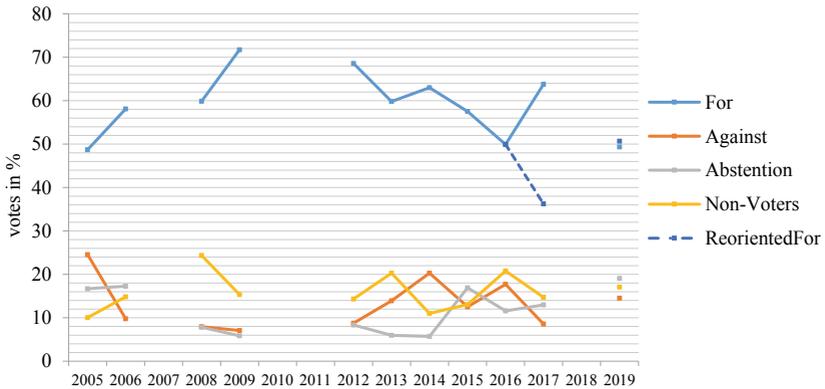


Fig. 10.3 Voting results for European Parliament resolutions on reports on Turkey (2005–2019)⁵ (Source Own illustration based on VoteWatch)

⁵Voting results for 2007, 2010, 2011, and 2018 are missing.

in the vote than abstain or reject the resolution. It is logical to assume that they do this strategically as to avoid being categorized as ‘rebels’ and to avoid internal group conflicts. This is particularly clear in the vote on the 2016 resolution, where the ‘for’ vote decreased by 7%, and the number of non-votes simultaneously increased by 7%. In this vote, more than 20% of the MEPs did not vote at all.

10.2.5 *Politicized Voting Behavior of Political Groups in the European Parliament*

A deeper understanding of the underlying dynamics within the EP can be established on the basis of voting behavior within political groups (see Fig. 10.5). The extent to which the political groups themselves coordinate or control the voting behavior of their members can be seen from the cohesion rates for each vote. Here, interesting differences occur: The cohesion rates for the conservative groups are, on average, considerably lower than for the groups positioned to the left. The center-right

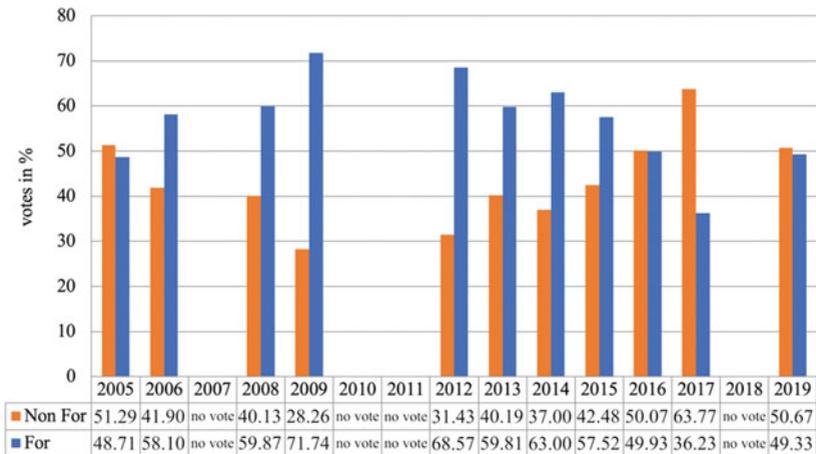


Fig. 10.4 Support for the accession procedure among Members of the European Parliament (2005–2019)⁷ (Source Own illustration based on VoteWatch)

⁷‘Non For’ includes ‘Against’, ‘Abstention’, and ‘Non-Voters’.

European People’s Party (EPP) is—as the biggest group in the EP—particularly striking in this regard. Since 2005, it has supported every majority in favor of the EP resolutions on the Commission’s country reports. However, the cohesion rates for the EPP show that this position has been highly contentious within the group. A comparison with the second-largest political group, the center-left European Socialists and Democrats (S&D), reveals that the cohesion rates of the EPP have, on average, been 22% lower over the last years than those of the S&D group.

To get a deeper understanding of this development in individual groups in the EP, the voting data can be compared at different points in time. We selected 2005 as the starting point of the accession negotiations, 2012 as the turning point marking decreasing support for Turkey’s accession, and the latest votes, in particular in 2019 (see Fig. 10.6).

The voting data for the individual political groups at three different points in time illustrate that S&D, Alliance of Liberals and Democrats

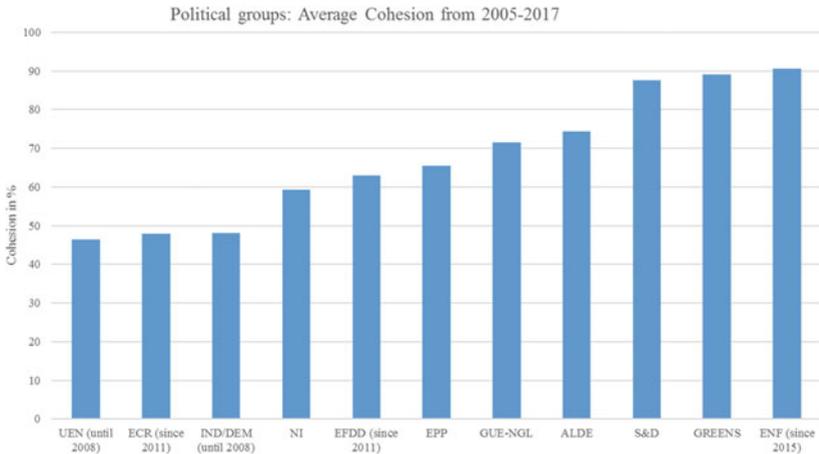


Fig. 10.5 Cohesion of voting behavior of the political groups in the European Parliament on the resolutions concerning the European Commission progress reports on Turkey (in %) ⁸ (Source Own illustration based on VoteWatch)

⁸Abbreviations of further political groups or parties in the EP: ENF: Europe of Nations and Freedom; IN/DEM: Independence/Democracy; UEN: Union for Europe of the Nations. PPE-DE is the French abbreviation for European People’s Party–European Democrats (from 1999 to 2009), which is the EPP since 2009.

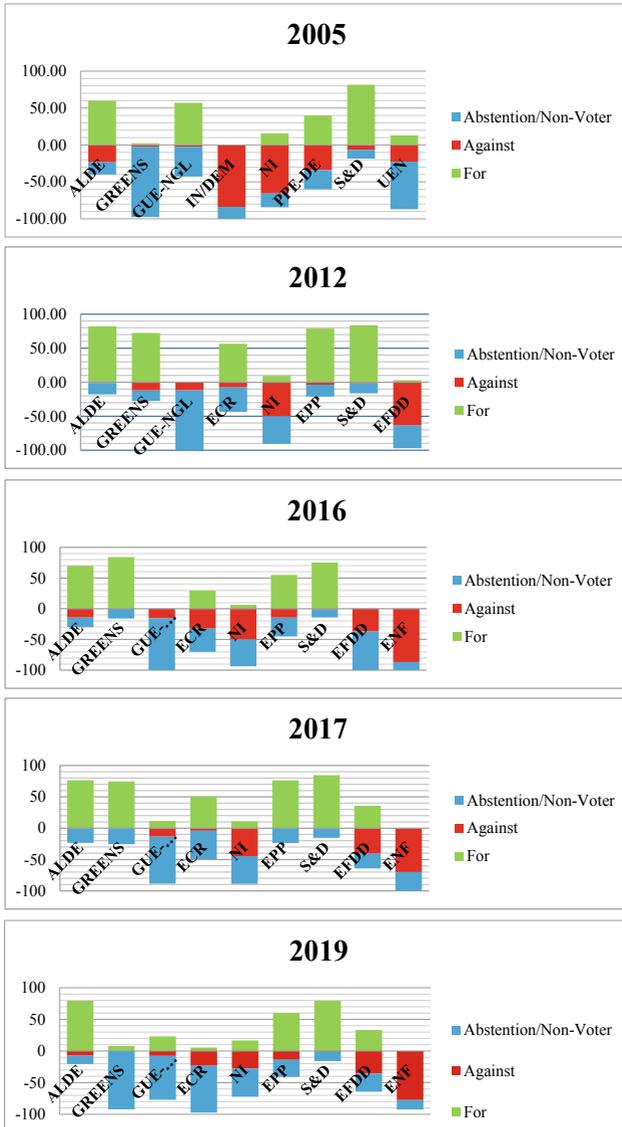


Fig. 10.6 Voting behavior of the political groups in the European Parliament regarding the resolutions adopted in 2005, 2012, 2016, 2017, and 2019 (in %) (Source Own illustration based on VoteWatch)

(ALDE) (Renew Europe since, 2019), and the Greens⁹ had a stable majority voting in favor of the resolutions and had no major anomalies. Only the Greens decided by a majority to abstain in the 2019 from voting on the resolution that called for the suspension of accession talks. One Green MEP explained this vote in the plenary debate by stating, ‘(w)e want to be tough on the regime, but we do not want to suspend negotiations. We want them to continue to be frozen’ (European Parliament, 2019b). In contrast, other political groups have continually stood against the resolutions and shown notable changes over time.

The European United Left/Nordic Green Left (GUE-NGL) group represents a special case, as does the strongest group in the Parliament over the last three parliamentary terms, the EPP. In regard to GUE-NGL, it is worth mentioning that there has been a significant reversal. While the majority voted in favor of accepting the resolution in 2005, the majority abstained from the votes in 2012 and 2016. Also, after the above-mentioned substantive reorientation of the latest resolutions in 2017, the majority of the GUE-NGL voted to abstain (85%). On the one hand, the group repeatedly stressed the unresolved Cyprus conflict. In this context, the Greek GUE-NGL MEP Kostas Chrysogonos said in 2017, for ‘twelve years, Turkey has behaved like a hypocrite. It says that it wants to come into line with the European Union and the EU pretends that it believes that’ (GUE-NGL, 2017). At the same time, the German GUE-NGL MEP Martina Michels stressed in the 2019 plenary debate on the progress report resolution to ‘opt for the signal of freezing the negotiations rather than breaking off. Let us show dialogue and solidarity, because Turkey is more than Erdoğan, it is above all the opposition and civil society. They need our voice!’ (European Parliament, 2019b). It is precisely these different aspects of GUE-NGL’s political positions toward EU–Turkey relations that led these MEPs to vote to abstain.

In this regard, the EPP also seems to have undergone a change. While there was a slim majority against accepting the resolution in 2005, the MEPs in the EPP voted 80% in favor in 2012. This strong support might

⁹One exception is the abstention of the Greens in 2005. From the minutes of the plenary sessions and a comparison of the motions for a resolution from the various political groups it is apparent that the Greens were considerably more open to Turkey’s accession and chose far more positive wording than the other groups (see European Parliament, 2005a). The co-chair of the Greens, Daniel Cohn-Bendit, expressed the criticism that many of the statements by MEPs of other political groups opposing Turkey’s accession were based on ‘racist resentments’ (European Parliament, 2005b).

be explained by a positive-pragmatic agenda that was set in light of a political context shaped by an economic crisis and international security challenges. Although the strategic role of EU–Turkey cooperation was mentioned in adopted resolutions before, the 2012 resolution addresses strategic aspects of the cooperation in an open manner. In 2016, the voting behavior of this political group suggested a major disagreement on this issue. Almost half of the MEPs did not vote in favor (14% against, 31% abstention/non-voter). It seems that the already mentioned substantive reorientation of the 2017 resolution, in which the EP called for suspending the negotiations, solved this disagreement and therefore helped reduce the number of the above-mentioned strategic non-voters. In the latest votes, more than 70% of EPP members voted in favor of the resolution, a few voted against the resolution, and around 20% voted to abstain or did not vote. In the latest votes the EPP's cohesion therefore increased considerably (from 57% in 2016, to 82% in 2017). After the significant change in the political message, there was no disagreement between the German or French delegation and their political group. Thus, the former 'haven for 'rebels' in the German and French EPP delegation' (Kaeding & Schenuit, 2016) does not exist anymore. The remaining rebels within the EPP came from Hungary (11), Croatia (5), Bulgaria (4), Czech Republic (1), and Cyprus (1).

The latest votes in 2016, 2017, and 2019 show that the European Conservatives and Reformists (ECR) is divided on this issue. Although 'for' votes increased from 30 to 51%, the new political message of freezing the accession in the 2017 and 2019 resolutions did not solve these differences. The voting result of the group Europe of Freedom and Direct Democracy (EFDD), however, seems to be affected by shifting the political message from continuation to freezing the negotiations with Turkey.

10.3 CONCLUSIONS AND OUTLOOK

Our analysis shows how the EP's perspective on EU–Turkey relations has changed over time. After increasing support for accession from 2005 to 2008, more and more MEPs have reconsidered their voting behavior. Support for the resolutions reached its lowest point in 2016: less than 50% supported the resolution on the country report on Turkey and more than half of all MEPs decided to vote 'against', 'abstention', or chose strategic non-voting to hide conflicts in the political group. In 2017 and

2019, however, this trend stopped, and the ‘for’ votes increased, again. This recent development is due to a political reorientation: in 2017, for the first time since 2005, the resolution on the report did not demand the opening of negotiations chapters. In fact, the MEPs voted for the demand to ‘suspend’ negotiations. The VoteWatch data suggest that the EPP, in particular, was divided on this issue and that the reorientation solved internal group conflicts.

Overall, we notice that EU–Turkey relations have not only become increasingly politicized but also that the EP lacks a political majority for the continuation of the accession procedure with Turkey. Although its decisions do not have any immediate impact on the formal ongoing accession process, this reorientation is another signal of a ‘closed accession door’ in Brussels.

The development in the EP and its inter-institutional differences with the European Council (see Turhan & Wessels, Chapter 8) shows that Sjørusen was right when she observed that a decision to enlarge is ‘something more than instrumental calculations and something less than a selfless concern for human rights has been at play’ (Sjørusen, 2002: 491). Whereas the European Council is focusing on instrumental calculations, especially with regard to the migration crisis, the EP is mainly focusing on the importance of human rights, rule of law, and the EU’s other core values—the basic elements of a democratic society.

Our analysis clearly shows that the EP has closed its accession door for Turkey. In the current political situation a re-opening seems unlikely. Nevertheless, in the years between 2005 and 2019, the reports on Turkey and the EP resolutions have voiced many arguments for the importance of a ‘strategic partnership’ between the EU and Turkey. These arguments should not be wiped away in an increasingly politicized environment. Vote-seeking and closing the door to accession without identifying possible alternatives for cooperation would be politically and geostrategically shortsighted. The identification and establishment of new narratives for cooperation with Turkey should be a long-term goal for the EP and its MEPs. The upcoming parliamentary terms could be an occasion for the European parties to present their concepts for the future of EU–Turkey relations.

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PART III

Policies



Turkey as a Special and (Almost) Dead Case of EU Enlargement Policy

Barbara Lippert

11.1 INTRODUCTION

Turkey has always been a special as well as difficult case in the context of European Union (EU) enlargement. Early on, Ankara's drive toward Brussels posed many fundamental questions for the European Communities (Lippert, 2005a). Thus, Turkey's plea for membership, with a formal application sent to Brussels in 1987, contributed to the general development of association and enlargement policies by the EU and to the interplay between them. The political and economic criteria for membership, interests in enlargement among elites in member states and third countries, and the role of public opinion all had to be considered. The ups and downs in the decades-long relations between Brussels and Ankara in the context of enlargement indicate the difficulties both sides experienced in terms of commencing and concluding accession negotiations. Today, the outcome is highly uncertain. The EU and its members have somewhat lost their sense of purpose and strayed from their earlier strategy on

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bilateral relations. It is questionable whether Turkey even is still a case for enlargement or whether it has already turned into a dead case.

To describe and explain Turkey as a special case of EU enlargement policy, this chapter focuses on the following aspects. Firstly, the overall concepts, motives, and criteria of EU enlargement are introduced. The second section deals with critical questions that Turkey poses for the EU in this respect, in particular in view of Turkey's 'Europeanness', its strategic value, political order, democracy, and political culture, and in terms of the EU's capacity to absorb a new state. The third section outlines how pre-stages of the accession process, negotiation framework, and the conduct of negotiations have played out. The focus is thus on issues that make Turkey a special and (almost) dead case of EU enlargement policy. The chapter concludes with a brief outlook on future bilateral relations.

The bulk of recent contributions to the study of EU–Turkey relations is notably from think tanks that monitor the increasingly strained relationship and develop policy proposals for how to overcome the deadlock (e.g., Dalay, 2018; Carnegie Europe, 2018; Hoffman & Werz, 2019; Pierini, 2019). As far as earlier academic contributions are concerned, EU–Turkey relations were largely considered in terms of the analytical concepts of Europeanization, transformation, modernization, and external governance. These topics were therefore analyzed in the literature on enlargement and accession policy or neighborhood policy, even if this did not coincide with the EU's geographic definition of European Neighborhood Policy (e.g., chapters on 'Turkey and enlargement' in Weidenfeld & Wessels, 2005–2019; chapters on 'Wider Europe' in Copsey and Haughton, 2012–2014; Fraser, 2004; Rehn, 2006; Seufert & Fischer, 2018; Dürkop, 2018; Leiß & Tryk, 2004; Schimmelfennig, 2018; Tocci, 2014). With the diminishing role of the enlargement framework and tensions over Turkey's membership of the North Atlantic Treaty Organization (NATO), research on EU–Turkey relations is likely no longer to be conducted primarily through the lenses of accession and enlargement,¹ analyzing domestic developments inside Turkey and Ankara's foreign relations, but increasingly shift back to classical concepts

¹See, for example, the research program of the Center for Applied Turkey Studies (CATS), established in 2019 in Berlin, <https://www.swp-berlin.org/en/cats-turkey/>. See also Turhan and Reiners, Chapter 1.

of International Relations (e.g., structural realism) or comparative government (e.g., hybrid regimes, authoritarianism, etc.) (e.g., Özerdem & Whiting, 2019; Talbot, 2018; Goff-Taylor, 2017; Morillas et al., 2018; White & Herzog, 2018).

11.2 CONCEPT, MOTIVES, AND CRITERIA OF EU ENLARGEMENT

Enlargement is about extending the geographic scope of the legal and political *acquis* to third countries that join the EU. Thus, enlargement policy is not a clearly defined policy field (as are, for instance, competition policy or foreign and security policy) but a horizontal approach that impacts the EU's polity, politics, and policies. It concerns fundamental principles and provokes soul-searching exercises at the EU and national levels about the EU's political identity and its wider aspirations. At the same time, it tests existing policies and compromises over the distribution of power and resources within the EU and thus affects the internal equilibrium in many ways (Lippert, 2011: 238–239; 2019a: 23–25).

In practical terms, enlargement policy is defined as the accession of new members to the EU, including the EU's strategies, activities, and procedures related to this process. Over successive rounds of enlargement, the EU modified its enlargement policy in response to the specific demands of new entrants. In this context, it developed an ever more comprehensive pre-accession strategy. The EU also takes account of its own absorption capacities in light of the state and dynamics of European integration. The drivers of enlargement are mainly European third countries, such as Turkey, that want to join the EU. They expect EU membership to serve their security interests, to improve their prosperity, and to anchor or advance their democratic political order (Lippert, 2011: 243–244). The EU's motives for enlargement are generally not as explicit and straightforward as they are for candidate countries. Generally speaking, the EU is eager to frame accession as a win–win opportunity. There are also endogenous factors that drive enlargement from inside the EU. Right from the start all European Communities defined and understood themselves as communities open to new members.²

²'Any European State may apply to become a member of the Community. It shall address its application to the Council which, after obtaining the opinion of the Commission, shall act by means of a unanimous vote' (Art. 237 EEC Treaty).

The EU does not choose or ask countries to join; it merely examines the applications of those European countries that want to join. It does, therefore, need membership criteria. While the democratic credentials of the first applicant countries, Denmark and the United Kingdom (UK) in 1961, were seen as unproblematic, others were not. On the occasion of the application of Spain under Franco for association in 1962 (Powell, 2015: 7) and the association negotiations with Greece and Turkey in the early 1960s, the European Economic Community (EEC) started to develop criteria and procedures to formalize relations with third countries. In the case of both association and accession, the European Commission (EC) and the European Parliament (EP) realized that the political terms of the future relationship were critical and deserved special attention. As such, a member of the European Assembly, Willi Birkelbach, produced a report that outlined both the political and the economic criteria for future members (Birkelbach, 1962: 5; see also Lippert, 2011: 250).

This acted as a precursor to the Copenhagen criteria, defined by the European Council in Copenhagen in 1993. The Copenhagen political criteria stipulate that ‘membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities’ (European Council, 1993: 13). This set of political criteria was not directly copied into the written provisions of the treaties, but its substance is referenced in the values of the EU as laid down in Article 2 of the Treaty on European Union (TEU). Article 49 of the TEU, and political documents produced in the course of developing the practical enlargement policy mostly by the European Council and the Commission, define core elements with regard to the political compatibility of applicants: ‘Any European state which respects the values referred to in Article 2 and is committed to promoting them may apply to become member of the Union’. Moreover, the European Council has the right to define conditions for membership, as it had already done with the declaration of the Copenhagen criteria in 1993 (see Turhan & Wessels, Chapter 8). Beyond the political criteria, the Copenhagen criteria included the economic criteria and the so-called *acquis* criteria:

[...] the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate’s ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. (European Council, 1993: 13)

Based on these criteria, the EU applies a policy of conditionality (Börzel et al., 2017; Schimmelfennig, 2008), understood as the expectation that once the applicant has fulfilled all conditions, the country can join the EU. The Commission was tasked with closely monitoring progress in candidate countries toward this goal. To support candidates' efforts in the pre-accession period, the EU committed itself to the transfer of money under the Instrument for Pre-Accession Assistance, know-how (for institution building, setting up of public administration), and participation in community programs (see also Bürgin, Chapter 9).

11.3 CRITICAL QUESTIONS FOR THE EU WITH REGARD TO TURKEY'S MEMBERSHIP APPLICATION

11.3.1 *Europeanness*

Following Turkey's official application for membership in 1987, the first question to be answered was whether or not the EEC regarded Turkey as a European country. 'Europeanness', although at no point defined in the European treaties, has always been the principal condition to qualify as an applicant. Famously, in 1987 the Commission immediately turned down Morocco's application because it did not count as a European country. In contrast, the path toward accepting Ankara's application was already paved in the 1960/1970s when the EEC consistently agreed that Turkey qualified as European. At that time a purely political, not a geographic, historical, or cultural definition, prevailed among member states. From their view Turkey was firmly placed in the West: Ankara was a Marshall Plan beneficiary and later on a member of the Organisation for Economic Co-operation and Development (1961), the Council of Europe (1950), and NATO (1952). In the Cold War era, the first president of the Commission of the EEC, Walter Hallstein, stated that the EEC and member states shared Turkey's aspiration for membership (Kramer & Reinkowski, 2008: 156). A case in point is Article 28 of the Association Agreement of 1963, which concluded that the EEC will later consider membership for Turkey (EEC-Turkey Association Agreement, 1963: Art. 28). Thus, the initial agreement among the six EEC members that Turkey was a European country that could apply for membership created path dependency from the early 1960s until today. EU institutions never officially retreated from this early stance. However, when the EEC reacted to Turkey's first official application, some governments and public

opinion in EEC member states challenged Turkey's 'Europeanness', based on the changing geopolitical landscapes after 1989 (see below). Thus, the EU's clarity in regard to Turkey's Europeanness, and the credibility of Turkey's prospective membership were stronger on paper than in reality even in the late 1980s.

11.3.2 *Strategic Value*

Turkey's strategic value for the EEC has always been its geographic location. After the Second World War, Turkey secured the southeastern flank of NATO in its posture against the Soviet Union. Throughout the Cold War and beyond Turkey's prospective membership was also regarded as a means to soften tensions between Turkey and Greece, which had already become a member of the European Communities in 1981. It was also hoped that Turkey's membership would contribute to the resolution of the Cyprus conflict. Perceptions in the EU changed in the aftermath of 1989.

As a player in East–West politics and as a cornerstone of a post-Cold War European security architecture, Turkey's membership was given less importance in the 1990s, when the Central and Eastern European countries (CEECs) were first in line for membership negotiations (Seufert & Fischer, 2018: 274). Turkey was neither included in the so-called Luxembourg group in 1997, nor the Helsinki group that received roadmaps and indicative dates for the opening of negotiations. At the Helsinki Summit in 1999 EU leaders did grant Turkey candidate status so that it became part of the pre-accession process (European Council, 1999), but there was no clear indication of when negotiations would start. The EU took this decision in the context of the Kosovo war and the destabilization of the Balkan region. The security argument in favor of Turkey's membership had become increasingly contested because of Turkey's ambivalent role in its neighborhood as well as the Kurdish question inside Turkey and beyond its borders (Seufert, 2018a). Since the US war in Iraq in 2003, many EU actors have considered Turkey as part of the unstable Levantine region in the Middle East. In terms of stability, Turkey's membership could be seen as either an asset or a liability to the EU (Barkey & Le Gloannec, 2005; Lippert, 2005a).

From the start of the Arab Spring of 2011 and the ensuing war in Syria that triggered the destruction of the regional order in the region, Turkey's strategic importance for Europe and the EU increased but at the same

time became more complex and strained (Morillas et al., 2018). From the mid-2000s onward, Turkey's foreign policy under Foreign Minister Ahmet Davutoğlu proactively pursued a policy of 'strategic depth' (see Torun, Chapter 13). Distancing itself from the West without giving up its membership aspirations Turkey sought—unsuccessfully—a more diversified policy and declared a policy of 'zero problems with neighbors' that was sometimes at odds with EU positions (Michel & Seufert, 2016: 86). The EU was confronted with a Turkey that played an opaque role as a provider of both order and disorder in the region (Karadag, 2017: 42–46).

Turkey's overriding strategic importance for the EU was again highlighted in summer 2015 at the peak of the inflow of refugees to the EU from war-torn Syria. Since then, Turkey's relations with the EU and also the USA and NATO have further deteriorated. Turkey has turned from an ally to an unreliable partner of the West that has leaned toward Russia and Iran. The EU realized that Turkey did not align with the EU's positions taken in the Common Foreign and Security Policy framework (Council of the EU, 2019a: para. 36). However, while criticizing Turkey's democratic backsliding, the EU still acknowledged Turkey as a 'key partner/country' and 'strategic partner' (Council of the EU, 2019a: para. 30; 2019b). The EU–Turkey Statement on irregular migration in March 2016 (the refugee 'deal') was an example of *Realpolitik* and showed the new balance of power between both parties (European Council, 2016). Even then, the EU could not escape the nexus with the negotiation framework—a sentence on the opening of new chapters was inserted in the declaration despite a lack of progress in Turkey to meet the political criteria.

11.3.3 *Political Order, Democracy, and Political Culture*

Despite Turkey being part of the Western bloc for geostrategic reasons, its internal political development nurtured constant doubts as to its political credentials as a Western democracy. Attempted or executed military coups and interventions (1960, 1971, 1980–1983, 1997, 2016), disregard for separation of powers, rule of law, and human rights (including the Kurdish question) as well as the lack of political pluralism provided no firm basis for the opening and continuation of membership negotiations. Contrary to more linear transitions from dictatorship to democracy in Spain, Portugal, and Greece in the 1970s, Turkey's democratization and modernization were often set (or rolled) back, be it for structural or

specific reasons. Thus, the wave of democratization in the 1970s passed by Turkey (Leggewie, 2004: 12) gained (only temporary) ground as late as 2002 with the change of government to the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP), which had a conservative and religious platform.

Turkey used the accession process under former Prime Minister and current President Recep Tayyip Erdoğan as a favorable framework for reducing the power of the secular political camp of the Kemalists and for abolishing the military's stronghold. The accession process helped strengthen the economic and social advancement of Turkey's religious-traditional-conservative groups, which supported the AKP (Dağ, 2006; Seufert, 2018b: 13–16). The EU initially welcomed the liberalization steps and supported the economic upswing in Turkey that went along with this. The EU and the Turkish government opened accession negotiations in 2005 based on the assumption of continuing domestic political transformation. However, since the Gezi park protests in 2013 the AKP government has not been following a consistent course of Europeanization³ but rather has been working toward converting the political system to authoritarian presidential rule. Since the state of emergency following the thwarted *coup d'état* in 2016, Turkey has drifted so far from meeting the political criteria of membership that a formal halt to negotiations was demanded by the EP and several national governments. Sebastian Kurz, then foreign minister of Austria, for instance, demanded the EU freeze accession negotiations in a December 2016 meeting of the Council of the EU (Gavenda, 2017).

The AKP's turning away from secular Kemalism, and the Islamization of Turkey, have strengthened the perception of Turkey-skeptic segments of the EU population. In the EU, the debate resurfaced over whether Turkey is different because of its history, culture, and Muslim character. In light of the Copenhagen criteria, the EU has implicitly regarded these debates as subjective and guided by identity politics in an attempt to fixate on 'cultural difference' (see Leggewie, 2004; Seufert & Kubaseck, 2006; Kramer & Reinkowski, 2008: 177–180). The EU started the

³Europeanization refers to the shift of attention of institutions, actors, notably policymakers at the national level to the EU-level as well as their gradual participation in EU-policy-making and decision-making processes. The term also refers to respective modes of governance and norms transfer of actors on the EU-level top down to the national level (see Radaelli, 2003; see also Alpan, Chapter 5).

accession process from the working hypothesis that Islam as a religion and cultural community is in principle compatible with the political criteria of membership and, as such, is irrelevant to the EU's monitoring processes. Thus, the Commission applied its standard checklist of political criteria—as documented in the annual regular reports—throughout the pre-negotiation and negotiation period in order to measure their fulfillment (see, e.g., European Commission, 2019: 9–40). Starting from the government's reaction to the Gezi park protests in 2013, Turkey's record on all key criteria items, such as fundamental rights, and the independence and functioning of the judiciary became increasingly negative. In 2019 the Council was '[...] especially concerned about the continuing and deeply worrying backsliding on the rule of law and on fundamental rights' (Council of the EU, 2018: para. 31).

Concerns relating to Turkey's political culture are discussed in member states and across parties, media, and the wider public. Indeed, Turkey's candidacy has become one of the more prominent issues in the public eye (Özbey et al., 2019). According to a YouGov survey in 2016, there is distinct hostility to Turkey joining the EU. In Germany (86%), Finland (83%), Denmark (82%), France (74%), Sweden (73%), and even in the United Kingdom (67%), there are large majorities against Turkey's accession to the EU. In these countries, even Russia would be more welcome in the EU than Turkey (YouGov, 2016).

11.3.4 *Impact and Absorption Capacity*

Opposition to Turkey's membership has often been summarized by the verdict that Turkey is 'too big, too poor, with too dangerous borders and insufficiently 'European' to join the Union'. (Hughes, 2004). Indeed, Turkey's size matters, as Turkey would be the biggest member ever in terms of territory and population,⁴ giving it strong voting power in the EU's decision- and policymaking system. Although Turkey has caught up economically over the years, it is a country with huge regional disparities and relatively low per capita levels of income. In 2017, its gross domestic product (GDP) per capita was 66% that of the EU28 average (European Commission, 2019: 107). Additionally, the weakening of the Turkish economy since 2018, especially Turkey's high current account

⁴Population of 79.8 million and area of 780,270 km² in 2017, which is almost 1/5 of the total area of the EU27 (European Commission, 2019: 107).

deficit, has led to deep concerns over the functioning of the country's market economy (European Commission, 2019: 52). Therefore, the debate about overstretching the Union and the limits of its capacity to absorb additional countries has been applied to Turkey more often than, for example, to the CEECs and Balkan countries.

This debate refers to considerations that the EU makes in the Copenhagen criteria, stipulating, as a 'fourth criterion', that

[t]he Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries. (European Council, 1993: 13)

EU institutions and leaders have frequently insisted on the importance of taking the 'absorption capacity' of the Union into account after the big bang enlargement (see for example Council of the EU, 2006a: 1). Turkey and other applicants, on the other hand, have criticized the EU for being absorbed with internal reform blockages or other challenges, as in the decade of the 'polycrisis' (Juncker, 2016) from 2008 onward, to the detriment of the applicants.

On all items discussed here—Turkey's 'Europeanness', its strategic value, its democratic credentials, and its impact on the EU as a member—a degree of doubt and uncertainty remained among member states as to whether Turkey would fit as a member. These doubts and ambivalences were partly tamed and pragmatically channeled through the political rules and bureaucratic policy that the EU has set up to conduct the negotiation processes.

