

## Turkey and the European Union: in a maze of disputes

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Turkey has been a political challenge for the EU for more than a decade now. This stems from the widening gap between them caused by factors such as the evolution of the Turkish political model and its approach to international conflicts. As a consequence, the process of Ankara's integration with the EU has remained frozen for years; successive reports from the European Commission evaluating its progress in the enlargement process have been strongly critical, which has only aggravated the existing disputes.

Recently, however, the negative climate of Turkish-EU relations has been accompanied by a greater awareness of the importance of bilateral relations and the need to find a new formula for their cooperation. This is due to several factors, including Turkey's increased importance for the EU in the context of the war in Ukraine, the need to negotiate a new migration agreement as Europe faces a surging influx of refugees and, especially from Turkey's perspective, the potential of bilateral economic ties. In the second half of 2023, Turkey made several positive gestures towards the EU: at the NATO summit in Vilnius it declared that it was willing to improve relations with the bloc, later approving Sweden's accession to the Alliance. Similar signals have also been coming from the EU: despite a number of challenges in relations with Turkey, the Commission and the head of EU diplomacy have, at the request of the European Council, presented recommendations on possible areas of cooperation with Ankara.

At this stage, however, a breakthrough in Turkish-EU relations is unlikely, especially given the structural nature of their problems and the upcoming European elections. The crises in the Middle East, the South Caucasus and Ukraine will remain major factors affecting relations between the two parties. At present, it is difficult to predict whether they will help to restore trust and develop cooperation, or amplify the differences and exacerbate Turkish-EU tensions.

### Accession on hold

Relations between Turkey and the EU are tense and complicated. Formally, alongside day-to-day politics, they are underpinned by the process of Turkey's integration into the European structures – a process which has been ongoing for more than 60 years. In 1963, the European Economic Community signed an Association Agreement with Turkey which established a framework for cooperation in the field of trade. Its purpose was to expand economic ties and reduce the disparities in development between



the two parties. This laid the groundwork for even closer ties, and led to the finalisation of an agreement to establish a customs union in 1995. Four years later, the European Council granted candidate status to Turkey. The accession negotiations did not open until 2005, when a positive mood around the issue emerged in both Ankara and Brussels as the Turkish government took steps to reform and democratise its authoritarian Kemalist system. However, from around 2010 these efforts gradually stalled. This was related to factors such as the failure to resolve the Cyprus issue, Turkey's 2013 crackdown on mass-scale public protests triggered by the deteriorating state of democracy in the country, the purge of the political and military elite after the failed 2016 coup, and the 2017 constitutional referendum that consolidated power in the president's hands. The EU perceived all of this as Turkey's retreat from democratic values. In 2018, the European Council stated that negotiations with Turkey had ground to a standstill, which made it impossible either to open new accession chapters or to close those that had been the subject of negotiations. Furthermore, in 2019 the European Parliament called on the Commission and the member states to officially suspend talks with Turkey, largely due to the deteriorating state of the rule of law and freedom of expression in this country.<sup>1</sup>

Nonetheless, integration with the EU still constitutes the framework within which Turkey's domestic situation and foreign policy are assessed. One example is the Commission's annual reports evaluating Turkey's progress in meeting the accession criteria: their comprehensive and in-depth nature appears to reflect and shape the perception of the country within the EU. Due to the deteriorating state of Turkey's democracy and its relations with the EU, the wording of this document has been negative and critical of the Turkish government for years now, which has deepened the political impasse between Ankara and the EU.

Despite the deepening disputes, in 2023 the prospect of a shift in bilateral relations emerged as a result of two developments.

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Firstly, the Justice and Development Party (AKP) and Recep Tayyip Erdoğan won the parliamentary and presidential elections respectively. The legitimacy of these victories was not questioned, either domestically or in the EU, and confirmed the absence of any alternative options in Turkey's domestic politics. Secondly, during the NATO summit in Vilnius the Turkish head of state declared that he was ready to revive relations with the EU (indeed, this was his condition for greenlighting Sweden's entry into NATO), which forced the EU's hand. Turkey's demand to restart membership negotiations offered an opportunity to revisit those issues it considered to be fundamental: amending the customs union that had been in force since 1995, and liberalising the visa regime.

