

# **The European Union in its relationship with Turkey**

## **Abstract**

Nothing illustrates better the loss of momentum in the enlargement problem of the EU than the situation with Turkey, the longer-standing membership applicant. Joining the European Union has been a longstanding ambition for Turkey, with the launching of accession talks in 2005. However, the membership process has now been stalled over serious misgivings about Turkey's human rights record. The last two years have tested the relationship between EU and Turkey, consequently the failed military coup and the constitutional reform.

The refugee crisis, which began in 2015, altered the picture even more. Turkey has been hosting more than 2 million refugees from Syria, and thousands of them were making their way to Europe. The subsequent plan to solve the refugee crisis entailed reinvigorating Turkey's membership negotiations.

Moreover, the Kurdish question, a euphemistic way to call a still open conflict between the Turkish state and the biggest minority existing inside its boundaries, seems dividing, once again, the European Union's opinion on Turkey accession.

The wake of the failed military coup in July 2016 has magnified EU's dilemma, as the democratic reform process fade from view. The EU is far from having a coherent or strategic plan to deal with Turkey and disarray is likely to re-emerge.

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# 1. Turkey National political situation

## 1.1 Erdogan's Constitutional reform

A constitutional reform was first floated by the ruling Turkish party after it won the 2011 general election, but it was only in 2014, when Recep Tayyip Erdogan became president, that the idea of bolstering his office resurfaced: his party, the Justice and Development Party (AKP), made the executive presidency central to its campaign promises in June 2015 general elections.

The official proposal came six months after the violent coup attempt of the 15<sup>th</sup> July 2016, which failed to unseat Erdogan. Erdogan's reaction was to declare the state of emergency and sweeping purges that left no government institution untouched. More than 100,000 civil servants had been dismissed for their alleged ties to the movement of Fethullah Gulen, a US-based cleric which Ankara blames for the revolt, even though he denied involvement.

It has been on the 16<sup>th</sup> April 2017, that the referendum for constitutional reform was held and the *Yes* won with 51% of votes. With the new constitutional reform, the presidency has been catapulted from a largely ceremonial role to a nearly all-powerful position as head of government, head of state and head of the ruling party.

Specifically, the president will have a five-year tenure, for a maximum of two terms. Parliament will be elected every five years, instead of every four, in general elections held in tandem with presidential elections.

The president will be able to directly appoint top public officials, including ministers, without requiring a confidence vote from parliament and he will also be able to assign one or several vice-presidents. The job of the prime minister, currently held by Binali Yildirim, will be abolished, making way for a strong, executive president supported by vice-presidents themselves.

The president will have power to intervene in the judiciary. He will propose budgets and appoint more than half the members of the nation's highest judicial body. The president will have the power to dissolve the national assembly and decide whether or not impose a state of emergency.

The reform package also raises the number of lawmakers in parliament to 600 and lowers the age of political candidacy to 18. Controversially, it also allows for a partisan president. To date, the symbolic head of state has been obliged to remain neutral and cut ties with his party.

Even more, the reform introduces technical requirements that would make it harder for the assembly to remove the president from office or bring down his government with a vote of no confidence.

This new system, Erdogan said, "will resemble those in France and the US and will bring calm in a time of turmoil marked by a Kurdish insurgency, Islamist militancy and conflict in neighbouring Syria, which has led to a huge refugee influx"<sup>1</sup>.

It is clear that the constitutional reform approved by Turkey will make the president's position too powerful without safety mechanisms of checks and balances present in other countries like the United