11.4 ENLARGEMENT DOCTRINE AND MANAGEMENT OF TURKEY'S ACCESSION PROCESS

With the advent of the first round of enlargement in 1973, the EEC developed core elements to its enlargement doctrine to ensure the smooth integration of new members (Lippert, 2011: 248–258). The first core element, already discussed above, is that a new member must fulfill all political criteria. A second element is that the EU's *acquis communautaire et politique* is not negotiable. Any new entrant has to accept and implement all primary and secondary laws in full. This makes the relationship, per se, asymmetric and secures EU dominance throughout the

pre-negotiation and negotiation period. The third element is the absorption capacity of the EU, as explained above. All three elements were taken up in the so-called renewed consensus on enlargement (European Council, 2007: 2). While the management of Turkey's application by and large fits into the EU's general enlargement approach, some features stand out, which will be discussed in the following sections.

11.4.1 Pre-stages: Association, Customs Union, Application for Membership and Candidate Status

Turkey (and Greece) set the example of what has become the typical staged process from free trade and association to the application for membership. However, the reference to future membership in Ankara's Association Agreement (Article 28) is a provision not found in other cases, aside from that of Greece. The EU, thereafter, thought that a political commitment of this kind was both too strong and binding (as for the CEECs in the 1990s or today for Ukraine or Georgia) or not necessary (Norway). Due to the lack of experience with association agreements at the time, internal EU conflicts over competencies and political uncertainty following the military coup in Turkey in 1960, the Association Agreement was only signed in 1963 after four years of negotiation (Ceylanoğlu, 2004: 152–154; see also Turhan & Reiners, Chapter 1). As a compromise between a customs union (CU) (favored by the Commission and Germany) and a mere cooperation agreement (favored by France and Italy) (Ceylanoğlu, 2004: 254), the Association Agreement stipulated that a CU was to be established over a transition period of 12 years and after a preparatory phase of at least five years. Only after the preparatory phase would the details of the transition period be decided on with unanimity. These stipulations reassured the skeptics within the EU that any future developments could still be stopped (see Kramer & Reinkowski, 2008: 157–158).

In 1987, Ankara applied to join the EU (then EEC). Although not formally rejected, the Commission stalled Turkey's membership application in 1989, referring to a number of reasons on both sides: the limited institutional absorption capacity of the EU after the Southern enlargement (1987) and in light of the coming European Free Trade Association enlargement (1995), the priority of the internal market project (1992), the forthcoming eastern enlargement, Turkey's unresolved conflict with Cyprus, and the notorious democratic deficits in Turkey (European

Commission, 1989: 7). Thus, the establishment of the CU with Turkey as an intermediary step, and as some sort of compensation for the pre-accession processes with the CEECs, gained support inside the EU as the first or second-best choice in lieu of membership. To structure the lengthy accession processes the EU introduced the status of ‘candidate’, which has become a necessary stepping-stone to opening negotiations. In the aftermath of the December 1997 Luxembourg European Council that turned down candidate status for Turkey, Ankara declined the EU’s offer to take part in the so-called Europe Conference (until 2000), which the EU had first organized in 1997 as a pan-European format to compensate potential applicants for which there was as yet no prospect of accession negotiations being opened (Lippert, 1999: 46; 2000: 41).

The decision on Turkey’s candidate status, agreed in December 1999 at the Helsinki Summit (European Council, 1999), was initially contested among member states. A breakthrough came with a favorable alignment of the stars in important EU-member states: support from Germany under the newly elected red-green government (Gerhard Schröder/Joschka Fischer), from France under President Jacques Chirac, and Greece under Prime Minister Kostas Karamanlis. The turn toward enlargement as a foreign and security policy instrument against the background of the Kosovo war also benefited Turkey’s candidacy. During the Helsinki European Council meeting, Commissioner Günter Verheugen and the High Representative Javier Solana traveled to Ankara to explain to the still reform-reluctant Ecevit government that no further formal requirements other than the Copenhagen criteria would be applied to Turkey’s candidacy. However, the EU had established a link between Turkey’s accession process and the resolution of the conflict over Cyprus in the European Council conclusions (European Council, 1999; Kramer & Reinkowski, 2008: 165–166). The Cyprus conflict hampered and still blocks the negotiation process. At several points it played into EU–Turkey negotiations, as did other bilateral conflicts in other cases (Dokos et al., 2018: 28–31; Hillion, 2010).

The decision to start accession negotiations with Turkey was gradual precisely because it was controversial. In 2002, the European Council agreed on a rendezvous clause. This clause stated that the EU would decide on the opening of negotiations with Turkey in 2004, provided that Turkey fulfilled the political Copenhagen criteria. When the EU25 finally decided in December 2004 to start negotiations with Turkey in October 2005, it was clear that some member states, namely Germany,

Austria, and the Netherlands remained skeptical, and the EU therefore remained ambivalent as to whether Turkey would fit, in principle, and in terms of the concrete deficiencies of Turkey's democracy.

An immediate concern ahead of the December 2004 European Council was the unresolved bilateral conflict with Greece and the new EU-member Cyprus (see Lippert, 2005b: 429–431). In April 2004, the resolution of the Cypriot issue according to the 'Annan plan' failed to gain support of the majority in Greek-Cyprus in an island-wide referendum. To avoid a Greek veto on the upcoming Eastern enlargement, the EU had already promised Cyprus that it would become a member state of the EU, representing the whole island but without the *acquis communautaire* being implemented in the Cypriot-Turkish part of the country (European Council, 1999; see also Kramer & Reinkowski, 2008: 165–166). Practical problems occurred in applying present and future rules for trade between the whole of the island and the EU (see for example, Council of the EU, 2006b). The EU insisted on Ankara signing the Additional Protocol to be annexed to the EEC-Turkey Association Agreement and Turkey's extension of the CU to the EU25—in other words including Cyprus. The EU was ready to take the implementation of the Protocol as a substitute for a formal recognition of Cyprus by Turkey and, at the same time, link the question of recognition to the accession process (Council of the EU, 2005).

11.4.2 *Framework for Negotiations*

Turkey was the only case in which EU institutions started talks with a country that only 'sufficiently' (European Council, 2004: 6) fulfilled the political criteria. The EU knew that Turkey's political problems were structural and severe. However, the EU was confident that the opening of accession negotiations would support political democratization and economic transformation in Turkey. Against this background, the EU sought many special arrangements in the negotiation framework, which would also be applied to another candidate, Croatia (Lippert, 2006: 433–434). These arrangements were adopted by the European Council in December 2004 and included long or probably even permanent safeguard clauses (with regard to freedom of movement, structural policies, and agriculture), special regulations, and a suspension procedure. They were also integrated into the Negotiating Framework document prepared

by the Commission that outlined the guiding principles of the negotiations with Turkey (European Commission, 2005). As provided for in this framework, the negotiations were designed to be open-ended, long-lasting, and not only dependent on Turkey's fulfillment of the Copenhagen criteria but also on the institutional absorption capacity of the Union (European Commission, 2005: para. 3). That way, even if Turkey complied with the *acquis*, the outcome of the negotiation process could not be guaranteed and EU membership would not automatically be granted.

In terms of procedure, a screening process⁵ was introduced, and it was decided to monitor progress through regular country reports on Turkey. At the same time, in the negotiating framework, the EU had already safeguarded against the possible failure of the negotiations, including a suspension procedure in case Turkey violated the fundamental political criteria. An alternative to membership was also considered

[i]f Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond. (European Commission, 2005: para. 2)

This could be interpreted not only as a fallback option but also as a hidden strategy, because some member states favored a so-called 'privileged partnership' or other forms of integration and cooperation with Turkey as a third country, not as a member of the Union (see Tekin, Chapter 7).

While the special provisions in the framework for negotiations could be seen as a means to deal with the challenges of integrating a special candidate (in terms of size, economy, and culture) and to reassure skeptical member states that the process could still be stopped, some authors argue that the negotiations were doomed to fail right from the start as the EU did not (sufficiently) encourage Turkey's political reform process in light of this fallback option (İçener et al., 2010: 215; Tekin, 2017: 39).

⁵During the screening process, the Commission presents the *acquis* of primary and secondary law for every negotiation chapter, then both sets of legal provisions are systematically compared. The (gradual) implementation of the EU's legal *acquis* is monitored in relation to fulfilling benchmarks defined by the Council in order that a decision can be made by the EU as to whether to open or close individual negotiation chapters.

11.4.3 *Conduct of Negotiations*

In line with the general conduct of negotiations on membership, the European Council and the Commission have played a pivotal role in accession negotiations with Turkey. The European Council made all of the EU's strategic decisions on Turkey's accession milestones: the opening and the framework for negotiations, the introduction of new instruments and formats such as the Positive Agenda, and high level dialogues (see Turhan & Wessels, Chapter 8). The Council machinery in Brussels, Coreper II, has been important for the preparation of decisions and the search for consensus among the governments prior to the General Affairs Council and/or the European Council coming into play. The EC has also been the manager of negotiations and pre-accession activities (see Bürgin, Chapter 9). In the case of Turkey, communication between the EU and Turkey has been intense even when the negotiations were slow or stalled. As in other cases, the European Parliament gave special attention to political developments in Turkey and more directly criticized Turkey's backsliding. The EP was at times split over whether the EU should explore alternatives such as that of 'privileged partnership'. It also called for a suspension of negotiations in 2017 and 2019 (European Parliament, 2017, 2019; see also Lippert, 2017: 423; Kaeding & Schenuit, Chapter 10).

Compared to all other accession processes, the length of Turkey's negotiations is noteworthy. The main reason for this is the ambivalent position inside the EU toward Turkey's candidacy and future membership due to Turkey's insufficient fulfillment of political criteria and its own genuinely inconsistent accession strategy. Since October 2005, little progress has been made: only 16 of the 35 chapters have been opened, one of these is provisionally closed (see Table 11.1).

Since December 2006, the Council has suspended eight trade-related chapters⁶ as a response to Ankara's resistance to implementing the obligations stemming from the Additional Protocol, and no further chapters are to be closed until the resolution of the conflict with Cyprus (Council of the EU, 2006b). In relation to the remaining chapters, either Turkey does not meet the benchmarks, or their opening has been vetoed by single member states in the Council, including France (in 2007) and Cyprus (in

⁶The eight negotiation chapters related to trade—chapters 1, 3, 9, 11, 13, 14, 29, and 30—have therefore remained closed until today.

Table 11.1 Status of negotiation chapters with Turkey (2020)

<i>Chapter</i>	<i>Opening</i>	<i>Provisional closure</i>
1 Free Movement of Goods	Suspended	
2 Freedom of Movement of Workers	Vetoed	
3 Right of Establishment and Freedom to Provide Services	Suspended	
4 Free Movement of Capital	2008	
5 Public Procurement		
6 Company Law	2008	
7 Intellectual Property Rights	2008	
8 Competition Policy		
9 Financial Services	Suspended	
10 Information Society and Media	2008	
11 Agriculture and Rural Development	Suspended	
12 Food Safety, Veterinary and Phytosanitary Policy	2010	
13 Fisheries	Suspended	
14 Transport Policy	Suspended	
15 Energy	Vetoed	
16 Taxation	2009	
17 Economic and Monetary Policy	2015	
18 Statistics	2007	
19 Social Policy and Employment		
20 Enterprise and Industrial Policy	2007	
21 Trans-European Networks	2007	
22 Regional Policy and Coordination of Structural Instruments	2013	
23 Judiciary and Fundamental Rights	Vetoed	
24 Justice, Freedom and Security	Vetoed	
25 Science and Research	2006	2006
26 Education and Culture	Vetoed	
27 Environment	2009	
28 Consumer and Health Protection	2007	
29 Customs Union	Suspended	
30 External Relations	Suspended	
31 Foreign, Security and Defense Policy	Vetoed	
32 Financial control	2007	
33 Financial and budgetary provisions	2016	
34 Institutions	Vetoed	
35 Other issues		

Source Own compilation based on Delegation of the European Union to Turkey (2020)

2009). Thus, negotiations quickly entered a period of stagnation, and the Cyprus issue has become an obstacle, which has pleased those who wanted to slow down Turkey's accession, be it in Turkey or the EU. Given the EU's reluctance to smooth tensions on the island and to ease the isolation of Northern Cyprus, in 2011 then Prime Minister Erdoğan even challenged the EU by stating that his government would freeze membership negotiations (Seufert, 2011: 521–522). Turkey's new assertiveness was a signal to Brussels; its foreign policy was working toward a more symmetric, bilateral relationship, and a diversification of foreign policy partnerships (Seufert, 2018b: 16–18). At the same time, the course of domestic reform was slowing down considerably in Turkey. Hence, as a prospective future member state Turkey has become an increasingly more difficult case for the EU.

Annually, the Commission has taken stock of Turkey's domestic political developments in relation to it fulfilling the Copenhagen political criteria. Between 2005 and 2012, the Commission recorded both ups and downs as far as fundamental rights and the independence of the judiciary was concerned. Based on the Commission reports, the Council and the European Council frequently demanded additional reform efforts from Turkey, especially in the areas of freedom of expression, freedom of media, freedom of religion, property rights, trade unions, minority rights, control over military power, women's and children's rights, nondiscrimination, and gender equality. Since 2017, the Commission has abstained from commenting on whether or not Turkey 'sufficiently' fulfills the political criteria, which was the basis on which it gave the green light to the opening of negotiations.

Despite the special provisions in the negotiation framework and internal divisions, the Commission applied the Copenhagen criteria as well as the standard screening process and benchmarking to Turkey with the same pragmatism as was applied to the Eastern enlargement. Since the Barroso Commission, the accession negotiations have focused on the issues of rule of law, economic governance, and administrative reforms as primary conditions for membership (Council of the EU, 2014: para. 3; see also Lippert, 2015: 523). Given the veto deployed by Cyprus, the EU could not apply what had become its new standard approach: opening Chapters 23 and 24 related to judiciary, fundamental rights, justice, freedom, and security at an early stage in order to put additional pressure (and give additional support) on a country to comply with membership conditions in the sensitive areas of rule of law and

fundamental rights. At the same time, in its progress reports on Turkey the Commission has paid special attention to these essential chapters and issues (see Table 11.2).

The attempt to revive the reform process with various initiatives and mechanisms, including the 2012 Positive Agenda, discussions on a modernization of the CU, and the 2013 roadmap for visa liberalization, has so far had little effect. Since two negotiation chapters previously vetoed by France (Chapters 17 and 33) were opened in the context of the refugee ‘deal’ in 2015 and 2016 (European Council, 2015, 2016), there has not been any progress. Although the EP demanded the suspension of the negotiations (European Parliament, 2017, 2019) the Council did not follow this request in 2017 and 2019 although it concluded that negotiations had ‘effectively come to a standstill’; and that ‘no further chapters can be considered for opening or closing’ (Council of the EU, 2018: para. 37). Other dialogue formats, most of which were launched during the refugee crisis, continued for some time without significant effects on the accession process (Lippert, 2018: 523). In response to Turkey’s drilling activities in the Eastern Mediterranean the EU even suspended meetings

Table 11.2 Progress and preparations for Turkey’s EU membership (2018–2019)

<i>Area of Reform</i>	<i>Progress</i>		<i>Preparations</i>	
	<i>2018</i>	<i>2019</i>	<i>2018</i>	<i>2019</i>
Public Administration Reform	Serious backsliding	Serious backsliding	Moderately	Moderately
Judicial System	Serious backsliding	Serious backsliding	Early stage	Early stage
Corruption	No	Backsliding	Some	Early stage
Organized Crime	Some	Limited	Some	Some
Freedom of Expression	Serious backsliding	Serious backsliding	Early stage	Early stage
Economic Criteria	Backsliding	Serious backsliding	Well advanced	Well advanced
Competitiveness	Some	Some	Good	Good
Justice, Freedom and Security	Good	Some	Moderately	Moderately

Source Own compilation based on European Commission reports (2018, 2019)

of the EU–Turkey Association Council, and other high level dialogues in mid-2019 (Council of the EU, 2019c).

11.5 CONCLUSION AND OUTLOOK

The EU’s policy toward Turkey’s membership has been, more so than in other cases, consistently ambivalent. Turkey’s membership prospects were vague from the start and less credible than those of other accession candidates. In general, the conditionality effect is strongest when accession negotiations are about to be opened (as occurred with Turkey in the early 2000s) and when the EU is able to provide attractive incentives, such as visa liberalization throughout the long years of pre-accession. The debate over both the transformative power of the EU and Turkey’s political commitment to transformation in terms of democratization, rule of law, human rights, and the pooling and transfer of sovereignty is ongoing (see Börzel, 2012, 2016; Noutcheva & Aydın-Düzgit, 2012; Börzel & Schimmelfennig, 2017; Schimmelfennig et al., 2003).

Some analysts argue that the EU was too hesitant and too internally divided to incentivize strong reform politics along these lines both before and during the critical years of the Erdoğan government (from 2013 onward) (Seufert & Fischer, 2018: 278)—that the EU missed a big opportunity to contribute to the transformation of Turkey. Other analysts assume that the EU’s leverage and influence were always significantly constrained by the politics and interests of Turkey’s domestic actors. Thus, enlargement was at times a vehicle for Erdoğan to advance the dominance of his party and the political mission of conservative-authoritarian rule in Turkey but not a vehicle for transformation on the EU’s terms (Dağı, 2006). While the relationship between Brussels and Ankara was less asymmetric than in other cases of membership negotiations, because of Turkey’s size and geostrategic importance, this did not translate into a relationship in which both parties saw eye to eye. Turkish governments have consistently complained of being treated as an underdog by the EU. And the EU is quite aware of the fact that its enlargement doctrine always works to its own advantage in terms of power. It also realizes that this is not the case when operating under transactional rules, as was the case with the so-called refugee ‘deal’.

The ambivalences that characterized the opening of negotiations recur today in the question over suspending or even ending negotiations. Despite the massive deterioration in relations between Brussels and

Ankara, the EU shies away from breaking up membership talks. For now, the EU wants to sustain the framework of the negotiations in order to keep open this channel for dialogue. Whenever there is a chance to restart the process, or at least provide impulses for a political process, the EU wants to secure the option to return to the negotiation table and use the accession framework. Even before the peak of the refugee crisis in 2015 and the deterioration of relations in mid-2016, there were plausible arguments to replace the enlargement framework with a more symmetric relationship as with other European countries, such as Norway, or the United Kingdom after Brexit. Alternatively, the accession framework could at least be accompanied by intensified political and security relations (high level dialogues, Turkey's integration into Permanent Structured Cooperation), the deepening and modernization of the CU, and more liberal arrangements for free movement of people (see for similar argumentation, Soler i Lecha, 2019; Lippert, 2019b; Hakura, 2018).

Today, Turkey's accession process is almost a dead case. Interestingly, the updated enlargement strategy from spring 2020 refers explicitly to the 'credible EU perspective for the Western Balkans', leaving Turkey out of the enlargement picture (European Commission, 2020). However, the EU might be interested in more than a transactional relationship with Ankara that merely centers on controlling migration, fighting terrorism, and expanding trade. In contrast to some member states, the Commission and also parts of the European Parliament hold on to the transformative power of the accession process and membership perspective. Therefore, the ambivalence of the EU's approach to Turkey and its accession process is likely to continue.

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The EU as an Anchor for Turkey's Macroeconomic and Trade Policy

Mehmet Sait Akman and Semih Emre Çekin

12.1 INTRODUCTION

Relations with the European Union (EU) have served as a benchmark for Turkey's domestic policy orientation and as an incentive for reforms for several decades. In this context, Turkey's economy is no exception, although its transformation from an import-substituting economy to an open and globally integrated economy had its ups and downs. While the process required domestic policy reforms with strong commitments from policymakers, implementing optimal policies was difficult and often necessitated the approval of a strong external actor in order to confirm the credibility of Turkey's policy commitments. As Öniş and Şenses (2009: 305–306) state, it was a combination of external and domestic factors that

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contributed to the development of the Turkish economy; and a comprehensive analysis of the Turkish economy cannot be fully complete without examining the influence of external actors in shaping economic policies.

The influence of the EU on Turkey's domestic transformation has been subject to analysis from different perspectives. Tocci (2005) provides an analytical distinction for the EU's role, asking whether Turkey's accession process has been an external force triggering reforms and driving internal change, or whether domestic change has been spearheaded by domestic actors who used an external EU 'anchor' or were strengthened by it. Though a clear distinction is subtle and difficult to make, there are studies that focus on Turkey's anchor to the EU as a means to implement domestic transformations. Keyman and Öniş (2004) proposed that without a strong EU anchor it would be inconceivable for Turkey to transform itself into a more democratic and economically stable entity. In an earlier study, Uğur (1999) argued that in the absence of an EU anchor Turkish authorities' attempts at reforms and stabilization would remain largely non-credible, leading to an 'anchor-credibility dilemma'. In this context, anchoring can be defined as an attachment to an external entity that provides stability and confidence in an otherwise uncertain situation. Serving as a credible anchor, the EU would be expected to help solve 'time-inconsistency'¹ problems stemming from domestic inefficiencies. It could do so by providing a transparent contract that would guide Turkey toward convergence with EU standards, and incentives for achieving these standards (see Uğur, 2003: 165; Öniş & Bakır, 2007: 148 for a detailed explanation of the argument).

Turkey always relied on a strong external anchor to put constraints on policymakers. In the economic policy field this role was, for decades, mostly attributed to Bretton Woods institutions. In particular, International Monetary Fund (IMF) conditionality provided an impetus to Turkey's quest for stability and macroeconomic balancing for a long time, before the EU also assumed this role. From the start, Turkey's quest to join the EU was partly an integration initiative that necessitated strong

¹Time inconsistency problems arise when the government's original decision on when to implement a certain policy reform (such as domestic reform or tariff liberalization) is no longer optimal at the specified time for implementation. A reason for this inconsistency can be, for instance, domestic inefficiency: the sector is not prepared for the reform and is therefore unable to successfully operate under the new circumstances. This creates a credibility problem for the government. External anchors like the EU may help the government make better-predicated policy commitments.

convergence in economic policies. The accession process entailed meeting the Copenhagen economic criteria, which oblige candidates to acquire a functioning market economy, the capacity to cope with competitive pressures and harmonization with the *acquis*. In this context, the EU's role gained acceptance in Turkey for practical reasons, such as economic benefits and financial assistance, rather than for being a pivotal external anchor constraining Turkish policymakers' choices in the macroeconomic policy field.

This chapter examines the role of the EU in conjunction with other external actors in facilitating economic reforms in Turkey, concentrating on the macroeconomic effects of the EU and the effect on trade liberalization. In our analysis, we also discuss the volatility of the EU anchor. We find that in the macroeconomic policy field, the EU became a significant actor in Turkey's economic reform after the Helsinki Summit in 1999, when Turkey was granted the status of an EU accession candidate (see also Turhan & Reiners, Chapter 1), and until around the global financial crisis of 2008, when many structural reforms were implemented that were mostly aimed at privatization, monetary policy, and public finance management. The EU anchor significantly deteriorated after 2008 when the reform process began to lag, the economies of Turkey and the EU faced significant turbulence after the global economic crisis, and bilateral political relations worsened.

Particular attention is paid to the establishment of the Customs Union (CU) between Turkey and the EU in 1995. It was a milestone in Turkey's trade policy; it substantially added to the liberalization process started in the early 1980s, and thereby complemented Turkey's multilateral commitments to the World Trade Organization (WTO). Since its establishment, the CU has been a ruling mechanism that has helped Turkey preserve its integration with European and global markets. However, the attractiveness of the CU, if not its exigency, started to dissipate during the most recent decade largely because of the EU's growing number of preferential trade agreements with third parties. These were regarded by the Turkish political elite as the cause of asymmetries between Turkey and the global markets. We argue that the failure of the EU and Turkey to modernize the CU amid growing bilateral tensions endangers the EU's anchor role and undermines the strengthening of the trade partnership between the EU and Turkey, which remains one of the few well-functioning legs of the volatile bilateral dialogue between the two sides.

The chapter is structured in two main parts. In the first part, it examines Turkey's macroeconomic reform process in the context of the EU's role as an anchor in three periods: from the 1980s to the Helsinki Summit in 1999, during the post-Helsinki accession process until 2007, and from the global financial crisis until the most recent developments. The second part analyzes the EU's anchor role for Turkey in trade policy, and in particular in the framework of the CU. The analysis is again structured in three periods, covering the years from 1996 to 2007, from 2008 to 2016, and since then. The chapter closes with concluding remarks on the 'double anchoring' of Turkey to the EU and international institutions, and the implications of the absence of a clear EU membership perspective for Turkey's macroeconomic reforms and trade policy.

12.2 THE EU AND TURKEY'S MACROECONOMIC REFORM PROCESS: AN EFFECTIVE ANCHOR?

12.2.1 *From the 1980s to the Helsinki Summit*

In 1987, Turkey's Prime Minister Turgut Özal pushed for Turkey's membership of the European Economic Community (EEC), with the aim of establishing an external anchor for the process of implementing an outward-oriented growth strategy. Özal envisioned that membership of the EEC would enable Turkey to further implement liberal policies and, more importantly, draw financial assistance in the form of foreign direct investment (FDI) and commercial credits from European countries (Öniş, 2004). At the end of 1989, the European Commission (EC) indicated Turkey's eligibility for membership but clarified that full membership was not feasible for the time being, given Turkey's size and level of economic development (European Commission, 1989). Instead, the Commission focused on the need to establish a CU in 1995 and deferred discussion of the issue of enlargement until a later date. While the EU's decision did not fulfill Turkey's expectations, this may be due to the fact that at the time the EU had not yet constructed a European model for its neighboring countries to pursue economic (and democratic) reforms; Turkey did not therefore receive EU guidance with respect to economic policy management.

In the 1990s, Turkey's economy was subject to several domestic and external challenges, such as the effects of the first Iraq War (1990–1991) and weak macroeconomic fundamentals. In this period, the establishment

of the CU in late 1995 constituted the most significant step in EU–Turkey relations until the Helsinki decision of 1999. However, the positive atmosphere that formed around the CU quickly deteriorated when the European Council did not include Turkey in the list of the accession countries in the Luxembourg Summit in 1997. The EU’s decision was largely based on Turkey’s domestic deficiencies, inter alia, emanating from pressures on public finances (see Fig. 12.1), high inflation, and inconsistent monetary policy. Following the Cardiff European Council in June 1998, the Commission started to assess, in its regular country reports, Turkey’s economy in light of the Maastricht criteria.

Turkey’s candidate status was recognized by the Helsinki European Council in 1999. Öniş (2003: 9) considers it a ‘fundamental turning point’, as the candidate status incentivized Turkey to undertake reforms, including those in the economic sphere, and to conform to EU norms. The CU—despite its subsequent positive impact—did not have a similar transformative role in the Turkish economy in its early years.

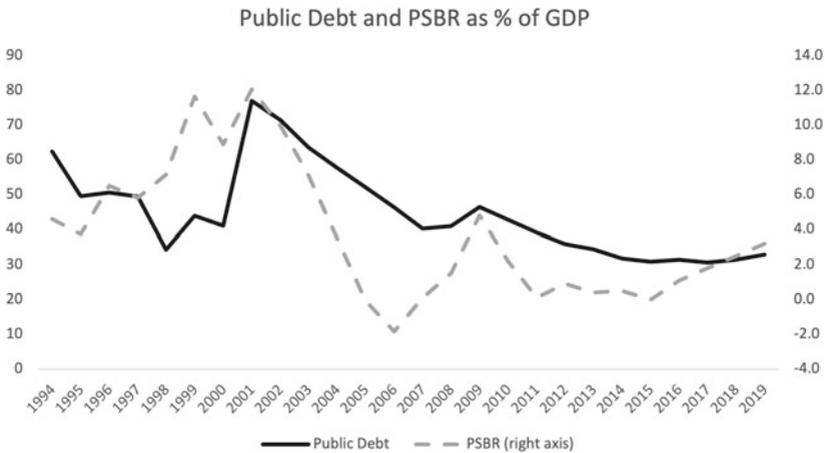


Fig. 12.1 Fiscal policy fundamentals: Turkey’s public debt and public sector borrowing requirement (PSBR) as % of gross domestic product (GDP) (*Source* Republic of Turkey Ministry of Treasury and Finance [2020])

12.2.2 *Post-Helsinki Process: Rising Hope for EU Membership on the Eve of Accession Negotiations*

The Helsinki decision of 1999 promoted the EU's role as an anchor for macroeconomic policymaking in Turkey. However, despite its political significance, the effect on the economy was not initially visible, and the IMF anchor that called for privatization and regulation of the banking system proved ineffective due to weak political commitments. Amid this fragile environment, Turkey experienced two consecutive crises—in 1999 and early 2001—that severely affected its banking system (Togan & Ersel, 2005; Öniş & Bakır, 2007).

Following the crisis in February 2001, Turkey introduced the so-called 'Strong Economy Program' in order to balance the budget, increase competitiveness, and restore confidence in the market. Here, the influence of Kemal Derviş, who worked closely with the IMF and the World Bank as the Minister of Economic Affairs, was instrumental. The focus of the program was to restructure the banking system and to discipline public finances in order to achieve macroeconomic stability.

Along with fiscal discipline, the conduct of monetary policy was amended in the Central Bank Law—policy independence most importantly—and became an important element of Turkey's accession strategy. Stability in financial markets was addressed with the Capital Market Law and through the expansion of the role of capital market institutions such as the Banking Regulation and Supervision Agency and the Saving Deposit Insurance Fund (Pazarbaşıoğlu, 2005; Hoekman & Togan, 2005). These reforms and institutional restructuring were crucial in lowering inflation rates to single digits by 2004.

While Bretton Woods institutions were pivotal in the formulation and implementation of these measures, the EU anchor also played a key role in avoiding time-inconsistency problems and raising certainty in the markets. In its first Accession Partnership Document in March 2001, the EU suggested the implementation of reforms in financial sectors and monetary policy, and measures addressed by the IMF/World Bank (Council of the EU, 2001). Following the guidelines in the document, Turkey prepared a lengthy 'National Programme for the Adoption of the *Acquis*', outlining the steps that would be taken to ensure convergence with Copenhagen and Maastricht criteria. As Öniş and Bakır (2007: 155)

put forth following the 2001 crisis, the EU and IMF played a significant role as ‘double anchors’ in the process of reform and state-capacity development by enacting conditional agreements.

Seemingly satisfied with the speed and depth of Turkey’s reforms, in 2004 the Commission made a recommendation to begin accession negotiations with Turkey in October 2005. This process helped the Turkish economy attract increasing amounts of FDI from EU member states. FDI inflow volumes remained very high until the effects of the global financial crisis hit advanced economies in 2008 (see Fig. 12.2). Increasing FDI flows not only serve to stabilize the financing of the current account, as opposed to portfolio investments that are short-term in nature, but also help companies achieve sophistication and complexity in production (Javorcik et al., 2017). In this way, Turkey achieved its target for primary surplus.

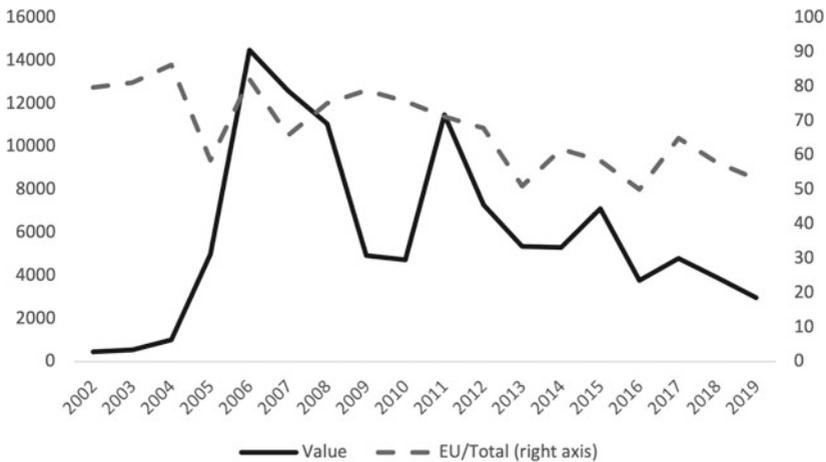


Fig. 12.2 Value and share of foreign direct investments (FDIs) in Turkey originating from the EU (2002–2019) (in million USD and %) (*Source* Central Bank of the Republic of Turkey, Balance of Payments Directorate, Foreign Direct Investments in Turkey [2019])

12.2.3 *Backsliding in the Turkish Economy, Changing Macroeconomic Preferences, and the Weakening of the EU Anchor*

Following the onset of the global financial crisis and the resulting sovereign debt crisis of the euro area, significant domestic and external changes adversely affected Turkey's economy. On the domestic front, Acemoğlu and Üçer (2015) argue that the quality of Turkey's economic growth deteriorated around 2007 due to a change in the nature of the economic institutions and policies that had previously served to implement growth-enhancing reforms. They underline that the deterioration of relations with the EU was followed by a reversal in Turkey's economic development trajectory, which led to changes in the domestic political dynamics in Turkey. Accordingly, 'the EU's anchor for Turkish institutional reforms and leverage over Turkish politicians came to an abrupt end at around 2010 as the accession process almost completely stalled' (Acemoğlu & Üçer, 2015: 23).

