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CHAPTER 7

Differentiated Integration: An Alternative Conceptualization of EU–Turkey Relations

Funda Tekin

7.1 Introduction

The year 2019 marked the twentieth anniversary of the European Council's decision to grant Turkey the status of accession candidate. However, over the past few years there have been few reasons to celebrate this milestone. In 2018, the Council of the European Union (EU) claimed Turkey 'has been moving away from the European Union' (Council of the EU, 2018: 13), which makes its accession highly unlikely. A basic dilemma renders Turkey a 'unique' accession candidate: while Turkey officially entered the accession track in 1999, considerations of Turkey's place 'out(side) of the accession box' (Turhan, 2017) have never subsided—mainly for three reasons.

Firstly, in addition to the general enlargement fatigue that has prevailed in the EU for the past decades, so-called 'Turkey fatigue' (Soler et al., 2018) has led member states and societies to question whether Turkey could actually ever belong in the EU for cultural, economic, geostrategic, and political reasons. The 2005 Negotiating Framework between the

F. Tekin (✉)
Institut für Europäische Politik, Berlin, Germany
e-mail: funda.tekin@iep-berlin.de

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EU and Turkey clearly reflects such fatigue. It introduces a new open-ended framework for negotiations with all future accession candidates, 'the outcome of which cannot be guaranteed beforehand' (European Commission, 2005: para. 2). Additionally, and more importantly, the framework considers 'long transitional periods, derogations, specific arrangements or permanent safeguard clauses' and Turkey's full anchoring in European structures 'through the strongest possible bonds […] if Turkey is not in a position to assume in full all the obligations of membership' (European Commission, 2005: para. 12). The latest developments in Turkey, such as the constitutional changes to an executive presidential system in 2018 as well as Turkey's drilling activities in the Eastern Mediterranean and military interventions in Syria since 2018, have increased doubts as to Turkey's membership qualities.

Secondly, accession negotiations began stagnating immediately after their initiation in October 2005 and came to a standstill with the Council conclusions of June 2018, which consider 'no further chapters […] for opening or closing' (Council of the EU, 2018: 13). Political and legislative reforms that determine Turkey's compliance with the Copenhagen criteria moved in a downward spiral from the golden years of full-swing reforms in the early 2000s to a phase of stagnation between 2005 and 2013. Lately, Turkey seems to have left the European track altogether, with a strong de-Europeanization trend in reforms moving Turkey away from the EU (Tekin & Deniz, 2019; for de-Europeanization see Aydın-Düzgit & Kaliber, 2016; see also Alpan, Chapter 5; Kaya, Chapter 14). Additionally, individual EU member states and the Council have been blocking the opening of 14 chapters of accession negotiations. Cyprus represents the most prominent veto player in this process. The EU's negotiation record with Turkey is poor: as of May 2020, only 16 out of 35 chapters have been opened, of which only one has been provisionally closed (Chapter 25—Science and Research; see also Lippert, Chapter 11).

Thirdly, EU–Turkey relations have always included other forms of integration in addition to the accession process. Turkey is associated with the EU through the Customs Union (CU), and both sides cooperate specifically in various fields of mutual interest, such as migration, energy, security, counterterrorism, and economic and trade relations as well as transport and agriculture. This cooperation is mainly framed through high level dialogues. In November 2015, the decision was taken to hold biannual meetings, so-called EU–Turkey summits, on the highest political

level. Yet, so far there is a rather scattered picture of such a framework of enhanced institutional engagement: since November 2015 there have been four high level dialogues on economic issues; five on political issues such as migration, counterterrorism, rule of law, and the current state of play in the accession procedure; two on transport; and three on energy (European Commission, 2019: 3). However, EU–Turkey summits disappeared from the agenda after the failed coup attempt in Turkey in July 2016, and later the General Affairs Council decided to suspend the high level dialogue format in July 2019 in reaction to Turkey's drilling activities in the Eastern Mediterranean Sea (Council of the EU, 2019). Although this affects EU–Turkey relations at a technical level, cooperation between the two sides continues in areas of mutual interest.

EU–Turkey relations are trapped between the accession procedure and looser forms of cooperation resulting from the multidimensionality of the relationship, where conflicts disrupt cooperation rooted in mutual economic, geostrategic, cultural, and political interests. In addition to being an accession candidate, Turkey functions as a 'key partner', which is annually confirmed by the European Commission's Turkey reports mostly referring to the economic dimension of the relationship (European Commission, 2019: 6). Additionally, the EU acknowledges the country's strategic relevance by referring to Turkey also as a 'key strategic partner', which was most evident during the so-called migration crisis in 2015 and 2016 (European External Action Service, 2017). The challenge is that the EU and Turkey are caught in a relationship of 'conflictual cooperation' (Saatçioğlu et al., 2019: 3) that prevents both sides from fully breaking apart while at the same time precluding any form of closer integration.

