

Europe's Changing Architecture: Notes on Rethinking the EU-Turkey Relationship

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April 2014

POLICY BRIEF 16



Stiftung
Mercator



IPC

ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE

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Abstract

2015 will mark 10 years of accession negotiations. Fast-forward to 2015, Turkey will have been through three election rounds and possibly deep political changes in a decade that has been characterised by the unchallenged government of the Justice and Development Party (AKP). In the EU, the leadership changes of 2014 will provide new faces and there are also deeper trends and opportunities within the EU which could help the two redefine their relationship: internally, the process of European integration is showing signs of shifting away from the "ever closer union" model to one with far greater differentiation and complexity. Externally, the events of the past few years could lead to a fundamental rethinking of the EU's relations with its neighbours as well as a strategic reassessment of its friends and allies. This short paper aims to explore the options that may be on the table for rethinking EU-Turkey relations in the context of the debate on the future of European integration.

Imagining a Future in EU-Turkey Relations

Writing in the wake of the local elections of 31 March 2014, the question of how Europe can engage Turkey will seem unrealistic and redundant. Since the repression of the Gezi Park protests last summer, the marked deterioration of the quality of democratic life in Turkey through the Prime Minister's responses to the revelations of corruption and his pledge for revenge on dissenting voices make it hazardous for the EU to invest in this relationship at this time.

Ironically, this democratic involution in Turkey coincides with the positions of those in the EU who want to keep the country at arm's length and who have boycotted, more or less overtly, the deepening of the relationship and the country's progress in negotiations for EU membership. Yet a year of systematic executive attack on Turkey's still-fragile democratic structures do not give those in the EU who are committed to enlargement good arguments to call for revitalising the relationship, at least as things stand today. Furthermore, 2014 will be an inward-looking year for the EU and for Turkey, as both are dealing with elections, leadership change, and political turmoil.

At the same time, 2014 could represent a moment in which some ideas about how to revitalise the relationship could be played with in order to prepare the ground for 2015, which will mark 10 years of accession negotiations. Fast-forward to 2015, and Turkey will have been through three election rounds and possibly deep political changes in a decade

that has been characterised by the unchallenged government of the Justice and Development Party (AKP). In the EU, the leadership changes of 2014 will provide new faces; in Turkey, the election rounds may not result in new leadership but could provide the excuse to turn a new page and put the EU-Turkey relationship on a new footing.

Beyond manufacturing the conditions to re-launch the dialogue, there are deeper trends and opportunities within the EU that could help the two redefine their relationship: internally, the process of European integration is showing signs of shifting away from the "ever closer union" model to one with far greater differentiation and complexity. Externally, the events of the past few years could lead to a fundamental rethinking of the EU's relations with its neighbours as well as a strategic reassessment of its friends and allies.

In this context, there will be scope to redefine the EU-Turkey relationship as well. Without the pretence of finding solutions, this short paper aims to explore the options that may be on the table for rethinking EU-Turkey relations in the context of the debate on the future of European integration. At the same time, the involution of Turkey's democratic life cannot be ignored. Diplomacy will have to find paths to a new dialogue with the existing political elite while retaining the EU's proven asset of acting as a catalyst for democratic reform through the accession process, and through the support of networks and contacts between civil society groups in the EU and in Turkey.

A Snapshot: EU-Turkey at the Crossroads of EU External Relations

The EU has a wide range of ways in which it institutionalises relations with its European neighbours and partners. It has developed an array of policies and instruments for its relations with neighbouring European countries, including its enlargement policy, the European Neighbourhood Policy, the European Economic Area, and strategic partnerships. These different frameworks provide a series of "external circles" within which non-EU members have different degrees of integration with the EU.