## Criticism of Turkey by EU institutions

As already mentioned, the Commission's reports evaluating Turkey's progress towards EU accession,<sup>2</sup> including the most recent one from 8 November 2023, have been consistently critical. They have emphasised the need for the Turkish government to respect democratic principles and human rights. In these reports, the Commission has often taken a negative view of how the Turkish system operates and how it is centred around the head of state, resulting in the absence of a functionally tripartite separation of powers in Turkey. The EU's executive body has also accused the president of exercising excessive oversight over the security forces, urging him to strengthen the role of parliament in this area. It has also expressed its concern over Turkey's lack of progress in reforming the judiciary and its repeated refusals to enforce the rulings of the European Court of Human Rights, including those

<sup>1</sup> P. Pangalos, 'European Parliament calls for suspension of Turkey EU accession talks', Euronews, 13 March 2019, euronews.com.

<sup>2</sup> *Türkiye 2023 Report*, The European Commission, 8 November 2023, neighbourhood-enlargement.ec.europa.eu.

calling on Turkey to release the philanthropist Osman Kavala, who has been held in prison since 2017 on charges of attempting to overthrow the government during the 2016 coup. In addition, the Commission's assessments have treated the marginalisation of the Turkish opposition (such as the threat to ban the pro-Kurdish Peoples' Democratic Party [HDP]) as a development that further undermines political pluralism and validates its concerns about the deepening multi-faceted democratic backsliding in Turkey. In this context, the Commission has also taken a negative view of Turkey's failure to relaunch the Kurdish peace process regulating the rights of this minority, which accounts for around 20% of the country's population.

The EU is also dissatisfied with the state of the Turkish economy. Although the country's service market and industry have been coping well with competitive pres-

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ures and integrating strongly with the EU market, the unpredictability and opacity of Turkey's free market mechanisms remain a problem for the EU. In addition to this, the EU believes that government interference in the economy has been largely responsible for the financial crisis in Turkey. Nevertheless, following last year's parliamentary and presidential elections, it welcomed the Turkish government's steps to move away from its controversial monetary policy, which had been based on lowering interest rates rather than raising them, despite high inflation. However, this positive change was not enough: at the same time, the EU stated that the Turkish central bank remained under the government's tight control at all times, and that the country's financial system lacked transparency, making it difficult to stabilise the economy. As regards the customs union between Turkey and the EU, which has been in force since 1995, the Commission has criticised Turkey for setting up trade barriers that restrict the free movement of goods. It has also noted that Turkey has failed to meet other criteria for visa liberalisation, which include fulfilling certain conditions in the fight against corruption.

Turkey's foreign policy remains the fundamental problem in EU-Turkey relations. The Commission's reports have indicated that since around 2011, Turkey's position in the area of Common Foreign and Security Policy (CFSP) has been increasingly out of sync with that of the EU: in 2023, the alignment ratio was down to only 10%, compared to as much as 97% in 2007. These differences can be attributed to the following factors:

- Turkey's refusal to join the sanctions regime targeting Russia and its deepening economic and energy ties with this country in the face of the war in Ukraine;
- Turkey's decades-long blockade of the Republic of Cyprus's cooperation with NATO, and its departure from the formula for the federalisation of the self-proclaimed Turkish Republic of Northern Cyprus (TRNC) and the Greek-majority Republic of Cyprus (a member of the EU) within a single state, which is supported by the UN and the EU, including Greece;
- Turkey's failure to implement its obligations under the 2016 migration agreement, mainly concerning the readmission of refugees from Greece to Turkey.

The Commission has also routinely called on Turkey to respect the rule of law, human rights and fundamental freedoms, and to use appropriate measures in its fight against the Kurdish terrorist groups.

### **Cooperation despite it all?**

Irrespective of the Commission's critical assessments of Turkey's domestic, foreign and economic policies, the EU's member states have opted to open a new chapter in relations with Turkey that goes beyond the traditional enlargement paradigm. On 29 November 2023, the High Representative of

the EU for Foreign Affairs and Security Policy Josep Borrell and the Commission presented a separate joint communiqué on the state of political, economic and trade relations between Turkey and the EU following a request made by the European Council in June that year.<sup>3</sup> It offered recommendations on how to operationalise these relations with the aim of creating a positive and constructive dialogue, despite a number of disagreements and contradictory attitudes. So far, however, this document has been neither discussed nor approved by the European Council.