With the aim to assess the challenges that result from the state of conflictual cooperation for the future of EU–Turkey relations, this chapter introduces the concept of differentiated integration and discusses its explanatory value by analyzing the complete spectrum of possible forms of Turkey's integration into the EU—reaching from full accession on the one end to issue-specific ad hoc cooperation on the other. Differentiated integration means that 'one group of [member] states is not subjected to the same [Union] rules as others' (Tekin & Wessels, 2008: 25), referring to 'any modality of integration or cooperation that allows states (members of the EU and non-members) and sub-state entities to work together in non-homogeneous, flexible ways' (Lavenex & Krizic, 2019: 3). Differentiation can thus narrow the separation between EU membership and non-membership, because as it becomes the 'new normal' of European

integration (Schimmelfennig et al., 2015; Lavenex & Krizic, 2019: 3), the scope, nature, and form of membership as such will transform, too. This is a precondition for 'variable geometry Europe', which represents a form of differentiation in which 'the EU does not work on the basis of a "one size fits all" principle but can actually adopt tailor made initiatives consistent with the legitimate needs and wishes of all its member states and peoples' (Bertoncini, 2017: 6) and third countries.

This chapter builds on the general assumption that such variable geometries in EU–Turkey relations could provide a soft landing from the fallout of the accession procedure. The first section of this chapter is dedicated to providing a concise overview of the many faces of differentiation in European integration and EU–Turkey relations. It provides a comprehensive definition of differentiated integration before it discusses how this concept is reflected in political and academic debates in Turkey and the EU. After having established that differentiated integration has only recently been acknowledged as a relevant concept to apply to EU–Turkey relations, the second section explores different European integration theories in order to highlight different methods of explaining differentiation in EU–Turkey relations. Section three traces the empirical evidence of variable geometries in EU–Turkey relations with the aim to establish the need for conceptualizing EU–Turkey relations in view of differentiated integration. The chapter concludes in section four by linking the empirical findings to the conceptual elements of differentiated integration and discussing their explanatory value for the future EU–Turkey relationship.

7.2 The Many Faces of Differentiation in European Integration and EU–Turkey Relations

Since the early 1950s, differentiation has featured in the European integration process. Its many faces—including forms of differentiation in primary and secondary law, in internal and external governance, and of a short-, medium- or long-term nature (Stubb, 1996: 283; Holzinger & Schimmelfennig, 2012: 292)—draw a complex picture of a 'Union united in diversity'. First, it is important to understand the broad concept of differentiated integration in general terms. Second, an assessment of how this concept is generally perceived by the EU and Turkey in view of their relationship will lay the grounds for discussing the concept's explanatory value for EU–Turkey relations.

7.2.1 Defining the Concept of Differentiated Integration

The broad body of literature on differentiated integration reflects the complexity of existing forms of differentiation, providing multiple definitions of the concept depending on the object of analysis (Schimmelfennig et al., 2015; Lavenex, 2015: 836; Tekin, 2012; Gänzle et al., 2019). In general terms differentiated integration encompasses all 'forms of participation below the threshold of full membership' (Lavenex & Krizic, 2019: 3). It has an internal and an external dimension (Schimmelfennig et al., 2015: 764). Internal differentiation refers to the phenomenon that some EU members do not take part in cooperation arrangements adopted by other EU members. External differentiation means that some third countries selectively join existing EU arrangements or selected regulatory structures in specific policy areas such as the internal market or the Schengen Area (Lavenex & Krizic, 2019: 3).

Internally, European integration has always featured various forms of differentiation in terms of transitory periods, different levels of implementation of secondary law, individual member states opting out of certain EU policies, or pre-defined rules applicable only to a certain group of member states (e.g., Article 136 of the Treaty on the Functioning of the European Union) (Tekin, 2012). The time dimension of differentiation inherent to the legal provisions becomes relevant for assessing the implications for the European integration process (Goetz, 2009, 2010). Temporality of differentiated integration fosters either sustainable fragmentation or inherently provides for complete integration at some point in the future. Some forms of differentiation can also provide a link between the internal and external dimension. In this context, the Schengen Area is a textbook example of differentiation: it includes Norway, Iceland, Liechtenstein, and Switzerland as third countries to the EU, but not all EU member states have joined that area either permanently, like Ireland and formerly the United Kingdom (UK), or temporarily, like Cyprus, Bulgaria, Romania, and Croatia.

The EU's external differentiation is just as diverse as its internal differentiated integration. There is one general feature that currently applies to all forms of external differentiation. In institutional terms, based on the current EU treaties, partial membership in the EU does not exist as only accession according to Article 49 of the Treaty on European Union (TEU) grants a state full rights and obligations of membership in the EU.