As regards external developments, Turkey's economic reform process was further disrupted by the 2008 financial crisis—a crisis of global scale that primarily started in the US subprime mortgage market and spread to other advanced and emerging economies through financial linkages. The crisis caused major disruptions in European financial markets, culminating in recessions in the euro area and contributing to the subsequent sovereign debt crisis (known as 'eurozone crisis') (Lane, 2012).

Throughout this period, the structural and economic reforms implemented during the early years of the AKP governments, assisted by the IMF and World Bank, were reversed as a result of the changes in Turkey's economic and political institutions. Öniş (2019: 5) argues that in the post-2011 era in particular, when shifts in global economic and political balances between advanced and emerging economies with the rise of blocks such as BRICS posed an alternative to Western economies and institutions, the AKP government preferred to embark on an 'alternative path of developmentalism'. These new avenues of economic expansion rendered Turkey less dependent on its traditional Western allies, including the EU, the IMF, and the World Bank. Hence, Turkey's reversal of its external economic conditions and worsening political relations with the EU triggered processes of 'de-Europeanization' (see also Alpan, Chapter 5), whereas relations with Russia, China, and Qatar became more relevant.

In 2013, developments in Turkey and corruption charges against several ministers led to elevated risks for Turkey's finances. In its 2014 progress report, the EC encouraged Turkey to address these economic vulnerabilities by implementing long-term structural reforms and adopting an appropriate monetary/fiscal policy mix with the aim of lowering inflation rates and enhancing domestic savings (European Commission, 2014). Moreover, the eurozone crisis had started to influence Turkey's reform process, slowing down the EU's widening process and making the EU less appealing as an anchor of stability for third countries (Panagiotou, 2013; O'Brennan, 2013). While global credit conditions worsened for emerging economies such as Turkey during this period, a failed coup attempt in 2016 and the subsequent reaction of the government, which used emergency laws to allegedly contravene fundamental human rights, drew significant criticism from the EU. In its 2016 report, the Commission criticized Turkish authorities, saying that the reaction to the coup worsened the business climate and warned against a backsliding of economic reforms (European Commission, 2016a).

The post-2016 period also affected the volume of FDI outflows and the share of EU member states in FDI flows to Turkey. The decrease in FDI flows of the EU to Turkey had already kicked off after the global financial crisis (see Fig. 12.2). This trend became more pronounced with the political strain that ensued following the failed coup attempt in 2016. In 2016, the share of EU member states in FDI flows to Turkey decreased to the lowest level (50%) since 2002, and in 2019 the volume of annual EU FDI outflow to Turkey decreased to the lowest level since accession negotiations began in 2005. Strained relations with EU member states, as well as several terrorist attacks between 2015 and 2017, led to a significant drop in tourists from Europe, with implications for the large Turkish tourism economy. As travel statistics reveal, the number of German tourists, who traditionally comprise the largest group of foreign visitors to Turkey, decreased from 5.5 million in 2015 to 3.5 million in 2017, a pattern that was similar for other EU member states (Republic of Turkey Ministry of Culture and Tourism, 2020). In 2018, Turkey also experienced a serious currency crisis, which saw the Turkish Lira take a significant plunge, inflation rates above 20%, and rising unemployment.

In its 2019 report, the Commission noted the serious backsliding in Turkey's fulfillment of the economic criteria and that the suggestions of the previous year—such as reducing imbalances by promoting domestic savings rather than relying on short-term portfolio inflows and improving

the business conditions by means of strengthened rule of law and the judiciary (European Commission, 2018)—were not implemented (European Commission, 2019a). Despite the Turkish authorities' insistence that Turkey's membership of the EU remains an important goal, the EU's anchor role has diminished as developments on both sides precluded the reinstatement of a sustainable relationship.

The launch of a High Level Economic Dialogue (HLED) in 2016 following a call from European Council in December 2014, with the hope that this would support the continuation of economic dialogue between EU and Turkey and foster alignment of Turkey with the *acquis* (Council of the EU, 2014), has been a positive step in this period. However, HLED was no substitute for the smooth operation of the accession process, and could not provide a similar anchor. The economic dialogue between EU and Turkey can be understood as signaling the integration of Turkey into EU markets without the prospect of an eventual EU membership (Müftüler-Baç, 2017).

All in all, the EU's role as an anchor for macroeconomic transformation was particularly strong after Turkey was accepted as a candidate country in 1999. The EU was a strong driver of the reform process in conjunction with the IMF assistance that was initiated after the 2001 crisis and one of the main sources of FDI flows until 2008. These developments were closely linked with Turkey's membership aspirations to join the EU, especially following the Commission's advice to start accession negotiations. While the EU played a strong role until 2008 and remains the major economic partner of Turkey, its gravitational pull in the evolution of the Turkish economy decreased following the eurozone crisis. Subsequently, the end of Turkey's IMF standby arrangement in 2013, and the AKP government's resistance to its renewal, removed the IMF from its position as an anchor. In addition, political unrest, strained political relations with the EU, and heightened risk levels for investors weakened the EU's anchor role. These developments turned Turkey into a less appealing investment destination. Worsening economic conditions and a changing economic paradigm in Turkey started to worry domestic actors as well. Business associations such as the Turkish Industry and Business Association (TÜSİAD) asked for the reinvigoration of relations with the EU and to upgrade the CU in order to increase foreign investment and to motivate economic reforms. The statement by TÜSİAD's president, Simone Kaslowski, documents this understanding:

We need progress in our relations with the EU our main economic partner. [...] EU membership perspective is the strongest element to raise confidence in our country and the interest of investors in a sustainable way. An assessment of the Customs Union reveals that upgrading tremendously affects both sides' economies and strengthens full membership perspective. (TÜSIAD, 2019, translated from Turkish)

12.3 TRADE POLICY: THE EU AS AN EXTERNAL (BUT FADING) CATALYST

Trade is arguably the most advanced EU–Turkey policy area. Strengthening relations with the EU has been a major driving force of Turkey's trade policy for decades. Since the entry into force of the CU on 31 December 1995, the EU has been the main catalyst shaping Turkey's trade policy. While Turkey implemented its major trade liberalization steps long before joining the CU, the EU anchor through the CU arrangement deeply affected Turkey's formulation, administration, and coordination of its trade and FDI policies.

In the early 1980s, before the launch of the CU, Turkey decided to replace its traditional import-substitution policy with the progressive liberalization of trade, foreign exchange, and investment regimes. Policy-makers decided to implement an export-oriented industrialization strategy largely within the context of the paradigm shift in global economic policy of the time. Accordingly, they started to reshape Turkey's trade policy by striving for export promotion, facilitation of import licensing procedures, and liberalization of capital movements. However, the gradual transformation was repeatedly interrupted due to domestic resistance. Domestic actors did not believe that liberalization measures would actually be implemented, nor did they expect retaliatory tariffs from major trading partners such as the EU. This was a typical time-inconsistency problem, which convinced the domestic manufacturing industry not to support any restructuring and adjustments in order to sustain international competition, because tariff reduction commitments of the government were not credible.

During the 1980s and first half of the 1990s, the effect of the EU as an anchor on Turkey's trade policy was not significant, and trade reforms were mostly attributable to the IMF's policy conditionality and the World Bank's structural adjustment programs. The Bretton Woods institutions were externally motivating liberalization of Turkey's economic and trade

policy. In the 1990s, under the domestic political and economic circumstances of that era, and without a prospective EU membership, Turkey began to deviate from the IMF and World Bank anchors. Policies did not effectively address the problems of fiscal deficits and inflationary pressures under short-lived coalition governments (Pamuk, 2012: 276–277). The decision to complete the CU with the EU in the mid-1990s was a turning point in stabilizing reforms and providing credibility and coherence for long-term liberalization measures.

12.3.1 Credible Commitments Under EU Anchoring: Trade Policy and the Customs Union

The entry into force of the CU was expected to place a constraint on the misallocation of domestic resources, and to lock in structural reforms to Turkish industry. The CU (EC–Turkey Association Council, 1996) required Turkey not only to eliminate customs duties on imports from the EU but to harmonize its policies with that of the EU in customs administration, technical standards, preferential trade scheme, intellectual property rights, competition policy, and state aids. Prior to the CU, Turkey's import regime was complicated by several red-tape procedures; it did not have a qualitative infrastructure for eliminating technical barriers to trade and did not have an effective competition law. However, the scope of the CU was confined to manufacturing and did not enable market access for services, agricultural products, and public procurement.

It can be observed that in the years following the establishment of the CU the EU started to become a strong anchor for Turkey's trade policy, avoiding the time-inconsistency problem by means of policy assurance. Beyond that, the mid-1990s also witnessed the establishment of the WTO, of which Turkey became a founding member. The new multilateral rulebook reflected the changing nature of global trade relations and brought extensive obligations for all parties. The EU had to adapt its own trade policy in line with the WTO agreements. While the CU ushered in a broader bilateral trade opening between the EU and Turkey, it also helped Turkey conduct its trade policy in accordance with multilateral rules. Corresponding to these developments, Turkey became committed to the path of trade liberalization and trade policy orientation via two significant external anchors: the 'bilateral track' with the EU under the guidance of the CU and the 'multilateral track' with WTO membership,

the implementation of the latter being in close coordination with the former (Akman, 2012).

Amid this new environment, Turkey, in accordance with the CU, eliminated all customs duties, import quotas, and similar charges and measures with equivalent effects on industrial goods originating from the EU. It also committed itself to aligning its tariffs to third countries in line with the Common Customs Tariff (CCT) of the EU and to applying the EU preferential trade regime, in other words the conclusion of free trade agreements (FTAs) with third countries. The CU fostered a strong regulatory convergence between the EU and Turkey in customs modernization and trade facilitation based on an alignment process in anti-dumping and safeguard legislation, competition policy, customs practices, intellectual property rights, and technical standards (see for details Kabaalioglu, 1998; Togan, 2012). To adhere to the CU requirements, Turkey also established several domestic regulatory agencies immediately before and after the establishment of the CU, including the Competition Authority, Turkish Patent Institute (currently Turkish Patent and Trademark Office), and Turkish Accreditation Agency. These developments show how the EU anchor transformed Turkey's trade policy with respect to policymaking and to the functioning of institutions in line with European standards (Balkır, 2016).

The benefits of the CU were hard to realize in its early years, for economic and political reasons. From an economic perspective, two factors need further elaboration. First, the CU initially did not boost exports to the EU—contrary to expectations—because the EU had already opened its markets to Turkish-manufactured products long before the entry into force of the CU. In practice, the CU actually opened Turkey's market to competition from European exporters. Second, trade liberalization alone is no guarantee of dynamic gains, an increase in the competitiveness of the manufacturing industry and boosting of FDI inflow, if it is not properly coupled with economic reforms.

Despite successful trade liberalization and regulatory upgrading in trade-related policies, the 1990s ended with economic difficulties. The stabilization program was adopted in 1999,² but it did not prevent Turkey from experiencing a deep balance of payments crisis in 2001, mainly

²Turkey decided to start a stabilization program in 1999 with the support of the IMF. The program adopted was based on a pegged exchange regime under tight monetary policy and further liberalization of the economy.

caused by the inefficient management of the public sector. This revealed that successful trade liberalization also required macroeconomic stability in order to help Turkey cope with competitive pressures (Kaminsky & Ng, 2007). Thus, the CU's anchor role was confined mainly to trade policy issues and did not extend broadly into structural reforms for macroeconomic stability. The latter was provided instead by IMF conditionality and domestic policy choices in Turkey.

Politically, the CU was assumed to be not an end in itself but a major step toward full EU membership. However, it did not take too long to see that accession was a thorny road. The flaws in a weakly negotiated CU would be realized in the coming decades. Nevertheless, for its time the CU was a courageous decision that motivated Turkish business to demand policy changes and more far-reaching reforms, and to ask both the EU and the Turkish government to set a date for Turkey's EU integration and the opening of accession negotiations. The CU was a step toward solving the time-inconsistency problem through EU anchoring.

Overall, the CU had a positive impact on the Turkish economy in its first decade. Yılmaz (2011) argues that the opening of Turkish industries to international competition improved Turkey's allocation of domestic resources and allowed for dynamic gains through rising productivity and economies of scale in many sectors. Increased competition from the EU and other trade partners³ raised the total factor productivity in import-competing sectors such as automotive, consumer electronics, electrical machinery and equipment, and durable home appliances. The 'disciplining effect' of the CU helped these sectors upgrade their production process by moving up the technological ladder from less-skilled, labor-intensive products with lower technologies into medium-technology products with capital and skilled-labor intensiveness (Aysan & Hacıhasanoğlu, 2007; Akman, 2013). Accompanied by post-2001 crisis macroeconomic reforms, EU–Turkey bilateral trade increased dramatically (see Fig. 12.3) until the obvious decline that followed the 2008 global financial crisis.

This period can be characterized as one of coexistence and macroeconomic stability via a close cooperation with the IMF and the World Bank and the EU anchor via the CU (Öniş & Bakır, 2007: 150). The political

³Lower tariffs under the CCT and free trade agreements with several neighbouring countries according to Article 16 of the decision on the CU also provided duty-free access for Turkey's trading partners.

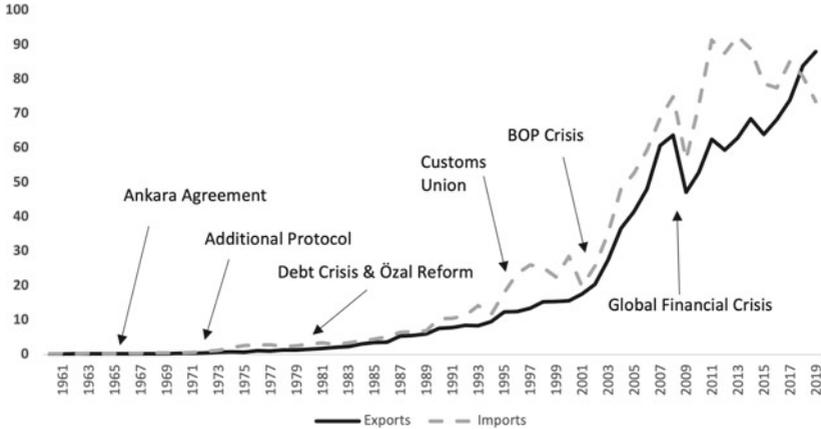


Fig. 12.3 Turkey's bilateral trade with the EU (1961–2019) (in billion USD) (*Source* International Monetary Fund [2020])

perspective for full membership also solidified the EU's anchor role when Turkey's EU accession negotiations commenced in October 2005.

12.3.2 *The Customs Union Under Changing Political and Global Circumstances*

The optimism that arose as a result of the launch of accession negotiations in 2005, and with it the EU's capacity to act as an influential anchor, began to dissipate in the post-2005 period (Icoz, 2016). The negotiations did not get off to a smooth start as the EU declared that Turkey's accession was an 'open-ended process, the outcome of which cannot be guaranteed beforehand' (European Commission, 2005: Art. 2). Furthermore, the accession of Cyprus without unification was a point of political turmoil that later induced the Council to block eight chapters of the negotiations with Turkey in December 2006. These chapters were mostly relevant to trade policy and the upgrading of the bilateral trade relationship, including the CU.⁴ The ambiguity of the accession process

⁴The blocked chapters are Free Movement of Goods, Right of Establishment and Freedom to Provide Services, Financial Services, Agriculture and Rural Development,

and reservations from the EU members emerged as key challenges for Turkey's accession negotiations, weakening the mutual trust in relations.

In addition to complexities in the accession process, global economic circumstances also started to change, exposing flaws in the CU. First, the global crisis of 2008 led various advanced economies into turbulence. The crisis-related contraction in demand in eurozone countries influenced the sustainability of European markets for Turkish exporters, who subsequently started to look for alternative markets (see Fig. 12.4).

Second, long before the global crisis, EU trade policy priorities and agenda had started to change in response to shifts in global economy. In October 2006, the Commission published a communication entitled 'Global Europe' (European Commission, 2006) to reinforce the EU's global competitiveness and ensure that the EU got a fair share in emerging economies' markets. The strategy primarily entailed FTAs with major trading partners. It reflected the changing nature of the EU's trade

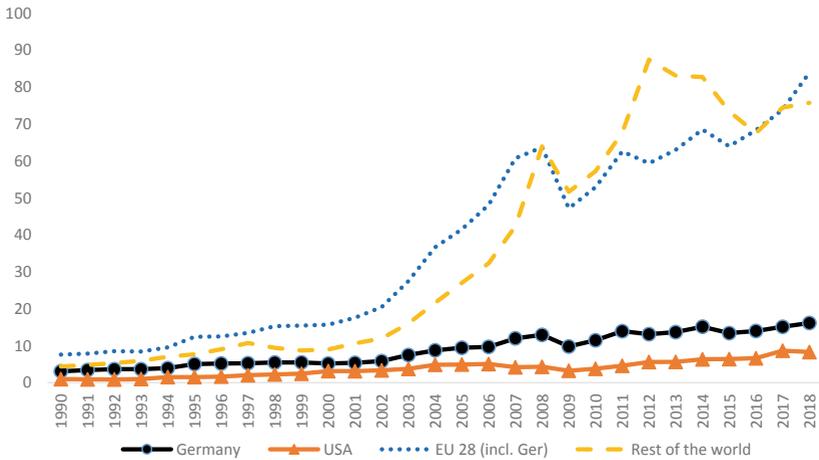


Fig. 12.4 Turkey's total exports to the EU (28), Germany, USA, and the rest of the world (1990–2018) (in billion USD) (*Source* Updated based on Felbermayr et al. (2016) and OECD STAN Database for Structural Analysis [2020])

Fisheries, Transport Policy, Customs Union and External Relations. For a comprehensive overview of the accession negotiations and the status of individual chapters see also Lippert, Chapter 11.

policy under new international balance of power and domestic concerns (Young & Peterson, 2006). The repercussions of the EU's emerging trade policy for Turkey surfaced after the EU started negotiations with major trading partners like India, South Korea, Ukraine, Canada, members of the Association of Southeast Asian Nations, and the Andean countries during 2007–2009.

The EU's proliferation of FTAs signaled an obvious shift from multilateralism to bilateralism, with vast implications for Turkey, as Article 16 of the decision on the CU forces Turkey to harmonize its preferential trade regime with third countries by signing similar FTAs. Beyond the legal requirement lies an economic necessity. Without these agreements Turkey would face an asymmetrical effect; for example, it would be obliged to open its market to products from the EU's emerging FTA partners with no or very low customs duties, while access to these markets for Turkish exports would not be reciprocated unless the latter agreed to eliminate tariffs to Turkish goods. However, the provisions of the CU did not guarantee Turkey being able to make such deals.

Leading business associations, including TÜSİAD and the Union of Chambers and Commodity Exchanges of Turkey (TOBB), started to raise concerns about this asymmetry and claimed that Turkey's preferences in the EU market would erode under competitive pressure from the EU's FTA partners and decrease its leverage with them (TÜSİAD, 2008; TOBB, 2013).⁵ Criticism peaked when the EU began its Transatlantic Trade and Investment Partnership negotiations with the USA in 2013. Turkey's frustration was voiced not only by business circles but also at higher political levels. Zafer Çağlayan, former Minister of the Economy, publicly announced that unless the asymmetric structure of the CU was removed, a replacement of the CU with an FTA could be considered (Sabah, 2013). While this suggestion implied a step back from the ultimate goal of full membership under the Association Agreement, it mirrored the sensitivities involved.

Ostensibly, in this period the ambiguities of open-ended accession negotiations and changing trade policy preferences as a result of shifting global balances increased pressure on the functioning of the CU and diminished the EU's anchor role in trade policy. The CU was not

⁵For more detailed analysis of criticisms see Akman (2010, 2013).

perfectly negotiated at the beginning and possessed several shortcomings.⁶ However, it should be remembered that the CU was originally designed as a transitional step ahead of Turkey's full membership in the EU, and was never conceived to last for decades. Calls for a reevaluation of the CU and for its possible upgrading were expressed for the first time in 2014 (World Bank, 2014). The report argued that 'the changing global economy is exposing design flaws in the CU' and that 'the CU is increasingly becoming less well equipped to handle the changing dynamics of global trade integration' (World Bank, 2014: i). It proposed far-reaching recommendations for more effective operation of the CU, including the reinforcement of the 'Turkey Clause' in cases of FTA asymmetries, consultation to foster Turkey's alignment with the EU *acquis*, the widening of the CU's scope to cover trade in services, public procurement, and primary agricultural products, and the formulation of a well-designed dispute-settlement mechanism (World Bank, 2014).

Against this backdrop, the Commission and Turkey announced in May 2015 the launch of preparations for modernizing the CU (European Commission, 2015a). Soon after this joint statement, the Commission published, in August 2015, a roadmap that offered a preliminary assessment of likely economic, social, and political impacts of a modernization (European Commission, 2015b).

12.3.3 Could a Modernized Customs Union Re-Anchor Turkey to Its EU Route?

The impact assessment of the Commission was completed with the publication of a report titled 'Study of the EU-Turkey Bilateral Preferential Trade Framework, Including the Customs Union, and an Assessment of its Possible Enhancement' (European Commission, 2016b). It assessed the plausibility of two alternative options to maintaining the status quo: a modernized CU based on an 'enhanced commercial framework' (ECF) that would comprise a continued CU plus an FTA in services and establishment, agriculture, non-tariff barriers (NTBs), and public procurement; or a 'deep and comprehensive FTA' (DCFTA) covering all

⁶Earlier studies rightly envisaged that the CU was not yet complete, and institutional weaknesses, together with a loss of belief, threatened its future (Neuwahl, 1999); it was difficult for the CU to attain the level of integration that the relationship required in order for it to succeed (Peers, 1996).

goods trade, including industrial, agricultural, and fishery products, plus services and establishment, NTBs, and public procurement (European Commission, 2016b). Both options were estimated to bring welfare gains, while economic impact of ECF was higher compared to DCFTA. The findings of the study revealed that the former option creates higher GDP growth for both Turkey and the EU, and that replacing the CU with an FTA remains an inferior scenario (European Commission, 2016b). Based on this impact assessment the EC asked for the Council's mandate in December 2016 to start negotiations with Turkey on modernizing the CU.

In its July 2017 resolution, the European Parliament (EP) accepted the Commission's proposal to start negotiations but called on the Commission

to include a clause on human rights and fundamental freedoms in the upgraded Customs Union between Turkey and the EU, making human rights and fundamental freedoms a key conditionality. (European Parliament 2017: para. 22)

However, political developments precluded the authorization of the Council. Among the member states with concerns on the update of the CU, Germany revealed the strongest opposition (Özcan, 2017). Echoing this sentiment, the Council stated in its decisions from June 2018 that Turkey was moving away from the EU and that 'no further work towards the modernization of the EU-Turkey Customs Union is foreseen' (Council of the EU, 2018: 13). This sentiment was reiterated in 2019 alongside the statement that accession negotiations had come to a standstill (Council of the EU, 2019). In the 36th meeting of the EU-Turkey Customs Union Joint Committee meeting in July 2019, the EU recalled the previous Council conclusions and recapped 'the need for the full and non-discriminatory implementation of the existing CU' (European Commission, 2019b: 1). However, as Ülgen (2018) argues, taking no action to modernize the CU is risky considering that trade irritants are cumulative and commitments to implement existing rules are gradually eroding. He underlines that 'the modernization of the Customs Union would also allow it [the EU] to regain its anchoring role for Turkish policy reform' (Ülgen, 2018: 21).

The trade policy reforms under the EU anchor, largely confined to upgrading the CU, have become a central point of debate

for influential domestic actors in Turkey. Leading business associations, including TOBB, TÜSİAD, Economic Development Foundation, Turkish Exporters Association, Foreign Economic Relations Board, and Independent Industrialist and Businessmen Association at every opportunity declared their belief in modernizing the CU and deep regret for the EU's decision to block the opening of negotiations for its upgrading (Duran, 2018).

However, the discourse by Turkish business and political circles lacks credibility for various reasons. First, Turkey's calls to upgrade the CU is overshadowed by consistent discretionary practices that are not compatible with the existing CU. Turkey has recently introduced highly restrictive customs policies, which primarily take the form of so-called 'additional duties' that apply to an expanded number of industry sectors. Since 2014, the number of additional duties introduced by the Turkish authorities has increased dramatically, directly, or indirectly putting European industrial goods at disadvantage. The stability provided by Turkey's adherence to the CU is eroding as Turkey's regulatory convergence with the EU has been slowing down for years. Compliance with respect to technical barriers to trade in pharmaceuticals, electronics and engineering products, footwear, textiles, and clothing, have become thorny issues. In the field of state aids, Turkey fails to put an effective law into force and consistently delays the notification of subsidy schemes and measures (European Commission, 2016b: 130). Ülgen is correct in noting (2018: 18) that a proper monitoring and implementation of state aid rules in alignment with EU standards could enhance Turkey's business and investment environment.

Second, the impact assessment studies by the World Bank, the EU, and Turkey insistently called attention to welfare gains to be accrued if trade in services and, more notably, agriculture were to be included in the bilateral framework between the EU and Turkey (see World Bank, 2014; European Commission, 2016b; Republic of Turkey Ministry of Economy, 2016). Yet, agricultural liberalization is a complex issue in Turkey, as the Ministry of Agriculture and domestic interests are prone to rent-seeking policies. Despite its willingness to eliminate barriers to market access in services, and its experience in negotiating trade in services in its recent FTAs with South Korea, Singapore, and Malaysia, Turkey has not yet prepared a broad mandate to negotiate service liberalization with the EU. Public procurement is another area considered to be a part of a modernized CU between the EU and Turkey. Nevertheless, large

public bidding is conducive to economic rent-seeking, especially in infrastructural contracts, and the construction and housing sectors. Turkish legislation has changed several times to allow for ever-increasing exemptions and specific favors, and the practices are largely non-transparent (Ülgen, 2017: 12).

Third, Turkey has not yet come up with any sensible proposal to address the design flaws, which it considers a key driver in its efforts to renew the CU: *inter alia*, FTA asymmetries, a lack of Turkish participation in regulatory decision-making (in CU-related areas), and an ailing dispute-settlement mechanism. Turkey's negotiation objectives under different scenarios have not been clearly declared yet, nor have they been subject to any proper analysis and policy debate. The impact assessment study the Turkish Ministry of Trade commissioned disclosed that Turkey's overall gain from upgrading would primarily result from an agricultural liberalization. However, the study was not publicized except as a one-page summary (Republic of Turkey Ministry of Economy, 2016), which signals that transparency for public purposes is disregarded (Altay, 2018: 193).

Under these circumstances, Turkey's motivation to upgrade the CU, one of its strongest contractual links with the EU, is weakening, and political announcements do not go beyond paying lip service. Once a major area for Turkey's anchoring to the EU and a stability factor for Turkish business, the CU is currently subject to diminishing returns amid political bickering. It is no longer perceived by Turkish policy circles as a political step toward EU membership, since the course of accession negotiations is not promising. As Ülgen (2017: 18) argues, the failure to modernize the CU may lead 'Turkey to become totally unanchored from Europe'.

12.4 CONCLUSION

In this chapter, we outlined how predictable relations with the EU and prospects for membership promoted domestic economic reforms in Turkey. Maintaining a European anchor helped Turkey realize much desired and comprehensive economic and democratic transformation. Macroeconomic policy reforms brought stability and credibility to the Turkish economy in terms of sustained growth, job creation, and inflow of FDI. The EU anchor has given Turkey's transformation stability and confidence, especially during times when it was combined with another

anchor (such as the IMF, the World Bank, and the WTO). In transforming Turkey's trade policy, the CU played a pivotal role, fostering orderly and smooth trade relations between Turkey and the EU and with third countries.

Turkey's success under the 'double anchoring' of the EU and international institutions in aligning its macroeconomic and trade policies with the EU has waned substantially over time. For Turkey, the EU accession is no longer a prevailing idea amid the complexities of the accession negotiations, changing domestic conditions, and ambiguous signals from the EU. At the same time, the growing discretionary power of the executive under the new presidential system has increased unpredictability in Turkey. Turkey's economy is largely backsliding, with current account and budgetary deficits, rising inflation, and growing external debts.

Trade partnership remains one of the few well-functioning legs of the volatile bilateral dialogue between the EU and Turkey. At the same time, it requires a strong upgrading of the CU in order to enhance mutual gains for both Turkey and the EU under a revitalized bilateral trading environment. The CU is outdated in its original form and does not reflect the realities of modern trade relations. Its modernization, as evidenced by many economic studies, is essential, but the political climate in Europe and the economic policy approach currently prevailing in Turkey threatens the process. The failure to upgrade the CU is likely to further diminish Turkey's anchorage to Europe.

Given the doubts about Turkey's full membership prospects and under changing global circumstances—in particular the shift of the economic gravity center toward Asia and China, while advanced economies lost their comparative advantages in setting multilateral rules successive AKP governments began to reassess their global strategies and degraded the role of the EU (Esfahani & Çeviker-Gürakar, 2013: 375–376). This induced Turkey to liberate itself from strict EU-related conditionality (also from the IMF) once the accession negotiations had lost their attraction. Despite a continued discourse about Turkey's willingness to be involved in the negotiations and to modernize the CU, the policies of the AKP government indicate that Turkish policymakers are no longer interested in tying their hands by adhering to an ambiguous EU anchor. However, Turkey's current political regime is conducive to macroeconomic instability in the absence of external anchors. This leads to a time-inconsistency problem once again, as domestic actors do not consider macroeconomic and trade policies sufficiently predictable.

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From Convergence to Divergence: The Compatibility of Turkish and EU Foreign Policy

Zerrin Torun

13.1 INTRODUCTION¹

Turkey's potential contributions to the European Union's (EU) foreign policy used to be considered as one of the reasons for offering EU membership to Turkey. For instance, writing in 2004, Emerson and Tocci (2004: 33) argued that 'if the EU truly aspires to play a stabilizing, pacifying and modernizing role in its neighborhood beyond mere token actions, then the incorporation of Turkey into the common external policy offers the prospect of real advantages'. However, in order for Turkey to bring added value to the EU's foreign policy, the foreign policies of the two sides have to be compatible. This chapter analyzes Turkish foreign policy between 1959 and 2020 and its compatibility with EU foreign policy in this period. The notion of compatibility refers to the

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quality of mutual tolerance, consistency, and congruity (Oxford English Dictionary, 2020). In the context of foreign policy, as it is used here, it refers to the degree of harmonization or convergence between Turkey's and the EU's foreign policies.

In Turkey's EU accession negotiations, Chapter 31, titled 'foreign, security, and defense policy', requires full alignment of Turkey's foreign policy with that of the EU. Analyzing the compatibility is thus not only an academic exercise, but also a political concern. Greater compatibility of the two foreign policies can, thus, also be seen as an indicator of how close Turkey is to the fulfilment of relevant EU membership criteria. Beyond the membership question, a greater compatibility also implies more chances for cooperation and a higher probability for collective initiatives in foreign affairs.

The study of compatibility between the EU's and Turkey's foreign policies has drawn attention from a limited number of scholars in comparison with the study of Turkish foreign policy in general. The vast majority of studies dealing with the period before the outbreak of Arab uprisings in 2010 and 2011 argue that Turkey's full membership in the EU would strengthen the EU's foreign policy, especially toward its neighbors (Ünal Eriş, 2007; Eralp, 2010; Üstün, 2010). Analyses of the compatibility of Turkey's foreign policy with that of the EU in the period after the Arab Spring are rare. Two examples of work assessing potential cooperation between the parties in foreign policy toward the Middle East come to conflicting conclusions. One view is that cooperation between the EU and Turkey over Arab countries would be a non-zero-sum game in which the two sides would complement each other's deficiencies (Dinçer & Kutlay, 2013: 2). The other view argues that Turkey's increasingly independent and sectarian stance, coupled with its assertive tone, makes it hard for Turkey to complement EU initiatives (Evin & Hatipoğlu, 2014: 187). This study falls within the latter camp, arguing that in the period after the Arab uprisings, the foreign policies of the EU and Turkey have steadily diverged.

