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EU AND TURKEY AT A CROSSROADS: AVOIDING A FORESEEABLE BREAK-UP

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Introduction

On 24 November 2016, the European Parliament (EP) passed a non-binding resolution calling for a temporary freeze of the membership negotiations with Turkey, twelve years after giving its green light to the opening of the accession talks. According to European lawmakers, temporarily suspending the accession negotiations would be the logical consequence of the "disproportionate repressive measures" taken by the Turkish government since the failed military coup attempt, which have further undermined the rule of law and fundamental freedoms. The EU keeps repeating to the Turkish leadership that the repression, which has been targeting many sectors of Turkish society, including media and deputies from the opposition, weakens the rule of law and fundamental freedoms, while the leadership has systematically dismissed European critics and accused the Union of applying double standards to the country. Beyond the EU-Turkey dispute following the post-coup repression, the predicament in which the relationship currently finds itself is the product of a much longer process discussed by this policy brief. The issue of Turkey's membership of the Union has been at the centre of the relationship. However, the stalled accession negotiations opened in 2005 have fuelled distrust and resentments on both sides. After fifty years of waiting to enter the EU, some signs show that Ankara has chosen to move away from the Union and its values. Meanwhile, the 28-state block remains committed to keeping Turkey anchored to the Union, be it for strategic reasons or more pragmatic considerations, including preserving the migrant deal signed with Ankara. As the membership process has lost its credibility, with neither side honestly believing in Turkey's accession anymore, this may be the moment for the EU to redefine its relationship with Turkey in order to regain leverage. Among the options at the EU's disposal, reengaging with Turkey on the economic level, a field where the EU's soft power may not have disappeared, would be worth exploring.

The Long Journey towards Membership Negotiations

Turkey's first bid to embark on the European integration project dates back a few years following the creation of the European Economic Community (EEC) in 1957. After applying as associate member to the EEC in 1959, the country signed an Associate Agreement with the Community (1963) with the aim of progressively establishing a Customs Union. The country's journey towards the EEC continued through the 1980s with the formal application for full membership (1987), but eventually came to a halt with the decision by the Commission of the European Communities to reject it. The EEC argued at the time that it was inappropriate to launch new accession negotiations, stressing Turkey's democratic and economic shortfalls. However, while acknowledging Turkey's "general opening towards Europe" and its "strategically important geopolitical position," the Commission expressed its willingness to pursue its cooperation with Ankara, announcing the completion of the Customs Union for 1995 (Commission of the European Communities, 1989). This objective was met in due time, granting Ankara access to the EU internal market with exceptions, notably including agricultural, coal and steel products. Turkey pursued its long march towards the accession in the following years, successively being recognised as eligible for membership (European Council of Luxembourg, 1997) and finally as a candidate country (European Council, Helsinki, 1999).

On 11 March 2003, Recep Tayyip Erdo an, leader of the Justice and Development Party (AKP) became the new Prime Minister of the Republic of Turkey. The new strong man of Turkey would play an important role in giving a new impetus towards the EU. The former mayor of Istanbul (1994-1998) had realised that Turkish Islamists had to change their strategy to win the elections and remain in power. Indeed, the Constitutional Court and the military systematically had thwarted their claims to power. In 1997, Erdo an's mentor, Necmettin Erbakan, was forced by a "post-modern" coup to step down as Prime Minister. Moving away from Erbakan, Erdo an founded his own party, the AKP, which adopted a pro-European stance. He believed that the EU would enable the AKP to gain legitimacy and implement its domestic political agenda. His assumptions were that the democratic reforms required to become an EU member would help eliminate the greatest concern of the Islamists, the army's political interventionism. The structural economic reforms required to enter the Union would also give a framework to revive the Turkish economy. Ensuring the economic recovery of Turkey would, in turn, help ensure the AKP great popularity. Additionally, liberal and democratic requisites, especially regarding religious freedom, would also help ease secular restrictions on public manifestations of Islam, such as the veil ban in universities. Moreover, embracing European values could hardly be met by the opposition of secular and liberal segments of the society.

The AKP's political line and reforms to meet the EU criteria was, in turn, welcomed by many Europeans. Some saw the opportunity to demonstrate that Europe was willing to open itself to

a Muslim-majority country as well as to spread the message of the compatibility of Islam and democracy, especially in the aftermath of 9/11. Thus, in December 2004, EU leaders decided to open accession negotiations with Turkey, 46 years after Ankara's first application for associate membership to the EEC, 18 years after submitting its formal application to full membership, and six years after being granted the status of candidate country.