This creates a general difference between internal and external differentiation: EU member states that have opted-out of certain policies cannot vote on the respective files but do not lose their voting rights on the policies they remain part of. Third countries, however, generally lack the right to fully participate in EU institutions, which means they do not have voting rights in the policy fields in which they participate. To illustrate, the countries of the European Economic Area apply a substantial part of the internal market's *acquis communautaire* but cannot vote in the respective legislative procedures. This makes the EU the decision-giver of such decisions to third countries, creating an asymmetric relationship that determines external differentiation. We can state, however, that there is no model of association or integration with the EU that would apply universally to any third country. Consequently, the re-association of the UK with the EU after its exit from the Union (Brexit) cannot provide a blueprint for the EU's relations with Turkey or any other third country, even though political leaders' expectations were high (Gabriel, 2017a). The scope, content, and aim of each relationship differ and hence require a tailor-made approach.

The concept that provides the best picture of the EU's external differentiation is 'variable geometries' (Tassinari, 2006; Bertoncini, 2017), which constitutes different—and sometimes even overlapping—forms of association and integration with different member and non-member states. Each state sets up different regulatory and organizational boundaries as well as establishes different scopes of alignment with the *acquis*, levels of policy harmonization, instruments of enforcement, and inclusion in EU structures (Ülgen, 2012: 12–15). This concept is particularly relevant for Turkey, because due to its uniqueness, the EU–Turkey relationship has already established variable geometries of its own as explained below in Sect. 7.3.

7.2.2 Concepts of Differentiation in Debates on EU–Turkey Relations

Although differentiation plays an important role in the overall EU–Turkey relationship, for a long time, this concept was not prominently included in the broader literature on EU–Turkey relations. Ever since the misperception in Turkey of the general, underdeveloped concept of 'privileged partnership' introduced in 2004 (zu Guttenberg, 2004), the EU has tried to avoid political debates with strong references to alternative forms of

integration. Only in view of developments in Turkey and the EU in the 2010s, such as democratic backsliding in Turkey or rising populism and Euroskepticism in the EU, did differentiated integration gain ground in academic and political circles on both sides, resulting in a broad variety of conceptions.

Still, in the political debate these concepts are seldom discussed and do not provide many details on the already existing institutional forms of cooperation between the EU and Turkey outside of the accession framework. In 2017, Sigmar Gabriel, former German Minister of Foreign Affairs, demanded 'alternative forms of closer cooperation' (Gabriel, 2017b). One year later former Commissioner for European Neighbourhood Policy and Accession Negotiations Johannes Hahn promoted the idea of a 'realistic strategic partnership' (Hahn, 2018) between the EU and Turkey. Such statements set a certain tone in the debate but do not provide sufficient information on the detailed structure of a variable geometry for EU–Turkey relations. To qualify for this, there needs to be further consideration on the actual scope, institutional form, and content of such alternative forms of integration. Academic and policy-oriented assessments of EU–Turkey relations discuss more elaborate concepts (see Müftüler-Baç, 2017; Hürsoy, 2017; Aydın-Düzgit, 2017; Turhan, 2017), specifically looking at options such as 'associate membership' (Duff, 2013), 'gradual membership' (Karakas, 2013), 'virtual membership' (Ülgen, 2012), or 'junior membership' (Lippert, 2017). All of them share the fundamental requirement of full adherence to the values and principles of the EU. Yet, they define the quality of the envisaged membership differently. While associate and gradual membership foresee Turkey's 'membership without full integration' based on sectoral voting rights in the (extended) Council, virtual membership builds on the principle of 'integration without full membership' (Karakas, 2013: 1067), granting Turkey consultation rights in institutional bodies only. Such concepts, however, do not conclusively solve the dilemma that according to the current treaties, partial membership as such does not exist.

Another issue that such concepts address is the question of whether or not to abolish the accession perspective altogether. 'Associate membership', for example, is conceived as a true alternative to the EU's enlargement policy proposing the introduction of a separate procedure with its own treaty provisions (Duff, 2013). At the same time, given the strong lock-in effects of the accession procedure and the political costs of its termination, concepts such as 'dynamic association' (Saatçioğlu

et al., 2019) or Turkey's functional integration into the EU (Müftüler-Baç, 2017; Cianciara & Szymański, 2020) consider alternative forms of integration in addition to the accession procedure. They recommend canceling the accession track only if the new form of integration has been successfully institutionalized.

7.3 Theoretical Considerations on the Explanatory Value of Differentiated Integration for EU–Turkey Relations

Differentiated integration is a concept rather than a theory of European integration in its own right (Holzinger & Schimmelfennig, 2012). In order to deepen our understanding of the explanatory value of internal and external differentiation for EU–Turkey relations from a theoretical perspective, it is helpful to revisit some of the most prominent European integration theories, i.e., historical institutionalism, liberal intergovernmentalism, functionalism, post-functionalism, and constructivism. In this context, it is helpful to embed differentiated integration into the respective theoretical background and to apply them together to the EU–Turkey relationship.

