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Policy Brief

***How to understand the EU's Policy towards Turkey?
A dual track strategy without effective results?
- An Analysis of the Leader's Narratives***

Wolfgang Wessels & Harun Suratli



TRACK Teaching and Researching
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European Council President Charles Michel, Turkish President Recep Tayyip Erdoğan and European Commission President Ursula von der Leyen in Ankara, 6 April 2021. Source: Murat Kula – Anadolu Agency.

Takeaways

(1) As a key institution in the Union's institutional architecture, the European Council sets the EU's "strategic interests"¹ (p.10) for the EU external action in general and more specifically in the March document both "in a stable and secure environment in the Eastern Mediterranean" (p. 10) and "in the development of a cooperative and mutually beneficial with Turkey" (p. 10). The implied narrative tells us that the European leaders promise to engage themselves also by their announcement "to continue to closely monitor developments" (p. 19) and to "revert to this matter at its meeting in June" (p. 19).

For all concerned, the issue on the EU-Turkey relations, including a final word on the mandate for modernizing the Customs Union, is a high politics priority for the leaders of the Member States.

(2) After the gloomy warnings in October and December 2020, we see signs of a more positive mood: The document promises to launch a new phase for searching a mutually beneficial partnership even though the obstacles are sometimes clearly, sometimes more vaguely enumerated.

(3) In their dual track strategy, you might now see more 'carrots' than 'sticks', but the EU's engagement should be in a "phased, proportionate and reversible manner" (p. 11). The members of the European Council demand the EU institutions, especially the Commission, to pursue a controlled step by step procedure.

(4) The items for a 'positive agenda', the carrots, are no gifts. They are to be understood as an offer to take a road full of obstacles - especially for the modernization of the Customs Union and in the case of people-to-people contacts, also for visa liberalization.



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(5) Sanctions, the stick, in case of “renewed provocations or unilateral actions in breach of international law” (p. 12) remain vague: Members “reaffirm the determination (...) to use the instruments and options at its disposal” (p. 12) but the term of the December meeting ‘restrictive measures’, which relates directly to the respective treaty article, has disappeared. These ambiguous formulations might conceal internal differences among the members.

(6) The European Council reiterated the Union’s narrative as normative power with a mission to export its values: the dialogue on “rule of law and fundamental rights (...) remains an integral part of the EU - Turkey relationship” (p. 16) but this is not formulated as a political precondition for further steps. A softening of the Unions doctrine?

(7) The “comprehensive settlement of the Cyprus problem” (p. 15) remains a major issue with only an insignificant role for EU; inside the European Union a point of controversy will be if and in how this ongoing conflict will block other roads between Turkey and the EU.

(8) More than in December, European leaders also put forward geopolitical considerations claiming a “shared interest of the EU und Turkey in peace and stability in their [geographic] environment” (p. 17). Is the expectation to “positively contribute to the solution of regional conflicts such as Libya, Syria, Southern Caucasus” (p. 17) more than a reminder that the members of the European Council pay attention to these crises? Is the intention to “remain vigilant on this matter” (p. 17) a warning?

(9) Are most of these formulations and their implicit narratives more future oriented the members are also aware of urgent demands for immediate action: “financing for Syrian refugees in Turkey” (p. 13) (which they push forward) and “migration management” (p. 14) for which they formulate general principles.

(10) Not more than a sign of resignation is the reminder of a failed initiative: the invitation to the High Representative “to take work forward on the Multilateral Conference on the Eastern Mediterranean” (p. 18).

(11) As Conclusions: The March 2020 resolutions offer steps towards more cooperation in several field of common interest and concern, but send messages, often inclusive and vague, of warning to block the road taken. Such a trial-and-error strategy with bits and pieces, often inclusively linked, let us identify elements of a narrative aiming for a limited partnership with partial forms of cooperation. As the membership issue is apparently off the agenda, we do not recognize any master narrative for a fundamental, global and stable relationship in form of an upgraded partnership.

(12) For reinforcing the EU - Turkey bridge we can enumerate for our academic community a long and differentiated list of challenging questions on our research and teaching agenda.

Introduction: The relevance of the European Council and its narratives

This policy brief aims to prevent that specific narratives on the relationship between Turkey and the EU become too dominant without a broader reflection. At least in academia we need to look for possibilities of another shift in the years to come. In our set of narratives,² we offer descriptions and characterizations in which positions and perceptions of the Member States identify the main topics of their attitudes towards the “key strategic partner”³ Turkey, respective EU strategies, and instruments how to deal with them.