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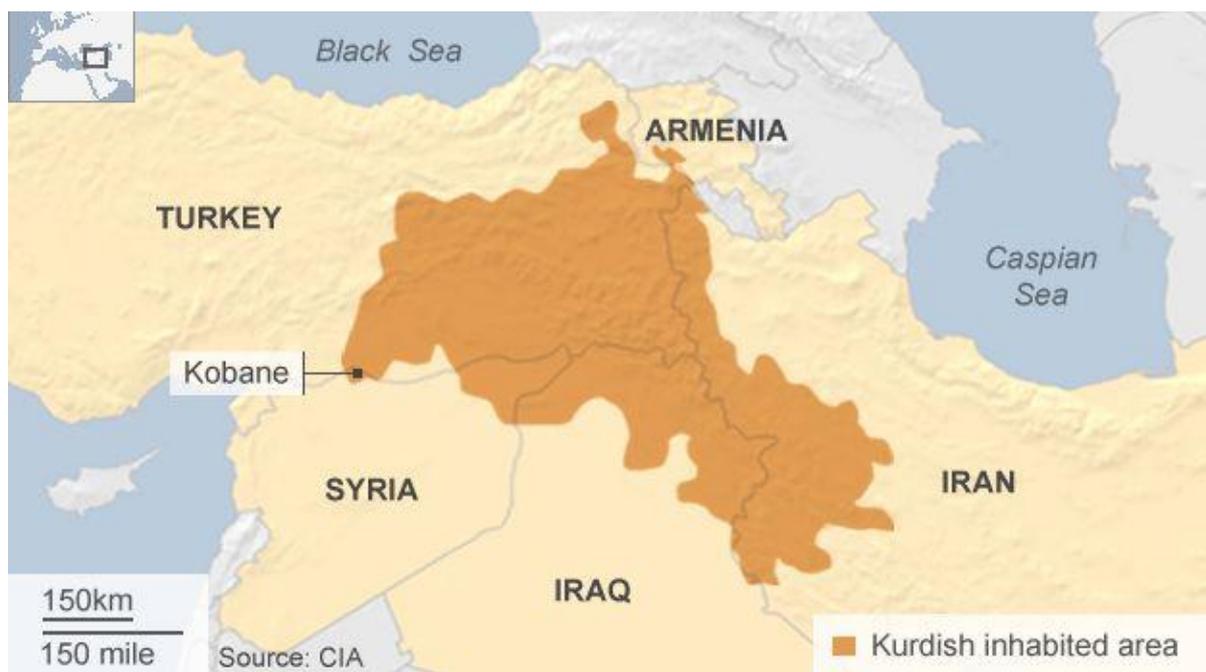
<sup>1</sup> BBC News, Turkey referendum grants President Erdogan sweeping new powers, 16 April 2017, <http://www.bbc.com/news/world-europe-39617700>

States and France, observers say. The presidential reform changes transfer powers traditionally held by national assembly to the presidency rendering it a largely advisory body.

Supporters of a powerful presidency argue that a strong president would strengthen Turkey as it confronts a broad array of internal and external security threats, whereas critics say that the reforms concentrate too many powers in the hands of a leader who has increasingly displayed authoritarian tendencies.

## 1.2 The Kurdish question

Picture 1



Source: BBC news, Who are the Kurds, 31 October 2017 <http://www.bbc.com/news/world-middle-east-29702440>

On the 20<sup>th</sup> January 2018, Turkish troops launched an aerial and ground assault on the Kurdish militias (YPG) in Syria. The Turks want to prevent the Kurds from gaining control over a contiguous sliver of lands, including the towns of Afrin in the northwest of Syria, Kobane in north-central Syria and Qamishli in the northeast. It is not the first time Turkey has intervened: in August 2016, it launched a major offensive to clear ISIS remnants from their border stronghold, and to roll back gains by Syrian Kurdish forces<sup>2</sup>.

Mr. Erdogan fears that the Syrian Kurds would use control of much of northern Syria to support the outlawed Kurdistan Workers' Party, also known as the PKK. Turkey views the YPG as an extension of the PKK, a Turkish-Kurdish rebel group fighting for autonomy since the 1980s. The PKK is officially considered a terrorist organisation by the EU and the US but Turkey has failed to convince its Western allies to regard the YPG likewise. The EU has also called on Turkey to stop shelling Syrian territory and refrain from further, complicating the efforts of world powers to halt the hostilities<sup>3</sup>.