Building on key arguments in historical institutionalism, external differentiation can provide neither an explanation nor a solution to EU–Turkey relations, because there is no future scenario other than Turkey's EU membership. The main assumption is that 'institutional choices taken in the past persist, or become "locked in", thereby shaping and constraining actors later in time' (Pollack, 2008: 4; see also Icoz & Martin, Chapter 4). This would imply that the decisions to grant Turkey accession candidate status in 1999 and to open accession negotiations in 2004 were 'sticky' and therefore resistant to change. Both transaction costs and institutional thresholds for canceling the accession procedure are high (Pollack, 2008: 3). The political damage within the EU's relationship to a 'key strategic partner' that has been promised full membership would be significant. The decision to cancel the accession process with Turkey would require a unanimous vote of all member states. These lock-in effects create a path dependency that motivates policymakers to stick to past decisions even though this might represent an inefficient outcome that neither Turkey nor the EU has full confidence in ever achieving (Pierson, 1996: 123; 2000: 251). In historical institutionalism, internal differentiation is

a crucial element of EU–Turkey relations, because it can help solve this dilemma. Following this logic, Turkey could accede to the EU under stricter conditions compared to other member states—e.g., permanent safeguard clauses—which would represent some sort of 'underprivileged membership' but would follow the logic of path dependence.

Liberal intergovernmentalism explains internal and external differentiation by focusing on member states as prominent actors. Member states' national preferences, driven by the issue-specific interests of powerful domestic constituents and the intergovernmental bargaining power of state actors, are key variables in this context (Karakas, 2013: 1058; see also Tsarouhas, Chapter 2). This approach can facilitate our understanding of why Turkey accepted a negotiating framework that not only strongly deviates from those of other accession candidates but also seems to be disadvantageous. The permanent safeguard clauses, expected to apply after accession, would create a high degree of internal differentiation. The negotiation framework already prepares the ground for anchoring Turkey in the EU through the strongest possible bonds, if Turkey would not be capable of assuming all obligations of membership. This means that alternatives to full membership compete against the accession procedure. Accession negotiations represent asymmetric relations in which Turkey—still driven by strong support for EU membership among its domestic constituents[1]—has less bargaining power than the EU.

A functionalist explanation of EU–Turkey relations deals with 'anchoring Turkey in multiple layers into EU institutions and policies' (Müftüler-Baç, 2017: 418). Issue-specific interdependence and spillover effects instead of the accession promise are the main drivers of such a functional EU–Turkey relationship. Based on this logic, cooperation or sectoral integration in one area creates functional pressures demanding integration in another related area. External differentiation is hence determined by a logic responding to functional needs rather than solely member states' preferences. A functionalist analysis can also extend to the governance level, focusing on participation in transgovernmental regulatory agencies (e.g., Frontex, Europol, European Environment Agency) (Lavenex, 2015: 840). Respective patterns of flexible integration reflect third countries' sectoral interdependence and bureaucratic affinity 'with arrangements reaching from full membership to association without

[1] According to polls in 2019 public opinion support for EU membership was 60% (see İktisadi Kalkınma Vakfı, 2019).

voting rights, observer status and punctual participation in particular functions and fora' (Lavenex, 2015: 838).

In view of EU–Turkey relations, a purely functionalist logic cannot provide a full explanation of the potential of external differentiation becoming a structuring principle of the relationship. Building on post-functionalist arguments (Hooghe & Marks, 2009: 1), interdependences are a necessary but not a sufficient variable of differentiation. Politicization in the sense of 'an increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation' is the variable that completes the picture (Schimmelfennig et al., 2015: 771; Saatçioğlu, 2020: 169; Cianciara & Szymański, 2020). While interdependences are drivers of integration, politicization is an obstacle to it. This means that 'external differentiation results if non-members that are unable to join because EU membership is highly politicized opt in selectively in highly interdependent but weakly politicized policy areas' (Schimmelfennig et al., 2015: 765) (e.g., in economic and monetary affairs), security and defense (engagement with Eurocorps, Frontex, Europol, PESCO), as well as research and development. Turkey's EU membership is highly politicized both in Turkey and EU member states, and therefore, external differentiation seems to be an appropriate frame for the relationship between the EU and Turkey. Yet, alternative forms of integration with the EU other than full membership—such as 'privileged partnership'—are also highly politicized in Turkey, which limits the options for structuring the relationship (Saatçioğlu, 2020: 173).