Losing Faith (2005-2013)

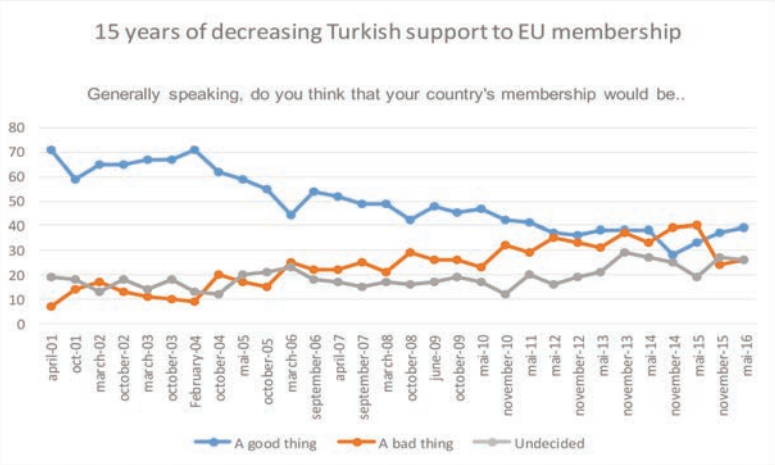
Immediately after the opening of the negotiations, however, it appeared that Turkey's path towards membership would be full of pitfalls. While Turkish support for membership amounted to 62% of the population in October-November 2004 (European Commission, 2004), a popular rejection of Europe's enlargement towards Turkey could be easily perceived from the polls. According to Eurobarometer, 64.55% of Europeans were opposed to Turkey's membership, against 31% in favour (European Commission, 2005b). The same survey showed that issues such as migration and cultural differences were the primary reasons for this opposition. European politicians have often played with these issues to thwart the European project or to attract votes in national elections. The recent Brexit campaign's use of the Turkish scarecrow to attract support for the "no" vote was not a novelty. Even a few months before the decision of the European Council to open negotiations in 2004, it featured high among the arguments used by opponents to the "European Constitution".

Austrian, French and German leaders made no secret of their opposition to Turkey's accession. On many occasions, Angela Merkel and Nicolas Sarkozy suggested that Turkey should be offered a "privileged partnership" instead of full membership, triggering angry reactions from Ankara. The French President also claimed that if Turkey were to successfully complete the negotiations, he would put the Turkish issue to a referendum (Hürriyet Daily News, 2008). His initiative to create a Union for the Mediterranean was also perceived by the Turkish side as a way to divert it from the EU membership path.

The Cyprus problem was obviously another serious pitfall on Turkey's road towards membership. Since the Turkish military intervention in 1974, Ankara has never recognised the Republic of Cyprus, an EU member state since May 2004. Before opening the negotiations, the European Council required its agreements with Turkey to be extended to the new EU member states, including Cyprus. By a compromise, Turkey signed additional protocols while specifying that they would not amount to recognition of the Republic of Cyprus (Euractiv, 2016a). EU leaders finally agreed to adopt a Negotiating Framework clearly outlining that Turkey's progress will also be measured on its support for a comprehensive settlement and the normalisation of bilateral relations with all member states (European Commission, 2005a). Nevertheless, the issue would remain a major hurdle for the success of the process.

While formal negotiations between Ankara and Brussels began in 2006, they were almost immediately stalled. Indeed, on 11 December 2006, eight out of the 35 negotiating chapters were blocked by the European Council to sanction the Turkish refusal to implement the Ankara Agreement to the Republic of Cyprus. While no progress towards the resolution of the Cyprus problem was made in the following years, the path of the reforms in Turkey started to slowdown. Additional chapters were opened but Ankara suffered another blow in 2007. France decided to block the opening of five chapters that would have made Turkish membership inevitable. Furthermore, in 2009, the Republic of Cyprus vetoed six additional chapters, including no. 23 on Judiciary and Fundamental Rights and no. 24 on Justice, Freedom and Security, decisive to address Turkish democratic shortfalls. In total, after 11 years of negotiations, one chapter has been closed, 15 are open and 16 remain blocked. Despite attempts to reinvigorate the talks based on mutual interests, the Cyprus issue, the opposition of some member states for political and cultural reasons, as well as the limited progress made by Turkey on key issues immersed the negotiations into lethargy.