The analysis follows Christopher Hill's definition of foreign policy as 'the sum of official external relations conducted by an independent actor (usually but not exclusively a state) in international relations' (Hill, 2016: 4). This definition potentially includes all types of external actions, including those related to economic relations, but the chapter confines its analysis to the issues covered by the EU's Common Foreign and Security Policy (CFSP). By doing so it focuses on the EU's external political

and security relations, excluding member states' individual positions, policies, or declarations. The chapter also excludes foreign policies that the EU and Turkey pursue in multilateral fora, such as in the framework of the United Nations (UN) or the G20. In institutional terms, the analysis concentrates on key actors of EU foreign and security policy, including the High Representative of the Union for Foreign Affairs and Security Policy and vice president of the European Commission (EC), the European Council, the Council of the EU, and the European External Action Service (EEAS). On the Turkish side, the president, prime minister (until 2018, when the office of the premiership was abolished), and the Ministry of Foreign Affairs are the primary handlers of foreign and security issues.

The chapter starts by setting forth the points of convergence and divergence between Turkish and European foreign policies until 1998. The following section analyzes the compatibility of Turkish and EU foreign policies between 1999 and 2002, and continues with an examination of the foreign policy during the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) governments, in power since 2002. The period between 2003 and 2010 is distinguished from the period after 2010 (the period after the Arab uprisings), as there is a higher degree of compatibility with the EU's foreign policy before 2011. The conclusion discusses the prospects for future cooperation between Turkey and the EU by taking into account the latest regional and international developments.

13.2 STARTING POINTS OF CONVERGENCE AND DIVERGENCE WITHIN THE WESTERN ALLIANCE: 1959–1998

The founders of the Turkish Republic in the 1920s and 1930s sought to create a Turkey aligned with the West, in particular Europe, as they perceived the West as the most modern, advanced civilization of the time. With the Cold War and the disclosure of Soviet intentions to control Turkish territory, especially with regard to the Bosphorus and Dardanelles, Turkey's alignment with the West was even perceived as a necessity. Turkey became a member of the North Atlantic Treaty Organization (NATO) in 1952 and sought membership in other Western international organizations as part of its security strategy. Turkey's application for an association agreement with the European Economic Community (EEC) in July 1959 was also motivated by security concerns, although the goal of

balancing Greece, which applied for association in June 1959, influenced the timing of the application (see also Turhan & Reiners, Chapter 1). Confrontational relations between Greece and Turkey made it necessary for Turkey to seek membership of international organizations of which Greece was also a member in order not to be targeted by the international organization in question.

Turkey acted as a staunch ally of the West during much of the Cold War, which often put it at odds with its Middle Eastern neighbors. It was part of the efforts to establish the Baghdad Pact (1955) as a security organization for the Middle East, which did not receive much favor from Middle Eastern countries. Turkey voted against Algerian independence at the UN between 1954 and 1961 in line with Western countries. Turkey's recognition of Israel in 1949 was another step that distanced it from the Middle East at the time.

When the Greek military junta deposed then Cypriot President Archbishop Makarios to establish the union of Cyprus with Greece, Turkey militarily intervened in Cyprus in order to protect Turkish Cypriots in 1974 (Hale, 2000: 155). As the negotiations between the parties did not lead to a settlement, Turkish forces have remained in Northern Cyprus until today. The island has been effectively divided into two separate entities. After the intervention, the member states of the European Communities issued a *communiqué* reaffirming their 'support for the independence and territorial integrity of Cyprus and their opposition to any intervention or interference tending to put it in question' (European Political Cooperation, 1974). Since then, the EU has continued to express support for territorial integrity and the independence of Cyprus (see, e.g., European Council, 1988).

Despite this divergence, a series of developments showed the compatibility of the foreign policies of Turkey and the EEC. Both the EEC and Turkey condemned the Soviet Union's invasion in Afghanistan in 1979 (European Political Cooperation, 1980; Tellal, 2008: 781) and the Israeli military campaign in Lebanon in 1982 (European Political Cooperation, 1982; Firat & Kırkçüoğlu, 2008: 128). Also, both actors supported the settlement of the Israeli-Palestinian conflict on the basis of the UN Security Council Resolutions 242 (1967) and 338 (1973), which called for Israel's withdrawal from territories occupied in 1967 and for negotiations between the parties to establish a just and durable peace (see European Political Cooperation, 1973; Republic of Turkey Ministry of Foreign Affairs, 2020). Another area where Turkey and the EU shared a

common understanding was their interpretation of the Bosnian War in the early 1990s. Both saw Serbia and Bosnian Serbs as responsible for much of the violence and the Muslim population of Bosnia-Herzegovina as the principal victims of aggression (European Council, 1992: 101), although Turkey went further in suggesting that harsher precautions should be taken against the Serbs (Uzgel, 2008: 493).

Turkey's foreign policy positions were generally compatible with those of the EEC (EU after, 1992) until 1998. Turkey's foreign policy during the Cold War and its immediate aftermath was primarily shaped by the goal of being recognized as part of the Western community of states and by NATO's preferences, membership of which it shared with most of the EEC/EU member states (Sözen, 2010: 116). Exceptional divergences between the foreign policies of Turkey and the EEC/EU included Turkey's position on the Cyprus problem, and its territorial disputes with Greece, which is against the EU principle of 'good neighborly relations' (European Commission, 1998: 52). Relations with Middle Eastern countries, except Israel, were limited. To illustrate, in 1997, then Turkish President Süleyman Demirel was forced to depart from an Organization of Islamic Conference meeting as a result of intense criticism over Turkey's relations with Israel (Milliyet, 1997). During this period, Turkey-Africa and Turkey-Central Asia relations were almost nonexistent. Toward the end of the 1990s, Turkey's foreign policy agenda started to expand in terms of geography, number of issues, and foreign policy tools (Sözen, 2010: 116).

13.3 TURKEY'S REGIONAL ACTIVISM À LA EU: 1999–2002

After Turkey was granted candidate status at the Helsinki European Council in 1999, and until AKP came to power in 2002, a coalition government formed by the Democratic Left Party (DSP), Motherland Party (ANAP), and Nationalist Action Party (MHP) shaped Turkey's foreign policy. During this term, İsmail Cem was the minister of foreign affairs, having held this post in previous coalition governments since June 1997. Cem is said to have laid the foundation for an active foreign policy in Turkey's neighborhood (Kirişçi, 2018: 55). In the words of Kirişçi (2018: 55), 'his initiatives for regional engagement can also be regarded as a precursor to Davutoğlu's more ambitious regional integration projects', which could be observed in particular in the subsequent

period, between 2003 and 2010. Greek-Turkish rapprochement can be regarded as Cem's enduring legacy. After massive earthquakes in both countries in 1999, Cem and Greek foreign minister George Papandreou reenergized the relations between the two countries. The cordial relationship even led to Greece waiving its veto over Turkey's EU membership candidacy.

Turkey's new regional activism also found expression in the Caucasus Stability Pact, open to all member states of the Organization for Security and Cooperation in Europe, which was proposed by President Süleyman Demirel in 2000 with the aim of stabilizing the Caucasus. Cem revised this proposal in February 2001 and argued in favor of a 3 + 3 + 2 framework, which would include not only Armenia, Georgia, Azerbaijan, and Turkey but also Iran, Russia, the EU, and the United States. Although conflicts within and between countries in the region prevented the Stability Pact from materializing, including the EU in the plan demonstrates Turkey's aspiration for joint measures with the EU in the region (Winrow, 2007: 128).

As documented in the Commission progress reports on Turkey in 1998 and 1999, Turkey had not asked to be associated with the EU's CFSP positions during this period (European Commission, 1998: 51; 1999: 41). The situation changed after the Helsinki Summit in 1999, when the EU granted candidacy status to Turkey and thus made the membership prospect credible. The decision motivated Turkey to move closer to EU standards and foreign policy positions. The progress report of 2000 pointed out that Turkey 'regularly aligned its positions with those of the Union and when invited to do so has associated itself with the Union's joint actions and common positions' (European Commission, 2000: 67). Turkey continued the practice of alignment with EU statements and declarations and associated itself with the Union's joint actions and common positions in 2001 and 2002 (European Commission, 2001: 89; 2002: 127). However, Turkey's pursuit of connecting its foreign policy initiatives with the EU also went beyond the CFSP. In February 2002, Turkey organized a forum on the harmony of civilizations that brought together the EU and the Organization of Islamic Conference in Istanbul. The EC's progress report of 2002 noted that the forum was important in 'promoting dialogue and mutual understanding between EU countries and Muslim countries across the world' (European Commission, 2002: 128).

As Hatipoğlu and Palmer (2016: 234) argue, the end of the Cold War enhanced Turkey's willingness to become more active in its foreign policy; however, at the same time, Turkey's abilities were still limited. Turkey did not always achieve positive results from its regional initiatives, as can be seen in its proposal for a Caucasus Stability Pact. Nevertheless, the period from 1999 to 2002 marked the beginning of Turkey's regional activism and underpinned its clear efforts to align its foreign policy with that of the EU.

13.4 TURKEY ADOPTS THE EU'S SOFT POWER APPROACH: 2003–2010

The AKP government came to power after the November 2002 parliamentary elections. Its foreign policy was guided by the 'strategic depth' doctrine of Ahmet Davutoğlu, who served as first foreign policy advisor of then Prime Minister Recep Tayyip Erdoğan, then foreign minister (2009–2014), and lastly prime minister (2014–2016). For Davutoğlu (2001: 552), the historical and geographic complexity of countries provide them with important assets for a long lasting and strategic approach to foreign policy making. For him, Turkey's historical and geographic 'depth' places Turkey at the center of its neighboring regions and offers a potentially extensive influence which should be utilized (Altunışık & Çuhadar, 2010: 376).

A major foreign policy challenge faced by the AKP government throughout this period was the Cyprus conflict. In 2004, when all Cypriots were offered a vote on implementing the 'Annan Plan' as a solution to the Cyprus conflict, the AKP government adopted a policy in favor of the plan with a view to harmonizing its approach with the EU. This was a major change from Turkey's previous understanding of the Cyprus dispute, which can be summarized in the slogan 'no solution is the solution' of the previous military-bureaucratic establishments (Sözen, 2013: 116). Approximately 65% of Turkish Cypriots approved the plan, whereas 76% of Greek Cypriots rejected it. As a result, Cyprus became a member of the EU as a divided island, leaving the EU and Turkey with a complex unresolved challenge, which had developed in the realm of foreign policy but was then turned into a question of bilateral EU–Turkey relations.

Building on Davutoğlu's 'zero problems with neighbors' approach, Turkish policymakers spoke of Turkey's ambition of becoming a global power and of instituting regional order. In this context, Turkey's policy

toward its neighborhood aligned with the EU's 'soft power' approach and employed resources such as 'cultural attraction, ideology, and international institutions' (Nye, 1990: 167).² In 2003, the EU defined Turkey as 'an important actor in promoting stability and security in its region (Balkans, Caucasus, Mediterranean, and the Middle East)' and stated that it 'has taken a number of initiatives within this role' (European Commission, 2003: 124). In 2004, it welcomed Turkey's efforts 'to improve and deepen its relations with the neighboring countries' (European Commission, 2004: 155). Turkey facilitated talks between Afghanistan and Pakistan in 2007 and also took on a facilitator role in regional conflicts between Syria and Israel in 2008 and between Serbia and Bosnia-Herzegovina in 2009.

At the same time, Turkey tried to improve its relations not only with its immediate neighbors but also in other regions. A strategic dialogue mechanism was established with the Gulf Cooperation Council in 2008, and a strategic partnership was initiated between Turkey and the African Union in 2008. In its relations with neighbors, Turkey followed the EU model of engaging in functional cooperation in order to establish peaceful relations. Between 2008 and 2010, it created High Level Strategic Cooperation Councils, not only with Iraq, Syria, and Greece but also with Russia, in which cabinets worked on a variety of issues such as healthcare, culture, trade, transportation, and energy. The coexistence of democracy, secularism, economic success, and balanced foreign policy made Turkey a role model in the Middle East (Torun, 2016). In contrast with the 1990s, Turkey was well received in the Organization of Islamic Conference, and in 2004, the Turkish academic and politician Ekmeleddin İhsanoğlu was elected as the secretary general of the organization and remained in office for almost ten years. These examples illustrate how Turkey tried to embed itself in bi- and multilateral partnerships and how it increased its cultural and political attraction and visibility with methods similar to those employed by the EU.

However, this period also saw actions contradicting EU positions on certain foreign policy issues. For instance, Turkey recognized the result of the Palestinian elections in 2006, which gave Hamas the majority in the

²'Soft power' is typically contrasted with 'hard power', which refers to coercion and use of force. For more information on the concept see Nye (1990). For a discussion of Turkey's soft power approach in the foreign policy and migration nexus, see also Kaya, Chapter 14.

parliament, and Hamas leader Khaled Mashal was welcomed in Turkey after the elections. The United States, Israel, and the EU, in contrast, demanded that Hamas disarm and recognize Israel as a condition for the acceptance of the election results (Daily Sabah, 2017). However, the EU's response to Mashal's visit to Turkey was mild, emphasizing the potential for a positive outcome from the visit, with then EU High Representative Javier Solana suggesting that the visit could help reinforce the conditions set by the Quartet (the EU, the UN, the US, and Russia) for Hamas to renounce violence and recognize Israel (Krieger, 2006). Another incident that indicated divergence from the EU was Brazil's and Turkey's brokering of a deal with Iran on its nuclear capabilities in 2010. Although the office of then EU High Representative Catherine Ashton regarded the deal as a move in the right direction, it stated that 'it [did] not answer all of the concerns raised over Iran's nuclear program' (Blua, 2010). The UN Security Council did not approve the deal either and increased sanctions against Iran. As a member of the UN Security Council at that time Turkey voted against these sanctions.

Likewise diverging from the EU, Turkish–Israeli relations deteriorated during the late 2000s. First, Israel's Operation 'Cast Lead' against Hamas-led Gaza in December 2008 and January 2009 was criticized heavily by then Prime Minister Erdoğan at the World Economic Forum in Davos (International Crisis Group, 2010: 3). The dispute was followed by the 'Mavi Marmara' incident in May 2010. The Mavi Marmara was part of an international flotilla that aimed to provide direct aid to Gaza despite the Israeli blockade of the area. Israel intercepted the flotilla in international waters and killed eight Turkish citizens and one US citizen of Turkish descent aboard the vessel (International Crisis Group, 2010: 4). In the aftermath, Turkey withdrew its ambassador from Israel and expelled Israel's ambassador from Turkey. In response, the EU regretted the loss of life and condemned the use of violence. It called for 'an immediate, full and impartial inquiry' that included 'credible international participation'. Moreover, by adding that '[t]he continued policy of closure [was] unacceptable and politically counterproductive' (Council of the EU, 2010: 11), the EU to some extent also supported Turkey's perspective.

To conclude, during the period 2003 to 2010, despite limited divergences, Turkey's prevailing ethos of the period—relying on soft power and cooperating with neighbors—was generally in line with the EU's foreign policy approach. In addition, Turkey's alignment with the CFSP

declarations of the EU was consistently high throughout this period, showing Turkey's political will to harmonize its foreign policy with that of the EU. Ankara aligned itself with 45 out of 46 CFSP declarations of the EU in 2007 (European Commission, 2007: 74). During 2008 to 2010, Turkey continued its broad compatibility with CFSP, aligning itself with 109 of a total of 124 CFSP declarations in 2008, with 99 CFSP declarations out of 128 in 2009, and with 54 out of 73 of the relevant EU declarations and Council decisions in 2010 (European Commission, 2008: 83, 2009: 87, 2010: 95). This high convergence between foreign policies led pundits to call for advanced cooperation between the EU and Turkey in the Balkans and the Middle East (Grabbe & Ülgen, 2010; Barysch, 2010).

All in all, this period can be seen as the 'golden age' of the compatibility of Turkey's foreign policy with that of the EU. In contrast to the 1990s, Turkey's regional engagement seemed to be producing results, as it was seen as a role model for its neighbors. Turkey's above-mentioned foreign policy divergences from its traditional allies, regarding Hamas, Iran, and Israel, were no doubt facilitated by the government's desire to leave an imprint in the international arena. During this period Turkey engaged with its regional neighbors to an unprecedented level and aimed to rise as a regional power through the use of soft power. In the words of Yorulmazlar and Turhan (2015: 337), Turkey took on a role of 'a strategic interconnector between regional interlocutors, as well as between the West and the Middle East'. However, the picture started to change after the Arab uprisings of 2010 and 2011.

13.5 DIVERGING PATHS IN THE FOREIGN POLICIES OF TURKEY AND THE EU: 2011–2020

13.5.1 *The Arab Spring and the War in Syria*

Changing dynamics in the Middle East in 2010 and 2011 left Turkey in a situation where the AKP's policy of zero-problems with neighbors was no longer sustainable. During this period, Turkey's foreign policy toward its neighbors focused on interventionism, and it risked being associated with certain factions in neighboring countries, to the extent that its foreign policy became largely incompatible with that of the EU.

When President Mohammed Morsi of Egypt was toppled by a military coup on July 3, 2013, Prime Minister Erdoğan condemned the coup.

He criticized Morsi's trial vehemently, to which Egypt's new administration responded by expelling the Turkish ambassador from Cairo and downgrading its diplomatic relations with Turkey. Turkey reciprocated by declaring the Egyptian ambassador *persona non grata* (Deeb, 2013). The EU did not respond to the military intervention in Egypt as vehemently as Turkey. It declared that 'the military must accept and respect the constitutional authority of the civilian power as a basic principle of democratic governance', but refrained from asking for President Morsi to be reinstalled. Instead, it stressed 'the importance of holding democratic elections in the shortest possible time' (Council of the EU, 2013: 1). It is notable that Turkey did not align itself with this declaration (Council of the EU, 2013: 2). Brussels also refrained from defining the event as a coup, instead defining it as an 'ousting' (European Commission, 2014: 2). After the presidential elections, which brought the leader of the military coup to presidency, the EU expressed 'its willingness to work closely with the new authorities in Egypt' and congratulated 'Abdel Fattah El-Sissi, as the new President of Egypt' (Council of the EU, 2014: 1).

In Syria, the Turkish government did not turn against Syrian President Bashar al-Assad immediately after the uprisings began (Davutoğlu, 2013: 869). The delay in this case was mainly due to the personal efforts of Erdoğan and Davutoğlu, who first attempted to convince Assad to support reforms. Turkey's economic cooperation with Syria was also a source of concern that delayed support for regime change. As Assad chose to suppress the protests in his country, Turkey made a 180-degree turn on its Syria policy. It aimed to overthrow the Assad regime, and began hosting the oppositional Free Syrian Army and Syrian National Council in 2011 (Stackoç, 2011). The AKP government was seen to have adopted a pro-Sunni sectarian foreign policy after the Arab Spring, as it supported Muslim Brotherhood or actors affiliated with Muslim Brotherhood against the existing regimes in the Middle East (Öniş, 2011: 3; Özkan, 2014: 134; Hatipoğlu & Palmer, 2016: 245).

In what followed, Turkey's response to the developments in Syria increased its divergence from the EU. Both Turkey and the EU continued to share the belief that Assad had to resign (Council of the EU, 2016, 2017). However, Turkey's call for the establishment of a no-fly zone (BBC News, 2015) did not find support in the EU. In response to a request to establish a no-fly zone in Syria, then High Representative of the Union Federica Mogherini stated that refugees now living in Turkey would continue to run away rather than go back to Syria. In addition, she

stated that safe zones could only be secured by a substantial ground presence in northern Syria, and she was not sure whether this was a realistic option (Weymouth, 2015).

The Syrian war influenced Turkey in a variety of ways, one of which was the constant flow of Syrian refugees into Turkey. By May 2020, Turkey was hosting 3.6 million Syrian refugees (UNHCR, 2020: 1). As Syrians arriving in Turkey tried to reach Europe irregularly, in particular in 2015, a humanitarian catastrophe unfolded, which exerted substantial pressure on EU member states to act. The EU had to negotiate with Turkey in order to secure its cooperation for tight border controls (Kingsley & Rankin, 2016). The resulting EU–Turkey refugee ‘deal’ on Syrian refugees (European Council, 2016) was based on the return of irregular migrants who landed in Greece after 20 March 2016 and the resettlement of one Syrian refugee from Turkey to the EU for each Syrian returned from Greece to Turkey. The agreement also stipulated Ankara taking necessary measures to prevent irregular migration through Turkey, and the EU providing EUR 6 billion toward the Refugee Facility for Turkey (Reiners & Tekin, 2020: 119). Notwithstanding subsequent problems with the functioning of the arrangement, it does indicate that despite the remaining divergences between the EU and Turkey, there is potential for interest-driven, issue-specific cooperation in their foreign policies (Dimitriadi et al., 2018; Saatçioğlu et al., 2019: 5; Saatçioğlu, 2020: 171).

In Syria, when the Democratic Union Party (*Partiya Yekitiya Demokrat*, PYD) established self-governing cantons in the north in 2013, Turkish policymakers feared the creation of another autonomous Kurdish region on Turkey’s frontiers. For Turkey, the PYD and its armed unit, the People’s Protection Units (YPG), are identical to the Kurdistan Workers’ Party (*Partiya Karkerên Kurdistanê*, PKK), considered a terrorist organization with the aim of separating from Turkey. For Western actors, in particular the US and EU member states, the PYD was a useful partner in the fight against the terrorist group known as ‘Islamic State’ (IS). This difference and Turkey’s initial refusal to take part in the anti-IS coalition until 2015 increased the distance between the EU and Turkey (Park, 2015: 585–586).

In August 2016 and January 2018, Turkey launched two military operations in northern Syria (Operation Euphrates Shield and Operation Olive Branch) with the objective of cleansing areas close to the border with Turkey of terrorists, including the PYD/YPG and IS (Kasapoğlu, 2017; Hürriyet Daily News, 2018). Concerning Operation Euphrates Shield,

former EU High Representative Javier Solana (2017) stated, ‘the US and the EU are concerned about Turkey’s attacks against the PYD, given its central role in pushing back the Islamic State’. Similarly, regarding Operation Olive Branch, the EU High Representative at the time, Federica Mogherini, voiced doubts in 2018 about the effectiveness of the operation in terms of achieving peace in Syria and stated that ‘we believe that all military action should focus on UN-listed terrorist organizations, not others; and it should not make peace harder to achieve’ (EEAS, 2018). In February 2020, military attacks by the Syrian regime killed 33 Turkish soldiers in Idlib and Turkey launched another military operation (Operation Peace Spring) (BBC News, 2020). Tension decreased as Turkey and Russia agreed on a ceasefire and on monitoring the region together (Aljazeera, 2020).

During the Idlib crisis in February 2020, Turkey let refugees cross its borders with Greece in an effort to draw attention to Idlib, to obtain stronger EU support for refugees in its territory, and to force Russia into an agreement on a ceasefire (Harris, 2020). Turkey’s move amounted to a violation of the EU–Turkey refugee ‘deal’, intended to avoid a migration crisis at Europe’s borders. In addition to being motivated by the Idlib crisis, the move reflected Turkey’s grievances about the EU’s insufficient financial support for the refugees Turkey hosted and the EU’s unmet promises to update the EU–Turkey Customs Union, revive the accession negotiations, and initiate visa-free travel for Turkish citizens (Cook, 2020). Reportedly, the EU ambassadors were outraged by ‘what they see as an attempt by Turkish President Tayyip Erdogan to ‘blackmail’ the bloc by allowing migrants to mass at Greece’s border’ (Baczynska & Chalmers, 2020). In order to reach a solution, European Council President Charles Michel and Commission President Ursula von der Leyen met with President Erdoğan. However, they have only been able to agree to task the High Representative of the EU, Josep Borrell, and the Turkish foreign minister, Mevlüt Çavuşoğlu with identifying EU–Turkish differences and challenges regarding the implementation of the 2016 refugee ‘deal’ (Herszenhorn & Barigazzi, 2020).

13.5.2 *Cyprus and the Eastern Mediterranean*

Turkey and the EU have also clashed over the Greek Cypriot and Turkish drilling activities in the Eastern Mediterranean. Unlike previous differences between the EU and Turkey over Cyprus, the issue is not a foreign

policy matter for the EU, as Cyprus has been a member of the institution since 2004. However, Turkey's approach toward the gas drilling activities of Cyprus and its partners in the Eastern Mediterranean (Egypt, Greece, Israel) remains within the realm of its foreign policy. The issue shows that Turkey has moved further away from the EU's above-mentioned 'good neighborly relations' principle in foreign policy.

The waters of the Eastern Mediterranean really started to simmer when, on 8 February 2018, the Italian company Eni and the French company Total announced a breakthrough gas discovery at the Calypso block off the Cypriot coast, estimated to be comparable as size to the giant Zohr field (Andrei, 2018). However, Turkey tried to prevent the Greek Cypriot government from drilling in the area. A drillship chartered by ENI was stopped by the Turkish navy on 9 February 2018 (Maltezou, 2018). Turkey issued a statement criticizing the Greek Cypriot administration's activities, which disregarded the rights of Turkish Cypriots (Republic of Turkey Ministry of Foreign Affairs, 2018). The European Council described the actions of Turkey as 'illegal' and 'strongly' condemned them. Additionally, the Heads of State or Government called Turkey 'to cease these actions and respect the sovereign rights of Cyprus to explore and exploit its natural resources in accordance with EU and International Law' (European Council, 2018: 5). When Turkey started its own drilling activities in the Eastern Mediterranean in June 2019, the European Council called on Turkey 'to show restraint, respect the sovereign rights of Cyprus and refrain from any such actions' (European Council, 2019a: 4). Since Turkey did not stop its gas drilling activities, the Council of the EU decided to suspend negotiations on the Comprehensive Air Transport Agreement. The Council also agreed to reduce the pre-accession assistance to Turkey for 2020 and called on the European Investment Bank to review its lending activities in Turkey. Moreover, the Council agreed not to hold any further meetings of the Association Council and the EU-Turkey high level dialogues for the time being (Council of the EU, 2019). Suspension of the high level dialogue meetings means that one of the key instruments for facilitating EU-Turkey relations in the fields of energy, economy, transport, fight against terrorism, and particularly foreign policy would not be available in the foreseeable future (see also Bürgin, Chapter 9; Lippert, Chapter 11; Akman & Çekin, Chapter 12).

Regardless of the EU's position on the issue, Turkey signed a Memorandum of Understanding on the delimitation of maritime jurisdictions in

the Mediterranean Sea with the Government of National Accord of Libya in November 2019. Through this Memorandum, Turkey declared an extension of the Turkish Exclusive Economic Zone into the southeast of the island of Crete and claimed that regional actors had to ‘negotiate with Turkey for any pipeline project to carry Eastern Mediterranean natural gas to European markets’ (Daily Sabah, 2019). Thus, Turkey tried to obstruct the plans of Cyprus, Egypt, Greece, and Israel for transferring Eastern Mediterranean gas to Europe via a scheme that does not involve Turkish Cypriots and Turkey. In response, the European Council declared that the Turkey-Libya Memorandum of Understanding ‘infringes upon the sovereign rights of third States, does not comply with the Law of the Sea and cannot produce any legal consequences for third States’ (European Council, 2019b: 4). On this issue, the EU has continued to express solidarity with its member state Cyprus (Council of the EU, 2020).

Turkey’s increasing divergence from the EU foreign policy after the Arab Spring can also be seen in its degree of alignment with the EU’s CFSP declarations from 2011 onwards. Turkey aligned itself with only 32 out of the 67 relevant EU declarations and Council decisions in 2011 (48% alignment) (European Commission, 2011: 106). In 2012, the rate of alignment slightly increased to 37 out of 70 (53% alignment) (European Commission, 2012: 87) but was below 50% between 2013 and 2016. In 2018, the rate of alignment reached an all-time low, when Turkey aligned itself with only 10 out of 64 EU declarations and Council decisions (around 16% alignment) (European Commission, 2018: 96), and this trend continued in the following year with an alignment rate of around 18% (European Commission, 2019: 99).

13.6 CONCLUSION

In 2018, the Council of the EU noted that ‘Turkey has been moving further away from the European Union’, and declared that Turkey’s accession negotiations and the process of the modernization of the EU–Turkey Customs Union came to a standstill (Council of the EU, 2018: 13). In such an atmosphere, foreign policy becomes even more important as an area where both parties have shared interests in preserving peace and stability in the EU’s immediate neighborhood. Collaboration in foreign policy could provide a modicum of communication between parties with increasingly diverging normative perceptions and interests.

However, as Turkey's foreign policy has gradually become less compatible with that of the EU, it seems that areas of future cooperation will be limited to issues where interests overlap, such as pandemics, counterterrorism, migration, and energy. And, as institutional connections and channels have been reduced, cooperation is likely to take place more through ad hoc mechanisms.

Despite the increasing divergence, it is obvious that pressing issues on the foreign policy agenda, such as the COVID-19 pandemic, migration, counterterrorism, and energy require the collaboration of the EU and Turkey. With regard to the COVID-19 pandemic, Turkey attended the international Coronavirus Global Response conference hosted by the European Commission in May 2020, and pledged to contribute to the financial pool for diagnostics, treatment, and vaccines. Turkey sent medical aid to Italy and Spain, which were hit hard by the virus, and the Joint Research Center of the EU has been making results and equipment available to Turkey (Aslan, 2020). Another area that may lead to cooperation in the future may be the Iranian dossier.³ In May 2018, former President Donald Trump withdrew the United States from the agreement on the Iranian nuclear program, reached in 2015, and announced that the US would impose sanctions on Iran in order to prevent Iranian nuclear ambitions (Landler, 2018). Both the EU and Turkey were in favor of adhering to the agreement, and were opposed to sanctions. Although the situation did not lead to joint action by the EU and Turkey so far, there is potential for cooperation on the basis of compatible positions and interests—also in view of the new US administration under President Biden.

The prospect of cooperation may increase if the EU develops an institutional framework that provides the possibility of joint actions with candidate countries in foreign policy issues. Alternatively, if Turkey and the EU agree on a relationship format short of membership,⁴ we may see extended cooperation between the EU and Turkey. In such a setup, Turkey's failure to meet the EU's political standards, in particular regarding democracy and the rule of law, would probably cease to be important and the relations could become de-politicized and more technical. However, limiting EU–Turkey relations to cooperation on specific

³I am grateful to Tuba Ünlü Bilgiç for bringing this to my attention.

⁴I am grateful to Atila Eralp for this idea.

matters where interests overlap risks limiting the bilateral dialogue to a transactional format, which does not help Turkey's reform process as much as an accession-negotiations framework would.

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Europeanization and De-Europeanization of Turkish Asylum and Migration Policies

Ayhan Kaya

14.1 INTRODUCTION

This chapter analyzes Europeanization and de-Europeanization processes in Turkey in its migration and asylum policies since the 1999 Helsinki Summit and, in particular, during the rule of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) since 2002. The Europeanization of migration and asylum policies and laws corresponds with the internalization of a rights-based approach by state and societal actors in Turkey up until the eruption of the Syrian civil war in 2011. In turn, the de-Europeanization process can be understood as a process by which migration and asylum policies at the national and local levels in Turkey have been framed in cultural and religious terms. This chapter asserts that the AKP leadership redeployed a path dependent, ethno-cultural and religious logic that underlined the Islamic discourses of ‘guesthood’ and the ‘Ansar spirit’ in receiving and welcoming Syrian refugees—a logic based on the quest to become a ‘soft power’ in the Middle East.

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Refugees ‘are people who cannot return to their country of origin because of a well-founded fear of persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require international protection’ (UNHCR, 2020a). Signatory countries to the 1951 Geneva Convention on the Protection of Refugees are expected to ensure that migration management policies, practices, and debates take into account the particular protection needs of asylum seekers, refugees, and stateless people, and acknowledge the legal framework that exists to meet those needs. Turkey, as a signatory, is bound to adopt migration policies in accordance with the needs of refugees as well as of asylum seekers whose quest for sanctuary has yet to be processed.