Constructivism (see Aydın-Düzgit & Rumelili, Chapter 3) can provide information on differentiation in EU–Turkey relations in two ways: whether and to what extent alternatives to accession are viable options as well as under which conditions full integration into the EU remains possible. Both sides can agree on alternatives to accession if there is ideational consensus, which means that legitimate constitutional ideas about European integration should match on both sides (Leuffen et al., 2013: 99). In this context, differentiation could narrow the separation between EU members and non-members if the dominant constitutional ideas in the EU and in Turkey allowed the two parties to choose their scope and form of integration within a broader set of variable geometries (Leuffen et al., 2013: 100). Since 2014, EU institutions have started to officially acknowledge differentiated integration to represent an important tool for managing heterogeneity among member states as long as

it is not of a permanent nature (European Council, 2014: 11). Turkey can consider alternatives to its accession to the EU only if 'EU regulations change, different membership alternatives are developed, and several membership countries decide to alter their membership status' (Bağış quoted in Karakas, 2013: 1058). As constitutional ideas of both sides agree to differentiation only conditionally, it currently seems highly challenging to think out of the accession box and to construct alternative forms of Turkey's association or integration with the EU.

A constructivist analysis can further facilitate our understanding of external differentiation in EU–Turkey relations in view of the unlikelihood of Turkey's full membership in the EU. To this end an assessment of ideational contestation is helpful. Policy areas with little contestation feature high integration potential and vice versa (Leuffen et al., 2013: 100). More importantly, identity representations of one another in Turkey and in the EU can impact Turkey's integration into the EU and/or the extent of external differentiation. If there is reciprocal representation of the 'Other' as part of a common/shared identity, Turkey's full integration into the EU will remain an option (Aydın-Düzgit and Rumelili, 2021). The more identity representations diverge, the less integration will be possible, and forms of external differentiation will become more relevant. As soon as both sides represent each other as the alien 'Other' in the formation of their identities, external differentiation will be undermined and eventually threatened. Ideational contestation in EU–Turkey relations has continuously increased and acts as a hurdle to full membership in the EU.

This brief overview has highlighted that we can find explanatory value in the concept of differentiated integration for EU–Turkey relations. This is important because the relevance of the EU's external variable geometries increases as the likelihood of Turkey becoming an EU member decreases to the point of vanishing altogether.

7.4 The Variable Geometries of EU–Turkey Relations

The variable geometries of EU–Turkey relations take three distinct forms: accession, functional cooperation in terms of 'regulatory approximation for neighbouring countries without accession' (Lavenex, 2011: 373), and cooperation in international organizations.

7.4.1 *Accession: A Lost Cause for EU–Turkey Relations?*

Accession is the most institutionalized framework of EU–Turkey relations (Schröder & Tekin, 2019). If completed, Turkey will be fully included in EU structures with the rights and obligations of a full member state. This implies commitment to the values referred to in Article 2 of the TEU and their promotion (Art. 49 TEU) and, hence, to stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. Additionally, full membership in the EU requires complete implementation of the *acquis communautaire*, including adherence to the aims of the political, economic, and monetary union, as well as having a functioning market economy and the capacity to cope with competition and market forces in the EU (European Council, 1993: 13). The accession framework includes multiple enforcement measures that aim at facilitating Turkey's eventual full integration in the EU (e.g., Accession Partnership, Negotiating Framework, the Commission's progress reports that are since 2015 titled Turkey reports, and screening of negotiation chapters). In financial terms the Instrument for Pre-Accession Assistance provides support for reforms in Turkey on its way into the EU. By 2014 Turkey had adopted 326 primary and 1,730 secondary pieces of legislation to ensure alignment with the EU *acquis* in all 35 chapters (Müftüler-Baç, 2017: 424). Afterward, the pace of alignment slowed down with 'more instances of backsliding regarding a number of key aspects in the areas of free movement of capital, public procurement, competition, information society, economic and monetary policy, and external relations' (European Commission, 2019: 8). The accession process is of a highly asymmetrical nature, because it is strongly determined by the EU's conditionality. Turkey has no influence on the conditions for accession, which are defined by the Copenhagen criteria.[2]

7.4.2 *Functional Cooperation: Differentiating the Picture of EU–Turkey Relations*

Functional cooperation in EU–Turkey relations is multifaceted. External differentiation takes the form of pure association without any participation or representation in EU institutions but in joint association councils,

[2] For a detailed overview of the evolution of Turkey's accession process see also Turhan and Reiners (Chapter 1) and Lippert (Chapter 11).