Understanding this architecture is not always straightforward. At the lowest level of integration is the customs union among EU member states and with micro-states Monaco, Andorra, and San Marino, and with Turkey. Switzerland stands out as not having a single agreement with the EU but multiple ("spaghetti bowl") agreements governing its wide array of relations. In addition, it is party to the Schengen Agreement, which guarantees free movement among its signatories. The agreement excludes some EU member states, such as the UK and Ireland, while some EU member states, such as Cyprus, Romania, Bulgaria and Croatia, are waiting to join. Other non-EU member states, such as Norway, Lichtenstein, and Iceland, are party to the agreement.

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Switzerland is also a member of the European Free Trade Association (EFTA). The EFTA members are countries that have similar economic, democratic, and governance standards to the EU member states but have decided not to join the Union, together with Norway, Iceland, and Lichtenstein. The latter, however, are also part of the European Economic Area (EEA), a free trade area with the EU that gives them access to the EU's internal market without the same decision-making powers. They enjoy freedom of movement of goods, capital, and people but without the benefit of deciding on the governance of such freedom.

At the same time, the enlargement process is still alive. Alongside Turkey, the candidate countries aspiring to join the EU include the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina and Kosovo¹, while Montenegro and Serbia are negotiating accession.

Further afield, the EU has been developing other forms of political and economic integration with its neighbours to the south and to the east. The Euro-Mediterranean Partnership - which included when it was launched in 1995 the 15 EU member states, two Mediterranean candidate countries (Malta and Cyprus), and Turkey, which had not been yet recognised as a candidate - entailed Association Agreements (AAs) with the EU. In 2008 the EMP evolved into the Union for the Mediterranean, with a broader-based participation that includes all countries that have a Mediterranean shore (e.g. the Balkan states), the enlarged EU member states, Turkey, plus Mauritania.

An additional layer to the EMP was the European Neighbourhood Policy (ENP) launched in 2004, which included all of the EU's sixteen neighbours excluding Turkey and Russia. Through the ENP, the Association Agreements could include a Deep and Comprehensive Free Trade Agreements (DCFTA), an additional tool offered to the eastern neighbours in 2009 and to the southern ones in 2011.

Finally, the EU has so-called "strategic partnerships" with a number of countries around the world. Alongside the United States, Canada, Japan, Russia, and other longstanding partners, the EU has also developed partnerships with emerging countries such as Mexico, Brazil, South Africa, India, and China.

The Road to Nowhere: Where Turkey Stands Today

Turkey is party to some of these policies and could be party to the others. In this sense, Turkey stands at the crossroads of EU external policy. As a preferential trade agreement, the customs union has played an important role not just in integrating the Turkish economy with the EU's and with global markets, thereby contributing to Turkey's economic growth, but has also acted as stimulus for economic reform, shifting the country's model from a government-run economy to a market-based one.² Yet it cannot be said that any of these policies and processes have been particularly effective at bringing Turkey closer to the EU. Now, in 2014, the statement that relations between the European Union and Turkey are at a stalemate has become commonplace.

The Accession Track

There are those who claim that EU-Turkey relations started to deteriorate on 4 October 2005, the day after Ankara started accession negotiations to join the EU.³ Without meandering into the details of this process, suffice it to say that the accession lever has probably been the most important external determinant of Turkey's herculean internal reform process. However, the commitment to the accession

1 Kosovo is not recognised as a state by five EU member states but is "normalising" its relations with Serbia, which enabled it to start negotiations for a Stabilisation and Association Agreement.

2 Sübidey Togan, "The EU-Turkey Customs Union: A Model for Future Euro-Med Integration", in *MEDPRO Technical Reports*, No. 9 (March 2012), <http://www.medpro-foresight.eu/node/551>.

3 E. Fuat Keyman and Senem Aydın-Düzgit, "Transforming Turkey-EU Relations: Ground for Hope", *Global Turkey in Europe Policy Briefs*, No. 6 (March 2013), http://www.iai.it/pdf/GTE/GTE_PB_06.pdf.



process within the EU has been far from shared by all member states, with a few states explicitly hostile, while in Turkey the government's commitment has been wavering and ambiguous. As a consequence, the accession track has been mired with political traps and blockages, with the EU using multiple entry points to veto negotiations at certain points and Turkey not fulfilling key conditions to open new negotiating chapters. As a result, talks were stalled until 2013, when a chapter on regional policy was opened and the start of a visa liberalisation process was launched.