A key argument of this analysis is that from the very beginning of the refugee plight caused by the civil war in Syria, Syrians were welcomed by the Turkish government on the basis of allegedly deep-rooted values such as ‘Turkish hospitality’, ‘Muslim fraternity’, ‘Arab hospitality’, and ‘guesthood’ traditions.¹ The reason Turkey has viewed Syrian migrants in this light is its intention to uphold the ‘geographical limitation clause’ of the 1951 Geneva Convention. According to this limitation clause, Turkey is only bound to accept people as *refugees* if they come from European countries.² It has adopted the Temporary Protection Regulation³ (No. 2014/6883) for Syrians in need of sanctuary.

In discussing (de-)Europeanization, this chapter uses a model based on policy transfer, which is helpful in understanding the processes of Europeanization in policy areas where the European Union (EU) pressure is indirect, such as migration and refugees. In this vein, the analysis follows the understanding of Radaelli (2000: 30), who defines Europeanization as

processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’,

¹For a detailed discussion of these traditions in the region see De Bel-Air (2006), Pérouse (2013), Chatty (2013), Erdoğan (2015).

²The Refugee Convention of 1951 was initially interpreted as having a ‘geographical limitation’, meaning that it applied only to refugees from Europe. This was amended by the 1967 Additional Protocol, but Turkey and a few other countries decided to continue following the limitation.

³This regulation sets out the rights, obligations, and procedures for the individuals who are granted temporary protection, a status resembling the subsidiary protection status that exists in the EU.

and shared beliefs and norms, which are first defined and consolidated in the EU policy process and, then, incorporated into the ‘logic of domestic discourse’, identities, political structures, and public policies.

Accordingly, de-Europeanization can be defined as the process of reversing the alignment of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, and shared beliefs and norms (see also Alpan, 2021, Chapter 5).

The chapter benefits from a set of in-depth interviews conducted with state and municipal actors, such as the Directorate General of Migration Management, Yunus Emre Institute, Ministry of Development, and Ministry of Labor and Social Security, as well as some local municipalities in Istanbul. Several migration experts and migrants were also interviewed during this process. The desk research includes the content and discourse analyses of official texts, speeches of political leaders, and the official websites of relevant national and local bodies.

The chapter starts with a brief introduction to the global context in which Turkey’s migration and refugee policies have developed. A short history of Turkey’s migration and asylum laws provides the background for the subsequent analysis of legislative changes during the EU accession process since the Helsinki Summit in 1999. In this context, the chapter scrutinizes the ‘National Programmes for the Adoption of the *Acquis*’, the visa liberalization process, the Readmission Agreement, and the instrumentalization of Syrian refugees, which are of particular importance, as well as Turkey’s Law on Foreigners and International Protection (2013). On this basis, the study continues with an analysis of Turkey’s quest to become a model country and soft power on the one hand, and the discursive framing of ‘migrants’, ‘guests’, and ‘foreigners’ on the other. It closes with an assessment of Turkey’s de-alignment from EU norms in connection with its foreign policy aspirations and the EU–Turkey refugee ‘deal’ of 2016 (European Council, 2016).

14.2 GLOBAL CONTEXT

Many countries have received large numbers of refugees since the Second World War. However, the conflict in Syria, coupled with violence and human rights abuses in other parts of the world, continues to be by far the biggest driver of mass migration in the past decade. With the intensification of violence in Syria and several parts of the Middle East

and Africa, massive numbers of civilians, forcefully uprooted from their communities, have fled and continue to flee conflict zones, seeking shelter both in the region and in the EU. In 2015 alone, more than a million refugees crossed EU borders (UNHCR, 2020b). The EU and its member states were faced with the enormous challenge of coping with this partly unexpected mass migration, which created new divisions and political fissures among member states over how best to deal with resettling these migrants.

One of the most popular migration routes to Europe starts in Egypt and Libya and ends in Malta and Italy (Lampedusa and Sicily, respectively). This route is favored mostly by sub-Saharan African migrants. However, it has also recently been used by Syrians in the aftermath of the EU–Turkey (Refugee) Statement, which came into force on 18 March 2016, when Germany and the Netherlands took the lead to make a deal with Turkey to seal off its borders so as not to let refugees travel to the Greek islands. The statement also included financial terms committed by the EU to help Turkey accommodate and integrate Syrian refugees as well as to relocate them in the EU (European Council, 2016). Prior to the Arab Spring in 2011, the African route was less commonly used than the Eastern Mediterranean route. The Eastern Mediterranean route simply refers to the sea crossing from Turkey to Greece. In 2012, it became the second most popular route by a small margin, only to witness a surge in 2013–2014 due to the civil conflicts in Eritrea and Syria (Frontex, 2015).

Even though migration of refugees to Turkey subsequently slowed, and more than 350,000 Syrians returned to Syria between 2016 and May 2019, Turkey, as host to more than 3.5 million refugees, is still by far the country with the highest number of refugees in the world.⁴

Historically and geographically speaking, Turkey is known to be one of the leading destinations for refugees. Because of its location between two continents, imperial legacy, and tumultuous nation-building process, Turkey has always been exposed to different forms of mass migrations and emigrations (Erdoğan, 2015; Kaya, 2015). Hence, state actors have been engaged in formulating migration and asylum policies and laws since the late Ottoman period (Kale, 2015). These policies and laws will be

⁴As of 18 November 2020, the number of foreigners under temporary protection was 3.635.410. For the latest figures see the official website of the Directorate General of Migration Management, <https://www.goc.gov.tr/gccici-koruma5638>. Accessed 27 November 2020.

briefly examined before detailing the processes of Europeanization and de-Europeanization of Turkey's migration and asylum policies under AKP rule.

14.3 A SHORT HISTORY OF TURKEY'S MIGRATION AND ASYLUM LAWS

Turkey's migration and integration policies have been formulated in response to various challenges originating from regional and global sources. The current policies have been shaped by migration patterns stemming from the dissolution of the USSR; regional developments in the Middle East, the Caucasus, and sub-Saharan and North Africa; growing tension in Afghanistan; the European integration process and growing right-wing populism; Islamophobia and xenophobia following 9/11; the financial crisis, and refugee crises. In addition, domestic forces have been decisive in the formation of migration and integration policies. The most crucial of these factors is probably the high number of internally displaced people who have had to leave their hometowns and villages since the early 1990s (Kaya et al., 2009).

Before the enactment of the Law on Foreigners and International Protection (Law No. 6458) in April 2013 (Resmi Gazete, 2013), there were three main legal texts regarding immigration and related issues: (1) the Law on Settlement adopted in 1934; (2) the 1951 Geneva Convention on the Status of Refugees; and (3) the Regulation on Asylum of November 1994.

Collaboration with other countries and with international, intergovernmental, and non-governmental organizations is important for the management of irregular migration. The United Nations High Commissioner for Refugees (UNHCR) plays a significant role, especially in Turkey's current asylum policy. During the Cold War period, it was the main agency overseeing Turkey's asylum policy and ensuring resettlement of refugees from Turkey. Moreover, it was responsible for providing basic assistance and accommodation for asylum seekers and refugees in Turkey. During the 1980s, UNHCR could continue this practice with respect to the growing number of asylum seekers arriving from non-European countries, especially from Iran and Iraq. However, after the massive entry of refugees into Turkey following the end of the Gulf War in 1991, relations between Turkey and UNHCR gradually worsened. The deteriorating security conditions in Southeast Turkey resulting from the activities of the

Kurdistan Workers' Party (*Partiya Karkerên Kurdistanê*, PKK) adversely influenced Turkish officials' attitude, particularly toward asylum seekers who had entered and were present in Turkey illegally (Kirişci, 2005). The 1994 Asylum Regulation reflected such concerns. The government ceased cooperation with UNHCR, and the initial implementation of the Regulation led to criticism from human rights and refugee advocacy circles. Nevertheless, UNHCR and Turkey's Interior Ministry officials did rebuild their partnership in 1997.

Closer cooperation has since also developed between the Turkish government and intergovernmental organizations such as the International Organization for Migration and the International Labor Organization. A good example of such collaboration was the program to help the return of stranded irregular migrants from Turkey to their homelands, under which over 550 irregular migrants received return assistance between 1995 and 1997 (İçduygu, 2003: 62).

However, the most influential anchor for the development of Turkey's migration and asylum laws during this period was the EU. In fact, since the EU confirmed Turkey's candidate status, the issue of asylum seekers and irregular migrants has become one of the most significant debates between the two sides. To reduce the tensions that had arisen regarding human rights, as well as economic and political implications of irregular migration, Turkey has taken steps to establish an appropriate administrative and legal framework to regulate and combat irregular migration and human trafficking (İçduygu, 2003: 56). Turkish authorities have since tried to strengthen their efforts to establish and enforce laws and regulations for achieving this goal.

14.4 CHANGING LEGISLATION IN THE EU ACCESSION PROCESS

14.4.1 *The National Programmes for the Adoption of the Acquis and Legislative Changes in Migration and Asylum Policy*

The Helsinki Summit of December 1999 officially recognized Turkey's candidacy status and gave impetus to further development of EU–Turkey relations and to a revision of Turkey's migration and asylum policy. The EU adopted an 'Accession Partnership' strategy for Turkey in 2001, followed by the 'National Programmes for the Adoption of the *Acquis*' (NPAA), which were accepted by the Turkish government (Council of

the EU, 2001; Resmi Gazete, 2001).⁵ The NPAA is a detailed, multi-annual plan for the alignment of domestic legislation with EU regulations. It was subsequently renewed in 2003 and 2008. The NPAA details infrastructural tasks, ranging from the establishment of reception and accommodation centers to the construction, or acquisition, of buildings to house specialized administrative units to deal with asylum applications. It also envisages the development of a country-of-origin information database. The NPAA notes that a reassessment of Turkey's interpretation of the geographical limitation clause of the 1951 Geneva Convention will be taken up during accession negotiations (Kirişci, 2005).

The Accession Partnership coordinating Turkey's entry to the EU was prepared by the European Commission (EC) in 2001, and subsequently revised in 2003, 2006, and 2008 (Council of the EU, 2008). It set out the following objectives for migration and asylum policy to eradicate relevant misconceptions between Turkey and the EU:

1. to pursue alignment of visa legislation and practice with the *acquis*;
2. to adopt and implement the *acquis* and best practices on migration (admission, readmission, expulsion) with a view to preventing illegal immigration;
3. to continue alignment with the *acquis* and best practices for border management in preparation of full implementation of the Schengen Treaty; and
4. to start alignment of the *acquis* in the field of asylum, including lifting the geographical limitation of the 1951 Geneva Convention, strengthening the system for hearing and determining applications for asylum, and developing accommodation facilities and social support for asylum seekers and refugees (Tokuzlu, 2007).

The 2003 NPAA promised legislative changes in migration and asylum laws in Turkey, such as establishing reception centers for asylum seekers, strengthening the database that keeps track of refugees' and asylum seekers' countries of origin, and developing social support mechanisms for refugees in the fields of education, health, interpretation services, and

⁵For 'National Programmes of Turkey for the Adoption of the *Acquis*' see also Republic of Turkey Ministry of Foreign Affairs (2019).

employment (Resmi Gazete, 2003). The revisions made in the NPAA in 2008 included the continuation of Turkey's efforts to implement the National Action Plan on Asylum and Migration, such as the adoption of a roadmap for implementing a comprehensive asylum law in line with the EU *acquis* and the establishment of an asylum authority to increase the capacity for combating illegal migration in line with international standards. The revisions also included promises to establish an Asylum and Immigration Unit under the Ministry of Interior, and the employment of experts to work in this field, which later led to the foundation of the Directorate General of Migration Management in 2014. Turkey also promised to establish an Asylum Training Curriculum for the alignment of the treatment of asylum applicants with the EU *acquis* (Resmi Gazete, 2008).

The visa regime governing entry and residence in Turkey is more liberal and flexible in comparison with the EU *acquis* as it currently stands. As such, Turkey has faced the problem of balancing its interest in accession to the EU, which asks Turkey to tighten its entry regime, with the demands of its growing tourism industry for a liberal visa policy. For instance, in 2002, there was a disagreement between Turkey and the EU regarding citizens of third countries in need of visas. There were 21 countries on the EU 'negative visa list' that did not require visas for Turkey. Consequently, Turkey introduced visa requirements in 2002 for six Gulf countries: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates, which are also subject to visa requirements according to the EU regulations. In 2003, an additional group of 13 countries was deemed to require visas: Bahamas, Barbados, Belize, Fiji, Grenada, Indonesia, Jamaica, Kenya, Maldives, Mauritius, Santa Lucia, Seychelles, and South Africa.

In Turkey's 2004 progress report, the Commission assessed that Turkey continued alignment with the EU negative visa list and introduced a visa requirement for citizens of Azerbaijan in November 2003 (European Commission, 2004). Furthermore, in 2005 Turkey introduced visa requirements for the Marshall Islands and Micronesia. By the end of the same year, the discrepancy between the EU's visa obligations list and that of Turkey's was limited to only six countries. In total, the EU managed to persuade Turkey to impose visa requirements on more than 20 countries in its blacklist. However, Turkey's visa regime remained more liberal than that of the EU due to the possibility of obtaining sticker visas at the Turkish borders (Tokuzlu, 2007: 3–4).

In accordance with the accession process, Turkey is required to apply a uniform visa policy toward all EU citizens and to adopt the Schengen negative list. The EU also requires Turkey to tighten its borders with countries such as Armenia, Georgia, Iran, Iraq, and Syria. In 2003, Turkey opened negotiations on a readmission agreement with the EU. Later, in collaboration with the EU, Turkey implemented the Integrated Border Management Strategy in 2006 to comply with the EU *acquis* on tackling irregular migration and trafficking in human beings. In relation to visa requirements, aliens must have an entry visa affixed to their passport or substituting documents to enter Turkish territory. Generally, Turkish consulates and embassies in the country of origin issue visas or permanent residence, and citizens of countries subject to visa requirements must apply to Turkish missions abroad.

Of particular importance is the amendment to the Law of Residence and Travel for Foreigners in Turkey, which was put into force on 1 February 2012 (Law No. 5683). It makes it more difficult for foreigners to continue living and working in Turkey without a residence and work permit. Until then, many foreigners used to travel to the nearest country to officially exit Turkey after their 90-day visa expired and then immediately re-enter with a new 90-day visa. However, the new law only allows foreign citizens entering the country with a tourist visa to stay in Turkey for 90 days, and they are not allowed to re-enter before a 180-day period has elapsed (*Hürriyet Daily News*, 2012; Resmi Gazete, 2011).

Prior to the enactment of the new law, the Turkish state enforced a similar law in 2007 to regulate the entry and exit of Bulgarian and Romanian citizens in Turkey, who used to have strong economic links with Turkey. Following the legal barriers set for them, the nationals of other countries such as those from the Middle East, Armenia, Georgia, Central Asian Turkic Republics, and the South Mediterranean countries started to fill in the gap in the informal market, mainly caretaking, house cleaning, suitcase trading, etc. Such forms of migration are circular in normal circumstances, but the 2012 law is more likely to increase the number of undocumented migrants who cannot afford to have a 90-day break in between their visits to Turkey and therefore have no other choice than staying in Turkey illegally.

Today, the EU's impact is visible in the readmission agreements signed by Turkey with 15 countries: Belarus, Bosnia Herzegovina, Greece, Kosovo, Kyrgyzstan, Moldova, Montenegro, Nigeria, Norway, Pakistan, Romania, Russian Federation, Syria, Ukraine, and Yemen. Turkey has also

drafted and submitted agreements to Algeria, Egypt, Ethiopia, Georgia, Israel, Jordan, Kazakhstan, Lebanon, Libya, Mongolia, Morocco, Nigeria, Sudan, Tunisia, and Uzbekistan (Republic of Turkey Ministry of Foreign Affairs, 2020).

14.4.2 *Readmission Agreement, Visa Liberalization, and the Instrumentalization of Syrian Refugees*

Despite the ongoing asymmetrical character of EU–Turkey relations, Turkey has transformed its migration and asylum system in the last decade and harmonized it with the EU *acquis*. Combating irregular migration has become a part of the EU-based harmonization process. Turkey’s engagement with the EU’s readmission agreement can be seen in the context of the country’s efforts to become a member of the Union; in this way, it is also directly linked to the country’s aim to have a visa-free regime for its citizens visiting the EU member states.

EU readmission agreements are based on reciprocal obligations and are concluded between the EU and non-EU countries to facilitate the return of people residing irregularly in a country to their country of origin or to a country of transit. They are negotiated in a broader context, in which partner countries are usually granted visa facilitation and other incentives such as financial support for implementing the agreement, or special trade conditions in exchange for readmitting people residing without authorization in the EU. The EU–Turkey Readmission Agreement (2013) was signed in parallel with the commencement of the Visa Liberalization Dialogue (VLD). The agreement was meant to be another key driver toward Turkey’s alignment with the EU *acquis* within the context of migration and asylum. Both sides committed themselves to international burden sharing, solidarity, joint responsibility, and common understanding. Accordingly, the EU would start the visa liberalization process six months after the Readmission Agreement was put into force at the end of the next three-year period in 2016.

However, visa liberalization is subject to the condition that the EU will observe Turkey’s implementation of the process for six months to see if Turkey is going to properly operate this visa regime. The two sides also agreed on the removal of Turkey’s geographical derogation in the 1951 Geneva Convention on the Status of Refugees. Turkey accepted the removal of this restriction upon the completion of the accession negotiations to become a full member. The EU–Turkey Statement on migration

(European Council, 2016) reassessed the determination of both sides to make sure that the Readmission Agreement operates successfully and that Turkish citizens will have the right to visa-free travel. However, the failed coup attempt in Turkey on 15 July 2016, followed by the two-year state of emergency, interrupted the visa liberalization process.

Irregular migrants and Syrians residing in Turkey, and the Readmission Agreement, continue to be instrumentalized and used as ‘bargaining chips’ between Turkey and the EU. This was apparent when Syrians under temporary protection in Turkey started to feel threatened during the disagreement between the EU and Turkey over gas drilling on the shores of Cyprus. In the course of rising tensions in summer 2019, Turkish Foreign Minister Mevlüt Çavuşoğlu announced the unilateral suspension of the Readmission Agreement. The crisis resulted in the EU placing sanctions on financial assistance to Turkey. In return, Turkey announced it would suspend the readmission system as part of the EU–Turkey ‘deal’ that had been operating since March 2016 (Kaya, 2020; Euroefe, 2019).

Irregular migrants and Syrians under temporary protection in Turkey have also been instrumentalized on other occasions. When 34 Turkish soldiers were killed in an air strike by Syrian government forces in the province of Idlib in northwest Syria in February 2020, the Turkish army immediately responded with explosive drones targeting the regime forces. One day after the incident, the Turkish Minister of the Interior announced that Turkey had opened its borders with Greece and Bulgaria to allow refugees to head toward the EU via land and sea. As the news spread around the country, buses, taxis, and cars full of refugees made their way to the western borders of Turkey. The situation at the Turkish-Greek border led to the rise of a new refugee crisis in the EU. The foreign ministers of the EU member states discussed the situation, and the EC announced EUR 700 million support for Greece and EUR 500 million for Turkey (Erlanger, 2020). The Commission also announced that it was considering restarting the visa liberalization and visa facilitation talks with Turkey (Deutsche Welle, 2020). The crisis was eventually resolved after the Turkish president asked the security forces to seal off the European borders following his meeting in Brussels with the top EU actors on 17 March 2020 (Wintour & Smith, 2020). It seems that by opening its borders Turkey has made gains in the short run on its foreign policy objectives, while the maneuver caused even more suffering to refugees.

14.4.3 *Turkey's Law on Foreigners and International Protection*

Until the enforcement of the Law on Foreigners and International Protection (Law No. 6458) in 2014, refugee protection in Turkey was regulated by secondary legislation, mainly by administrative circulars. This had led to the informal ad hoc implementation of practices toward asylum seekers by police officers working under the authority of local departments of foreigners, passport, borders and asylum in different cities, since these rules were non-binding. The new law was the first domestic law regulating asylum practices in Turkey. Its adoption represented the first significant step toward the transformation and regulation of asylum and migration for Turkey since the ratification of the 1951 Refugee Convention. As an extension of the NPAA in 2003 and 2008, it regulates the entry, exit, and the stay of migrants in the country, along with providing scope for international protection for those who seek asylum in Turkey.

The Law on Foreigners and International Protection is the most evident illustration of Europeanization in Turkey (Dimitriadi et al., 2018; see also Alpan, 2021, Chapter 5). It completely changed the main body of previous law on the status of foreigners. It brought changes to the Law on Work and Residence Permits for Foreigners and regulated the rules regarding the rights to family union, long-term residence, education, health services, and labor market mobility of regular and irregular migrants. Under the 2014 law, the management of the Turkish asylum system is the task of a civil authority under the Ministry of Interior, ensuring standardized practice across the country. Within the Directorate General of Migration Management a special section called the Harmonization and Communication Department concentrates on the integration of migrants of any kind. However, it does not specifically regulate the rules regarding political participation, access to nationality, and anti-discrimination. And although it addresses matters related to fundamental rights, residence permits, and work permits, it does not include relevant articles on the naturalization of foreigners (Migrant Integration Policy Index, 2015).

Based on Article 91 of the Law on Foreigners and International Protection, a separate regulation sets out the details of the status of temporary protection (Regulation No. 2014/6883). On 8 April 2014, a draft was introduced to 53 public institutions and organizations. Eventually, a Temporary Protection Regulation was issued by the Council of Ministers on 22 October 2014. This regulation aims to resolve the

unclear status of those living under temporary protection, as the law refers only to this status with a vague definition, according to which temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a ‘mass influx’ situation seeking immediate and temporary protection (Article 91/1). Although this directive does not specify the nationality of refugees, its provisions are applied solely to Syrians as they are currently protected under the Temporary Protection Regime (Gümüş and Eroğlu, 2015). Accordingly, people under temporary protection have the right to remain in Turkey (Article 25) and access free healthcare (Article 27). Among other positive features, the directive also prohibits people from being punished for irregular entry and stay (Article 5); prohibits the forcible return of refugees or asylum seekers to a country where they are liable to be subject to persecution (refoulement) (Article 6); provides an identity card that can be used to access state schools and to apply for work permits (Article 22); makes the work permit process more straightforward (Article 29); and establishes a provision for free translation services (Article 30).

14.5 THE ARAB SPRING AND THE COUPLING OF FOREIGN POLICY AND MIGRATION AFFAIRS

14.5.1 *The Transformation of Turkish Foreign Policy*

The legal framework formed by the AKP government since 2002 with regard to the management of migration and asylum issues in Turkey was successful in aligning with EU legislation. However, one could not argue the same as far as the political and economic framework is concerned. The Turkish state’s political and economic motivations gradually contributed to the de-Europeanization of Turkey, as well as to the growth of religiously motivated foreign policymaking (Özbudun, 2014; Pupcenoks, 2012). In this context, the Syrian refugee crisis and the Arab Spring acted as turning points in Turkish migration and asylum policies (for key milestones in EU–Turkey relations see Turhan & Reiners, Chapter 1).

The first group of Syrian nationals found refuge in Turkey by crossing into the province of Hatay in April 2011. Initially, the AKP government expected that the Assad regime would soon collapse, and it estimated that around 100,000 Syrians at most would stay in Turkey for two or three weeks (Erdoğan, 2014). Following the escalation of the domestic conflicts in Syria, the AKP government declared an open-door policy toward the

Syrian refugees in October 2011. Accordingly, Turkey allowed Syrians with passports to enter the country freely, and treated those who had entered without documents in a similar way. It guaranteed the principle of non-refoulement, offered temporary protection, and committed itself to providing the best possible living conditions and humanitarian assistance for refugees (İçduygu, 2015a). Turkey also immediately responded to the mass migration through the new legal framework of migration laws, which was then in the making, in parallel with the alignment of migration and asylum laws and regulations with the EU. This open-door policy toward Syrian refugees can be interpreted in different ways, ranging from humanitarian and religious to political and ethno-cultural drivers. Critically, it must also be seen in connection with Turkey's foreign policy objectives, seeing that the AKP government has so far conceptualized migration and asylum as intertwined with foreign policy.

When the Arab Spring erupted at the end of 2010, Turkey's foreign policymakers were caught off guard. Then Foreign Minister Ahmet Davutoğlu (2013: 866) considered the process a political 'earthquake' in the Middle East. In accordance with this change, Ankara had to reconsider its 'zero problems with neighbors' strategy (see also Torun, Chapter 13), which entailed a combined approach toward cooperative security relations and economic interdependence (Davutoğlu, 2010). The Arab revolutions forced Turkish foreign policy to take on a new role in the 'new' Middle East, although the country did not have the capabilities to be active beyond its role as a model democracy in Muslim societies (Gonzales, 2015).

The transformation of Turkish foreign policy was marked by a shift from a parochial foreign policy structure to a rather imperial one that harked back to Ottoman times. In this context, the AKP cadres—especially Davutoğlu, former prime minister and foreign minister—deliberately made neo-Ottoman and Islamic references to meet supporters' expectations. This new foreign policy imagined a time when peoples could freely interact culturally, economically, and politically, thereby reintegrating a region (the Middle East) that had been artificially fragmented (Davutoğlu, 2001). As Bill Park (2018) put it, Turkey's Kemalist order had been part of a wider and alien regional order that the AKP and the Arab Spring movements promised to replace with a return to 'normality', in which the traditional norms and values of 'the people' would be decisive.

Ahmet Davutoğlu's school of thought was of particular significance in the neo-Ottoman and pan-Islamist transformation of Turkish foreign policy (Özpek & Yaşar, 2018) that sought to expand across three continents—Asia, Europe, and Africa—and to lead to an imperial revival. Davutoğlu took the Arab Spring as a perfect opportunity to change the Western-imposed order associated with the secret Sykes-Picot Agreement of 1916, consisting of artificial borders and nation states in the Middle East (Çınar, 2018). In his speech as foreign minister addressing the ambassadors serving in Ankara in 2011, he represented his ambitions for Turkey as follows:

The Middle East and the Balkans have not seen peace and prosperity since the collapse of the Ottoman Empire. People in these regions are waiting in great expectation from Turkey as the heir to the Ottoman Empire. Reunification between 2011 and 2023 with our brothers in those territories we have lost between 1911 and 1923, and thereby the establishment of a new Middle East would mean the rise of not only Turkey but also the Middle East. (Davutoğlu, 2011, translated from Turkish)

The statement makes clear that Turkey's foreign policy designers initially perceived the Syrian civil war as an outcome of the Arab Spring, offering Turkey opportunities in the Middle East. Under these circumstances, Turkey developed an ambition to become the actor in the Middle East with the potential to shape the political order of the region and applied a more assertive foreign policy. At the early stages of Syrian migration, it linked its foreign policy objectives to open-door and humanitarian asylum policies. However, the failure of Turkish foreign policy in the region, along with the growing number of refugees, ultimately resulted in the revision of this policy toward one based on 'temporary protection', 'voluntary return', and 'burden sharing'.

This transition becomes visible in the rhetorical framing of the situation. At the beginning of the Syrian migration in 2011, Turkey rejected international assistance for its humanitarian effort, aiming to prove that it could deal with matters politically and economically on its own. On international platforms, the cost of the Syrian refugee flow was used to demonstrate Turkey's strength and its role as a model country in the Middle East helping subordinated peoples. In 2012, Turkey started asking, in mild tones, for financial support (Aljazeera Turk, 2012), avoiding the representation of Syrian refugees as a threat or risk in domestic and international

domains, repeatedly calling them ‘guests’ and ‘brothers’ who would one day return to their homeland (Haber7, 2014a). This approach continued until 2015, when the financial burden of the Syrian refugees severely hit Turkey, and when the EU fell into the so-called ‘refugee crisis’.

14.5.2 *Turkey’s Ambition as a Soft Power*

One further important driver for Turkey’s response to the Arab Spring and the Syrian refugee crisis is Turkey’s quest to become a soft power in the region (see also Torun, Chapter 13). This quest, which implies the use of both hard and soft power to attain foreign policy objectives in the region, has radically changed Turkey’s official discourse on becoming a country of immigration. Nye (2011: 20–21) defines soft power as, ‘the ability to affect others to obtain preferred outcomes by the co-optive means of framing the agenda, persuasion and positive attraction’. In this regard, Nye (2004: 11) suggests that there are three building blocks for a country’s soft power that coexist within a multi-actor environment: culture; political values, and a country’s foreign policy.

Following this understanding, creating a visa-free environment can be regarded as contributing to soft power. In this sense, and in line with Turkey’s changing foreign policy toward the Middle Eastern countries in the second half of the 2000s, Turkey abolished visas with neighboring or regional countries, such as Jordan, Lebanon, Syria, and Saudi Arabia, despite these being on the EU’s blacklist and subject to strict visa regulations. Motivated by economic gains from further integration in the region and its power ambitions, Turkey was prepared to de-align its visa regulations with European legislation and de-Europeanize its foreign policymaking processes. This liberal visa regime even triggered discussions about the construction of a new Schengen-like visa-free area in the Middle East (Elitok & Straubhaab, 2010: 7).

The enforcement of the Law on Foreigners and International Protection (Law No. 6458) in 2014 also signifies the ruling government’s quest to leverage the Turkish state’s soft power by using migration and mobility as an important element of its foreign policy. Originally, the law was partly designed to attract an increasing number of qualified foreigners, including students and qualified, skilled labor, to work in Turkey. However, the Syrian refugee crisis delayed the entry of the law into force, and the humanitarian element was later added to this quest in response to the crisis.

14.6 DISCURSIVE FRAMES OF ALIENS: 'MIGRANTS', 'GUESTS', AND 'FOREIGNERS'

The process of de-aligning Turkey's migration and asylum policies from EU norms is also visible in state actors' religious and de-secularized political discourse with regard to the reception of Syrian refugees (Kaya, 2020). The reception of Syrian refugees in Turkey is mainly based on a discourse of tolerance and benevolence driven by path dependent, ethno-cultural, and religious premises dating back to the Ottoman Empire of the late nineteenth century as well as to the establishment of the Turkish Republic in 1920s. The vocabulary that has been used to identify Syrian refugees represents a kind of continuity with regard to the naming of 'migrants', 'guests', and 'foreigners' since the early days of the Republic.

The Law on Settlement (1934) is one of the foundational legal texts defining the ways in which the Turkish state has identified newcomers. It was adopted with the arrival of ethnic Turks in the early years of Republic (T.C. Cumhurbaşkanlığı Mevzuat Bilgi Sistemi, 2006) and continued to be the main legislative text dealing with immigration, determining who can enter, settle, and/or apply for refugee status in Turkey. It also provides individuals of Turkish descent and culture with the opportunity to be accepted as immigrants and refugees in Turkey (İçduygu, 2015b). For instance, Uzbeks, Turkmen, Bulgarian-Muslims, and Uyghurs migrating to Turkey from different parts of the world are referred to as 'migrants' (*göçmen* in Turkish) in the official documents as well as in everyday life, as they are ethnically of Turkish descent. This differentiates them from non-Turkish people, who are labelled 'guest' (*misafir*) or 'foreigner' (*yabancı*).

In the official literature, the term 'guest' has been hitherto used to refer to refugees with Muslim origin but without Turkish ethnic origin coming from outside the European continent. Kurdish refugees in the 2000s and Syrian refugees in the 2010s were regarded as 'guests', since Turkey does not officially accept refugees coming from anywhere except its western boundaries. Bosniak and Kosovar refugees seeking refuge in Turkey in the 1990s were an exception, as they were coming from the western borders of Turkey and had the right to apply for asylum in Turkey in line with Turkey's interpretation of the Geneva Convention's geographical limitation clause. On the other hand, the term 'foreigner' is often used in official texts as well as by the public to refer to those who are neither Turkish nor Muslim. These groups cannot be incorporated into

the prescribed national identity, which is mainly based on what I call the ‘holy trinity’ of Sunni-Muslim-Turkish elements. Accordingly, not only non-Muslims coming from abroad but also autochthonous groups such as Greeks and Armenians are referred to as ‘foreigners’ or ‘local foreigners’ in legal texts (Çetin, 2002).

To this extent, a more recent metaphor to qualify the role that the Turkish state and the pious Muslim-Turks give to Syrians in Turkey has been the *Ansar spirit* (Arabic for helpers). As a metaphor, *Ansar* refers to the people of Medina, who supported the Prophet Mohammad and the accompanying Muslims (*muhajirun*, or migrants) who migrated there from Mecca, which was under pagan control. The metaphor of *Ansar* originally implied a temporary situation, as the Muslims later returned to Mecca after their forces recaptured the city from the pagans (Haber7, 2014b). Hence, the Turkish government has used Islamic symbolism to legitimize its actions on the Syrian refugee crisis. Framing the arrival of Syrian refugees within the discourse of *Ansar* and *Muhajirun* has elevated public and private efforts to accommodate Syrian refugees from a humanitarian responsibility to a religious and charity-based duty (Erdemir, 2016).