<sup>2</sup> Sewell Chan, "What's behind Turkey's attack on Syria's Kurds, The New York Times, 22 January 2018, <https://www.nytimes.com/2018/01/22/world/middleeast/whats-behind-turkeys-attack-on-syrias-kurds.html>

<sup>3</sup> BBC Monitoring Analysis, Turkey v Syria v Islamic State, 23 August 2016 <http://www.bbc.com/news/world-middle-east-33690060>

Turkey's Kurdish problem was not created by Western powers but is a result of decades of brutal suppression of its Kurdish population. In the early 20th century, Kurdish rebellions erupted across Anatolia and were savagely suppressed. Turkey's founding father, Mustafa Kemal Atatürk, who won the Kurds' support against Allied occupation, embarked on an unremitting campaign of assimilation. The Kurds were dismissed as *mountain Turks*.

In 1978, Abdullah Öcalan established the PKK, which called for an independent state of Kurdistan within Turkey. Six years later, the group began an armed struggle. Since then, more than 40,000 people have been killed and hundreds of thousands displaced. In the 1990s the PKK rolled back on its demand for independence, calling instead for greater cultural and political autonomy, but continued to fight.

Ending the PKK conflict in Turkey is linked to peaceful relations with Syria's Kurds, but Mr. Erdoğan just made that harder. Only one man can help extract Turkey from that situation: Abdullah Öcalan. Despite 19 years in Turkish captivity, Mr. Öcalan remains the uncontested leader of the PKK, revered by millions of Kurds across the globe. He retains the authority to negotiate peace with Turkey, as he did in 2008 with Mr. Erdoğan, then a reform-minded prime minister.

However, Mr. Erdoğan's idea of peace was to impose his own terms: for the PKK to disband; for the Kurdish militia to join Turkish-backed Syrian Arab rebels to fight the Assad regime; and for the biggest pro-Kurdish political bloc, whose core constituents are PKK sympathizers, to back Mr. Erdoğan's now fulfilled goal of expanding his executive powers. The Kurds refused. The peace talks collapsed along with a two-and-a-half-year cease-fire.

The Turkish government subsequently launched what it called a *synchronised war on terror* against the PKK. Since then, several thousand people - including hundreds of civilians - have been killed in clashes in south-eastern Turkey<sup>4</sup>.

## **2. Turkey possible admission inside the European Union**

### **2.1 The migration crisis and its effect on the EU – Turkey relations**

The significance of migration and mobility in EU-Turkey relations regards three main issues: migration of Turkish citizens to the EU, irregular transit of third country nationals through Turkey route to Europe, and the role played by Turkish nationals who have already settled in Europe.

In the early stage of EU-Turkey relations, migration control was not a top priority on the agenda and Ankara engaged in a large-scale revision of its migration and asylum regulation in order to ensure the opening of accession negotiations with the EU, which it granted in 2005. After the first package of reforms, adopted in 2002-2005, Turkish authorities approved the National Action Plan for the Adoption of the EU *Aquis* in the Field of Asylum and Migration (NAP), in an effort to identify the areas that would need further improvement to align with European legislation.

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<sup>4</sup> Sewell Chan, "What's behind Turkey's attack on Syria's Kurds, The New York Times, 22 January 2018, <https://www.nytimes.com/2018/01/22/world/middleeast/whats-behind-turkeys-attack-on-syrias-kurds.html>

Over the course of 2015, the number of migrants trying to reach Europe through Turkey increased dramatically, mostly prompted by the Syrian civil war. By the end of the summer, both the Dublin Regulation and the Schengen Agreement were wobbling under the weight of such a large influx of migrants.

In October 2015, the Commission presented the EU-Turkey Joint Action Plan, subsequently activated during the November EU-Turkey Summit, which intended to step up cooperation to stem the flow of irregular migrants crossing the Aegean Sea<sup>5</sup>. According to the Joint Action Plan, the EU would also provide humanitarian assistance in Turkey and a financial aid of 3 billion euro for the 2.2 million Syrian nationals in the country at the time<sup>6</sup>. In exchange, Turkey would block the influx of irregular migrants to the EU and improve the living conditions of Syrians registered under its temporary protection scheme.