The current debate on Turkey-EU relations nonetheless remains anchored to the accession process. Even if it appears to be a road to nowhere, neither side has pulled the plug.

The solutions to this stalemate vary depending on the attitude towards Turkish accession: those committed to enlargement claim that nothing short of opening the chapters dealing directly with democracy, political freedoms, the judiciary, and the rule of law (chapters 23 and 24), as is standard practice for new countries starting accession talks, will bring about change in the relationship. If the EU is committed to Turkey's accession and democratisation, it needs to give itself the tool to support such commitment: leverage through negotiations on the substance of democratic practices. Taking this step would also disempower the arguments of those in the EU who use the democratic deficit as a pretext to cut back relations. Conversely, on the other side of the fence are those who see the deterioration of democratic practices in Turkey and the ambiguities of the current government's positions as a good reason to halt negotiations, justified by the argument that the country no longer satisfies the conditions to start accession talks.

The External Policy Track

The accession process, however, has prevented Turkey from taking a more prominent position in the EU's external policy. Ankara has consistently viewed its involvement in the EU's external policy relationships with suspicion, seeing it essentially as a plan by the EU to place Turkey in the basket of the EU's external policies, pre-judging any prospect of accession. Until it received candidate status in December 1999, Turkey was reluctantly involved in the EU's Mediterranean policies; geography obliged, but commitment was lacking.⁴ These suspicions of the EU's motivations were not unfounded. When the French candidate to the presidency Nicholas Sarkozy first outlined his vision of what was to become the Union for the Mediterranean in Toulon in 2007, providing an alternative to Turkey's accession path was one of the things he had in mind. And indeed, Turkey is not a partner of the European Neighbourhood Policy, which does not offer a prospect for accession and was launched in May 2004, when Turkey was already a candidate country for accession.

4 See Eduard Soler i Lecha, "Facts, perceptions and myths in the Mediterranean dimension of Turkey's EU membership prospect", in Attila Erlep and Çiğdem Üstün (eds.), *Turkey and the EU: The Process of Change and Neighbourhood*, Ankara, Center for European Studies-Middle Eastern Technical University, 2009, p. 40-55, http://www.ces.metu.edu.tr/docs/neighbourhood_en.pdf.

German Chancellor Angela Merkel, whose country is deeply sceptical of Turkey's accession and whose party is openly against it, has proposed "privileged partnership" between the two sides. In the run-up to the first European Council meeting dedicated to the EU's strategic partnerships in September 2010, there was a discussion in European foreign policy circles on whether Turkey should become one of the EU's strategic partners. Indeed, at a time of Turkey's active engagement with and in its own neighbourhood - especially the Southern Caucasus and the Middle East in the wake of the Arab Spring - the dialogue between Turkey's Foreign Minister and the EU's High Representative for Foreign Affairs and Security Policy has intensified. The Commission has also recommended some form of dialogue. Turkey's geopolitical importance and its own neighbourhood policy in an area of great relevance to EU foreign policy have increasingly become clear to EU institutions. But all these options are seen as proposing alternatives to the accession prospect, an option ostensibly deemed in Ankara to be incompatible with Turkey's European vocation - so far.

The Debate on the Future of Europe

In the Union, a number of other events are refuelling the debate on European integration. On the internal front, the key issues are tied to Britain's relationship with the EU and the existing differentiated integration. Externally, developments both in the (slow) enlargement process and in the EU's neighbourhood (where demands for an accession prospect are still vibrant) might pressure the EU's next leadership to rethink its relations with its neighbours. In particular, Ukraine's current predicament and demands from other countries that are feeling threatened by Russia may force the EU to make choices it so far has avoided.