Looking back over several conclusions of the European Council, we can observe a considerable shift of narratives on EU-Turkey relations – from a reforming Turkey with a prospect of accession to a de facto partnership,



documented in the spring 2016 statement, and to an increasingly problematic or even hostile neighbour with a rising number of conflicts.⁴ In comparison to the conclusions of the European Council in October and December 2020, the mood has slightly improved in March 2021 as the members observe a de-escalation in the Eastern Mediterranean.⁵

For understanding the EU-Turkey relations, we need to look at an already long history of Turkey related conclusions of the European Council.⁶ First, we need to be aware that the European Council, as well as the European Commission, are main institutions of the EU and have a key role in EU politics⁷ according to the constitutional fundamentals of the Lisbon treaty. Among other of its treaty powers, “the European Council shall identify the strategic interests and objectives of the Union”⁸ (Art.22 (1) TEU).

In following this task, the political leaders in the European Council have agreed in June 2019 on a ‘new strategic agenda 2019-2024’. Though Turkey is not directly mentioned in this agenda, but keywords of relevance for this relationship are: “promoting European interests and values on the global stage”⁹ with more geopolitical thinking as well as “protecting our European way of life”¹⁰ with “upholding the rule of law”.¹¹

The relevance of the European Council is also high in terms of defining and the way to a full membership: This institution is the “master of enlargement”,¹² having in 1993 formulated the Copenhagen criteria as the master narratives for accession and have taking all significant decisions for all rounds of enlargement, also in the case of Turkey.

Given that salience of the European Council, it is necessary to have a closer look on their published documents. For an adequate analysis and assessment of the political positions we need to discover in the regular conclusions of the European Council formulations which identify the main topics in the relationship as

well as the strategies and instruments how to deal with these challenges. The implied narratives tell us how the Union leaders perceive certain events or developments in the past and assess the usually unsatisfactory state of real affairs and propose ways to a desired future. The formulations of their conclusions include several dimensions of constructing the Union’s own identity. The messages serve both to keep the EU as unit together as to send strong signals to Turkey. It should be noted that the conclusions of the European Council meetings are the results of a careful preparation and a laboursome compromise full of ambiguities.

The conclusions of the European Council meeting in March 2021 mirror basic features of a narrative which combines the “Unions strategic interest in the development of a cooperative and mutually beneficial relationship with Turkey”,¹³ (p. 10) with a warning of “using the instruments and options at its disposal to defend its interest” (p. 12) in case of “renewed provocations or unilateral action” (p.12). Such a conflictual partnership narrative leads to a classical carrot and stick strategy: The narratives stress aspects of both a functional and transactional nature as to a more limited degree of a geopolitical considerations. We take from the March document as a basic message: The Unions leaders did not reinforce earlier formulation like “Turkey has been moving further away from the European Union”,¹⁴ but they also slightly weakened the narrative of a distant and increasingly hostile neighbour to a master narrative.

With regard to the conclusions of the European Council in October and December, we can observe the leaders’ dilemma between condemning the “provocations”¹⁵ of Turkey and take restrictive measures for “defending its interests”¹⁶ on one side and trying to keep and extend a “cooperative and mutually beneficial relationship with Turkey”¹⁷ on the other side.



Two main narratives coexist and explain the limited reactions of the Union.

The considerable shifts of narratives

The March 2021 document is so far the latest in a long row of over 50 conclusions of the European Council dealing with Turkey. It is of high interest which narratives are vanishing and which become dominant.

The normative narrative: human rights, rule of law, fundamental freedoms and the independence of the judiciary

A major narrative is based on identifying the EU as a community of values. Consequentially, the concern of several generations of the Union's political leaders was and is the existence and stability of "democracy, the rule of law, human rights and respect for and protection of minorities"¹⁸ and also the respect of "fundamental freedoms, including the freedom of expression".¹⁹

Based on the first Copenhagen criteria, in all conclusions dealing with accession negotiations, the European Council sets the implementation of these political norms as a political precondition for starting and pursuing membership negotiations. The respect for the Union's values was also regarded as a precondition for any further formal development of the relations for some like the European Parliament might remain a necessary step – also in view of modernizing the Customs Union which should be 'rules based'. The resolution of the European Parliament from 21 January 2021 has given this narrative a high priority: The Parliament "reiterates the EU's openness to a new start; underlines, however, that better and deeper relations are fully dependent on (...) tangible improvements in respect for democratic principles, the rule of law and fundamental rights within Turkey".²⁰

In line with this fundamental understanding of the Union itself, which is also major conflictual point between the EU Member States, the

March conclusions again stress the "rule of law and fundamental rights remain a key concern [and that] the dialogue on such issues remains an integral part of the EU – Turkey relationship".²¹ This formulation does however not necessarily imply a political precondition, a threshold to be crossed for adopting the agreement for modernizing the Customs Union.