In March 2016, the leaders met again to discuss cooperation over the migration crisis. On that occasion, they agreed upon a revised version of the deal<sup>7</sup>: Turkey would take back all migrants arriving on Greece's shores after the 20<sup>th</sup> March, in exchange for an additional 3 billion euros<sup>8</sup> and the promise to lift the visa obligation for Turkish citizens by June 2016. The deal also included a *I-to-I* clause: for every Syrian deported to Turkey from the Greek islands, another Syrian would be resettled in the EU directly from Turkey.

The deal soon posed a potential threat to EU-Turkey relations as ever more problems emerged with its implementation. The deal sparked criticism among civil society and international human rights organizations, due to major legal and human rights issues that seriously questioned European commitments and values.

In addition, there has been a growing perception in Turkey that Europe will not be able to deliver on its commitments. The first step back came in May when, despite the European Commission giving the green light on the 3<sup>rd</sup> May, it became clear that visa liberalization would not happen by the agreed target of June 2016<sup>9</sup>.

The attempted military coup against the Turkish government on the night of the 15<sup>th</sup> July further complicated the situation: the mass purge that followed and the government decision to declare a state of emergency put visa liberalization further out of reach<sup>10</sup>. Quite interestingly, the Turkish government does not seem too concerned about Europe's lack of commitment towards the *I-to-I* clause; the Syrians who have been resettled in Europe from Turkey were only a small portion of the agreed 72,000.

Although migration management as a strategic and security concern is pulling the EU and Turkey closer together, at the same time it risks damaging this relationship and hampering Turkey's accession to the EU. This double effect unveils the *migration paradox* in EU-Turkey relations.

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<sup>5</sup> European Council, Council Conclusions (EUCO 26/15), 15 October 2015, <http://europa.eu/!xH63rv>.

<sup>6</sup> European Council, *Meeting of Heads of State or Government with Turkey - EU-Turkey Statement*, 29 November 2015, <http://europa.eu/!ff74HB>.

<sup>7</sup> European Council, EU-Turkey Statement, 18 March 2016, <http://europa.eu/!Uv88TM>.

<sup>8</sup> Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional 3 billion euros to the end of 2018. See European Commission, EU-Turkey Agreement: Questions and Answers, 19 March 2016, <http://europa.eu/!Xw48DF>.

<sup>9</sup> European Parliament, Visa Liberalisation for Turkey: EU Criteria Must Be Met, Say MEPs, 10 May 2016, <http://www.europarl.europa.eu/news/en/news-room/20160509IPR26368>.

<sup>10</sup> Maïa de La Baume, "Post-coup Crackdown Throws Doubt on Turkey Migration Deal", in *Politico*, 20 July 2016, <http://www.politico.eu/?p=418862>.

Cooperation over migration management relies on Turkey being a gatekeeper and protector of *Fortress Europe*, a buffer zone to avoid the geographical proximity of the EU's external border with a region as turbulent as the Middle East and North Africa. As written before, in order to guarantee Ankara's cooperation on this issue, the EU has been using the promise of visa liberalization and the accession process. However, Turkey's role is conditional upon it not being part of the EU: if it completes its accession negotiations, the EU's external border would then expand further east and this would fly in the face of Turkey's role as the EU's gatekeeper. Moreover, freedom of movement from Turkey needs to be limited in order to control border crossing into the EU.

The first paradox concerns Turkish cooperation in stemming the flow of migrants, which has been guaranteed via a reinvigorated accession process, migration itself hampers it. The EU is using the accession process to persuade Turkey to cooperate on this issue, but actual accession would render Turkey's borders – adjacent to troubled regions – EU's external borders, which runs counter to the EU's interest in keeping Turkey as a buffer.

A second paradox lays in the fact that the EU and Turkey do not have a convergence of interest in migration management. The EU is seeking help on migration control, which is not in Turkey's interests, as it would have to receive and accommodate all migrants, especially conflict-driven ones that it cannot send back, in its territory<sup>11</sup>. Turkey however is using this issue area to pursue other interests, namely visa liberalization and accession, which are some extreme interests for the Turkish government and the Turkish public.