The unsaid assumption in the debate on the future of Europe is that the traditional models of federalist and supranational integration versus an intergovernmental union of states are no longer an ideal engine for integration. What might replace them is to be found. Some keywords already exist to describe the options for future integration, such as "differentiated integration", "inner core" and "outer circle", "multi-speed" Europe, and "variable geometry". The challenge is in finding an overlap between countries committed to deeper integration and to fields for integration and for pooling competences. In essence, there are multiple maps of interests and commitment to the EU that do not overlap. Furthermore, the British debate on a "repatriation of competences", coupled with growing discontent with EU institutions, may lead to a fundamental discussion on what the appropriate levels of governance in Europe are.⁵

At present 18 EU states are in the eurozone while 9 are outside it, 6 of which are obliged to join. The 3 others outside the eurozone are "Northern" member states - the United Kingdom, which has an "opt-out" from the euro, Denmark, which has an "opt-in", and Sweden, which has avoided joining the euro. If an "inner circle" of EU states proceeds to take decisions on a wider range of matters concerning the euro and economic governance, this may lead (formally or informally) to new institutional arrangements. This will be one of the most difficult political questions for the EU to resolve, particularly if it involves a modification of the Treaties, an option not contemplated at the moment but that is likely to re-emerge before the end of the decade.

In principle, this two-tier model, with most of those in the "outer circle" gradually joining the "inner" one, could function if the "inner circle" has sufficient gravitational power. But should Britain leave the EU or somehow renegotiate the terms of its membership, differentiation in the outer circle could lead to a fundamental reconfiguration of Europe. One proposal is to create an "associate membership" status for Britain, which requires adherence to the values of the EU but not to its

political objectives, the euro, or its governance.⁶ This could develop into a more integrated core and a looser outer circle that could include countries beyond the current EU members, such as Iceland or Norway, or those currently negotiating accession, such as Serbia and Turkey. These inner and outer circles could also become more internally differentiated to accommodate countries with different interests and levels of commitment to the EU.⁷

It is striking how the debate on the future of European integration is conducted largely in isolation of its continuing enlargement and without a discussion with the countries aspiring to join the EU. Alongside dynamics of change internal to the EU, external challenges will also shape how the EU relates to the countries in its immediate surroundings, which in turn will shape the debate on the future of Europe. Despite Turkey's paralysis, the enlargement process continues in the Balkans, but is likely to be a long-drawn effort that will continue into the 2020s. Among the many challenges in this field will be keeping the virtuous transformational effects of the process alive while the end of the process is far from sight.

Secondly, events in Crimea and Ukraine have renewed the demand for a greater EU involvement in Eastern Europe, including for offering a prospect of accession to those countries that have been demanding it: Ukraine, Moldova, and Georgia, the three countries that are about to intensify their relations with the EU through the AAs and DCFTAs. So far the EU as a whole has been ambiguous and reluctant to make any commitment - even to confirm that, as European countries, they have a right to apply for membership, as Article 49 of the EU Treaty clearly states. The likelihood is that pressure will increase on the EU to give some kind of signal to these countries and to envisage the possibility of deeper relations than the AAs and DCFTAs.

Thirdly, the incoming institutional representatives (the High Representative for Foreign Affairs and Security Policy and/or the next Commissioner for Enlargement and European Neighbourhood, should that portfolio remain the same) will be under pressure to initiate a process of recalibrating the policies that the EU has devised so far towards its neighbours, many of which are also Turkey's neighbours. The Arab Spring and the recent events in Eastern Europe all call for a fundamental re-evaluation of the EU's Neighbourhood Policy (ENP). Future approaches towards these regions are likely to reflect the growing diversity among the countries grouped into this policy and will entail devising more differentiated and tailor-made policies that reflect the level of cooperation, political dialogue, and integration with the EU. Partners in these regions will also be expected to assess what level of engagement they will want from their relationship with the EU.