The membership narrative: frozen and forgotten

At the end of the 90'ties and in early 2000, the European Council adopted milestone decisions and opened the way for accession negotiations with Turkey.²² This key issue for a common future in the EU is no more mentioned. The demands to suspend the accession process also in formal terms, as demanded e.g. by the European Parliament on 13 March 2019,²³ has apparently not been an issue on the European Council's agenda. To prevent any negative reaction and block a potential revival of that option – though for many unlikely – these issues seem on purpose forgotten.

In search of a Narrative for a strategic partner

If Turkey is not a country moving to membership, the European Council offers a concept, a proper term, to characterize the relationship: The leaders of the Member States declared Turkey as a "key strategic partner".²⁴ In the conclusions of March 2021 they formulated: "We recall the European Union's strategic interest (...) in the development of a cooperative and mutually beneficial relationship with Turkey".²⁵

The president of the Commission used the term "honest partnership".²⁶ This notion of partnership or even more of a cooperative relationship²⁷ with an important neighbour looks vague and not action oriented. It lacks an institutional framework. The opportunities given by the association status are not used.²⁸ The offer "to launch high level dialogues on issues of mutual concern"²⁹ might be necessary



but certainly for a longer form of reliable and trustful partnership not sufficient. E.g., the European Parliament is not part of such a set up. Do we need some kind of new comprehensive narrative which offers a promising concept and a well - founded strategy for a fundamental, comprehensive and stable relationship?

Narratives of a transactional and functional cooperation

Besides these narratives on a fundamental nature, the European Council has again and again dealt with concrete issues on its political agenda. The implied logic behind such a narrative is simple: if there are common problems of vital importance why not look to tackle them together without talking about the overall context of fundamental issues and controversies.

In several conclusions, we find long and detailed statements of the European Council. A key document, often mentioned in the respective debates, is the joint EU-Turkey statement of spring 2016 with nine points linking the migration challenge to other issues of cooperation – such as the visa liberalization, several forms of regular dialogues and efforts to upgrade the Customs Union.³⁰

One point is the fight against terrorism.³¹ The European Council conclusions of March 2021 mention “counter-terrorism” (p. 11b) as an “issue of mutual concern”(p. 11b) which should be a topic for “high level dialogues” (p. 11b).

High on the leaders’ agenda were and are the assistance of the European Union for refugees inside Turkey. In their polite form of given orders “[the Members] invite the Commission to present a proposal to the Council for the continuation of financing for Syrian refugees in Turkey” (p. 13). This should be read as a clear decision to renew the respective agreement. More conflictual is the issue of “migration management”.³² The March 2021 text repeats the objectives and principles of the EU Turkey

statement³³ and thus does not contribute directly to the solutions of challenges on the table.

Towards an upgraded partnership via a positive agenda: Integration via functional cooperation

Of a different nature for a longer term partnership is the strategy to pursue what is often called a ‘positive agenda’ to “enhance cooperation in a number of areas of common interest”.³⁴ A key objective is the modernization of the Customs Union, which for many look to be like a win-win constellation of mutual advantage, and once started, the negotiations will go more or less without major obstacles move to a productive end. We should be aware that this offer is not a gift: Already the conclusion list one issue which might block further steps before they really started: The Commission should at first “ensure its effective application [of the present rules] to all Member States”³⁵ that means including Cyprus, which so far is not accepted by Turkey.