For the Turks, the prospect of seeing their country joining the European Union was vanishing. The political opposition manifested by several EU countries convinced large segments of Turkish society that their country was facing double standards. Turkish Chief Negotiator Egemen Ba ı publicly admitted that even if the membership remained his country's objective, it may never be reached because of "stiff opposition and prejudices" by EU members (Hürriyet Daily News, 2013b). Again, the polls revealed a considerable loss of support for the membership along the years (see graph). In May 2012, there were almost as many Turkish supporters of the EU accession (37%) as opponents (35%), in addition to a growing number undecided (16%). On the European side, opposition to the enlargement towards Turkey rose to almost 60% in 2010 (European Commission, 2010). With faith in the process lost, a malaise poisoning the relationship started to prevail.



Prepared by the author. Source: Standard Eurobarometer no. 55 to no. 85 (except no. 76)

Losing Turkey (2013-2015)

As the negotiation process remained in a deadlock, Turkey moved away from Europe. For the EU, the first important tangible signal of this move was certainly the repression of the Taksim Gezi Park protests in June 2013. The scale of the protests denouncing an authoritarian drift, as well as the violence of the repression, hit the headlines in Europe. The issue was brought to debate in the European Parliament and Štefan Füle, European Commissioner for Enlargement Negotiations at the time, visited Taksim Square in Istanbul. Statements by the EP (European Parliament, 2013) and High Representative Catherine Ashton (European Commission, 2013a) clearly highlighted the growing polarisation of Turkish society, while deploring the reactions of the Turkish Government. Nevertheless, the EU's response was limited to statements systematically dismissed by the Turkish authorities. The 2013 Enlargement Report, while featuring inevitable criticism over the Gezi Park repression, was considered as "unexpectedly moderated" (Girgiç, 2013). A new negotiating chapter was even opened in November 2013 for the first time in three years, putting the process "back on track" to maintain the EU as "a benchmark for reform in Turkey" (European Commission, 2013b).

Yet it appeared that the EU had started to lose both its appeal and its leverage over the "new Turkey" projected by Prime Minister and then President Erdo an. The Turkish economy had been flourishing with growth rates far above those of EU members dealing with the financial crisis. Liberal reforms helped unravel secularism and give much more room to religious practices in the public and political spheres. While the first attempt of the AKP government to lift the ban on the veil in universities was annulled by the Constitutional Court (2008), Turkish women were finally allowed to wear headscarves in public institutions in 2013. Lastly, the AKP undertook a process aimed at undermining the Turkish army's interference in domestic politics. As the 2007 "e-coup" clearly illustrated, the military was still considering itself the guardian of the "unchangeable characteristics of the Republic of Turkey." Abdullah Gül, AKP candidate for the presidency, was likely to be elected when the General Staff of the army, through a statement released online, threatened to intervene. Eventually, Gül became the first Islamist President of Turkey and the government began purging Kemalist elements from the army. With the complex and polemical "Ergenekon" case (2008), several hundred high-ranking officers were put behind bars on charges of plotting against the government. With its power secured in the polls, the AKP government probably appeared to be less committed than before to move further towards Europe. While Turkish officials have kept repeating that the EU membership remained a strategic goal, shaping the "new Turkey" had become the predominant narrative.

In this context, the growing resentment over Europe among the Turkish society has also been exploited by the AKP to exalt nationalistic sentiments. As part of the party's rhetoric, the EU has been continuously accused of applying double standards to Turkey, misunderstanding the

country's realities and not delivering on its promises. Antagonistic perceptions of the Armenian "genocide" and the Kurdish issue, especially the Kurdish Workers' Party (PKK), have fuelled further diplomatic incidents and nationalistic narratives.

On the foreign policy front, Turkey began to look more towards the East than it used to do. It has often been commented that Turkey had shifted to a Neo-Ottomanist foreign policy aimed at engaging more with countries formerly under Ottoman rule. It has also been said that Turkey had sought to take the lead in the Sunni Muslim world. Turkey's foreign policy has certainly changed, displaying a more multifaceted and pragmatic visage. While its relations with the EU – and the West in general – were going through more downs than ups, Turkey has been looking for new alliances in its neighbourhood. "If the West loses Turkey one day, it will not be because of Turkey's relations with Russia, China, or the Islamic World, but rather because of themselves," said Foreign Minister Mevlüt Çavu o lu recently after his country's rapprochement with Russia (Toksabay & Gumrukcu, 2016). Becoming a member of the Shanghai Cooperation Organisation has repeatedly been discussed by the Turkish government as an alternative to frustrating relations with the EU and NATO. "You tease us, saying, 'What [is Turkey] doing in the EU?' Now I tease you: Include us in the Shanghai Five, and we will forget about the EU," Erdo an told Putin in 2013 (Hürriyet Daily News, 2013a), fuelling the debate over a Turkish shift towards the East.
Closer to Breaking Point (2016)