Finally, recent events suggest that the EU's strategic partners are far fewer than the official list, the relationship with Russia being particularly controversial after the events in Ukraine. Yet for Europe, relations with Russia and Turkey are inevitable due to geographic proximity and interdependence. Even if the current political context and developments within both these countries do not bode well for diplomatic contacts, the inevitable path is that sooner or later they will have to talk. The key question will be how.

In this picture, there may emerge opportunities to rethink the EU-Turkey relationship. While the accession path remains the most appropriate channel to keep the virtuous linkage between the reform process and European integration, internal and external changes in Europe's architecture provide plenty of entry points for Turkey to reposition itself. Political dialogue has been one element missing in the relationship - in contrast to the EU's obsession with institutionalising

6 Andrew Duff, *On Governing Europe*, London, Policy Network and The Group of the Alliance of Liberals and Democrats for Europe, September 2012, http://www.policy-network.net/publications_detail.aspx?ID=4257.

7 For a discussion of the "concentric circle", "hub and spoke", and "spaghetti bowl" scenarios for European integration and Turkey's options therein, see Nathalie Tocci and Dimitar Bechev, "Will Turkey Find its Place in Post-Crisis Europe?", in *Global Turkey in Europe Policy Briefs*, No. 5 (December 2012), http://www.iai.it/pdf/GTE/GTE_PB_05.pdf.

5 For the debate on the future of Europe, see New Pact for Europe, *Strategic Options for Europe's Future: First Report*, Brussels, King Baudouin Foundation, Bertelsmann Stiftung, and European Policy Centre, December 2013, <http://www.newpactforeurope.eu/documents>.

summitry and relations with third countries. But the need for political dialogue will not disappear even if the two sides drift further apart; Brussels and Ankara will need to strengthen their strategic and security dialogue whether they like each other or not, at least on matters of direct common concern, such as the Syrian crisis and developments in the Middle East and Southern Caucasus.

In the evolving debate on the future of Europe, which should address more openly the questions of enlargement and relations with neighbours, there are scenarios for a multi-layered European architecture linking those currently in the EU and those outside of the EU. Alongside the free trade areas that the EU is already setting up, there could be plans to expand the single market or parts of it, as the ENP has envisaged, to those countries willing to commit to the regulatory regime that this would entail. Freedom of movement could be another principle to be extended. Should any of the many scenarios take shape, the “outsiders” may want to have a say in the principles governing that outer layer(s), and whether and how these may be compatible with a future full accession to the EU.

Diplomacy and Dialogue: What Terms to Re-engage Turkey?

How to engage the two sides is not a rhetorical question. “Resetting” buttons, as has been demonstrated on past occasions, cannot be done lightly: the legacy of history cannot be obliterated. Style and language are important in diplomacy, but finding a new narrative for the relationship will not be enough. From Brussels’ viewpoint, the dramatic involution in Turkey’s political life stands in flagrant contradiction to all that the EU has stood for in for the past forty years and to the mood among European citizens, who are traditionally unfavourable to Turkey’s accession.

The EU’s past asset in anchoring Turkey’s democratic reforms cannot be wasted by “resetting” buttons with an authoritarian Prime Minister. In this regard, the ball stands in Ankara’s court. Should Erdoğan or whoever will lead the country after the next election rounds want to reshape Turkey’s relations with Europe, there could be opportunities in the context of the EU’s growing need to re-assess its own internal arrangements and external relations. Turkey, being at the crossroads of both, could take this opportunity to rethink its role as a potential EU member as well as a partner on international issues and, with the EU, redesign its position in the EU’s multiple layers of relations with European countries.

That being said, there is some homework for the EU as well, which would help rethink relations with Turkey (and other countries).

