

DARSHAK SWAMI

**EUROPEAN-TURKISH
RELATIONSHIP
POLICIES AND
INSTITUTIONAL MACHINERY
(VOL 2)**



European-Turkish
Relationship: Policies and
Institutional Machinery
(Vol 2)

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Darshak Swami

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PART III

EU Policy and Implementation

Concept, Motives, and Criteria of EU Enlargement: Special Case of Turkey

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; Leïße & 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 (Dağı, 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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Trade as Turkey's EU Anchor: A Integrated Study of Macroeconomic and Trade Policies

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.

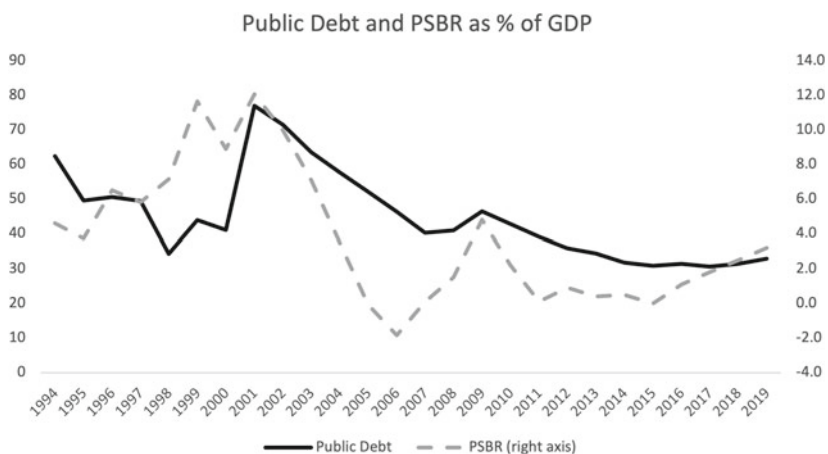


Fig. 12.1 Fiscal policy fundamentals: Turkey’s public debt and public sector borrowing requirement (PSBR) as % of gross domestic product (GDP) (*Source* Republic of Turkey Ministry of Treasury and Finance [2020])

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.

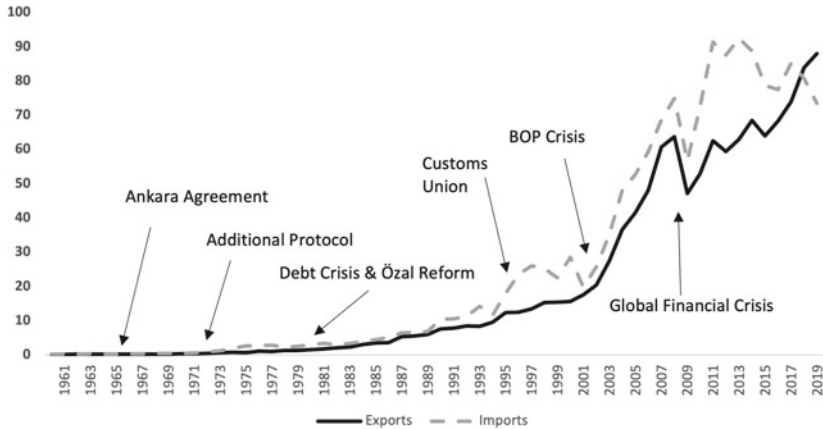


Fig. 12.3 Turkey's bilateral trade with the EU (1961–2019) (in billion USD) (*Source* International Monetary Fund [2020])

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

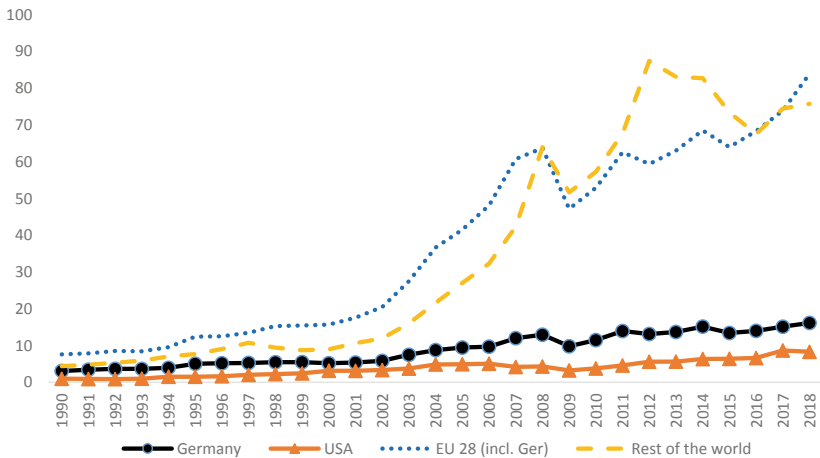


Fig. 12.4 Turkey's total exports to the EU (28), Germany, USA, and the rest of the world (1990–2018) (in billion USD) (*Source* Updated based on Felbermayr et al. (2016) and OECD STAN Database for Structural Analysis [2020])

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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Convergence and Divergence Paths in the Foreign Policies of Turkey and the EU

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

¹I thank the editors for their suggestions on how to improve this chapter.

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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Development of Turkey's Migration Policies: Processes of Europeanization and de-Europeanization

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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/gecici-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 (Gümüř and Erođlu, 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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Institutional Dialogue and Political Developments of EU-Turkey Energy Market

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.

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-Düzgüt & 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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PART IV

Epilogue

Conclusion: The Future of EU–Turkey Relations

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 • 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"> • 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 legitimizing and constraining effects of EU institutions' official discourse, criteria, and decisions on member states 		

(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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