high level dialogues, joint summits, or committees. The 1963 Association Agreement between Turkey and the European Communities/European Union has aimed at promoting 'the continuous and balanced strengthening of trade and economic relations between the Parties, while taking full account of the need to ensure an accelerated development of Turkish economy and to improve the level of employment and the living conditions of the Turkish people' (EEC-Turkey Association Agreement, 1963: Art. 2). This agreement constitutes the most prominent framework for functional cooperation so far. The framework for achieving the aim of the Association Agreement is the Customs Union (CU), which entered into force on 31 December 1995. Within the CU Turkey aligned with the EU *acquis* in trade policy, the Common External Tariff, and parts of agricultural policy in relation to industrial components of agricultural products. The association framework is also highly institutionalized with regular meetings of the Association Council, which includes representatives of the Turkish government, the European Council, and the European Commission. This body is supported by a number of committees (e.g., Association Committee, Customs Union Joint Committee). The Association Council is supposed to meet annually, but after the failed coup attempt in Turkey on 15 July 2016, the meetings were canceled and only taken up again in 2018; these meetings were canceled for a second time in 2019 in reaction to Turkey's drilling activities in the Eastern Mediterranean off the shores of Cyprus (Council of the EU, 2019). Although the association framework is highly institutionalized, Turkey's integration in EU structures is rather low, because it is not represented in EU institutions and hence not involved in the decision-making procedures of the relevant EU policies. This asymmetric relationship becomes particularly evident whenever the EU is negotiating free trade agreements with other third countries. In that case Turkey is required to negotiate similar arrangements with the respective country on a bilateral basis (Müftüler-Baç, 2017: 426; see also Akman & Çekin, Chapter 12). In December 2016, the European Commission asked the Council for a mandate to modernize the CU (European Commission, 2016) with the aim to extend it in the service sector and in terms of public procurement and to integrate Turkey further into the internal market. Such upgrading of the CU would even out some of the asymmetries in the relationship, but this endeavor was blocked by a group of EU member states (Council of the EU, 2018).

In addition to the association framework, which has a strong focus on the CU, functional cooperation has been structured in high level

dialogues on key thematic issues since 2015. Such meetings on energy, economy, transport, the fight against terrorism, and foreign and security policy framed within the high level political dialogue contribute to exploring the vast potential of EU–Turkey relations in the fields of common interest (European Council, 2015). The Heads of State or Government of the EU member states and of Turkey decided to establish this framework with the EU–Turkey Statement of 29 November 2015, when the high number of refugees on their way through Turkey into the EU demanded a comprehensive and joint solution. This joint statement also endorsed the realization of biannual EU–Turkey summits to discuss and assess the EU–Turkey relationship on the highest possible level (European Council, 2015). This institutional framework of summits and high level dialogues acknowledges the importance of overcoming common challenges while working with key partners and strategic allies in the region. It does not particularly aim at Turkey's alignment with the EU's *acquis*, but both sides agree on joint actions such as the exchange of good practices and closer cooperation between Turkish authorities and EU agencies as well as on joint work programs.

Finally, functional cooperation takes the form of Turkey either contributing to certain EU policies or being affiliated with the EU's agencies. Turkey's contribution to the Common Security and Defense Policy (CSDP) is somewhat remarkable. It has participated in multiple CSDP missions and operations—mostly within the framework of the NATO-EU cooperation scheme. With contributions to nine out of 30 EU-led operations, Turkey constitutes one of the biggest contributors after France, Germany, and the UK (Müftüler-Baç, 2017: 428). The Lisbon Treaty introduced the procedure of the Permanent Structured Cooperation (PESCO; Art. 42, 46 TEU), which a group of EU member states can use for establishing more binding commitments on military cooperation among themselves. In December 2017, PESCO was activated, including multiple ad hoc capability projects enhancing the operational readiness and contribution of the armed forces of the 25 participating member states. Although the PESCO arrangement generally is open to third countries' contributions through invitations in projects to which they can bring 'substantial added value' (Notification on PESCO, 2017: 8; see also Aydın-Düzgit & Marrone, 2018: 18), the likelihood of PESCO becoming an important feature in the variable geometries of EU–Turkey relations is rather uncertain. Such an invitation requires a unanimous decision by the member states, which in view of the conflictual relations

between Turkey and Cyprus seems rather unlikely (for detailed discussion see Aydın-Düzgit & Marrone, 2018).

Turkey is also an important strategic partner in the EU's energy policy in view of large-scale projects such as the Southern Gas Corridor or the Trans Anatolian Natural Gas Pipeline (see Sartori, Chapter 15). Additionally, functional cooperation in the EU's Area of Freedom, Security, and Justice is quite substantial. On the one hand, there is the EU–Turkey Statement on migration of March 2016 establishing a 1:1 mechanism for returning and relocating Syrian refugees with the aim to decrease the migration pressure on the Greek islands as well as a Refugee Facility for Turkey totaling 6 billion EUR for supporting Turkey in hosting about 4 million refugees. This form of cooperation has turned into a stone of contention which has been repeatedly instrumentalized by the Turkish president for negotiating terms of cooperation also in other areas. On the other hand, Turkey is affiliated with Europol and Frontex not through membership but through strategic cooperation and working arrangements (Lavenex, 2015). It is included in the Civil Protection Committee of the Commission's Directorate General for European Civil Protection and Humanitarian Aid Operations. This diversity of functional cooperation frames the EU's relations with Turkey as a 'strategic' or 'key' partner guided by mutual benefits and structural needs for cooperation that might have spilled over from other policy areas.

