



# A New Way Forward for EU-Turkey Relations

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Article

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The EU's relationship with Turkey is stuck at an impasse. EU policymakers can no longer conduct effective diplomacy or formulate a wider geopolitical strategy premised on Turkey acceding to the union. They need to look elsewhere and be innovative to regain some influence over Turkey's democratic backsliding and other elements of Brussels' relations with Ankara. The EU's best option would be to modernize its 1963 association agreement with Turkey as the main framework for fostering rules-based cooperation and shoring up the normative foundations of the relationship.

## Escaping a Diplomatic Dead End

Deepening tensions between the EU and Turkey have drawn a lot of attention in recent years. Europeans mostly attribute this troubled state of affairs to Ankara's democratic backsliding and increasingly confrontational foreign policy. Despite these tensions, Turkey is still formally a candidate for accession. Some observers continue to see this membership path as the only tool the EU has to place democratic conditionality on its ties with Turkey.

But the prospects of Turkey joining the EU have been dim for a long time. In practice, Ankara has no credible prospect of membership in the near future, if ever. Today, Turkey comes nowhere near fulfilling the EU's accession eligibility rules, known as the Copenhagen criteria—which stipulate that candidate countries have institutions that guarantee democracy, the rule of law, and human rights as well as a well-functioning market economy. Since the Council of the EU concluded in 2018 that “no further chapters can be considered for opening or closing,” the accession negotiations effectively have been at a standstill.

In the meantime, the EU has failed to exert any influence capable of halting or reversing Turkey's democratic backsliding despite the country's nominal EU membership aspirations. The European Commission's yearly country reports on Turkey acknowledge this in their well-documented accounts of the country's dramatic turn to authoritarianism. It is hard to expect a country with such slim odds of becoming a member to effectively implement the rules, standards, and policies enshrined in EU law and to align itself with the EU's core values and norms.

But even if the frozen accession negotiations are based on misplaced expectations, the EU does not need to give up entirely on democratic conditionality and a rules-based framework. The problem is that this conditionality is now tied to accession in a way that holds no credibility for either side. If the EU is serious about its concerns over democracy, the rule of law, and human rights in Turkey, EU policymakers need to find alternative ways to address these issues. This matter is about not only EU-Turkey relations but also the EU's desire to project itself as a normative global power.

To be clear, however, the EU should not fool itself into thinking that Brussels will be the one to revive democracy in Turkey. Any transition should be a product of Turkey's own democratic resilience. Even so, if EU policymakers can adopt a more suitable institutional framework and set of tools for grounding and encouraging aspirational democratic values and a rules-based partnership, EU-Turkey relations would benefit.

## Modernizing the Ankara Agreement

The Ankara Agreement, the EU's association agreement with Turkey, is nearly sixty years old and was not designed for the twenty-first century. This document, rather than the accession framework, is what provides the core foundation for EU-Turkey relations. To champion its desire to have a rules-based relationship and address democratic backsliding in the country, the EU should seek to break its diplomatic gridlock with Ankara by revising this document.

The association agreements the EU signs with other countries to deepen cooperation are an appropriate tool for such goals. The EU has association agreements with countries slated for accession and other countries too. Today, such agreements are an integral part of the EU's arsenal of free trade agreements and other partnership and cooperation pacts. The Eastern Partnership countries have been notable examples in negotiating their association agreements with the union. The EU's agreement with Ukraine is one of the latest and most modern instances. The EU also

renegotiates terms for modernizing such documents if necessary. Revamping the EU's association agreement with Turkey would fit this pattern well.

Some observers might object that democratic conditionality would be weakened once it is disconnected from the accession process. But under a modernized association agreement with Turkey, the EU's democratic leverage could actually be greater, as pressure would be linked to more realistic forms of cooperation and more achievable, tangible benefits. Pursuing this more modest aim would help make democratic conditionality relevant again, whereas today it has simply ceased to work with respect to Turkey under the accession framework.

To be frank, a modernized association agreement would not be a game changer unless Turkey is willing to play along. However, this approach does have the potential to get EU-Turkey relations back on track. Furthermore, it would institutionalize the relationship and minimize the need for ad-hoc negotiations every time a crisis arises. If the two sides manage to agree on renegotiated terms that include an official dispute settlement mechanism, they would also have a means of dealing with their differences. Last but not least, this strategy would help the EU better connect its trade policy to its normative power, rather than expecting so much from the distant prospect of accepting Turkey as an EU member.

In fact, updating the Ankara Agreement is what many both in Turkey and in Europe desire when they ask about modernizing the EU-Turkey customs union. The customs union is a part of the association agreement with Turkey, which also includes a wider range of topics that would further empower this tool. So instead of just modernizing the customs union, the aim should be to reframe the various tracks of the multifaceted relationship under a rules-based framework. Implicitly, EU-Turkey relations are already being reframed, with a focus on cooperation outside the prevailing negotiating framework. This is the case even though the union has not formally taken away Turkey's candidacy status and though Turkey has not put the accession process on hold like Iceland has done in the past.

What has become typical is a more transactional approach to cooperation calibrated differently in various policy areas. The March 2016 EU-Turkey Statement on refugees is one prime example of this transactionalism. The "positive agendas" to bolster the relationship that the EU periodically offers, most recently in 2020, are another. These positive agendas are attempts to renegotiate the prevailing rules and conditionalities based on the partners' needs, while offering Turkey various carrots even if accession negotiations are at a standstill. Further economic cooperation and high-level dialogue, for example, are tools the EU hopes to offer for a more harmonious relationship. Yet since the trust between Turkey and the EU is so low and declining, and because Turkey has no belief that the EU would deliver on its promises, these offers have not led to a revived relationship and tangible democratic conditionality. This is why all these intentions of shoring up the relationship should be framed and institutionalized under a modernized association agreement.