On the long list of the upgrading the Customs Union are “mutual liberalization on trade in agriculture and services, market opening on public procurement (...) stronger commitments on competition, intellectual property rights and sustainable development”.³⁶ Public procurement and state subsidies are all difficult issues for Turkey, and agriculture, a potential problem for the EU.³⁷ None of them can be easily solved. Experiences show that it takes the Council and the Commission a long time to negotiate this kind of agreements and it will act in the shadow of “obtaining the consent of the European Parliament”³⁸ (Art. 128 (6a) TFEU). The members of the European Parliament will most probably put their assessment of the further developments concerning the evolution of the rule of law and of fundamental rights as their top criteria for agreeing or not. The European Parliament, as veto player, has to be taken into consideration for economic cooperation, the communication



lists further topics like energy, EIB, transport, tax, civil protection.³⁹

In a second part of the positive agenda: “[the Members of the European Council] are prepared to launch high level dialogues with Turkey in issues of mutual concern”⁴⁰ (p. 11b). This offer takes up respective commitments from the 2016 EU Turkey statement, which the Union had discontinued as kind of sanctions against domestic developments within Turkey. Given the presidential system Turkey and how it is exercised the key to progress in these dialogues will have to go via a dialogue on the ‘highest’ level. Is there a need for some kind of regular routine meeting the three Presidents?

A third part of this positive agenda to “strengthen cooperation with Turkey” (p. 11c) relates to “people to people contacts and mobility” (p. 11c). Again, a first reading might assess this option as an easy, self – evident way forward, like Erasmus + and the Horizon Europe research program but a major issue of controversy concerns visa liberalization. The offers of the positive agenda are important, but do they also give incentives to build resilient bridges for a stable relationship?

With reference to traditional integration theories and approaches this narrative implicitly assumes that functional and transactional cooperation is not only highly regarded as contribution to solving problems of common interest but that in a longer-term perspective successful project create some kind of a “solidarité de fait”⁴¹ leading in a spill over process towards more intensified cooperation. But looking back over the last years, we cannot observe significant steps to follow the objectives set in early 2016. Major changes in the political context have blocked the implementation of the agreed forms of cooperation and thus also a positive spill - over to more cooperation. The issues on migration could not function as a driver for deepening the EU-Turkey relations, but currently it is leading to more tensions.

Towards geopolitical narratives: partner or rival in regional crises in Syria, Libya, Nagorno Karabakh

It is remarkable that in spite of history changing developments after ‘1989’ the European Council took some time to develop for itself geopolitical visions and strategies which reflects a new and even changing international context.⁴²

In relation with Turkey, this issue became especially relevant with Turkish and European positions concerning the civil war in Syria. We observe a change in the geopolitical narrative of the European Council from seeing Turkey as a close NATO ally in the confrontation between the two blocs to “a key partner of the European Union and a critically importing actor in the Syrian crisis and the region”,⁴³ but the message of these conclusions leads to a different narrative. Regarding the Turkish actions in Syria in 2019, the European Council emphasizes that “the EU condemns Turkey’s unilateral military action in North-East Syria, which causes unacceptable human suffering, undermines the fight against Da’esh and threatens heavily European security”.⁴⁴

Also, in relation with Turkish interventions in Libya and in the conflicts between Armenia and Azerbaijan about Nagorno Karabagh positions of the two-sided document different geopolitical interest and perspectives.⁴⁵ In spite of evident conflicts,⁴⁶ the March 2021 conclusions assumed “shared interest of the EU and Turkey in peace and stability on their environment [and thus] expect Turkey and all actors to positively contribute to the solution of regional crises such as Libya , Syria and the southern Caucasus”.⁴⁷ Members threatened (or promised) to “remain vigilant on these matters”.⁴⁸ (whatever that means) Are these statements more than cheap words hiding differences inside the European Council?⁴⁹ The issue of cooperation on the EU’s Common Foreign and Security policy and on Counter Terrorism⁵⁰ is only mentioned indirectly.



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As a way out of the situations the European Council has launched the idea of a multilateral conference. It belongs to the fundamental narrative on the Union's external action to "promote multi-lateral solutions of common problems, in particular in the framework of the United Nations".

Also dear its multilateral mission the European Council had in December 2020 launched the idea of "Multilateral Conference on the Eastern Mediterranean". Apparently without any progress the members "invite the High Representative to take work forward". The European Council has a long history of organizing large multilateral conference also in the Mediterranean. Most of them remained rather ineffective. The formulation then sounds more like a funeral for that concept.