7.4.3 Intergovernmental Cooperation: The Outer Layer of the EU's Variable Geometries with Turkey

The third dimension of the EU's variable geometries with Turkey is framed by intergovernmental cooperation through memberships in other international organizations. All member states of the EU are members of the Council of Europe and so is Turkey. The EU and the Council of Europe are bound to each other through shared values and fundamental rights. The Council of Europe has a large-scale country-specific cooperation scheme in Turkey consisting of EU/Council of Europe Joint Programs providing assistance in the fight against corruption, in the field of justice, in the education system, and in meeting the reform agenda. Consequently, it can be perceived as an additional reform driver for Turkey's alignment with the EU's *acquis* and fundamental values. Another important international cooperation for EU–Turkey relations is the European Energy Community. Its aim is to extend the EU's internal

energy market to Southeast Europe and the Black Sea region. Turkey is only an observer state and is not willing to become a full member as long as its perspective of eventually becoming a full member of the EU is uncertain. Membership in the European Energy Community would require alignment with most of the *acquis*. The Turkish political establishment is prepared to comply with this requirement only shortly before accession into the EU (Kopac & Ekinci, 2015).

The variable geometries of EU–Turkey relations account for the EU's relations with Turkey as an accession candidate, an 'association partner', a 'key partner', and a 'strategic partner'. This creates a complex picture with different levels of institutionalization and asymmetry in the relationship. Nevertheless, this multi-structure-approach allows for relations stretching across the dimensions of politics, economics, security, energy, and migration.

7.5 Conclusions and Outlook on the Differentiated Future of EU–Turkey Relations

By 2018, the accession procedure between the EU and Turkey had run dry. Turkey's accession to the EU seems to be an unrealistic scenario for the (near) future of EU–Turkey relations. Consequently, alternative forms of Turkey's integration with the EU are worthwhile. Thus, differentiated integration provides an appropriate conceptual framework. The presented discussion of the concept of differentiated integration, its theoretical logic in view of EU–Turkey relations, and finally, practices of differentiation in this relationship allows us to generally confirm the guiding assumption that variable geometries of EU–Turkey relations represent a soft landing from the fallout of the accession procedure. Nevertheless, such a confirmation requires a concluding assessment of the benefits and limitations of the explanatory value of external differentiation in this relationship.

EU–Turkey relations are becoming increasingly conflictual in all relevant dimensions due to developments both in Turkey as well as the EU, particularly between 2016 and 2020 (Soler et al., 2018; Saatçioğlu & Tekin, 2021). Politically, the failed coup attempt of July 2016 and the subsequent state of emergency as well as the constitutionalization of the executive presidency in Turkey have moved the country away from the EU and its core values. Rising right-wing populism in the EU and

crises in the European integration process have further contributed to 'Turkey fatigue'. On both sides the EU–Turkey relationship in general and Turkey's accession to the EU in particular have become increasingly politicized, which was especially evident in 2017 when Turkey held the constitutional referendum and several EU member states—e.g., Germany and the Netherlands—held national elections. This fueled the blame game on both sides, culminating in Turkish government representatives comparing the German and Dutch approach toward Turkey to methods used during the Nazi regime (The Guardian, 2017). Turkey was not a major topic in the electoral campaign of the *Spitzenkandidaten* for the European elections in 2019—but when it was mentioned, the abolition of the accession procedure was the most prominent message (Euronews, 2019).

These events have increased demands for a post-functionalist analysis of EU–Turkey relations in order to facilitate the understanding of the scope of differentiation in this relationship. Economically, the instability of Turkey's economy and the devaluation of the Turkish lira have raised concerns in the EU. Until recently the energy dimension had been perceived as one of the least conflictual areas within EU–Turkey relations. However, Turkey's drilling activities off the shores of Cyprus have put this at risk. Additionally, differences in the two sides' energy mixes circumvent closer cooperation. In security terms increasingly divergent geostrategic interests such as Turkey's military interventions into Syria as well as its relations with Russia (e.g., Turkey's purchase of the S-400 missile system) drive the EU and Turkey further apart. Finally, in migration policy the EU–Turkey Statement of March 2016, which was supposed to represent a stable framework for mutual beneficial cooperation, turned into a potential strain on relations as Turkey has repeatedly threatened to break up this deal.