Government leaders have consistently compared Turkey’s role in assisting Syrian refugees to that of the *Ansar*. In his speech in Gaziantep, one of the most popular destinations for the Syrian refugees in the Syrian border, then Prime Minister Davutoğlu publicly stated that the inhabitants of Gaziantep are a city of *Ansar*: ‘Gazi[antep] is an Ansar city now. God, bless you all’ (Akşam, 2014). Similarly, President Recep Tayyip Erdoğan used the same discourse in his speeches in 2014 and afterwards:

In our culture, in our civilization, guest means honor, and blessing. You [Syrian guests] have granted us the honor of being Ansar, but also brought us joy and blessing. As for today, we have more than 1.5 million Syrian and Iraqi guests. (Hürriyet, 2014, translated from Turkish)

Deputy Prime Minister Numan Kurtulmuş used similar rhetoric when he introduced the right to work for Syrian refugees under temporary protection:

The reason why the Syrian refugees are now settled in our country is hospitality and Ansar spirit that our nation has so far adhered to. There are other countries that cannot do anything when encountered with a few

hundred thousands of refugees. But contrary to what the rich and prosperous countries could not do for the refugees, our country did its best for the refugees as a generous host, friend, brother and neighbor. (Sözcü, 2016, translated from Turkish)

The problem is that by framing their efforts on behalf of Syrian refugees as an act of benevolence, Turkey's assistance is based on laws of religious charity rather than on universal laws of human rights. Bureaucrats working in the migration sector have also embraced such a religious-based discourse with regard to the reception of Syrian refugees in Turkey.

14.7 CONCLUSION: DE-ALIGNMENT FROM EU NORMS

This chapter has revealed the development of Turkey's asylum and migration policies under the impact of different influences, including international sources, historical roots, the EU accession process, and recent crisis situations in the Middle East. The Arab Spring coupled with the civil war in Syria directly impacted Turkey's foreign policy aspirations in connection with its migration and asylum regime, and triggered Turkey's quest to become a 'soft power' in the region. In line with its aspirations to become a pivotal power in the region, Turkey's migration policies have become more liberal and humanitarian.

In terms of EU–Turkey relations, there were contradictions in Turkey's migration policies caused by the processes of Europeanization and de-Europeanization. The most prominent result of Europeanization was the formation of the Law on Foreigners and International Protection (Law No. 6458) (2013). However, the Europeanization of management of migration and asylum in Turkey was interrupted by growing pressure from Syrian mass migration. The religious-based and de-secularized discursive frames used by the AKP government and relevant state actors in relation to Syrians residing in Turkey led to the de-Europeanization of migration and asylum processes. It went hand in hand with the processes of Islamization and de-secularization of Turkish foreign and domestic policymaking.

The EU–Turkey Statement (European Council, 2016) confirms the strong impetus toward cooperation between the two sides. However, this chapter has revealed that the source of cooperation between the two sides is not shared values or the process of convergence, but mutual interests (see also Tekin, 2021, Chapter 7; Turhan & Wessels, 2021, Chapter 8).

The EU–Turkey Statement is therefore rather an indication of Turkey’s de-Europeanization process. The incidents that occurred during the opening of European borders by Turkey for the passage of irregular migrants and their push back by the Greek security forces and Frontex showed that the statement has excluded relevant voices, or has only heard them in part. Greece and the Western Balkan countries have been strongly affected by the deal. More importantly, the deal has been indifferent to the concerns of migrants themselves. It harms the needs of the most vulnerable—Syrians and other irregular migrants in Turkey—by subjecting them to the precarious Turkish protection system, or by not helping them to resettle in the EU. In other words, the deal indicates that the ‘principle-based normative EU’ was partly replaced by an ‘interest-based EU’.

The EU–Turkey Statement also shed light on the role of the European institutions in the development of migration and asylum policy in EU–Turkey relations. The statement caused great controversies surrounding its legal nature, and has neglected the role of the European Parliament and the European Court of Justice as guarantors of EU norms and values. The EU institutions originally agreed that the EU–Turkey Statement is not an international agreement and not an EU act either. This position was taken not only by the European Council and the Council, but also by the European Parliament and the Commission. EU institutions and representatives did not always seem convinced of their ultimate position on the legal nature of the statement. Eventually, in a debate held within the European Parliament in 2016, the EU–Turkey Statement was considered an international agreement concluded by the European Council, acting on behalf of the EU (European Parliament, 2016). All these controversies show that the European Council is often more decisive in the formation of migration and asylum policies between the EU and Turkey than the Parliament, the Commission, or the European Court of Justice (see also Reiners & Turhan, 2021, Chapter 16).

Within Turkey, growing animosity and hatred have been observed against the Syrians in the country, which has been politically and socially fragmented, economically weakened, and institutionally destabilized after the inception of the presidential system in April 2017. The growth of socio-economic and political problems in Turkey seems to have increased intolerance among Turkish citizens toward all kinds of refugees and migrants, exacerbating racist, xenophobic, and Arab-phobic sentiments in

the country. Current developments in Turkey with regard to the perception of refugees by the majority of Turkish citizens indicate that Turkey is now on the verge of starting a new chapter called ‘Turkey’s refugee crisis’ (Kaya, 2020).

As of today, the EU and Turkey seem to have lost their trust in each other in the course of time, shifting from peaceful cooperation to conflictual cooperation on various agenda items such as migration, energy, and security (Saatçioğlu et al., 2019). EU member states have shown, and continue to show, reluctance to share the responsibility of refugees not only with other member states such as Greece and Italy, but also with Turkey. Meanwhile, Turkey opted for instrumentalizing refugees in order to reach its foreign and economic policy objectives. This constellation of actors and interests is complex and not easy to resolve. But the joint challenges also demonstrate the potential for common approaches of the EU and Turkey toward the Middle East to improve the situation of refugees and migrants and to address the causes of flight from Syria and beyond.

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EU–Turkey Energy Dialogue: Moving Beyond the Accession Negotiations Framework

Nicolò Sartori

15.1 INTRODUCTION

During the last two decades, both Europe and Turkey have perceived energy as a key area of mutual strategic interest. Before the political stalemate took hold at the end of the 2010s, Ankara and Brussels not only regarded energy as a domain of policy convergence but also considered it a fundamental platform upon which to strengthen their overall bilateral dialogue.

Energy security,¹ specifically the diversification of gas supplies, is certainly one of the key areas of bilateral cooperation starting from the 2000s. Since 2003, Turkey has been at the center of the European

¹The International Energy Agency (IEA) (2020) defines energy security as the uninterrupted availability of energy sources at an affordable price.

²The Southern Gas Corridor is an initiative launched by the European Commission to establish a pipeline network aimed at improving the security and diversity of the EU's energy supply by bringing to Europe natural gas from the Caspian and the broader Middle East region.

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Union's (EU) most ambitious external energy policy initiative, the realization of the Southern Gas Corridor (SGC).² Meanwhile, Ankara has repeatedly presented its 'contribution to Europe's energy security' as one of the key priorities of its own national energy strategy (Koranyi & Sartori, 2013).

Despite such a strong focus, EU–Turkey energy dialogue has extended across a wide range of increasingly complex and sensitive issues beyond security of supply concerns, such as the convergence and integration of electricity and gas markets and their adaptation to ambitious decarbonization and sustainable development objectives undertaken at the EU and global levels. Although Brussels and Ankara have not yet been able to launch similarly strong initiatives in these domains, some cooperative bilateral efforts—e.g., in the case of electricity, market liberalization—have moved forward. The alignment of Turkey's energy legislation with the *acquis communautaire* is indeed a key factor to ensuring that Ankara will be able to become a fundamental enabler of energy security and a strategic energy partner for the EU for the benefit of both partners.

In this context, the chapter explores the evolution of energy relations between Turkey and the EU starting from the beginning of the 2000s, paying specific attention to the key energy policies and the main bilateral dynamics in place in the energy domain. It analyzes the energy profiles and interests of Brussels and Ankara in order to evaluate whether or not the EU and Turkey have adopted mutually beneficial initiatives that foster convergence³ between the parties. On the one hand, the chapter focuses on the longstanding debate on energy security and on the narrative of Turkey as an 'energy bridge'.⁴ On the other hand, it examines specific bottom-up technical/regulatory cooperation, the outcome of which can effectively foster the integration of the two markets, thereby guaranteeing more secure, competitive, and sustainable energy flows to European and Turkish citizens and firms. Finally, it assesses the results achieved by the

³The concept of convergence includes the alignment and joint definition of strategies, policies, and measures between the EU and Turkey in the energy domain.

⁴Due to its strategic location between abundant energy resources located in the Caspian/Middle Eastern region and the European markets, Turkey can play a role as 'bridge' (both in physical and political terms) to facilitate the oil and—particularly—gas transit from producers to consumers. While the term 'bridge' mainly refers to Turkey's transit role, the concept of 'hub' defines the capacity of the country to play an either physical or virtual trading role between producers and consumers but also consumers themselves.

institutional initiatives established by Brussels and Ankara in order to strengthen cooperation in the energy domain, including the effort to engage Turkey in the framework of the ‘Energy Community’, the launch of the ‘EU-Turkey Positive Agenda’ and the ‘EU-Turkey High Level Energy Dialogue and Strategic Energy Cooperation’.

15.2 ENERGY PROFILES AND POLICIES

The EU and Turkey are engaging in necessary energy transition processes driven by decarbonization commitments and technological developments. Both are organizing their energy policies around the same three key objectives: competitiveness, security of supply, and sustainability.⁵ However, due to different energy profiles (i.e., energy sources available; demand growth patterns) and diverse priorities regarding time and varying levels of ambition toward realizing these three objectives, the energy policy convergence between the two partners is still partial and limited to certain domains.

Looking at Europe, since the end of 2009 the EU economy has struggled to fully recover, with clear implications for energy demand. Due to the joint effects of the economic crisis and its ambitious decarbonization policies, the EU’s primary energy consumption dropped dramatically from its 2006 peak; in 2014, it reached levels last seen before the 1990s, only slightly rebounding since 2015 (Eurostat, 2017). According to forecasts from the European Commission (EC), the bloc’s energy demand is projected to decline steadily until 2040, at which time it is likely to stabilize (European Commission, 2016a).

Responding to these significant energy transformations, in 2015 the Commission’s Energy Union strategy crystalized the EU’s multidimensional approach aimed at transforming the EU’s current fossil fuel-based, centralized, and outdated energy system into one which is low-carbon, flexible, and efficient. The EU’s approach is based on five mutually reinforcing and closely interrelated dimensions: energy security (where

⁵Since the release of the ‘Green Paper: A European strategy for sustainable, competitive and secure energy’ (European Commission, 2006), the EU has based its energy policy on the three pillars ‘competitiveness’, ‘security’, and ‘sustainability’. In Turkey the three concepts are identified as the main elements of the national energy strategy (Republic of Turkey Ministry of Foreign Affairs, 2011).

EU–Turkey relations are expected to play a key role); market integration; energy efficiency; decarbonization; research, innovation, and competitiveness (European Commission, 2015a).

In such a context of declining demand and growing concerns about the effects of climate change, the EU committed itself to an increasingly ambitious process of energy transition and decarbonization. Europe is the prime mover and global leader in the fight against climate change, and it expects to maintain this role in the years and decades to come, as confirmed during the United Nations Conference of the Parties (COP21) held in Paris in December 2015 (UNFCCC, 2015a). This was reiterated in the debate on the 2050 Long-term Strategy, offering a vision for a prosperous, modern, competitive, and climate-neutral economy by 2050 (European Commission, 2018a). This objective is further strengthened by the ‘European Green Deal’ initiative launched in 2019 by the new von der Leyen Commission. The Green Deal aims at radically transforming the entire European socio-economic system, starting from the energy sector, in order to become a carbon neutral economy by 2050 (European Commission, 2019a). At the same time, Brussels is wholly focused on the liberalization of member states’ energy markets and their full integration into a unique single European market, the realization of which represents a precondition for any effective energy security effort—which remains, in any case, high on the agenda at the EU level.

In regard to Turkey, from 2000 to 2014 Turkey was one of the fastest growing economies in the world, with annual growth rates averaging around 5%. In this context of economic vitality, energy demand skyrocketed: electricity consumption increased by almost 90%, while gas demand grew from 22 billion cubic meters (bcm) to 49 bcm in this period (Enerdata, 2019). Over the last few years Turkey’s economy has slowed down compared to the boom started in the 1990s,⁶ but energy fundamentals remain strong as well as the concerns about the sustainability of the country’s energy sector. This is, first, because energy demand, despite macro-economic trends, is projected to expand at a fast pace so as to satisfy not only economic activities but also the increasing living standards of Turkish citizens. Second, the dependence of Turkey on external hydrocarbon supplies (imports already account for 91% of

⁶From 2004 to 2014 the GDP of Turkey grew—excluding the effects of the 2008 financial crisis—on average, by 8% per year. Since 2014 the Turkish economy experienced a relevant degree of volatility, with GDP growth bottoming to 3.2% in 2016.

total oil demand and 99% of domestic gas consumption) is expected to continue and possibly increase (Şengül, 2019).

In the context of Turkey’s extreme dependence and vulnerability *vis-à-vis* exporters, Ankara’s focus on policies toward energy security and diversification of supply at the domestic, regional, and international levels is sensible (Republic of Turkey Ministry of Energy and Natural Resources, 2014a). To achieve this, Ankara envisages, on the one hand, the deployment of nuclear plants and the revival of coal-based electricity generation promoted by a new energy strategy (Anadolu Agency, 2017), which is expected to satisfy the country’s growing electricity demand and reduce natural gas usage. On the other hand, Ankara has developed an ambitious regional integration plan centered on the transit of hydrocarbons. In the oil sector, such a plan was materialized thanks to the Baku-Tbilisi-Ceyhan pipeline in 2006 and the Kurdistan Regional Government pipeline in 2013. In the gas domain, the realization of the Trans-Anatolian Natural Gas Pipeline (TANAP)—transporting resources from Azerbaijan and, potentially, from other sources in the Eastern Mediterranean and the Middle East—is the cornerstone of Turkey’s strategy to diversify its supply and, potentially, to becoming a regional gas trading hub.

Along with energy security initiatives, Turkey is moving ahead—though at a different pace and with different levels of ambition—on EU-inspired market reforms and decarbonization policies. In particular, Ankara has achieved significant results in the electricity sector’s liberalization process, as Turkey’s adoption of a new Electricity Market Law in 2013 (Official Gazette, 2013) is largely compliant with the EU’s Third Energy Package (TEP).⁷ The situation is different with gas as the Gas Market Law adopted in 2001 (Official Gazette, 2001) has yet to be fully implemented, and moreover, its amendment process—in order to comply with the new rules introduced by the TEP in 2009—has been blocked in the Turkish Grand National Assembly since 2014.

Finally, in line with its ‘Vision 2023’ strategy, the Turkish government adopted a set of mid-term energy targets further defined in a number of

⁷ Adopted in 2009, the Third Energy Package consists of two directives and three regulations. The directives concern common rules for the internal market in gas (2009/73/EC) and for the internal market in electricity (2009/72/EC). The three regulations concern the conditions for access to the natural gas transmission networks ([EC] No. 715/2009), the conditions for access to the network for cross-border exchange of electricity ([EC] No. 714/2009), and the establishment of the Agency for the Cooperation of Energy Regulators (ACER) ([EC] No. 713/2009).

national action plans on energy efficiency, renewable energy, and climate change. Turkey's objective is to increase its share of renewable energy in the electricity generation mix to at least 30%, increasing wind power up to 20 GW and solar up to 3 GW (Republic of Turkey Prime Ministry, n.d.). In addition, the government set a 20% energy efficiency target for the period from 2011 to 2023. Regarding the fight against climate change, at the COP21 Turkey committed to a reduction of up to 21% of its greenhouse gas emissions by 2030 (UNFCCC, 2015b). This target, however, is not considered to be in line with interpretations of a fair approach to reaching a 2 °C pathway and is well below the country's effective decarbonization potential (Climate Action Tracker, 2019). Despite these plans, the implementation of decarbonization policies is partial and largely remains on paper, as demonstrated by Turkey's unwillingness to ratify the Paris Agreement and its renewed emphasis on the use of lignite and coal by then Turkish Minister of Energy and Natural Resources Berat Albayrak and confirmed by the current minister, Fatih Dönmez (Hürriyet Daily News, 2018).

15.3 TURKEY'S CONTRIBUTION TO EUROPEAN ENERGY SECURITY

As already stressed, in the last two decades EU–Turkey bilateral cooperation in the energy domain has mainly focused on security of supply, specifically on the diversification of gas sources, as a result of the need of both parties to access new, secure sources of gas and to open transit routes.

With the rapid emergence of energy security concerns in the EU at the beginning of the 2000s, the value of Turkey as an energy bridge between East and West appeared clear. In this context, the EC's launch of the SGC—the pipeline network running from the gas-rich Caspian basin to the EU, thereby bypassing Russian territory—in 2003 expanded the EU's energy cooperation with Turkey to the gas sector and granted Ankara a central role in Europe's energy diversification strategy.⁸ Meanwhile,

⁸The key role of Turkey as a transit country first resulted in the implementation of the 1994 international agreement on the joint development of the ACG oil fields in the Azerbaijani sector of the Caspian Sea. The transit through Turkish territory allowed Azerbaijani oil to bypass the congested Bosphorus, ensuring a secure and profitable way to reach international markets.

Turkey's outstanding economic growth led to the previously mentioned extraordinary increase in domestic energy demand, forcing Ankara to expand its gas supplies from abroad, particularly from Russia, which became the top energy provider for the Turkish market. Given the political drift between Russia and the EU following the 2013 Ukraine crisis, strengthening energy ties between Moscow and Ankara became a major concern for Brussels' agenda. Growing anxiety about the use of Russia's energy abundance as a weapon aimed at Europe encouraged Brussels to develop its first ever Energy Security Strategy and to establish the Energy Union initiative. The strengthening of ties with Ankara, with the main goal to limit Moscow's energy leverage on its member states (particularly in Central and Eastern Europe), was part of this vision (European Commission, 2014a).

From the Turkish perspective, energy cooperation—particularly the realization of the SGC as a key element of Ankara's strategic relations with the EU—has been progressively revised over the past twenty years. In the first decade of the new century, high level officials in Ankara repeatedly stressed Turkey's indispensable role for European energy security and its contribution to strengthening the country's position in the EU accession process. Up until 2010, the 'membership perspective and the [...] accession negotiations with the EU [have been] a driving force for the realization of joint projects which will enhance the supply security of Turkey and the EU' (Koranyi & Sartori, 2013: 4). However, the progressive freezing of negotiations and the uncertain status of the accession process—considering the high political value Ankara attaches to energy cooperation with the EU—have negatively impacted the evolution of the bilateral energy dialogue. Although formal institutional cooperation frameworks and initiatives are still in place and the role of Turkey as a key transit country has never been called into question, the balance of power between regional actors has effectively changed the trajectory of the SGC. Throughout the last decade, the nature of the Corridor has been reviewed on a number of occasions for political, geographical, industrial, and commercial reasons, and its current structure is very different from the one initially envisaged.

According to Brussels' original plans dating back to 2003, the Corridor was supposed to be based on 'the integration of multiple pipeline systems which would [have] transport[ed] gas not from a single supplier but from multiple sources' (Demiryol, 2013: 116). In theory, these sources had

to include not only Azerbaijan, but also Iran, Iraq, and other potential suppliers from the broader Middle East and North Africa region. In the Commission's original proposal, the flagship project to enable the SGC was the 3825-km Nabucco pipeline, aimed to deliver 31 bcm annually to Southeast and Central Europe (RWE, 2009). Turkey's territory, which the pipeline would cross from east to west, was central to enabling the plan and delivering the Caspian gas supplies to the city of Baumgarten in Austria. However, due to commercial and financial shortcomings—namely the lack of supplies in the early years and the insufficient gas demand in the Central European target markets—Nabucco (and its successor initiative, Nabucco West⁹) failed to gain the support of the Shah Deniz-producing consortium and was aborted. As an alternative to Nabucco, the Trans-Adriatic pipeline (TAP) was selected to deliver Azerbaijani gas from the Turkish/Greek border to Italy via Greece and Albania (Sartori, 2013).

Turkey, the strategic priorities of which had changed during the years, played a direct role in determining the Nabucco's death sentence: Ankara was in fact first in line, along with Azerbaijan, in proposing the realization of TANAP,¹⁰ which effectively replaced Nabucco for the transportation of Shah Deniz gas from the Georgian–Turkish border to the Turkish–European one (where it connects to TAP). The Turkish company BOTAŞ, with 30% of the shares, is one of the key stakeholders in the 16-bcm/year pipeline (which will gradually be increased to 24 bcm). Other companies involved include the Baku-controlled Southern Gas Corridor Closed Joint Stock Company, with 58% of the shares, and British Petroleum with 12%.¹¹

The launch of TANAP certainly boosted the implementation of the SGC, frustrated for years by the commercial fragility of Nabucco. At

⁹In May 2012, the Nabucco consortium revised its original plan, putting forward a shorter, cheaper, and less capable pipeline—Nabucco West—to transport Azerbaijani gas from the Turkish-Bulgarian border to Central Europe.

¹⁰The realization of TANAP was sanctioned by the signature of a memorandum of understanding between Azerbaijan and Turkey on 24 December 2011, followed by an intergovernmental agreement and the 'Host Government Agreement' on 26 June 2012.

¹¹The SGC was created under the terms of an Azerbaijani presidential decree as the vehicle to consolidate, manage, and finance the country's interests in relation to Shah Deniz, SCP, TANAP, and TAP. The Republic of Azerbaijan, through its ministry of economy, owns 51% of the SGC's equity, while the remaining 49% is held by the State Oil Company of the Azerbaijan Republic (SOCAR) which is entirely owned by Azerbaijan.

the same time this represented a significant turn from the plan initially conceptualized by Brussels. In the new framework, upstream companies that are members of the Shah Deniz consortium took center stage of the SGC initiative, replacing the group of European companies expected to run Nabucco and control the transport of the gas supply from Azerbaijan to Europe. Due to changing domestic energy priorities, particularly relating to the need to secure additional volumes of gas, and intensified political clashes with the EU, Turkey revised the nature of its contribution to the SGC. This shift contributed to downscaling the EU's role in the regional energy game, with potentially disadvantageous long-term consequences for both Turkey and the EU as gas customers *vis-à-vis* an empowered Azerbaijan.

Despite the reshuffle of the Corridor, regional energy cooperation remains a mutual area of interest for both the EU and Turkey, which are trying to keep the subject at the top of their energy agenda. This was initially demonstrated by the 'EU-Turkey High Level Energy Dialogue and Strategic Energy Cooperation' launched in 2015 as a platform for regular exchange of information on energy cooperation at the global and regional level for the benefit of both sides (Tagliapietra & Zachmann, 2015). However, the High Level Energy Dialogue was then blocked after the rising tensions between the EU and Turkey given the developments in the Eastern Mediterranean.

The Eastern Mediterranean is indeed a matter that could lead to a new low in bilateral energy cooperation (Tziarras, 2019). Tensions in the region started to rise after a number of gas discoveries were made by Eni and ExxonMobil off the coast of Cyprus between 2018 and 2019. Consequently, Ankara decided to dispatch drilling exploration ships escorted by Turkish military vessels in the area in order to run exploration activities in waters claimed by the Republic of Cyprus (Küçükgöçmen, 2019).

15.4 INSTITUTIONAL DIALOGUE AND POLITICAL DEVELOPMENTS

As mentioned above, Turkish authorities have constantly associated bilateral energy cooperation with Ankara's EU accession process. Energy is among the 35 policy areas of the *acquis communautaire*, also called 'chapters', covered by the negotiation process in place between the EU and Turkey since October 2005 (see also Lippert, Chapter 11). Negotiations

on the energy chapter (also known as Chapter 15) cover EU legislation related reform of the internal electricity and natural gas markets, the implementation of energy efficiency measures, the integration of renewable energy resources in the energy mix, the strengthening of security of energy supply policies, and the improvement of nuclear safety.

Turkey's expectation to become a member of the EU has been a driving factor in its efforts to restructure the national energy sector. Since 2001, Ankara has been taking important steps toward this by adopting and implementing a number of EU-derived regulations in order to ensure its compliance with the *acquis* and to establish liberalized and competitive market structures and a business-friendly environment. These include the adoption of the Electricity Market Law No. 4628 and the Natural Gas Market Law No. 4646, together with the establishment of the Energy Market Regulatory Authority (EMRA) in 2001.¹² The government also introduced laws for the Utilization of Renewable Energy Resources (No. 5325) in 2005¹³ and for Energy Efficiency (No. 5627) in 2007.¹⁴ The 2015 adoption of the Law No. 6446 amending the electricity market legislation contributed to significant improvements in the sector.¹⁵

Despite evident mutual interests, the advancements achieved, and the periodic institutional calls both from Brussels and Ankara for the opening of the energy chapter, negotiations on this chapter have been blocked by Cyprus since 2009, and the screening report adopted in 2007 was vetoed

¹²These laws aim at liberalizing the electricity and natural gas markets, respectively, in order to create financially sound, stable, and transparent markets and to ensure supply of electricity and natural gas at competitive prices to consumers in a regular and environmentally sound manner under competitive conditions.

¹³The law aims to expand the utilization of renewable energy sources for generating electric energy, encompassing the procedures and principles of the conservation of renewable energy resource areas, and certification of the energy generated from these sources as well as utilization of these sources.

¹⁴The law covers principles and procedures applicable to increasing and promoting energy efficiency in energy generation, transmission, distribution and consumption phases at industrial establishments, buildings, power generation plants, transmission and distribution networks and transport.

¹⁵The new law does not abolish the former Electricity Market Law 4628 but instead reorganizes the former law to regulate the powers and duties of the Energy Market Regulatory Authority (EMRA), introducing new measures such as the pre-licensing system for generation companies and the Energy Market Operation Corporation (EPIAŞ) to carry out the market operation activities.

by Cyprus in the Council of the EU.¹⁶ In addition to this, since the middle of the 2010s the entire accession negotiation process has experienced significant delays due to weakening bilateral relations between the EU and Turkey, culminating in the 2016 European Parliament’s resolution which called on the Commission and the member states to ‘initiate a temporary freeze of the ongoing accession negotiations with Turkey’ (European Parliament, 2016: para. G.1; see also Kaeding & Schenuit, Chapter 10). The resolution was followed by a number of decisions adopted by the Council, including the conclusions to halt any kind of progress on the chapters (Council of the EU, 2018) and to suspend all high level dialogues, including the one related to energy, after the aggressive approach adopted by Ankara in the Eastern Mediterranean (Council of the EU, 2019). Despite attempts to keep the dialogue alive, one cannot be fully optimistic about future prospects for formal EU–Turkey energy cooperation in such a political landscape. Not opening the energy chapter naturally encourages a less cooperative stand on this issue by Ankara, as demonstrated in the case of the SGC and TANAP. The political and institutional stalemate places limits on the scope and timing of EU–Turkey energy policy coordination as well as on the market, which requires cross-border infrastructure together with a stable, transparent common legal and regulatory framework, particularly in the sensitive gas sector.

In order to bypass the political bottlenecks slowing down the transfer and implementation of EU energy legislation in Turkey, Brussels and Ankara have tried to adopt alternative institutional initiatives in order to promote energy cooperation outside the framework of accession negotiations. Brussels’ attempt to persuade Turkey to join the Energy Community—whose contracting parties commit themselves to implementing the relevant EU *acquis* on energy, environment, and competition—has been the first EU attempt to decouple deeper energy cooperation from the accession process.¹⁷ But throughout the years, the EU initiative has been

¹⁶The screening report results from the screening analysis, through which EU legislation in the relevant chapters and Turkish legislation are compared, with the report identifying those areas where compliance is high and those where further policy and legal harmonization is expected. The screening report forms the very basis of the Commission’s Draft Common Position for the chapters to be negotiated (see also Lippert, Chapter 11).

¹⁷The Energy Community Treaty, in force since June 2006, is an EU initiative to extend internal energy market toward third countries in the Eastern and South Eastern neighborhood in order to enhance full market integration. Along with the EU, contracting parties include Albania, Bosnia-Herzegovina, the Republic of North Macedonia, Kosovo,

repeatedly rejected by Ankara, which refused (and keeps refusing) the idea of unilaterally aligning with EU energy legislation as it prefers to link the process to deeper political dialogue with Brussels in the perspective of full EU membership status (Aydın-Düzgit & Tocci, 2015). For the Turkish government, the Energy Community option would be adequate for countries not eligible for EU membership but not for an accession candidate such as Turkey. Candidate countries are expected to align with the EU energy *acquis* through the energy chapter negotiations and not in the framework of a parallel cooperation framework such as the Energy Community.

With an eye to overcoming Turkey's concerns about its participation in the Energy Community as an alternative to accession and the stand-off in negotiations, in May 2012 Brussels launched the 'EU-Turkey Positive Agenda' (European Commission, 2012a). The objective of the initiative was to reinforce accession talks by fostering cooperation and practical activities in a set of sectors of mutual interest, including energy.¹⁸ The focus on energy was confirmed by the June 2012 joint statement of EU Commissioners Günther Oettinger and Štefan Füle with then Turkish Ministers Egemen Bağış and Taner Yıldız, titled 'Turkey-EU Positive Agenda: Enhanced EU-Turkey Energy Cooperation' (European Commission, 2012b). The Agenda covered six areas of mutual concern, aiming to contribute to deepening bilateral energy relations through the following areas: long-term perspectives on energy scenarios and energy mix; market integration and development of infrastructures of common interest; global and regional energy cooperation; promotion of renewable energy; energy efficiency and clean energy technologies; nuclear safety and radiation protection. Turkish authorities perceived the launch of the EU-Turkey Positive Agenda initiative as a renewed European attempt to dissociate energy cooperation from the increasingly problematic issue of Turkey's accession to the EU. Despite the attempts of the Commission to clarify that the Agenda was not aimed at replacing Turkey's accession process but rather at supporting the country's integration into the EU

Moldova, Montenegro, and Serbia. Georgia is currently a candidate country, while Armenia, Norway, and Turkey maintain their observer status.

¹⁸Other areas of cooperation addressed by the EU-Turkey Positive Agenda include political reforms, alignment with the *acquis*, dialogue on foreign policy, visas, mobility and migration, trade, counterterrorism, and participation in EU programs.

energy system, the initiative has been unsuccessful since the beginning (see also Bürgin, Chapter 9).

In order to revitalize institutional cooperation in the energy domain within the context of mounting political distrust, in March 2015 Commission Vice President Maros Sefcovic and former Turkish Minister for Energy and Natural Resources Taner Yıldız launched the aforementioned EU–Turkey High Level Energy Dialogue and Strategic Energy Cooperation. Again, the parties tried to emphasize that the initiative aims to complement and support Turkey’s accession process and does not seek to substitute or bypass it. The success of the initiative is, however, mixed—despite the initial optimism and the two meetings held between the end of 2015, in the context of the COP21 in Paris, and in 2016, when then Turkish Minister for Energy and Natural Resources Berat Albayrak and EU Commissioner for Climate Action and Energy Miguel Arias Cañete convened in Istanbul (European Commission, 2016b). Since 2016 no new meetings have been organized, while the meetings of all sectoral high level dialogues—including the energy-related one—remain suspended.

15.5 EXPANDING COOPERATION BEYOND ENERGY SECURITY

Despite the fluctuations and the current stalemate in the EU–Turkey institutional energy dialogue, bottom-up technical/regulatory cooperation keeps moving forward. In particular, market integration is progressively taking shape, specifically in the electricity domain, where the results achieved are particularly prestigious and have established concrete market convergence between Ankara and Brussels.

Trial activities for the synchronization of Turkey’s electricity network with the Continental Europe System began on 18 September 2010, and five years later, in April 2015, the Turkish Electricity Transmission Company (TEİAŞ) and the continental European members of the European Network of Transmission System Operators for Electricity (ENTSO-E) signed a long-term agreement on permanent synchronous operations. In this framework, TEİAŞ agreed to apply the network codes developed by the EU for the electricity market and their permanent connection to the Continental Europe Synchronous Area to allow free electricity trade

through interconnections with Greece and Bulgaria.¹⁹ In addition, in January 2016 ENTSO-E granted ‘observer member status’ to TEİAŞ, a condition that allows the Turkish system operator to attend the meetings of the association’s groups and task forces, thereby confirming its compliance with the *acquis* in most aspects of transmission system operations, including third party access rules and transmission network regulations, effective and market-based balancing mechanisms, and auctioning of interconnector capacities (included in Directive 2009/72/EC).