This year has witnessed an unprecedented intensification of the EU-Turkey relationship and, at the same time, an exacerbation of mistrust, frustration and resentment on both sides. With the refugee "crisis" as the triggering factor, the EU and Turkey started to engage in a transactional relationship. To stem the flows of refugees challenging European unity, the EU leaders decided to make a very controversial deal with Turkey. Ankara would prevent further irregular crossings of the Aegean while, in exchange, the EU committed to disburse €6 billion for refugees in Turkey, accelerate the visa liberalisation roadmap, and re-energise the accession process (European Council, 2016). In doing so, the EU, desperate to avoid the political cost of the refugee crisis, put itself in a very uncomfortable position, giving the upper hand to the Turkish government.

While the number of refugees entering Europe from Turkey has dropped sharply, visa liberalisation for Turkish citizens, expected "at the latest" by June 2016, did not happen. Indeed, the Turkish government has refused to modify its anti-terror law, which is also restrictive on freedom of speech, to meet one of the 72 necessary benchmarks, considering the major wave of terrorist attacks hitting the country. The issue became a serious irritant to both sides involved in a "battle of words". Turkey has accused the EU of lacking sensibility and not delivering on its promises, even with Turkey being open to Europeans while the Schengen "fortress" remains closed to Turks.

In addition, the Turkish side has been critical with the disbursement of the €6 billion pledged by the EU under the Facility for Refugees in Turkey. To date, €1.2 billion have been contracted and only €677 million really disbursed (European Commission, 2016). This is not enough for Ankara, which also wants the money to be channelled through its administration.

Unsurprisingly, the Turkish government has repeatedly threatened the EU to break the deal, something that Europeans genuinely fear. In view of the scale of the repression in Turkey, the EU struggles to adopt a critical position that would not endanger the migrant deal. For Turkish opponents, the EU sacrificed its values and its promotion in Turkey with such an agreement. Refusing to take more refugees, it has been prisoner of the Turkish government rhetoric highlighting its lack of solidarity when Turkey hosts more than three million refugees. In any case, President Erdo an appears as the beneficiary of the bargain made on the back of Syrian refugees, with Turkey winning leverage over Europe.

A major event made the relationship even bitterer: the failed coup attempt of 15 July. The reaction of the EU and its member states disappointed a traumatised Turkey. Statements by EU leaders condemning the coup came late for the Turkish leadership and rather emphasised the need to show restraint as purges promptly started. For the Turks, the EU clearly lacked empathy. "The whole world reacted to the attack against Charlie Hebdo. Our prime minister joined a rally in the streets of Paris. I would have hoped that the leaders of the Western world would have reacted in the same way (…)," said Erdo an (Euractiv, 2016b). Indeed, no EU leaders visited Turkey in the aftermath of the coup to show solidarity to Turkey. It could have been an opportunity to "ensure a democratic and European path for Turkey" (Bildt, 2016).

Therefore, Europe could witness how the purges widened to target political opponents without being able to influence the course of events. The numerous statements issued by EU officials expressing their "deep" and "grave" concerns only met Turkish indifference. "I don't care if they call me dictator or whatever else, it goes in one ear, out the other. What matters is what my people tell me," said Erdo an in response to European criticism (Williams, 2016). The recent detentions of Turkish deputies and journalists pushed the EU to adopt a tougher position, putting Turkey's membership into question.

Towards a New Partnership? Recovering Leverage through the Economy

The deterioration of EU-Turkey relations, the consequence of a long process, has accelerated in the last months. Yet, political and economic interests at stake should push the EU to immediately reverse the trend and avoid the break-up.