In the communiqué, the Commission and the High Representative declared their readiness to improve relations with Turkey. With regard to enhancing bilateral talks,

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they recommended restarting high-level discussions on the economy, energy and transport (suspended in 2019), and resuming ministerial-level meetings of the Association Council. The document also called for regular dialogue with Turkey on foreign and regional policy with a view to making cooperation more effective. On the economic front, the Commission and the High Representative proposed a return to dialogue on the project to modernise the customs union, provided that Turkey takes effective action to counter the circumvention of the EU restrictions on trade with Russia, including by halting the re-export of ‘high-priority’, war-enabling technologies. They also urged Turkey to work with the EU on resolving any problems in bilateral trade.

The document also contained important recommendations related to managing migration. The Commission and the High Representative stated that the main task was to ensure the more effective and mutually beneficial implementation of the 2016 agreement’s key points. These primarily require Turkey to take the following steps:

- step up its efforts to stem irregular migration flows to the EU by dismantling trafficking networks;
- resume the procedure to readmit refugees from the Greek islands to Turkey;
- address the migration situation in Cyprus;
- crack down harder on illegal border crossings on routes to the EU;
- all while the EU guarantees humanitarian and financial support to refugees in Turkey.

In the context of these recommendations, the Commission and the High Representative have highlighted the need to continue working together in order to achieve a deeper understanding and agreement in bilateral relations, defuse tensions and identify mutually beneficial areas of cooperation. Thus, the EU has underlined that it has a strategic interest in strengthening ties with Turkey in all areas in order to build mutual trust and foster consensus, including on visa policy. According to the High Representative, the current thaw has provided an opportunity to take steps towards constructive engagement and reinvigorating ties. This, however, is conditional on the Turkish side taking into account the interests and concerns of the EU and its individual members, notably Greece and the Republic of Cyprus. At the same time, the joint communiqué signals a gradual, proportionate and reversible approach to the EU’s further cooperation with Ankara.

## The EU and its member states in conflict with Turkey

Both the Commission’s report evaluating Turkey with regard to its EU candidacy and the document presented by Borrell have highlighted the EU’s problem with Turkey. Firstly, the logic of accession has

<sup>3</sup> *State of play of EU-Türkiye political, economic and trade relations*, The European Commission, 29 November 2023, neighbourhood-enlargement.ec.europa.eu.

sharply exacerbated the structural and deepening differences between the two sides' development models, mainly in their approaches to democracy, the rule of law and foreign policy. This aligns with the mood of the EU's elites and societies, who see Turkey's membership in the EU as unimaginable and cooperation with it as complicated. Paradoxically, this attitude is accompanied by the conviction that breaking off dialogue on accession talks would only cause bilateral relations to deteriorate further. Turkey has a similar mindset. Despite its public and political support for accession,<sup>4</sup> it does not intend to accept the condition of making further reforms to its political system as this would undermine the foundations of Erdoğan's rule and Turkey's international interests. Nor, however, is it interested in breaking off the talks, as it uses them as a means of exerting pressure on the EU and promoting its own interests, mostly in the economic sphere, such as those related to the customs union and visa liberalisation (see below). As a result, the accession process is formally continuing, while the rhetoric and climate around it negatively affects EU-Turkey relations. Nevertheless, the EU member states have recently recognised the need to engage in a constructive dialogue with Turkey outside the formal framework of the accession process, especially in the context of "the Russian war of aggression against Ukraine and a broader, fast-changing geopolitical and security environment".<sup>5</sup> Accordingly, in June 2023 they called on the Commission and the High Representative to come up with the relevant recommendations.

Another important factor is the critical attitude towards Turkey displayed by individual EU countries which have been using their membership of the EU to strengthen their positions in the context

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of the numerous problems they face in their bilateral relations with this country. For Greece, Turkey is still its principal military and political rival, which is reflected in their informal arms race and the disputes over the delimitation of their maritime border, which have frequently triggered military escalations.<sup>6</sup> Greece has made Turkey's EU accession conditional on the prior resolution of these issues in its favour, which is difficult to imagine given the enormous differences of opinion. Meanwhile the government in Nicosia prioritises the need to resolve the issue of divided Cyprus, seeking to reunite it by removing the separate status of the unrecognised TRNC, which is closely linked to and *de facto* controlled by Turkey. Consequently the EU (with the support of the UN) has been pushing Turkey to abandon the idea of creating two sovereign states on the island and to stop encroaching on the maritime borders of the Republic of Cyprus.<sup>7</sup> Turkey's other long-time opponents include France,<sup>8</sup> which has been competing with Turkey for influence in the Mediterranean (for example in Libya and over Cypriot gas deposits) and more broadly in the Middle East and the Caucasus, where Turkey has been shifting the balance of power in its favour. The extent of Turkey's tensions with the EU's individual member states seriously hinders the bloc's ability to develop cooperation with this country.