Consideration of this increasingly 'conflictual cooperation' in EU–Turkey relations is relevant for assessing the explanatory value of differentiated integration for two reasons. On the one hand, Turkey's accession to the EU becomes an increasingly unlikely scenario even in the longer term. This increases the demand for alternative forms of integration and hence the EU's external differentiation. On the other hand, the increasing conflicts between the EU and Turkey affect the dimension of functional cooperation in the EU's variable geometries with Turkey. In July 2019, the EU decided to cancel its high level dialogues with Turkey and EU–Turkey summits. In November 2019, the Council decided on restrictive

measures in response to Turkey's illegal drilling activities in the Eastern Mediterranean, including sanctions on involved persons (Council of the EU, 2020), which is an unprecedented move against an accession country. This highlights that the functionalist logic in EU–Turkey relations that would anchor Turkey in multiple layers of EU institutions and policies due to mere functional pressures and spillover effects can be undermined and might eventually lead to 'spillback effects' undermining the relationship at large (see Goldner-Lang, 2020).

Literature on differentiated integration in EU–Turkey relations has a strong focus on functional cooperation (see Müftüler-Baç, 2017; Cianciara & Szymański, 2020; Saatçioğlu, 2020). Yet, a constructivist assessment of the consensus on legitimate constitutional ideas deserves further attention in future studies, because so far it has been underrepresented in research on EU–Turkey relations. Differentiation has not yet become the predominant structuring principle of either European integration or EU–Turkey relations. On the one hand, the Turkish establishment is only reluctantly and conditionally warming up to the idea of considering such alternative forms. Brexit might contribute to this development, because the UK represents an influential actor both in Europe and at the global level. Accordingly, Brexit might increase the credibility and attractiveness of forms of association to the EU that would replace the membership perspective. On the other hand, although EU institutions have started to officially acknowledge differentiation as a valid structuring principle for the future European integration process, differentiation does not yet represent the 'new normal', i.e., the new constitutional idea. Hence, the separation between the EU members and non-members persists. This is further confirmed in view of institutionalist considerations; the likelihood for changes to the EU treaties in the near future is low. This means that although internal differentiation might increase, the scope and commitment of membership will not substantially change. Even if the scenarios of 'those who want more do more' or 'doing much more together' that were outlined by the Juncker Commission in 2017 for a more differentiated future of the EU27 (European Commission, 2017) would materialize, decision-making in EU institutions would still remain the exclusive privilege of EU member states.

In spite of the limitations of differentiated integration for EU–Turkey relations, this concept represents a way out of the dead-end accession track. The question remains how to frame such an alternative concept

for integrating Turkey with the EU. The challenge is that the uniqueness of EU–Turkey relations, defined by persistent and multidimensional ties, makes it imperative to develop an original relationship model that would borrow some elements from other existing models of the EU's relations with third countries.[3] Any model that would fall below the established levels of rules-based cooperation and Turkey's integration in EU institutions such as a pure strategic partnership or the European Neighborhood Policy would represent a setback in EU–Turkey relations. At the same time, any model with higher degrees of integration such as the European Economic Area would require substantial political and legislative reforms in Turkey.

The modernization of the CU seems to be a tangible option for generating economic, political, and strategic benefits for both sides. Economically, it would expand the CU to include services and consequently create expectations for mutual economic gains, although these would be higher for Turkey than for the EU (Gros et al., 2018). Politically, the EU could still be a driver for reforms in Turkey in spite of the weakened conditionality within the accession procedure. Strategically, within the modernized CU, Turkey would be able to participate in future free trade agreements negotiated by the EU with other third countries, which would diminish the asymmetric nature in this form of external differentiation. At the same time, a modernization of the CU cannot be the only element in future EU–Turkey relations. Turkey's involvement in regulatory bodies dealing with key policies that are of mutual interest to the EU and Turkey remains essential. This can further increase and solidify EU–Turkey relations and might create some spillover effects. To this end, the focus needs to be on those areas where interdependence is high and politicization is low in order to circumvent the strongly politicized debates on Turkey's EU membership. The future of EU–Turkey relations is differentiated through developments across multiple dimensions; therefore, differentiated integration provides an appropriate framework for conceptualizing the different forms of Turkey's integration and association with the EU.

[3] For an overview of possible models of internal and external differentiation in EU–Turkey relations see Saatçioğlu et al. (2019).

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Funda Tekin is director of the Institute for European Politics (IEP) in Berlin, Germany. She leads several research projects on EU-Turkey relations: 'The Future of EU-Turkey Relations: Mapping Dynamics and Testing Scenarios' (FEUTURE; Horizon 2020, terminated), 'TRIANGLE – Blickwechsel in EU/German-Turkish Relations Beyond Conflicts. Towards a Unique Partnership for a Contemporary Turkey?' (Stiftung Mercator), VIADUCT—Enhancing Visibility of the Academic Dialogue on EU–Turkey Cooperation (Jean Monnet Network, terminated). She serves as external senior research fellow at the Center for Turkey and EU Studies at the University of Cologne (CETEUS). Tekin holds a diploma in economics and received her Ph.D. in Political Science from the University of Cologne.