The crises in the Eastern Mediterranean and the settlement of the Cyprus conflict

Reading the texts of the European Council from 2014 onwards, the wording of the conclusions document increasing alarm and tensions: With reference to Turkish gas drilling, the European Council on several occasions "expressed serious concern about the renewed tensions in the Eastern Mediterranean and urged Turkey to show restraint and to respect Cyprus' sovereignty over its territorial sea and [its] sovereign rights in its exclusive economic zone".⁵¹

The issues related to Cyprus have been on the European Council's agenda since the accession of Cyprus to the Union. The Heads of State or Government have given the problems of one of their members again and again a considerable attention with increasingly strong statements on Turkey. The European Council reiterated on several occasion that progress in the accession partnership with Turkey "includes the fulfilment of Turkey's obligation under the Association agreement and under its Additional Protocol"⁵² (that means recognition of Cyprus and open the Turkish ports for

imports from Cyprus) and the "commitment to good neighbourly relations".⁵³

We have seen a similar statement in March 2018 and in June 2019. The European Council "strongly condemns Turkey's continued illegal actions in the Eastern Mediterranean and the Aegean Sea"⁵⁴ and underline its "full solidarity with Cyprus".⁵⁵

In the March 2021 statement, the Members of the European Council "recall the European Union's strategic interest in a stable and secure environment in the Eastern Mediterranean"⁵⁶ (p. 10), and looking back into the last months, welcome the recent de-escalation. But at the same time - repeating the wording from the December conclusions - "call on Turkey to abstain from renewed provocations or unilateral actions in breach of international law" (p. 12). Pointing at their stick in case of such an action they "reaffirm the determination of the European Union (...) to use the instruments and options at its disposal to defend its interest and those of its Members States as well as to uphold regional stability" (p. 12). They do not use the term "restrictive measures"⁵⁷ for sanctions which they used in former texts. The treaty latter provision fixes the procedures for "the interruption or reduction (...) of economic and financial relations with one or more third countries" (Art. 215, (1) TFEU) or "against natural or legal persons and groups or non-State entities" (Art. 215, (2) TFEU). Furthermore, the conclusions do not relate to the military defence clause (Art. 42(7) TEU).

The members have used a strong wording of warning with unclear consequences. What are really "the "instruments and options"⁵⁸ at the Union's disposal? The communication lists under "restrictive measures" and "additional listings of persons"⁵⁹ for restrictions on economic cooperation, targeting other sectors including tourism and energy. And given provocations will the members of the



European Council have the political will to use them?

The members of the European Council are also aware and “fully committed to a comprehensive settlement of the Cyprus problem”⁶⁰ (p. 15). The only contribution they can offer seems to “play an active role in supporting the negotiations” (p. 15) under the auspices of the United Nations.

A major issue for the next steps will be if and how the EU Member States Cyprus and Greece will use the open-ended negotiations to block other steps in the cooperation.

Conclusion: A trial-and-error approach offering carrots and threatening with sticks

In comparisons to earlier conclusions of the European Council, even up to 2016, we can observe a significant shift of the narratives on EU-Turkey relations. In contrast to the October and December 2020 documents, the March 2021 conclusions offers steps towards more cooperation in several field of common interest and concern, but send messages, often inconclusive and vague, of warning to block the road taken. Such as a trial-and-error strategy with bits and pieces, often linked, we can identify elements of a narrative aiming for partial forms of cooperation perhaps leading to some kind of upgraded partnership. As the membership issue is apparently off the agenda, we do not recognize any master narrative for a fundamental, global and stable relationship in form of an upgraded partnership. We might perhaps identify certain elements of the partnership.

The partnership narrative with a positive agenda has gained a certain importance as a carrot, but main formations also document a narrative in the European Council to Turkey as an increasingly distant and even hostile neighbour. In difference to the December 2020

conclusions, the Union’s leaders mention developments inside Turkey – e.g. issues linked to the community of values narrative.

We can explain this mix of narratives as a compromise which is typical for the European Council: France, Greece, Cyprus and Austria were apparently for more forceful strategy with more sanctions. Germany and southern Member States foresee the risks of negative impacts on the existing interdependencies – even if they are asymmetrical with higher costs for Turkey.

For reinforcing the EU - Turkey bridge, we can enumerate for our academic community a long and differentiated list of challenging questions on our research and teaching agenda. One is to trace the process both within the EU like in Turkey towards this summit statement and the road form her to the next meeting of the European Council in June.

It is an important task to deepen our explanation of the shifts of narratives. One task will be to analyse and assess the state of play on relations between the EU and Turkey, which the High Representative and the Commission have presented.⁶¹ Probably, we need some kind of new comprehensive narrative which offers a promising concept and a well - founded strategy for a fundamental, comprehensive and stable relationship with Turkey.



End Notes

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- 11 | Ibid.
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- 32| European Commission, *Joint Communication to the European Council, State of play of EU-Turkey political, economic and trade relations*, 2021, p. 7.
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