There is no substitute for the accession leverage, and if the EU were committed to Turkey’s democratic reform, opening the chapters dealing with institutions, political rights, and the rule of law would be the most effective way of mobilising EU and Turkish actors in the process. However, should the accession track remain stalled and the government-to-government dialogue on these matters not be fruitful, there are other ways in which the EU can continue to make use of this asset.

Recent events in Ukraine since its now-ousted President did not sign the agreement with the EU in November 2013 have given a new twist to the EU’s standing around the world. Some governments of neighbouring countries have shown dissatisfaction with the EU conditionality and its transformational approach, prompting them to search for alternative political agendas - which are often coloured by “anti-Western” ideology. Yet many citizens outside the EU are in need of the external anchor to support internal democratic change. In Turkey, opinion polls show that if joining the EU is a declining aspiration, it is still shared by a quarter of the population. Pressure to respond to such demands, especially when they come from contested regions in which getting closer to the EU has existential meaning, might lead Brussels to rethink its overall engagement with European outsiders, possibly boosting policies to strengthen ties with the Europeanisation

and transformation agenda that has dominated the EU’s approach since the 1990s.

The accession process is driven by government-to-government negotiations, and requires strong commitment of the partner government to abide by the conditions set by the EU and ensure their implementation across the national system. Even outside the framework of this process, the EU has more bottom-up tools which can support horizontal dialogues, people-to-people contacts, and policies to support the capacity of organised civil society. This need not be a top-down exercise, also to avoid backlashes or retaliation in the name of a “war against foreign agents” - a frequent accusation to the EU by governments hostile to European interference. European constituencies such as trade unions, business associations, political parties, and national and sub-national institutions can also be mobilised to strengthen networks with Turkish counterparts. These networks could ensure that the reform- and EU-oriented constituencies in Turkey and in the EU can continue to work even if the political environment becomes more hostile.

Conversely, should the Turkish government review its current backslide and return to a reform-oriented path, and should the accession process be revived, the EU should start involving the candidate countries in the evolving debate about the future of Europe. Granted, this process is not carried forward by the EU institutions, and no intergovernmental conference is in sight. However, the debate is flourishing among think tanks, and the years to come are likely to produce more work outlining possible future architectures for the EU. These debates should not just take into account the perspective of enlargement but should systematically involve representatives of candidate and aspiring candidate countries in debates among peers - from think tanks, academia, and those elites who are thinking about Europe - with the aim of making the debate about the future of Europe truly pan-European. The EU advisory bodies, such as the Committee of the Regions, could also start to develop these discussions, stimulating intra-parliamentary debates among political representatives across the continent.

These discussions need to address more clearly the relationship between internal and external dimensions of integration and envisage institutional spaces that could bring together the variety of external relations the EU enjoys with European and neighbouring countries - customs unions, free trade areas, intergovernmental arrangements, candidacy, and association - and which principles and political standards should govern these arrangements. A multi-layered “outer” circle need not exclude the possibility of joining the EU; the possibility of moving from one level of association with the EU to the next, more integrated one should be a principle that could persuade candidate countries to adhere to looser forms of association while continuing their approximation to the *acquis*. These ideas need to be discussed not just within the EU but also with the countries that may be interested in different forms of participation in the integration project.

The EU’s leaders and institutional representatives would also have much to learn from an approach in which partners are consulted on an equal basis. The Euro-centric policies set up by the EU, such as the ENP, reflect a Euro-centric vision of the world. The most frequent complaint of the EU by non-Europeans from all over the world is its inability to listen to the positions of outsiders and its model of imposing ready-made policy packages to the partners - policies that often reflect internal EU negotiations and priorities more than the external challenges. At a time in which these policies are increasingly contested and in need of a re-boot, one starting point could be to invest in developing a diplomatic “style” of equal treatment of other countries. Turkey, precisely because of its crucial position at the crossroads between accession and being a key strategic country, could be the starting point for a fresh diplomatic approach to the re-inventing of the Union’s relations with the world.