## Turkey's priorities: trade and visas

The EU's approach to Turkey as expressed in the Commission's latest report has repeatedly met fierce opposition from the government in Ankara.<sup>9</sup> The Turkish foreign ministry has firmly rejected accusations

<sup>4</sup> Ö. Ünlühisarcıklı, K. Tastan, C.A. Canbilek, 'Turkish Perceptions of the European Union 2022', The German Marshall Fund of the United States, 14 April 2022, [gmfus.org](https://www.gmfus.org).

<sup>5</sup> *State of play of EU-Türkiye political, economic and trade relations*, *op. cit.*, p. 1.

<sup>6</sup> A. Michalski, 'A thaw in Turkish-Greek relations', OSW, 12 October 2023, [osw.waw.pl](https://osw.waw.pl).

<sup>7</sup> *Idem*, 'Cypr w polityce Turcji', *Komentarze OSW*, no. 412, 20 October 2021, [osw.waw.pl](https://osw.waw.pl).

<sup>8</sup> J. Jabbour, 'France vs. Turkey in the EastMed', French Institute of International Relations, 6 May 2021, [ifri.org](https://www.ifri.org).

<sup>9</sup> 'Press Release Regarding the European Commission 2023 Report on Türkiye', The Ministry of Foreign Affairs of Republic of Türkiye, 8 November 2023, [mfa.gov.tr](https://www.mfa.gov.tr).

that it has failed to make any progress, claiming that the Commission has baselessly criticised the state of Turkish democracy and judiciary while the EU for its part has failed to open any more accession chapters related to these areas (Chapters 23, 'Judiciary and Fundamental Rights' and 24. 'Justice, Freedom and Security'). Ankara's accusations against the EU also concern its foreign policy. Turkey blamed the EU for blocking existing mechanisms of cooperation in the area of foreign and security policy (for example, as part of the CFSP), while at the same time labelling EU's claims a "contradiction" after it criticised Ankara for its decreased alignment rate in these policy areas.

Finally, Turkey's key problems include a group of member states that have been using the EU in their bilateral disputes with Turkey to block further accession talks with it. This mostly applies to Greece, the Republic of Cyprus and France which, according to Ankara, have been using their position within the EU's structures to paint Turkey as a revisionist and destabilising state in the Aegean and Mediterranean Seas. Turkey has thus called on the EU to change its course and stop its unilateral criticism, which it views as the main reason for the ongoing impasse.

Turkey is fully aware of both the challenges arising from its current rivalry with the EU's individual member states and the intractable barriers to the enlargement process. At the same time, however, it has been using the existing formats to advance its own interests, especially economic. The most tangible example of this is the wrangling over the modernisation of the customs union.

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ment with the EU has been in force since 1995. It covers only industrial goods & processed agricultural products and excludes the services sector, while its scope is much more limited than the EU's comprehensive trade agreements with its other global partners. Turkey believes that this limitation constrains its economic potential. In addition, this agreement does not allow it to freely trade goods with third countries that do not have a free trade agreement with the EU. It is estimated that an expanded customs union could generate an additional 1.84%–1.95%<sup>10</sup> of GDP growth for Turkey.<sup>11</sup> This is the primary reason why Ankara has been consistently seeking to update this agreement for more than a decade. The EU for its part is not interested in further talks on this matter because of Turkey's failure to comply with the terms of the current agreement: namely its selective implementation of tariffs on goods from the EU, and its trade agreements with third countries. Turkey has vehemently rejected these arguments. In its view, the only purpose of the EU's stance on this issue is to politicise the negotiations and ultimately cause them to fail.