In the context of growing technical cooperation, in March 2014 TEİAŞ also contributed to the launch of the Coordination Auction Office in South East Europe (SEE CAO). SEE CAO is a joint network of ten Southeast European countries aimed at optimizing cross-border capacity allocation and harmonizing the different national congestion management methods from Croatia in the north to Turkey in the south. Since September 2015, the monthly interconnection capacities between Turkey and Greece have been allocated in a regionally coordinated manner through SEE CAO mechanisms, which in 2016 were extended to allocations of yearly bilateral capacities in order to strengthen cooperation.

As part of this progressive convergence with EU standards, over the last few years Turkey has privatized the distribution segment and most generation assets. In addition, thanks to the efforts of EMRA, 85% of the market was opened in 2015 (World Bank, 2015). Organized wholesale operations in the market are carried out by EXIST (Energy Exchange Istanbul, EPIAŞ), the Turkish energy exchange, which operates day-ahead and intra-day electricity platforms, while the electricity transmission company TEİAŞ is now unbundled and the electricity distribution activities are privatized.

The integration of the European and Turkish gas markets remains partial, though some progress has occurred (European Commission, 2018b). Although the Turkish Natural Gas Market Law and the relevant secondary legislation adopted by Ankara are broadly in line with the main provisions of Directive 2003/55/EC on internal natural gas market liberalization (including some progress on tariffs and organized

¹⁹ Under this scheme, Turkey can currently export 400 megawatts of electricity and import 550 megawatts of electricity from the European network, amounts that are expected to increase to 1000 megawatts in the future.

wholesale markets) the *acquis* targets have not yet been fully achieved.²⁰ In addition to this gap, it has to be stressed that the current Turkish legislation is not aligned with Directive 2009/73/EC,²¹ as the new draft law aimed at enhancing competition on the natural gas market has been languishing in the Turkish Parliament without being discussed since 2014. The unbundling of gas activities lags behind EU standards due to the national incumbent, BOTAŞ, that maintains a dominant position in the supply, trade, storage, wholesale, and transmission segments, as well as a large controlling share (between 80 and 90%) of the country's import capacity. This situation has a negative impact not only on Turkey's ambition to become a regional gas-trading hub but also on the performance of the electricity market, as by June 2019 natural gas contributed to almost one-third of total power generation capacity (Republic of Turkey Ministry of Energy and Natural Resources, 2018).

A positive development was the launch of Turkey's natural gas spot trading platform in September 2018, operated by the EXIST Energy Exchange. The platform enables spot market transactions in natural gas, balancing transactions and reconciling imbalances, but its effectiveness is still limited by the dominant position of BOTAŞ in the Turkish market (European Commission, 2019b).

The integration of energy markets and the development of infrastructure are also supported within the framework of the EU's Instrument for Pre-accession Assistance (IPA) to Turkey (European Commission, 2014b). Funds allocated through the IPA II (2014–2020) scheme aim to strengthen *acquis* alignment in the areas of electricity and gas, addressing in particular the modernization and upgrading of the Turkish Gas Transmission System in line with European Network of Transmission System Operators for Gas. This includes the soft supply equipment for the supervisory control and data acquisition system, as well as the harmonization of the Turkish gas and electricity codes with relevant EU network codes (European Commission, 2015b).

²⁰ Authorization in terms of licensing according to pre-defined, non-discriminatory conditions, legal unbundling of transmission activities from other energy activities, approval of regulated tariffs, and third-party access to networks, LNG and storage facilities by EMRA diminishing eligibility limits and settlement of disputes by EMRA.

²¹ Unbundling of transmission operators, rules on designating a distribution system operator, combined operator, monitoring reports on security of supply, protection of vulnerable customers, exemptions concerning new infrastructure.

Finally, EU–Turkey coordination is taking place—though at a much slower pace—also in the renewables and energy efficiency sectors. As a candidate country, in December 2014 Turkey published its National Renewable Energy Action Plan for the period 2013–2023. This was seen as a sign of Ankara’s commitment to renewable energy objectives, thereby conforming to Directive 2009/28/EC and EU norms in general. The Action Plan analyzes the current situation and challenges to the development of renewable energy, identifies national targets, and defines the actions needed to achieve them (Republic of Turkey Ministry of Energy and Natural Resources, 2014b). In 2017, in order to comply with the Energy Efficiency Directive 2012/27/EU, Ankara published its National Energy Efficiency Action Plan. The plan expects the country to achieve a 14% reduction of primary energy consumption by 2023, committing to investing almost 11 billion USD in energy efficiency measures to reach the target (Republic of Turkey Ministry of Energy and Natural Resources, 2017). In 2019, good progress was registered in the renewables sector with the launch of three large tenders in photovoltaics and onshore and offshore wind energy generation (European Commission, 2019b).

The effective establishment of cooperation mechanisms in the renewables sector depends on the degree of alignment with EU legislation and, in general, on the progression of the high level dialogue—the most adequate platform to advance strategic convergence in this domain. Adoption of the EU *acquis* would entail the necessity of Turkey to set an overall renewable energies target in line with the methodology applied to EU member states and the Energy Community Contracting Parties, in exchange for which the country would benefit from access to the cooperation mechanisms set up under EU legislation such as statistical transfers, joint projects, and joint support schemes. As an alternative to such formalized cooperation schemes, Art. 9 of the Directive 2009/28/EC refers to ‘joint projects with third countries’, which would allow Turkey (as well as other EU neighbors) to strengthen its (their) renewable energy sector through financial assistance, technological support, and/or capacity development.

15.6 THE WAY AHEAD

At first glance, EU and Turkey energy interests and priorities—mainly determined by the common ‘security-sustainability-affordability’ mantra—appear to be leading Brussels and Ankara down a virtuous path

toward bilateral cooperation. However, the parties are still quite different in terms of their energy and climate profiles and far from fully aligned when it comes to key interests and policy priorities. The European Green Deal launched by the Commission in December 2019 further amplifies the diverging paths between Brussels and Ankara in this domain.

While the need for strengthening energy security and diversification of gas supplies justifies deepening ties between the EU and Turkey, progress in this domain remains uncertain due to Ankara's specific coupling of its role as Europe's energy security partner with the success of its EU accession negotiations. The realization of TANAP and the advancement in the completion of the SGC are certainly positive aspects of the EU–Turkey energy relationship. However, Ankara's full alignment with Europe's energy security priorities is far from reassuring, in particular in view of the rising tensions around Ankara's hydrocarbon exploration activities off the coast of Cyprus.

At the same time, however, bottom-up technical/regulatory collaboration has proved successful in strengthening bilateral energy relations between the EU and Turkey, as in the case of the progress registered in the electricity sector. Other, less debated sectors such as renewable energy, energy efficiency, nuclear energy, and carbon trading could benefit from a stronger push on developing bottom-up bilateral initiatives. On renewables and energy efficiency, the EU should scale up the financial support it currently provides within the framework of its climate finance commitments, while on carbon markets, Brussels can replicate what has been done, for instance, in China by increasing its institutional support to Ankara.

Only by undertaking these actions, and by decoupling energy cooperation from the formal accession negotiation process and high level political considerations, can EU–Turkey energy synergy become a positive factor in the strategic bilateral relationship between Brussels and Ankara.

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Conclusions



Current Trends and Future Prospects for EU–Turkey Relations: Conditions for a Cooperative Relationship

Wulf Reiners and Ebru Turhan

16.1 INTRODUCTION

Despite the growing institutional instability and fragility of the relationship, the persisting stalemate in Turkey’s EU accession process, and the weakening communication channels between the two sides, EU–Turkey relations have endured. EU–Turkey affairs will remain highly relevant in an age of uncertainty driven by deepening sectoral interdependencies, a growing number of ‘intermestic’ issues,¹ and rapid changes in international relations amid processes of geopolitical rebalancing. The EU and

¹Intermestic issues ‘involve aspects of both international and domestic affairs’ (Barilleaux, 1985: 754).

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Turkey have a shared interest in policy coordination and cooperation that would unlock the potential for mutual gains, negate the externalities of regional or global shocks, and develop reciprocal solutions for joint challenges. Given the relatively short phases of cooperation between the two sides throughout the last decade, what are the conditions under which cooperative trends in EU–Turkey relations could be (re)invigorated?

This volume has mapped and analyzed EU–Turkey relations with a particular focus on developments over the last decade. Our motivation for this systematic reassessment was threefold: (1) to shed light on the current determinants, complexities, and multiplicities of the relationship; (2) to explicate the conditions for a cooperative relationship between the EU and Turkey; and (3) to create a basis for extrapolation into the future trajectory of EU–Turkey relations. This analysis was carried out across three dimensions: theories and concepts, institutions, and policies. The design of this study rested on the assumption that the survey of these interconnected dimensions as distinct objects of investigation offers a multi-angled approach that is fit to examine EU–Turkey relations as a ‘moving target’. In this context, the volume has utilized a set of guiding questions related to key turning points and periods, actors and institutional frameworks, policies, and different explanatory and analytical models. This concluding chapter of the volume aims to tie together the lessons from the individual contributions in view of the overarching objectives of the volume and its guiding questions.

Against this backdrop, in the first part of this chapter, we summarize, contrast, and merge key insights derived from this three-dimensional approach to studying the EU–Turkey relationship, offer cross-chapter linkages, and reflect on the different periodizations of the relationship. In a next step, we assess EU–Turkey relations against a set of fundamental, mutually reinforcing enablers of cooperation in order to shed new light on the conditions for a cooperative relationship between the EU and Turkey. Finally, we discuss the future trajectory of EU–Turkey relations and identify avenues for a future research agenda for EU–Turkey studies.

16.2 THEORIZING AND CONCEPTUALIZING EU–TURKEY RELATIONS

The first part of this volume, ‘Theories and Concepts’, brought together major conceptual and theoretical approaches to studying European integration and the EU’s relationship with third countries. Starting

from the premise that ‘we should be constantly theoretically self-aware, conscious that theoretical perspectives—wittingly or unwittingly—inform our approach to the world that we observe’ (Rosamond, 2000: 3), this section offered a comprehensive assessment of EU–Turkey relations and its major milestones through examining both core and up-and-coming approaches. Overall, ‘the mosaic of integration theory’ (Wiener & Diez, 2009: 19) is expressed across these contributions, with each theoretical or conceptual approach providing a plausible account for a specific set of key developments. A systematic review of the comparative and complementary readings shows variations and similarities, *inter alia*, in view of

1. the explanatory factor(s) utilized to explicate the evolution and key turning points of the EU–Turkey relationship,
2. the ‘best cases’ of the contributions, namely major developments, milestones, and aspects of EU–Turkey relations they plausibly analyze and explain (for a similar description, see Wiener & Diez, 2009),
3. the diverse readings of the role of EU institutions, and
4. the specific policy areas used in each contribution and how they are seen through the respective theoretical or conceptual lens (see Table 16.1 for a detailed comparison).

Regarding the factors that help explain the EU–Turkey trajectory, the theoretical and conceptual approaches focus on various exogenous, endogenous, and bilateral determinants such as the issue-specific interests of powerful member states and intergovernmental negotiations (liberal intergovernmentalism), values, identities, ethos-driven obligations and self-serving normative argumentations (constructivism, rhetorical entrapment), path dependence and temporality (historical institutionalism), or the EU’s normative effects on domestic processes (Europeanization). Conceptual frameworks for studying differentiated integration, which currently occupy the center stage in the scholarly debates on the future of EU–Turkey relations, usually rest on the key premises and explanatory variables as identified in major European integration theories. These factors range from issue-specific interdependence and sectoral spillover effects to ideational consensus (Tekin, Chapter 7).

Table 16.1 Comparative overview of theoretical and conceptual approaches to EU–Turkey relations

<i>Theoretical/conceptual approach</i>	<i>Explanatory/analytical factor(s)</i>	<i>Best case(s)</i>	<i>The role of EU institutions</i>	<i>Main policy areas</i>
Liberal Intergovernmentalism (Tsarouhas, Chapter 2)	<ul style="list-style-type: none"> • Preferences of domestic actors • Sector-specific interests of member states • Inter-state bargaining 	<ul style="list-style-type: none"> • 1963 Association Agreement • Customs Union • Acknowledgment of Turkey’s candidate status in 1999 • EU–Turkey trajectory post-2005 	<ul style="list-style-type: none"> • Dominance of intergovernmental negotiations at the level of the European Council • Inferior role of supranational institutions 	<ul style="list-style-type: none"> • Economy • Enlargement • Migration • Security • Trade
Constructivist Approaches (Aydin-Duzgit & Rumelili, Chapter 3)	<ul style="list-style-type: none"> • Discourses • Identities • Ideas • Norms • Values 	<ul style="list-style-type: none"> • Turkey’s exclusion from the enlargement wave (1997–1999) • The EU’s decision to open accession negotiations • Changing discourses on Europe within Turkey from the late 2010s onward 	<ul style="list-style-type: none"> • Discursive reproduction of European identity through elite discourses on Turkey—most notably in the European Commission and the European Parliament 	<ul style="list-style-type: none"> • Enlargement • Foreign policy • Fundamental rights • Migration
Historical Institutionalism (Icoz & Martin, Chapter 4)	<ul style="list-style-type: none"> • Critical junctures • Path dependence • Temporality 	<ul style="list-style-type: none"> • The endurance of Turkey’s accession process, even though it has not substantially progressed since it started 	<ul style="list-style-type: none"> • Institutional inertia and path dependence as a result of Turkey’s persistent strategic security value 	<ul style="list-style-type: none"> • Enlargement • Migration • Security policy

<i>Theoretical/conceptual approach</i>	<i>Explanatory/analytical factor(s)</i>	<i>Best case (s)</i>	<i>The role of EU institutions</i>	<i>Main policy areas</i>
Europeanization (Alpan, Chapter 5)	<ul style="list-style-type: none"> • The EU's normative impact • Alignment and de-alignment of domestic settings in Turkey across polity, policy, and politics 	<ul style="list-style-type: none"> • 1963 Association Agreement • Turkey's first application for full membership in 1987 • Customs Union • The EU's decision to open accession negotiations • EU-Turkey trajectory post-2005 	<ul style="list-style-type: none"> • European Parliament and European Commission as monitors and influencers of normative transformation in Turkey 	<ul style="list-style-type: none"> • Economy • Enlargement • Foreign and security policy • Judiciary and fundamental rights • Migration • Trade
Rhetorical Entrapment (Schimmelfennig, Chapter 6)	<ul style="list-style-type: none"> • Rules, norms, and ethos-based obligations of the EU • Self-serving, interest-driven normative action and argumentation • Consistency between normative commitment and actual behavior 	<ul style="list-style-type: none"> • The EU's decision to open accession negotiations • The EU's decision to suspend talks on eight negotiation chapters in 2006 	<ul style="list-style-type: none"> • The legitimizing and constraining effects of EU institutions' official discourse, criteria, and decisions on member states 	<ul style="list-style-type: none"> • Enlargement • Judiciary and fundamental rights

(continued)

Table 16.1 (continued)

<i>Theoretical/conceptual approach</i>	<i>Explanatory/analytical factor(s)</i>	<i>Best case(s)</i>	<i>The role of EU institutions</i>	<i>Main policy areas</i>
Differentiated Integration (Tekin, Chapter 7)	<ul style="list-style-type: none"> • Asymmetrical bargaining power • Issue-specific interdependence and sectoral spillover effects • Politicization • Ideational consensus • Identities 	<ul style="list-style-type: none"> • 1963 Association Agreement • Customs Union • EU-Turkey Statements of 29 November 2015 and 18 March 2016 	<ul style="list-style-type: none"> • Sectoral high level dialogues initiated by the European Council • The European Commission's call for a mandate to start negotiations on modernizing the Customs Union 	<ul style="list-style-type: none"> • Economy • Energy • Justice and Home Affairs • Migration • Security and defense policy • Trade

Source: Own compilation

The second point of comparison between the theoretical and conceptual perspectives concerns the strengths and limitations of the main tenets and propositions to conform to ‘real-world’ patterns. Numerous approaches offer explanations across a wide array of key developments in EU–Turkey relations and competently grasp sector-specific, transactional milestones, such as the signing of the Association Agreement, the establishment of the Customs Union (CU), and the functional trajectory of EU–Turkey affairs post-2005, including the design of the EU–Turkey refugee ‘deal’ (liberal intergovernmentalism, Europeanization, differentiated integration). Similarly, constructivist approaches and Europeanization provide useful tools to investigate and comprehend different milestones relating to Turkey’s accession process. For instance, by falling back on partly overlapping constitutive factors, these approaches elaborate on the set of dynamics that brought about Turkey’s first application for full membership in 1987 (Alpan, Chapter 5), its exclusion from the enlargement wave from 1997 to 1999 (Aydın-Düzgüt & Rumelili, Chapter 3), or the EU’s decision to open accession negotiations with Turkey (Alpan, Chapter 5; Aydın-Düzgüt & Rumelili, Chapter 3).

The explanatory strength of other approaches lies in their cogent reading of one specific facet of EU–Turkey relations. Whereas historical institutionalism emphasizes the endurance of Turkey’s accession process despite limited progress (Icoz & Martin, Chapter 4), rhetorical entrapment offers explanations for the launch of accession talks in 2005 and their abrupt slowdown by the Council decision in December 2006 (Schimmelfennig, Chapter 6). Overall, the EU’s decision to acknowledge Turkey’s candidate status in 1999 remains a particular puzzle for almost all approaches. Here, liberal intergovernmentalism provides one of the most plausible accounts of the shifts in the EU’s position from 1997 to 1999 by emphasizing large member states’ altered preferences (Tsarouhas, Chapter 2; see also Turhan, 2012).

Regarding the role of EU institutions within the theoretical and conceptual foci, the contributions disclose two distinct logics. Liberal intergovernmentalism accentuates the central function of the European Council as an institutional venue where bargaining between member states with variable preferences determines the EU’s position on Turkey (Tsarouhas, Chapter 2; see also Turhan & Wessels, Chapter 8). In turn, the contributions featuring constructivist and historical institutionalist accounts as well as the concepts of Europeanization and rhetorical entrapment stress the role of the EU’s supranational institutions. Although

the approaches address different facets and impacts of the ideational factors under scrutiny, they show convincingly how the European Parliament or the European Commission critically and independently influence EU–Turkey relations through the production and contestation of ideational structures (Alpan, Chapter 5; Schimmelfennig, Chapter 6; see also Bürgin, Chapter 9).

The final point of comparison between the approaches analyzed in this volume is especially pertinent to the policy areas of EU–Turkey relations. When utilizing the analytical framework of their respective approach to the empirical enquiry, most contributors use the enlargement framework as a major point of reference for periods of progress, stagnation, and setbacks. Beyond that, many authors pay attention to a broader set of policy areas including trade and economic policies, migration, energy, judiciary and fundamental rights, as well as foreign, security, and defense policies (see Table 16.1). The fact that the respective analyses (Alpan, Chapter 5; Tekin, Chapter 7) deal with the widest scope of issue areas speaks to the conceptual flexibility of the approaches of Europeanization and differentiated integration. Overall, the policies analyzed in Part I of the volume match the issue areas examined in Part III of the volume, which exhibits their unequivocal relevance for the trajectory of EU–Turkey relations as well as displays the dense network of issue-specific interdependencies.

16.3 THE DIVISION OF LABOR AND INTERPLAY OF EU INSTITUTIONS IN EU–TURKEY RELATIONS

In Part II of this volume, the authors analyzed the functions and preferences of key EU institutions in framing EU–Turkey relations. The contributions show clearly that EU institutions do not operate in a vacuum. Contrarily, they are interlinked with each other, making inter-institutional cooperation a necessity for the EU’s institutional machinery to function effectively in its relationship with Turkey. For example, the European Council is neither able to make far-reaching, positive decisions on Turkey’s accession process like the opening or finalizing of accession talks nor can the EP vote on a visa-free travel regime for Turkish citizens without a conclusive recommendation from the Commission. The institutional dimension of EU–Turkey relations is not static. The functions and influence of EU institutions are contingent upon both the dynamic design of the EU’s institutional architecture as well as on the fluctuating

salience and prominence of key components of the relationship, which are being continuously reshaped by endogenous, exogenous, or bilateral developments. For instance, the European Council became a key player in Turkey's accession process from 1997 onward, while its central role as a collaborator with Turkey in managing external shocks became palpable after the onset of the so-called 'refugee crisis' in 2015 (Turhan & Wessels, Chapter 8). In turn, despite its pivotal role in the implementation of the refugee 'deal', the Commission is mainly responsible for closely managing the technical aspects of the institutionalized enlargement framework. The stagnation of Turkey's accession process has therefore translated into a partial loss of the Commission's power to actively shape the relationship.

Even though the institutional balance of the EU–Turkey relationship is subject to constant recalibration, this volume reveals two salient trends among EU institutions. First, there is a consistent division of labor among the three EU institutions under scrutiny. The European Council is at the heart of the EU's institutional machinery maintaining relations with Turkey. It develops the relationship through employing its capacity to make monumental, far-reaching, and path-setting decisions, including the institutionalization of the bilateral relationship. The initiation of bilateral summits and the establishment of high level dialogues are examples of the European Council's role in setting relations. The European Council is strongly interested in carving a strategic relationship model that could utilize Turkey's potential as a regional security-enabler that would offset the externalities of regional or international crises (Turhan & Wessels, Chapter 8). Accordingly, the Heads of State or Government strive to act as an overarching 'stabilizer' of EU–Turkey relations in times of acute political tensions between Turkey and the EU or its member states. The fact that the European Council endorsed the 'conditional' launch of a 'positive political EU–Turkey agenda' in the event of Turkey's constructive dialogue with Greece and Cyprus on the Eastern Mediterranean crisis and the territorial disputes (European Council, 2020: para. 19) showcases its interest in maintaining a functional, interest-driven relationship. Contrarily, the Parliament and the Commission evaluate EU–Turkey relations predominantly from a normative point of view, placing a particular emphasis on democracy, human rights, fundamental freedoms, and the rule of law (Bürgin, Chapter 9; Kaeding & Schenuit, Chapter 10). As Bürgin points

out, given its role as the manager of the EU's Instrument for Pre-Accession (IPA) funding for Turkey, the Commission remains an influential 'agent of change' via institution building and social learning, even in times of conflict, through the largely horizontal and transgovernmental cooperation frameworks it has maintained with Turkish authorities.

As a second overarching trend we observe that all EU institutions under scrutiny have progressively distanced themselves from Turkey's EU accession prospects on the grounds of partly overlapping and partly exclusive considerations. The Commission has long acted as a 'critical but fair supporter of Turkey's accession' (Bürgin, Chapter 9), even when faced with opposition from individual member states that seek to weaken Turkey's membership perspective. However, following the normative concerns expressed in its regular country reports, it no longer blatantly advocates for Turkey's membership. The European Council has left the criticism of Turkey's normative distance from the EU mostly to other institutions, particularly after the launch of the accession negotiations in 2005. Still, the contribution by Turhan and Wessels (Chapter 8) contains plenty of proof that the 'accession narrative' has also gradually disappeared from the agenda of the Heads of State or Government. Regardless of their overarching, unequivocal 'Turkey-fatigue', commitment to the preservation of Turkey's accession process prevails in the official discourses of both institutions. Contrarily, as the EU's primary 'normative voice' (Feliu & Serra, 2015), the Parliament seems to have officially 'closed its accession door for Turkey' following its successive calls to suspend accession negotiations and has made severe adjustments to its voting behavior on Turkey-related files since 2005 (Kaeding & Schenuit, Chapter 10).

16.4 THE ROLE OF POLICIES IN EU–TURKEY RELATIONS INSIDE AND OUTSIDE THE ACCESSION FRAMEWORK

The contributions in Part III of this volume examined the interactions between the parties inside and outside the accession context that influence the most critical policy areas. The studies reveal, *inter alia*, the partly paradoxical presence of both complexity and longevity in the EU–Turkey relationship. In all areas under scrutiny—enlargement policy, trade and macroeconomic policies, foreign and security policy, migration and asylum policies, and energy policy—we can observe the puzzling existence of both fortified sectoral interdependencies, on the one hand, and increasingly diverging normative and material preferences, on the other.

Accordingly, the respective contributions bring us full circle to the starting point of this volume: examining the new complexities of EU–Turkey relations.

The EU’s enlargement policy is the most important reference point for the development of the EU’s relationship with candidate countries across manifold policy areas. It induces a hierarchical type of external governance through imposing conditionality, which promotes the extraterritorial expansion of the EU *acquis* to third countries. The principle of conditionality means that the candidate country’s adoption of EU norms in respective policy areas usually facilitates and expedites the accession process. At the same time, a stalemate in accession negotiations can come with setbacks in policy transfer and convergence. This is particularly true for policy areas dominated by the strong asymmetry of interests in favor of candidate countries, on the one hand, and absent or weak EU incentives outside the accession scheme, on the other (Lavenex and Wichmann, 2009; Turhan & Yıldız, forthcoming). Thus, the configuration of the enlargement framework yields implications for basically all policies—for better or worse.

In this context, in Chapter 11 Lippert examines how considerations of Turkey’s ‘Europeanness’ (see also Aydın-Düzgüt & Rumelili, Chapter 3; Alpan, Chapter 5), its strategic position (as either an asset or a burden), and its conceivable impact on the Union as a full member have shaped the EU’s enlargement policy *vis-à-vis* Turkey. Accordingly, the EU has addressed Turkey with exceptionally ambiguous accession prospects since its initial application for membership in 1987 and throughout the accession negotiations. The overarching opacity and eccentricity of the EU’s enlargement policy have been echoed in the special provisions of Turkey’s negotiation framework and the vetoes of single member states against the opening of critical negotiation chapters (see also Turhan & Wessels, Chapter 8).

The contributions dealing with thematic policy issues disclose the repercussions of the EU’s ambiguous—and somewhat normatively inconsistent—enlargement policy *vis-à-vis* Turkey for policy convergence and harmonization. In all domains under scrutiny, the acknowledgment of Turkey’s candidacy and the launch of accession negotiations have engendered attractive external incentives that have facilitated Turkey’s adoption of EU norms. The weakening of the EU’s accession conditionality from 2007 onward as a result of individual member states’ unilateral vetoes has interfered with Turkey’s further alignment with

the EU *acquis*. Additional factors beyond the accession context have contributed to Turkey's alienation from EU norms as well. These have ranged from exogenous determinants like the 2008 global financial crisis and the gradual shift of the economic center of gravity toward Asia (Akman & Çekin, Chapter 12) to the war in Syria and mounting pressure from mass migration (Kaya, Chapter 14) as well as changing regional dynamics following the Arab uprisings (Torun, Chapter 13). Endogenous determinants like the de-secularization of Turkey's foreign and domestic policymaking (Kaya, Chapter 14), its dwindling democratic credentials (Lippert, Chapter 11), and bilateral developments including the EU's suspension of all sectoral high level dialogues in July 2019 (see, e.g., Sartori, Chapter 15) have added to the estrangement.

Today, the EU's role as an anchor and its normative model facilitated by the accession conditionality are no longer considered an 'elixir' for Turkey's domestic transformation (Akman & Çekin, Chapter 12). Still, the contributions of Part III of the volume reveal two key features that need to be taken into account when conjecturing about the future trajectory of the bilateral relationship. First, the findings emphasize the need for continued cooperation between the EU and Turkey across a wide spectrum of issue areas. A cooperative relationship is key to negating external shocks and power shifts in the respective domestic contexts and augmenting mutual gains. Second, the comparative analyses of the policy areas disclose that EU–Turkey relations are likely to take place along a transactional, sector-driven axis largely decoupled from Turkey's EU accession process, at least in the foreseeable future. Accordingly, policy convergence will be more likely to occur through ad hoc provisional mechanisms (Torun, Chapter 13) and bottom-up technical and operational cooperation (Sartori, Chapter 15) that is less prone to politicization (see also Tekin, Chapter 7).

16.5 COMPETING AND CONVERGING PERIODIZATIONS OF EU–TURKEY RELATIONS

The history of EU–Turkey relations is not linear. Analyses of EU–Turkey relations from theoretical, institutional, and policy perspectives organize these developments into various periods according to the respective approach, institution, or policy field under scrutiny. Periodizations are a useful tool to understand EU–Turkey relations as they help 'partition the stream of events in such a way that important developments

become visible' (Zürcher, 2004: 1). The cornerstones within this 'stream of events' according to most perspectives are, inter alia, the 1963 Association Agreement, the start of accession talks in 2005, and the 'refugee crisis' starting in 2015. It is beyond the scope of our analysis to assess in detail the quality of cooperation among the EU and Turkey within particular periods of time. However, locating the relationship on a continuum between cooperation and confrontation can show how policies developed both independently and together. In this context, elements that show increasing Europeanization in Turkey or policy convergence and alignment between the two sides fall along the cooperation side of the continuum, whereas policy divergence or de-Europeanization trends in Turkey run closer to the confrontation side.

Most scholars agree that the period subsequent to the December 1999 European Council meeting, where Turkey was granted the status of EU candidate, can be considered the 'golden era' of the relationship. This resulted from the combination of a favorable constellation of internal EU actors (e.g., domestic political landscape in key member states), external influences (e.g., the EU's security considerations after the Kosovo war), and vigorous transformation processes across various issue areas on Turkey's end. However, alternative viewpoints exist on when this most cooperative phase of the relationship came to an end. Whereas some scholars (Tsarouhas, Chapter 2; Icoz & Martin, Chapter 4; Lippert, Chapter 11) stress the emergence of difficulties in Turkey's accession talks and the alignment with EU norms from 2005 onward, other analysts observe the perseverance of a rather cooperative period up until the global financial crisis in 2008 (Akman & Çekin, Chapter 12). If constructivist contributions to the field of EU–Turkey relations are taken as the reference point, the 'period of convergence' holds up until 2011 (Aydın-Düzgüt & Rumelili, Chapter 3).

There is an agreement, however, that the period of palpably diverging paths for the EU and Turkey started sometime between 2010 and 2012. To illustrate, Turkey's constitutional changes in 2010 and other domestic developments have been identified as the starting point of de-Europeanization (Alpan, Chapter 5). From the Parliament's perspective, decreasing support for Turkey's EU membership can be observed in the period beginning in 2012 (Kaeding & Schenuit, Chapter 10). Looking at international events, the changing political and societal landscape in the Middle East in 2010/2011 amid the Arab Spring can be marked as the end of the Justice and Development Party's (*Adalet ve Kalkınma Partisi*,

AKP) policy of ‘zero-problems with neighbors’. It also marks the point of departure and increased divergence between the EU and Turkey over Syria (Torun, Chapter 13).

16.6 THE FUTURE OF EU–TURKEY RELATIONS: THE CONDITIONS FOR AN (UN)COOPERATIVE RELATIONSHIP

The findings of the individual chapters of this volume highlight three interconnected features of contemporary EU–Turkey relations: first, the bilateral relationship is driven by the paradoxical coexistence of increasing interdependencies and the growing divergence of normative and material preferences. Second, as a result of this puzzling equilibrium, EU–Turkey relations do not exhibit a clear, linear developmental path characterized by cooperative action. The contributions provide evidence that cooperation has to some degree been replaced by competition and confrontation, particularly throughout the last decade. Third, there is a growing trend toward the sustenance and study of the relationship outside the accession context. When bilateral cooperation becomes constrained or impossible despite growing issue-specific interdependencies, how will the EU and Turkey possibly overcome the impasse outside the accession framework? Against this background, the following sections examine the conditions for a future (un)cooperative relationship between the EU and Turkey taking into account the new complexities that epitomize the bilateral dialogue.

In order to decipher the conditions under which cooperative trends in EU–Turkey relations could be reinvigorated, we should explicate what we understand by ‘cooperation’. A standard definition of the term in International Relations (IR) describes it as the phenomenon ‘when actors adjust their behavior to the actual or anticipated preferences of others, through a process of policy coordination’ (Keohane, 1984: 51). Within this context, the concept of ‘policy coordination’ means that the policies of the actors involved are designed in a way so that they reduce the negative consequences for the cooperating partners (Milner, 1992). Other understandings of cooperation entail ‘collective action applied to the particular circumstances of the international system’ (Snidal, 1985: 923) that involves ‘either (1) bargaining over the division of new or potential benefits; or (2) attempts to renegotiate an existing cooperative arrangement, where one party threatens to revert to noncooperation if the present terms are not adjusted’ (Fearon, 1998: 275).