While the European Parliament recommended freezing accession negotiations with Turkey, several countries including Germany and the United Kingdom are unwilling to take this step. The negotiations, already paralysed, will probably continue this way as long as Turkey does not cross the red line: reinstating the death penalty. An escalation in the tension with the Turkish government should be indeed avoided for various reasons. First and foremost, the main concern of the EU leaders is to keep the migrant deal alive. Cooperation in other fields of common interests, such as the economy and counter-terrorism, is too important to be downgraded. Secondly, if the talks were to be frozen, it may jeopardise the Cyprus peace talks. Part of the solution remains in fact in the hands of Turkey as one of the guarantor countries and sponsor of Turkish Cypriots. If a deal was to be reached, it could be a major game changer for the EU-Turkish relationship: one major impediment to Turkey's membership would be lifted. Third, ending the talks is unlikely to provide incentives for the Turkish government to improve the current situation in Turkey but would rather reinforce nationalistic narratives. And fourth, freezing the negotiations would certainly be perceived as abandonment by Turkish supporters of EU membership. Meanwhile, the Turkish government keeps repeating that membership remains a strategic goal. Any other alternative would be categorically refused. It must, nevertheless, be acknowledged that the deterioration of the relationship has made it unsustainable. The EU needs to recover its leverage as it sees Turkey moving away from its values. While the accession negotiations in their current state do not provide any incentive for Turkey to listen to the EU, a new form of engagement has to be found and it could be through the economy.

A lesson can be drawn from the dispute over Turkey's downing of a Russian warplane in 2015. Moscow's re-evaluation of its relations with Ankara, including economic sanctions, had major consequences for the Turkish economy. It certainly had an impact on President Erdo an's decision to apologise to President Putin in June 2016. Even more recently, the decision of the European Parliament to call for the freeze of membership talks also had a negative impact on the Turkish lira's foreign exchange rates (Sonmez, 2016). It also may have had an influence on the softened rhetoric adopted by the Turkish government in recent days. While President Erdo an said that Turkey has "not yet closed the book" on the EU, his Minister for EU Affairs Ömer Çelik called for an EU-Turkey Summit to discuss the current stalemate (Demirta , 2016). This highlights the Turkish government's readiness to make concessions when its economic interests are at stakes. Indeed, the AKP has built part of its electoral success on the great performances of the Turkish economy during its years in power. But the first signs of a slowdown have started to appear in 2016. The growth rate (3.2%) is below the government target (5%) and the lira has been losing part of its value over the last three years (Kozok & Ant, 2016).

As the Turkish economy is indeed very much dependent on ties with the EU, Brussels has at its disposal a card to play. The question is not to sanction or to gift Turkey. But through economic incentives, the EU could regain its leverage over the country. In its call to freeze the membership

talks, the European Parliament notes that "upgrading the customs union is important for Turkey" and that going in the other direction "would have serious economic consequences for the country" (European Parliament, 2016). Offering Turkey the extension of the customs union to services, energy, tourism, agriculture and public procurement, tied to an improvement of the rule of law and fundamental freedoms, including the modification of the anti-terror law, could be worth exploring for the EU. The benefits for Turkey should be clearly stated by the EU. An upgrade of the customs union would notably help reverse negative economic trends, while concessions made by the Turkish side on the anti-terror law would pave the way for the completion of the visa liberalisation roadmap. The new Turkish business sector with close ties to the AKP would probably support such a bid and push the government to consider concessions in view of the potential benefits. Thus, the EU could be in position to regain the upper hand.

Furthermore, if the accession negotiations were to continue, the EU should seriously try to convince the Republic of Cyprus to lift its veto on negotiating chapters 23 and 24 regarding judiciary, fundamental rights, freedoms and security. Blocked since 2009, these chapters could be tools to reengage with Turkey on these crucial issues. Moreover, it would momentarily counter the current Turkish narrative and seriously test Ankara's claims of its commitment to its "strategic goal". Even if the dialogue could prove to be difficult, it would finally be the opportunity for both sides to show that they can talk "to each other", rather than "at each other."

In these delicate moments for the Turkish population, the EU should also improve people-to-people contacts and increase dialogue with civil society. Turkey unilaterally cancelled the EU Jean Monnet Scholarship programme for 2016/2017. The EU must ensure that it will resume next year, increase the number of grants offered to Turkish students, and multiply the number and scope of other integration projects acting as bridges between peoples of Europe and Turkey. In parallel to engaging with the Turkish government, widening European perspectives among Turkish society would be crucial to maintain what EU High Representative Mogherini identifies as Turkey's true nature: "a bridge between worlds and cultures" (European External Action Service, 2016).

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