The first paradox actually points to the impossibility of the convergence scenario, as the EU cannot live up to its commitment concerning Turkey's accession, if it wants to maintain Turkey's role in migration control.

A migration driven approach suggests that either cooperation or competition will characterize the relationship between the EU and Turkey in the near future. If the deal were to collapse, this would increase the scepticism and the anti-Europeanism in Turkey. The two might drift apart and the future of their relations might lean toward a conflicting scenario.

Migration is not and will not be the only issue shaping EU-Turkey relations. However, its relevancy has increased as it has grown to become a security and strategic concern for the EU. On the one hand, the migration crisis has been an occasion to revive relations; on the other, it might pose additional challenges for stable relations between Turkey and the EU. It presents another *make or break* situation for the relationship between Turkey and the European Union.

## 2.2 The MEP's line of thinking

Turkey accession to the European Union started more than 10 years ago. However, the last two-year events have tested the relationship between the EU and Turkey, namely the failed military coup and the constitutional reform.

Members of the European Parliament (MEPs) are concerned about Turkey backsliding in the rule of law, human rights, media freedom, and the fight against corruption. They condemn the repeatedly declared support for the reintroduction of the death penalty by the Turkish President, which would

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<sup>11</sup> Since Turkey signed the 1951 Refugee Convention, it is bound to the non-refoulement principle: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Article 33 of the Convention Relating to the Status of Refugees, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>.

put into question Turkey's membership in the Council of Europe and lead to an immediate end of EU accession talks.

Parliament's rapporteur Kati Piri (S&D) said: "This Parliament speaks with one, clear and loud voice in condemning the Turkish government's serious decline in democratic standards, and continues to support the Turkish population - millions of whom would like to continue to see the EU as an anchor for reforms in their country. Together with you [*Turkish people*] we hope "Adalet" (justice) will return to Turkey soon<sup>12</sup>."

The reactions of the major political parties seem reflecting Kati Piri declaration.

Indeed, in May 2017, Socialist&Democrats Group President Gianni Pittella, during a two-day visit to Ankara, said: "Thoughts and political ideas cannot be jailed [...] Over one hundred lawsuits have been launched against the Kurdish leader by the Turkish authorities. This is not acceptable. [...] Historically, we Socialists and Democrats have been the strongest supporters of Turkey's European future and remain perhaps the last ones. We still support this future. However, President Erdogan is making it impossible by turning Turkey into an increasingly authoritarian country. We are clear - Erdogan is closing the door to Europe. For us democracy and human rights come first. We will oppose any attempt to bargain between the issues of migration, the customs union and visa liberalisation. Given the current democratic situation and the recent constitutional referendum, we have been forced to request the suspension of the accession talks. The way the amendments to the constitution are implemented will be crucial for the future of EU-Turkey relations<sup>13</sup>."

In March 2017, Guy Verhofstadt, leader of Alliance of Liberals and Democrats for Europe leader, called on the Council and the Commission to freeze the accession negotiations with Turkey. He said: "it is very cynical that Erdogan calls the Netherlands "fascist", while at the same time he turns Turkey into an autocratic state. He asks for freedom of speech in Europe for his Ministers, but at the same time, he is jailing critical journalists. Europe must unite and put pressure on Erdogan to free the German journalist Deniz Yücel immediately. Instead of more declarations, we must freeze the accession negotiations with Turkey now<sup>14</sup>."

According to Renate Sommer, the European People's Party Group is standing Rapporteur on Turkey, the constitutional referendum of April 2017, which allowed for the shifting of the Turkish regime to an executive presidential system, was the last straw that broke the camel's back.

During the European Parliament vote on the 2016 progress report, he declared: "The Turkish government has deceived its own citizens. The constitutional changes are incompatible with the Copenhagen Criteria which is the non-negotiable basis for membership of the European Union. We consequently call to formally suspend - which de facto means the end of - accession negotiations if the constitutional reform package is implemented unchanged. The pre-accession funds should also be stopped simultaneously<sup>15</sup>."