We take up the basic features of the aforementioned definitions in order to compose our definition of a ‘cooperative relationship’. ‘Relationship’ in this context implies a certain degree of stability, including the existence of infrastructures and tools that facilitate long-term cooperation processes. We do not limit our interest to the conditions under which the EU or Turkey would ‘give up something, or give up more, than the other party’ as part of the cooperation process (Messner et al., 2016: 49). Our interest also extends to those instances when the EU and Turkey communicate, coordinate, or collaborate in order to achieve their (common or individual) goals and acquire mutual gains (Milner, 1992) in looser (negotiated) yet reasonably stable frameworks. In this context, we build our analysis on a set of principles that tackles the ‘behavioral dimension’ of cooperation (Messner & Weinlich, 2016). More precisely, we consider an environment that stimulates cooperation between the EU and Turkey to be characterized by the positive repercussions of seven mutually reinforcing enablers: reciprocity, trust, communication, reputation, fairness, enforcement, and common identity (Messner et al., 2016).

16.6.1 High Potential for ‘Reciprocity’ Beyond the Accession Context

‘Reciprocity’ constitutes the key enabler of cooperation (Messner et al., 2016). It concerns mutually beneficial ‘exchanges of roughly equivalent values in which the actions of each party are contingent on the prior actions of the others in such a way that good is returned for good’ (Keohane, 1986: 8). Thus, in the context of EU–Turkey relations, reciprocity refers to situations where the EU or Turkey do something for their counterpart in return for something they receive. With a view to the future traits of the relationship, the assessment of reciprocity is crucial in particular in the enlargement context, as well as in migration, trade, security, and energy policies.

With regard to the former, the accession process is no longer perceived as a reciprocal setup. At the turn of the millennium, the Commission and Parliament, as well as member states like the United Kingdom (UK), had a clearer idea of the reciprocal potential of Turkey’s membership (Turhan, 2012; Bürgin, Chapter 9; Kaeding & Schenuit, Chapter 10), and only few member states like France or Cyprus emerged as key skeptics. Today, membership-related reciprocity is no longer a dominant narrative in any member state or EU institution (Lippert, Chapter 11; Turhan & Wessels, Chapter 8). Given Turkey’s geo-strategically compelling location and its

direct involvement in conflicts in its unstable neighborhood, the EU's calculus features a perspective on Turkey as rather a 'barrier' than a 'bridge' (Park, 2007: 159). Even if the path dependent nature of Turkey's EU accession process endured due to Turkey's potential as a security provider (see Icoz & Martin, Chapter 4), the growing turn toward an illiberal course in various 'new' member states that acceded the EU during the Eastern enlargement as well as 'enlargement fatigue' make it difficult on the EU's end to envision the gains of Turkey's full accession. Similarly, Turkey's perspective has changed, too, as it—after a period of rapid convergence (see periodizations, above)—no longer seems to be devoted to implementing a political transformation in line with the Copenhagen criteria, to 'Europeanize', and ultimately, to fully adopt the *acquis* in return for increased prospects to 'gain' membership in the long run. This shift away from the membership perspective, however, is not clearly articulated in Turkey's official political discourse; membership continues to constitute rhetorically the only desired and feasible scenario for Ankara.

At the same time, the volume provides plentiful evidence that the potential for reciprocity in EU–Turkey relations is seemingly greater than ever given the entanglement of both parties in a growing network of interdependence. Migration is a key policy field in this regard, in particular since the two sides developed reciprocal ties during the 'refugee crisis' in 2015 and 2016 (see Turhan & Wessels, Chapter 8; Kaya, Chapter 14). The EU–Turkey arrangement to address irregular migration is a prime example of direct reciprocity. Despite the uncertainties regarding the continued implementation of the refugee 'deal', the cross-border nature of this issue-area and the asymmetrical interdependence in favor of Turkey (Turhan & Yıldız, forthcoming) require some form of institutionalized cooperation between the EU and Turkey. The (re-)configuration of this reciprocal setup in migration and asylum affairs, however, will also depend on the 'process to take stock of the implementation of the EU–Turkey Statement' (European Commission, 2020a: 3–4) following Ankara's call for a new 'deal', as well as on the future shape of the EU's asylum and migration system. The EU's response to the catastrophic conditions of refugees and asylum seekers in its frontline member states will not only define how far the EU is able to live up to its proclaimed norms and values, but it will also define its dependency on Turkey and the extent of Turkey's leverage regarding the conditions of cooperation.

Regarding trade, the EU–Turkey Customs Union (CU) is still perceived as an institutional arrangement that allows for mutual reciprocity, despite growing concerns on the Turkish side over its asymmetric setup. However, even if the CU constitutes one of the remaining functioning pillars of EU–Turkey relations, analysts stress the necessity for its modernization in order to overcome its outdated form, unlock the potential for greater mutual economic benefits, and reinforce political ties between the two sides through Turkey’s participation in regulatory decision-making. In this way, the modernization could also consolidate the institutional dimension of the trade relationship with potential for spillover effects in other policy areas (Akman & Çekin, Chapter 12; Tekin, Chapter 7). More immanently, the EU’s emergent relationship with the UK will serve as a reference point in the discussions on EU–Turkey trade relations and the future trajectory of the CU. The European Council’s endorsement of the ‘conditional’ launch of a ‘positive political EU–Turkey agenda with a specific emphasis on the modernization of the Customs Union and trade facilitation’ in return for Turkey’s cooperative behavior regarding the Eastern Mediterranean crisis (European Council, 2020: para. 19) demonstrates high potential for reciprocal solutions at the intersection of trade, energy, and security interests.

In the security dimension, the EU and Turkey face strong interdependencies in the field of counterterrorism and in the Middle East, not least in pursuit of addressing ‘the causes of flight from Syria and beyond’ (Kaya, Chapter 14). Despite a presumed shared vision of regional stability, security, and prosperity along each party’s respective borders (European Commission, 2018; İletişim Başkanlığı, 2019) and the high potential for reciprocal benefits stemming from cooperation, neither side is currently ready to adjust its policies in accordance with the strategic preferences of the other side. Turkey’s considerably unilateral foreign and security policy in the Middle East is guided by its neo-Ottoman ambitions (Kaya, Chapter 14), and its distinct security interests along its borders take advantage of the power vacuum in the region. At the same time, the EU faces internal problems in translating its traditional championing of multilateralism into action in the face of unilateral responses from individual member states independent of concerted action. The EU and Turkey face severe incompatibilities in formulating common policy objectives regarding the maritime borders in the Eastern Mediterranean and the Aegean Sea as well as the Libyan civil war (Torun, Chapter 13). Still, building on institutionalized security cooperation between the EU

and Turkey within the North Atlantic Treaty Organization (NATO) and beyond, a reassessment of the reciprocity dimension of cooperation might take place considering endogenous and exogenous factors. These factors range from increasing conflict-related costs (not only of warfare but also related to migration and public opinion; see Kaya, Chapter 14) to discontent with a third power's assertive foreign policy (e.g., Russia) or power struggles in the region (e.g., between Turkey and Egypt). Given that 'Turkey [is] increasingly isolated on the global stage' (EIU, 2020: 26), foreign policy cooperation with the EU might become more attractive again.

Finally, in the energy domain, it is important to highlight the relevance of the new 'green consensus' in the EU, which will also be the primary reference point for the EU's evaluation of reciprocity in its energy relations with Turkey (see Sartori, Chapter 15). In the future, the debates over EU–Turkey energy cooperation will have to consider the development of Europe's new *Leitbild* as a climate-neutral continent. This new narrative is most prominently reflected in the 'European Green Deal' (European Commission, 2019a), which simultaneously steers the EU's growth strategy and response to the COVID-19 pandemic. The EU has already made clear that the Green Deal is the main reference point for its prospective global role, which it will address through external action instruments including diplomacy, trade, and development cooperation (European Commission, 2019b). Hence, alongside disputes over gas exploration and exploitation in the Eastern Mediterranean, the assessment of reciprocity in EU–Turkey energy relations will depend on Turkey's willingness and ability to develop a 'green agenda' that responds to the EU's re-orientation toward climate protection and the EU's aspired future green development model.

16.6.2 *The Absence of 'Trust' in EU–Turkey Relations*

'Trust' constitutes a second important enabler of cooperation. The term can be defined as 'an expectation of cooperation and reciprocity' (Rathbun, 2011: 3) despite a lack of total certainty. Whereas mistrust would constitute the 'belief that the other side prefers exploiting one's cooperation to returning it' (Kydd, 2007: 6), trust between the EU and Turkey implies that actors on both sides are confident that interaction will eventually result in reciprocity and will not harm the respective interests of any party.

The issue of trust is not a new topic in EU–Turkey affairs. In the field of foreign and security policy, scholars have asserted ‘a historical and instinctive mistrust of European diplomacy in Ankara that dates back to the Ottoman times’ (Park, 2007: 160). However, in contemporary EU–Turkey relations, trust seems to be absent to a large extent on both sides in interactions in almost all critical policy fields. It must therefore rather be understood as a fundamental cause for uncooperative behavior between the EU and Turkey fed by mutual resentments. Throughout the last few years, trust between both parties has hit historic lows, as illustrated by the characterization of the relationship as ‘beset with mistrust, frustration, disillusionment and disappointment’ (Yenel² quoted in Euronews, 2015). Surveys show that tensions and mistrust at the political level also trickle down to the public domain both in the EU and Turkey. In a public opinion poll conducted in Germany in 2018, 92% of respondents stated that Turkey could not be considered as a trustworthy partner for Germany when it comes to political cooperation (Forschungsgruppe Wahlen, 2018). Similarly, the Eurobarometer results show that as of Autumn 2019, only 33% of Turkish citizens trusted the EU, whereas 60% did not (European Commission, 2019c).

In the EU, Turkey’s progressive backsliding in its alignment with EU norms plays a significant role in the development of expectations about the behavior of Turkey’s political leadership. However, the effects of the domestic transformation on cooperation with the EU at the technical level have not yet been fully understood (Bürgin, Chapter 9). The instrumentalization of Syrians residing in Turkey and the readmission component of the EU–Turkey ‘deal’ as a bargaining chip by the Turkish side (Kaya, Chapter 14) also feed into the EU’s disbelief in Turkey’s intention to return rather than exploit the opportunities for cooperation. On the Turkish side, an obvious source of mistrust is the long-lasting ambiguity regarding Turkey’s accession prospects fueled by the exclusionary rhetoric of European leaders toward Turkey (Aydın-Düzgüt & Rumelili, Chapter 3) and individual member states’ blocking of chapters in the accession negotiations (Turhan & Wessels, Chapter 8). At the same time, democratic movements and opposition

²Ambassador and permanent delegate of Turkey to the European Union from 2011 to 2017.

forces in Turkey are disenchanted with the EU's (missing or ineffective) response to the erosion of rule of law and human rights in Turkey (Şenyuva, 2018).

Given the difficulties in the overarching macro-institutional framework of Turkey's stalled accession process and increasing political tensions between the highest political representatives from the EU and Turkey, mutual trust needs to be built up again to overcome the obstacles to a future cooperative relationship. In this context, multi-level socialization processes based on transgovernmental networking can serve as an important tool. Transgovernmental, horizontal networks facilitate 'bottom-up, inclusive and voluntary modes of interaction' (Lavenex & Wichmann, 2009: 99) between multi-level actors, including regulatory agencies, local administrators, non-state actors, and technocrats (Lavenex, 2008, 2014). The prospective launch of a 'positive political EU–Turkey agenda' as mentioned in the European Council conclusions of 1 October 2020 envisages enhanced people-to-people contacts (European Council, 2020)—a step that might promote the establishment of a mutual trust environment through transgovernmental networking.

16.6.3 *A Sophisticated but Largely Deactivated 'Communication' Infrastructure*

'Communication' is considered another important enabler of cooperation due to its fundamental impact on mutual trust by reinforcing actors' ability to assess the other's expectations, to develop joint understandings and plans, and to assure each other about intended activities (Messner et al., 2016). In EU–Turkey relations, communication, rhetorical structures, and discourses have proved to be simultaneously influential and complex (see Schimmelfennig, Chapter 6; Aydın-Düzgüt & Rumelili, Chapter 3). The EU and Turkey developed an unparalleled system of exchange that goes far beyond a regular framework of accession negotiations. It includes, among others, the EU–Turkey Joint Parliamentary Committee, the EU–Turkey Association Council, the joint summits, and various sector-specific high level dialogue mechanisms (see Turhan & Reiners, Chapter 1). That almost all of these critical channels have been deactivated or significantly downsized since 2019 essentially degrades the bilateral communication infrastructure to an ordinary setup that does not correspond to the complex and multilayered cosmos of EU–Turkey relations. When ad hoc meetings between presidents of key EU institutions

or the High Representative and Turkey's president or foreign minister serve as the primary format for exchange, opportunities—and time—to create mutual understandings of common challenges and to develop joint solutions remain limited.

Membership in multilateral organizations and forums such as the G20, the Organization for Security and Cooperation in Europe, the Council of Europe, or NATO provide additional communication channels. However, they can hardly be seen as sophisticated alternatives to the complex bilateral communication infrastructure between the EU and Turkey given their broad thematic and geographic scope, the heterogeneous capabilities and preferences of their member states, and the internal problems of these organizations. In times of regional power struggles and rivalries between the EU and Turkey—as in the case of the Eastern Mediterranean—NATO may even emerge as an additional trouble spot rather than a platform for trust-enabling communication. Such developments generate the paradoxical situation in which the EU and Turkey in principle have more elaborate communication tools at their disposal than most other international relationships do. At the same time, direct and systematized communication between both sides at the political level is weak, with the EU and Turkey remaining compelled to once again 'create the much-needed space for dialogue' (European Commission, 2020b: 18).

In this context, however, differentiation between communication at the political and the administrative levels is imperative. On the one hand, we find an increasing reluctance to opt for a diplomatic tone by key political actors on both sides and a shift in the mode of interaction 'from arguing to bargaining, from the use of values and norms to the exchange of threats and promises' (Schimmelfennig, Chapter 6). On the other hand, as Bürgin points out in Chapter 9, at the more technical, operational level, communication and cooperation might remain to some degree decoupled from the broader political context. Thus, trans-governmental communication structures with technocratic and functional features could promote a horizontal cooperative relationship. The reactivation of suspended sectoral high level dialogue mechanisms could further facilitate the normalization of EU–Turkey communication.

16.6.4 *The Vicious Circle of Ruined 'Reputation'*

'Reputation' is an enabler—or inhibitor—of cooperation that takes into account the EU's and Turkey's evaluations of the other side's behavior

in the past in view of its possible future actions (Messner et al., 2016). Reputation is subject to constant reproduction as experiences of past and new performances continuously provide an updated assessment of the perceived trustworthiness of the cooperation partner(s). At the same time, it is the result of experiences over a longer period of time. Contemporary EU–Turkey relations can hardly build on this mechanism to facilitate cooperation between both parties. Changed perceptions of reciprocity, the lack of mutual trust, and sentiments about unfair/inconsistent decisions and treatment by the other party (see below) have paved the way to a vicious circle where both the EU and Turkey continually question the reputation of the respective side’s key actors and institutions. A ruined reputation imperils cooperation as it inhibits actors from adjusting their policies to the actual or anticipated preferences of others.

The EU’s reputation in Turkey is embedded in the long-established mistrust over the EU’s sincerity concerning Turkey’s accession process and prospects. The deflated credibility of EU conditionality—which remains contingent on ‘the consistency of an organization’s [here: the EU’s] allocation of rewards’ (Schimmelfennig & Sedelmeier, 2004: 666)—and individual member states’ vetoes over critical negotiation chapters have mitigated the EU’s reputation in Turkey. From the perspective of the Turkish political elite, the EU’s perception as a reputable cooperation partner was further impaired by shortcomings in the expeditious delivery of incentives as stipulated in the March 2016 EU–Turkey Statement.

Turkey’s reputation in the EU, on the other hand, has been largely constructed in consideration of Turkey’s illiberal drift throughout the last decade, which has weakened its alignment with EU norms and, consequently, the formulation of a reciprocal relationship under the auspices of the enlargement scheme. In recent years, Turkey’s increasingly interventionist and independent foreign policy approach toward its immediate neighborhood (see Torun, Chapter 13) coupled with its occasional instrumentalization of refugees in order to reach its foreign and economic policy goals (see Kaya, Chapter 14) have served as additional drivers of its problematic reputation.

In order for both the EU’s and Turkey’s reputation to play a positive role in enabling a cooperative relationship in the future, both actors will have to adjust their activities in stronger consideration of the preferences of the other side over a longer period of time. Some starting points for this process could be the EU’s return to attractive and credible incentives

for Turkey inside and outside the accession scheme. On Turkey's end, increased alignment with Chapters 23 and 24 of the *acquis* and a recalibration of its foreign policy in pursuit of multilateral instruments could help mend its weakened reputation within EU circles.

16.6.5 *Diverging Conceptions of 'Fairness'*

'Fairness' is a factor that can further increase the likelihood, quality, and stability of cooperation (Messner et al., 2016). In a cooperative arrangement, the principle of fairness engenders certain rights and obligations for the respective parties. While the rights concern 'the cooperating parties' entitlement to a practice that satisfies the general principle of reciprocity', obligations refer to 'their expectation of compliance from other participants in and beneficiaries of the practice' (Kokaz, 2005: 69). Accordingly, fairness plays a significant role in participants' 'adoption of other-regarding preferences [that] may be crucial to the establishment of cooperative arrangements—arrangements that are deemed by all parties to be of mutual advantage' (Kapstein, 2008: 236).

The principle of fairness has long been a key component of Turkey's official discourse on EU–Turkey relations. Turkey's portrayal as an 'honourable but victimized side of the relationship; a party that has exerted itself to the utmost and kept all of its promises and yet been subjected to an unfair, disrespectable, and deceptive treatment by the EU' (Hauge et al., 2019: 28) has often remained at the core of successive Turkish governments' readings of the relationship. The analysis of Turkey's accession history has made clear that the decision to not include Turkey in the major enlargement rounds of 2004 and 2007 was perceived as an unfair exclusion on the Turkish end together with the unilateral, arbitrary vetoes of individual member states of the opening of accession talks in critical chapters of the *acquis* (Turhan & Wessels, Chapter 8; Lippert, Chapter 11). From the Turkish perspective, unfairness also exists in EU–Turkey relations outside the accession framework. It prevails within the asymmetric design of the CU (Akman & Çekin, Chapter 12), the benchmarks for visa liberalization, and responsibility and burden-sharing related to the management of the Syrian refugee crisis (see, e.g., Barigazzi, 2016). The Eastern Mediterranean gas dispute, in

which Turkey's territorial claims conflict with Greek and Cypriot interpretations of international law, is another example in which Turkey has called on the EU to 'be fair' (Oktay³ quoted in Zeit Online, 2020).

Whereas Turkey's current perception of EU–Turkey relations largely centers on the concept of 'unfairness', for the EU, fairness in EU–Turkey relations is first and foremost addressed through the official accession criteria, which are valid for all candidates. In a similar vein, the EU refers to fairness in the context of transparent benchmarks that measure Turkey's compliance with pre-determined, non-negotiable EU norms, which become effective in conditionality-driven processes such as the Visa Liberalization Dialogue.

In order to make fairness a facilitator of a cooperative relationship in the future, it is important that both sides understand that the assessment criteria for what is considered fair might be subjective and vary depending on different cultural and societal settings (Schäfer et al., 2015). Leading representatives' ability to arrive at this understanding necessitates an intensification of communication that respects the specific cross-cultural and domestic setup of EU–Turkey relations.

Alongside a better understanding of, and respect for, the key determinants of fairness as perceived by the respective other side, fairness in EU–Turkey relations could also be reinforced by the EU's and Turkey's proper exercise of their roles and responsibilities. In this respect, Turkey could, for example, make greater effort to reverse the de-Europeanization process if it wants to be seen as a determined accession candidate. The EU, on the other hand, could start by addressing the refugee crisis in a way that goes beyond an externalization strategy shifting central responsibilities to Turkey.

16.6.6 'Enforcement' Without Accession Incentives

Research on cooperation has shown that certain means of 'enforcement' can serve as promoters of cooperation when rewards or punishments are in place to incentivize compliance with jointly established or unilaterally determined norms and condemn misbehavior (Messner et al., 2016). In EU–Turkey relations, the accession conditionality used to be the primary apparatus to incentivize cooperation and hierarchical

³Vice president of Turkey since July 2018.

policy transfer, particularly from 1999 to 2006, until Turkey's accession prospects started to weaken (see Alpan, Chapter 5). The IPA funds still serve to a limited degree as a driver of Turkey's sectoral alignment with the EU *acquis*, not least by promoting social learning processes between European and Turkish technocrats (Bürgin, Chapter 9). However, these funds can neither singlehandedly engender the extraterritorial promotion of EU norms and rules in Turkey nor safeguard the longevity of EU–Turkey cooperation.

For that reason, instruments of enforcement in EU–Turkey relations operate largely outside the accession framework, except in cases when the proclaimed revitalization of the accession framework as a whole constitutes an incentive structure, as demonstrated by the March 2016 EU–Turkey Statement. However, the fragility of the statement as displayed by Turkey's temporary withdrawal from the 'deal' in February 2020 shows that the EU needs to be capable and willing to provide Turkey with attractive and credible incentives to maintain a sustainable cooperation framework based on conditionality. The most prominent existing enforcement structure outside of the accession framework is the EU–Turkey CU, which necessitates Turkey's alignment with the Common Customs Tariff and commercial policy of the EU. However, the asymmetric CU setup is not regarded as fair and appealing by Turkey anymore, which weakens the capacity of the CU as an enabler of cooperation in the long run as long as the CU does not undergo modernization.

Naturally, punishments in the event of misbehavior as formulated in Article 7 of the Treaty on European Union do not apply to non-member states, including Turkey. In multilateral fora, the EU and Turkey are, for instance, bound to the jurisdictions of the European Court of Human Rights in view of the compliance with the European Convention on Human Rights. However, the Court lacks direct enforcement powers as states are not compelled to execute its judgments. Sanction or suspension procedures in NATO are formally not enshrined in the Washington Treaty,⁴ but the gas dispute in the Eastern Mediterranean could potentially become subject to the jurisdiction of the International Court of Justice. In contrast, sanctions, such as those implemented by the EU in response to Turkey's drilling activities (Council of the EU, 2019), cannot be considered as enforcement that facilitates steady

⁴Expelling a member from NATO, however, is legally possible (see Sari, 2019).

and veritable cooperation structures between the EU and a key third country outside the (currently) futile accession setup, as they are unilaterally imposed without a jointly established compliance framework. Accordingly, under the current circumstances, external incentives granted by the EU within the framework of a jointly negotiated ‘transactional’ conditionality setup alongside the already existing accession scheme might prove to be the most effective enforcement mechanism to promote EU–Turkey cooperation, mutual trust, and political dialogue in the short run.

16.6.7 *‘Identity’ (In)Compatibility Between the EU and Turkey*

As a seventh enabler, the sense of a common identity, belonging to the same group with shared norms and beliefs, and the perception of ethnic or cultural commonalities as constructed through communicative practices and political and societal narratives enhances the likelihood of cooperation (Messner et al., 2016). Acknowledged as ‘role-specific understandings and expectations about self, [...] identities are the basis of interests’ (Wendt, 1992: 397–398). In this context, collective identification with respective communities and institutions and a strong group identity can increase the willingness to both cooperate and prioritize group interests over individual interests; a phenomenon that has been scrutinized in EU studies since the early days of the European integration project (Risse, 2005). Collective identities also bring about emotions such as ‘in-group trust’ that promote ‘in-group cooperation and out-group discrimination’ (Mercer, 2005: 97).

In EU–Turkey relations, the discourse on commonalities is simultaneously shaped by a wide array of determinants that range from the norms and values as enshrined in international law and the EU *acquis* to questions related to a common foreign and security culture and religious-cultural debates (see also Aydın-Düzgüt & Rumelili, Chapter 3; Schimmelfennig, Chapter 6; Tekin, Chapter 7). In the EU, European representations of Turkey’s identity are abundant and ambiguous. While conceptions of commonalities rest, for instance, on the presence and integration of citizens of Turkish origin in European societies, strong objections are built upon the alleged incompatibility of Turkey’s societal, religious, and cultural foundations with self-proclaimed ‘European values’ (Lindgaard et al., 2018: 16). The Turkish political leadership draws an ambiguous picture of a potential ‘we-identity’ (Messner et al., 2016: 55) with the EU, too. Reference to a sense of common belonging is

part of the rhetorical repertoire still today. To illustrate, Turkish President Recep Tayyip Erdoğan stresses Turkey's determination to gain EU membership and to proceed on 'its way persistently despite those trying to exclude it from the European family' (TRT World, 2019). The lament of being excluded speaks to the in-group-out-group mechanism and is a positive affirmation of a European-Turkish community, even if such references might be employed strategically for the mobilization of domestic sentiments and the pursuit of interests.

One of the most discussed potential dividing lines in the debate over cultural commonalities between the EU and Turkey concerns the relationship between religion and democratic consolidation (Aydın-Düzgüt & Rumelili, Chapter 3). Embracing multi-faith realities in both Turkish and EU societies alongside the possibility of the adherence of Islamic societies to the EU's liberal-democratic norms could be one feature of a common identity in EU-Turkey relations. However, such attempts could encounter two key challenges. First, democratic backsliding in Turkey coupled with trends toward the de-secularization of Turkey's domestic and foreign policymaking (see Kaya, Chapter 14; Torun, Chapter 13) strengthen the perceived qualms about Turkey's 'Europeanness'. Second, the resurgence of populist, nationalist, and illiberal tendencies in various EU member states has sparked discussions over how to conceptualize 'European' democratic values and presented increasing challenges to the cosmopolitan, inclusive contour of European identity. In the present situation, a common identity does not seem to represent a particularly promising starting point to formulate joint interests and facilitate a cooperative EU-Turkey relationship. Given the rich set of joint, deep-rooted historical, societal, and political points of reference, on the one hand, and the overarching unfavorable macropolitical settings, on the other, attempts at the construction of a sense of common identity could be above all undertaken through reinforcing intersocietal ties and people-to-people communication.

16.7 CONCLUSION: ADVANCING EU-TURKEY RELATIONS AND EU-TURKEY STUDIES

The findings of this volume have revealed how much more intricate, contested, yet relevant EU-Turkey relations have become under the influence of new complexities. This volume is full of evidence of how the preferences of the EU and Turkey were driven, and continue to be driven,

by an ever-evolving mixture of internal EU and Turkish domestic developments, external shocks, and international developments, as well as by determinants of the bilateral dialogue in the form of the accession process or sectoral cooperation.

Cooperation between the EU and Turkey remains requisite for both parties to manage growing, complex interdependencies across a wide array of issue areas, *inter alia*, trade, migration, energy, and security. Accordingly, the EU has conveyed that it ‘has a strategic interest [...] in the development of a cooperative and mutually beneficial relationship with Turkey’ (European Council, 2020: para. 15). However, if cooperation is about adjusting one’s own behavior to the other’s preferences, we can underscore that the phases and areas of cooperation between the EU and Turkey have substantially decreased throughout the last decade. The last incidence in which organized collective action was undertaken in view of a common challenge was when the EU and Turkey responded to the cross-border implications of the war in Syria with a joint ‘deal’ on the management of irregular migration flows in March 2016. EU–Turkey relations show that enabling conditions are not easy to achieve even with the high potential for reciprocity, which lies at the heart of cooperation. Our analysis has revealed that despite this potential, the EU–Turkey relationship lately rests on unfavorable cooperation conditions, since other drivers of cooperative behavior—namely, trust, communication, reputation, fairness, enforcement, and common identity—cannot properly operate in the current setup.

The good news is that cooperation does not necessarily have to become less likely in complex setups like the EU–Turkey relationship. Beyond that, ‘the success conditions for cooperation are known to a great extent and [...] can be influenced, which means we can also think about strategies needed to develop or strengthen them’ (Messner & Weinlich, 2016: 14). In the previous sections of this chapter, we have pinpointed possible means and ways to allow for these enablers to facilitate cooperative behavior in EU–Turkey relations. Our analysis and the findings in the various contributions of this volume suggest that sectoral, transactional interactions based on the principle of direct reciprocity bear the potential to reverse the vicious circle in EU–Turkey relations, enabling a favorable working environment at the operational level. *Ad hoc* horizontal, sector-driven transgovernmental networking (Lavenex, 2008, 2014) with the involvement of actors at multiple levels, including local administrators, technocrats, regulatory agencies, and a diverse set of non-state actors,

might facilitate issue-specific de-politicization in the EU–Turkey relationship and encourage trust-building between the two parties in the short run (see also Turhan & Yıldız, forthcoming).

At the same time, the findings of the volume reveal that the convergence of interests does not necessarily safeguard the longevity of collective action toward reaching common goals. A truly cooperative relationship between the EU and Turkey, therefore, implies a long-term, normative orientation and stable cooperation with continuous communication in order to decrease the likelihood of misinterpretations and, accordingly, perceptions of unfairness and the development of disrepute. In this way, learning and socialization processes and rule-based systematized policy coordination may (re)emerge. Thus, the future trajectory of EU–Turkey relations requires a normative, ‘institutionalized alternative path’ (Turhan & Wessels, Chapter 8) beyond the formally frozen accession process in order to negate the phases of estrangement and conflictual relations and promote the longevity of the periods epitomized by a cooperative relationship. In this vein, the concept of external differentiated integration that concerns the extraterritorial, partial extension of the EU *acquis* through ‘alternative forms of integration below the threshold of membership’ (Lavenex, 2011: 373) constitutes a promising framework ‘for conceptualizing the different forms of Turkey’s integration and association with the EU’ (Tekin, Chapter 7; see also Turhan, 2017; Müftüleri-Baç, 2017). Should future developments allow for a reinvigorated discussion of the EU–Turkey relationship as a realistic case of EU enlargement, the preferences and influence of individual member states such as Germany (Reiners & Tekin, 2020; Turhan, 2016) and of EU institutions will continue to play a central role in this context as will EU–Turkey interactions in key policy areas.

Taking into consideration the findings—and thematic boundaries—of this volume as well as the growing evolution of the EU–Turkey relationship outside the accession process, we propose three avenues for future research. First, overcoming the unlikelihood of a fully-fledged revitalization of Turkey’s EU accession talks accompanied by the indispensability of policy coordination necessitates further studies on the explanatory value of the concept of external differentiated integration for EU–Turkey relations. More specifically, there is significant gap in the literature on the causes and drivers of variations in Turkey’s external differentiated integration with the EU. Beyond that, the different modes of interactions between the EU and Turkey through which policy transfer is

pursued outside the accession framework and the effects of sector-specific, functional integration on domestic normative transformation in Turkey require deeper analysis.

Second, micro- and meso-level analyses of EU–Turkey relations still remain relatively understudied sub-fields. How has the recent deterioration in political relations affected the relationship at the administrative, more technical level (Bürgin, Chapter 9)? What channels of communication and socialization exist between the EU institutions and Turkey’s opposition parties or civil society? How do mutual identity representations change in response to key contemporary developments in the EU and Turkey (Aydın-Düzgüt & Rumelili, Chapter 3)?

Finally, without a dynamic accession track, the EU’s relations with Turkey would resemble the Union’s relations with other emerging (middle-)powers and become increasingly concerned with the debates on important overarching questions of inter- and transnational cooperation as well as the quest for effective multilateralism in times of global power shifts. This emerging setup necessitates attempts to go beyond the theories of European integration; in other words, we need to expand theoretical and analytical explorations that further scrutinize the explanatory value of mainstream and up-and-coming IR theories and governance studies for EU–Turkey relations. In this way, it would be possible to advance EU–Turkey studies as a field of analysis at the intersection of EU (integration) studies, IR, and (global) governance studies.

The stalemate in Turkey’s EU accession process does not dilute the relevance of EU–Turkey relations. As seen throughout this volume, even a comprehensive analysis of contemporary EU–Turkey relations through the lenses of theories and concepts, institutions, and policies cannot fully grasp the ever-evolving complexities and components of this unique relationship. Rather, such an extensive look at the relationship through these perspectives opens new avenues for future research and innovative forms of cooperation.

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