The liberalisation of the visa regime, which has been the subject of negotiations since 2013, is another area where Turkey's expectations have been frustrated. Visa-free entry to the EU would allow Turkish citizens to bypass lengthy visa procedures; it would also introduce free movement of labour for work purposes (which is mainly in Turkey's interest) and boost trade ties. To date, Turkey has met 66 of the 72 requirements included in the so-called 2013 roadmap for visa liberalisation.<sup>12</sup> Another problem for Turkey remains the fulfilment of cooperation in combating corruption and other criminal activities (points 42, 47, 65) as well as cooperation between Turkish political/administrative institutions and EU entities, including the European Union Agency for Law Enforcement Cooperation (Europol).<sup>13</sup> The most difficult criterion for Ankara to meet is the requirement that it should revise its legislation

<sup>10</sup> A.E. Usta, 'Modernizing the EU-Turkey customs union', *IKV Brief*, no. 68, April 2022, [ikv.org.tr](http://ikv.org.tr), p. 19.

<sup>11</sup> G. Felbermayr, E. Yalcin, R. Aichele, 'EU-Turkish customs union: How to proceed', Centre for Economic Policy Research, 23 July 2016, [cepr.org](http://cepr.org).

<sup>12</sup> S. Temizer, 'Türkiye seeks progress in visa-free regime with EU', Anadolu Agency, 21 August 2023, [aa.com.tr](http://aa.com.tr).

<sup>13</sup> *Turkey's progress on the visa liberalisation roadmap*, The European Commission, 4 May 2016, per: [madde14.org](http://madde14.org).



and practices concerning terrorism and bring them into line with European standards – in particular, to narrow its definition of terrorism (paragraph 65).<sup>14</sup> In reality, the implementation of this demand would force Turkey to change its counter-terrorism policy and prevent it from applying a broad definition of this term that it needs to eliminate the government's opponents both inside and outside the country. These include the Gülen movement, which Turkey considers to be a terrorist organisation and accuses of having orchestrated the 2016 coup, and the Kurdish groups which are allegedly linked to the Kurdistan Workers' Party and which (according to Ankara) have been operating in countries such as Sweden; the latter, under pressure from Turkey, has sharply adjusted its stance on this issue during the negotiations on its membership in NATO.

## Hope for a thaw?

EU-Turkey relations have been difficult for years, and the associated problems remain structural in nature. For Turkey, the EU's expectations will be effectively impossible to fulfil, as they would undermine the stability of its state system and require it to revise its policy towards the Mediterranean and Aegean seas as well as Russia and Syria. Hence the chances of a breakthrough in bilateral relations, particularly in terms of Turkey's accession process, appear slim. Any rapprochement would also be complicated by the upcoming European elections in mid-2024, the subsequent changes in the Commission, and the formation of a new political and personnel configuration in the EU's structures. In the near future, however, there will be a window of opportunity to revive the issue of renegotiating the customs union, and possibly liberalising the visa regime, but no breakthroughs should be expected in these areas either.

Despite these circumstances, the EU and Turkey are aware of both the growing costs of the persisting tensions and the benefits that would come from improved relations. This is partly how we should understand Turkey's desire to resume the dialogue on its membership in the EU and the proposals from the Commission and the High Representative to cooperate with Turkey outside the framework of these talks. For Turkey, this would represent an opportunity to further articulate its demands related to the desired modernisation of the customs union and visa liberalisation without burdening them with the accession negotiations. For the EU, in turn, this would offer an option to step up its contacts with Turkey, including making efforts to resolve the most pressing issues. These primarily include the conflict between Turkey and Greece, where we can now see some signs of a thaw and a chance for de-escalation. Further rapprochement between these two countries would also undoubtedly help to improve Turkish-EU relations, and potentially make it possible to resume talks on a new migration agreement, which the EU needs as it seeks to reduce the flows of illegal migrants in this region of the world. Turkey's approval of Sweden's accession to NATO can also be seen as an auspicious sign for Turkey-EU relations.

In the history of Turkish-EU relations, periods of both rapprochement and cooperation on the one hand and friction on the other have usually revolved around problems in areas of interest to both parties (such as the 2015/16 migration crisis). In the near term, tensions in at least three regions of their overlapping interests – that is Russia, the South Caucasus, and most particularly the Middle East – will persist, and are even likely to increase. It remains unclear how the situation will develop and how the EU & Turkey could respond to this, as the scope for both cooperation and rivalry between them remains high. What is certain is that the choice of a particular path will have a very strong impact on the future of their relationship.

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<sup>14</sup> *Ibidem*.