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<sup>12</sup> European Parliament Press Release, 06 July 2017, <http://www.europarl.europa.eu/news/en/press-room/20170629IPR78637/turkey-meps-raise-the-alarm-on-eu-accession-talks>

<sup>13</sup> Group of the progressive alliance of Socialists and Democrats in the European parliament, press release, "Pittella: Turkey's authoritarian drift under Erdogan is closing door to EU. CHP and HDP must stand united for democracy", <http://www.socialistsanddemocrats.eu/newsroom/pittella-turkey-s-authoritarian-drift-under-erdogan-closing-door-eu-chp-and-hdp-must-stand>

<sup>14</sup> Alliance of Liberals and Democrats for Europe press release, "Freeze the accession negotiations with Turkey now", <https://alde.eu/en/news/864-freeze-the-accession-negotiations-with-turkey-now/>

<sup>15</sup> European People's Party press release, "Turkey: suspend EU-Turkey accession talks if constitutional reform is implemented unchanged", <http://www.eppgroup.eu/press-release/Suspend-accession-talks-if-constitutional-reform%27s-unchanged>

## Conclusion

The implications on the EU-Turkey relations are complex and it is not easy to foresee the development of future relations between the two. We can consider three possible scenarios for the future of EU-Turkey relations: the first scenario – conflict - foresees that current developments will generate irreconcilable objectives on the side of Turkey and the EU leading to estrangement between the two. Relations will eventually suffer from a final break and competing goals in the common neighbourhood and foreign policy. Moreover, the conflict scenario could be fuelled by the current intra-EU crisis, namely increasing Euroscepticism or other *Brexits*. In this scenario, domestic developments in Turkey, especially the current undemocratic turn, can equally press for the final blow to the official accession prospect. In the absence of willingness to work towards membership on both sides, the Turkish government can initiate the official end to the accession negotiations.

The second scenario - cooperation - predicts that mutual interests are likely to oblige both sides to brush aside frictions and focus on shared challenges to scale up partnership. In this scenario, full membership for Turkey would not be a part of the future relations. Still, instead of a total break up, a form of external horizontal differentiation and strengthened cooperation in areas requiring interdependent policy-making will dominate the EU-Turkey relationship. What could bind Turkey and the EU are strategic interests and common threat perceptions in the neighbourhood. The cooperation scenario foresees selective policy integration of Turkey as a non-member state into the EU.

The third scenario - convergence - envisages a gradual reconciliation and the eventual membership of Turkey, which the accession negotiations are destined to achieve in principle. However, the realisation of this scenario is highly dependent on the return by the EU to the question of enlargement upon resolving internal divisions about the future direction of the Union as well as a government in Turkey that is willing to resume the democratisation process to fulfil the Copenhagen criteria. Even in this scenario, Turkey's integration would be a form of vertical differentiation with some temporary or even permanent derogations from certain policy areas<sup>16</sup>.

Among the three scenarios, convergence is far away from being pursued in the very future of EU-Turkey relations. At least as long as Erdogan stays in power. The EU remains highly divided over its approach. On the one hand, the European Parliament is openly critical of the increasing authoritarian tendencies under Erdogan rule. On the other, several member states highlight the importance of keeping cooperation open.

Besides the EU has never shown a strong willingness in implementing Turkey accession. Long before the authoritarian downturn of April 2017, there were doubts on Turkey annexation, member states have always been divided about that matter. Accession procedures going on for more than 10 years seem to confirm it. On the other side, Turkey is taking another direction, moving away from those European principles, which have pushed the country to undertake accession procedures back in 2005.

One way or another, the future of the EU in its relations with Turkey is more than ever uncertain; history is still to be written.

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<sup>16</sup> Yabancı Bilge, The future of the EU-Turkey relations: between mutual distrust and interdependency, 08 November 2016 <http://www.iai.it/en/pubblicazioni/future-eu-turkey-relations-between-mutual-distrust-and-interdependency>

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