## Identifying What to Include in This New Association Agreement

A modernized association agreement would require a lot of innovative thinking. It could cover various issues including the economy and trade, irregular migration management (now covered under the aforementioned EU-Turkey Statement), climate action, and global health. It would need to consolidate and update key elements of the Ankara Agreement like the customs union (or even establish a new framework for the economic partnership). Some tools like high-level political dialogue, people-to-people contacts, Turkey's participation in select EU programs and its use of EU funds, and the issue of visa liberalization would also be on the table. A political dispute settlement mechanism to be triggered in case of further tensions could also be added.

As part of the new agreement, the EU would look for ways to support democratic norms and the rule of law in Turkey. The union's association agreements with some Eastern Partnership countries like Ukraine have chapters that cover these issues in some detail. For example, Article 6 of the EU's association agreement with Ukraine provides that "the parties shall cooperate in order to ensure that their internal policies are based on principles common to the Parties, in particular stability and effectiveness of democratic institutions and the rule of law, and on respect for human rights and fundamental freedoms"; these freedoms also are mentioned in more detail in Article 14.

That said, even though an updated association agreement is a promising avenue to a better EU-Turkey relationship, three caveats are in order. First, association agreements have not fully solved political problems in Eastern Partnership countries like Ukraine. However, while it is clear these documents are not panaceas, they do appear to have helped some Eastern Partnership states establish rules-based relationships with Brussels. Once enlargement policy is off the table, trying to convert the EU's economic power (through trade policy) into norms in Europe's neighborhood is the best option for now.

Second, many would expect Turkey to simply reject democratic elements in any new agreement. This might indeed be true with the incumbent administration under President Recep Tayyip Erdoğan. But it is important to underscore that association agreements outlast governments: in Turkey's case, the one in use today goes back to 1963.

A reworked association agreement would not only detach areas of practical cooperation from the stalled accession negotiations but also offer a more egalitarian entry point for negotiations. Today, Turkey is expected to comply with the accumulated legal provisions of EU law as a candidate country. If the association agreement were modernized instead, Turkey could negotiate with an EU that is willing to find another way to have stable relations with its important neighbor.

At this point, however, it would be important for Turkey not to terminate the accession process right at the start of negotiations to modernize the association agreement. The modernization approach could arguably even offer a

creative backdoor for eventually returning to accession talks, if and when relations were to improve under a new agreement. Once the necessary political will is marshalled, the sides could opt to conclude modernization talks and then decide what to do with the accession process later.

The third caveat is that lingering sovereignty disputes over Cyprus between the Republic of Cyprus, Greece, and Turkey could impact the functioning of Ankara's association agreement with the EU. The island remains divided, and there are no direct trade ties, air travel, or maritime connections between the Republic of Cyprus and Turkey. This stalemate has made negotiations with Turkey more complicated, as the Republic of Cyprus has objected to aspects of EU-Turkey talks at various points. For instance, when tensions between the Republic of Cyprus, Greece, and Turkey rose in the Eastern Mediterranean in 2019, the Council of the EU decided not to hold any EU-Turkey Association Council meetings for the time being, suspending a direct channel for dialogue.

As long as Turkey's relations with the Republic of Cyprus do not improve, this issue will hamper Turkey-EU relations and could scuttle any efforts to modernize the association agreement. Yet turning the focus away from accession talks could be a pragmatic way to help end this stalemate by lessening the importance of the Republic of Cyprus's veto power over certain parts of the accession negotiations.

## Identifying Short-Term Steps to Take

Modernizing the EU-Turkey association agreement is not a short-term fix: the negotiations could take years. Such an undertaking would require the estranged allies to muster the necessary political will and trust and find the right balance between EU member states' varied interests. However much the EU might like to defend democracy and basic human rights, the relationship with Turkey is so fragile that many are afraid to push things even one inch forward. In the meantime, the EU could start with the following steps.

First, the EU should acknowledge that Turkey's democratic backsliding has consequences for the union. Turkey is not just any other country. Its size and geographical location—especially its borders with the Middle East, the Mediterranean Sea, the Black Sea, and EU member states—make Turkey a partner of considerable strategic significance. The impact of the Turkish diaspora in some EU member states (mainly Germany but also Austria, Belgium, France, and the Netherlands) also means issues concerning Turkey affect the domestic politics of these EU countries. Turkey's democratic backsliding, assertive foreign policy posture, and abandonment of certain multilateral commitments—such as choosing to leave the Istanbul Convention countering domestic violence or not honoring the decisions of European Court of Human Rights—all need to be seen as pieces of the same puzzle. The EU should not expect Turkey to be a stable partner when Ankara is not in line with principles of democracy, the rule of law, and basic rights at home.

Second, the EU should not undermine democratic principles in its relations with Turkey for the sake of sheer expediency. The EU lost credibility when the European Commission postponed the publication of its annual report on Turkey in 2015 at the request of the Turkish government due to Turkey's general elections that year. The March 2016 EU-Turkey Statement on refugees drew a great deal of criticism too, since EU leaders agreed to energize the accession process and open a new chapter of talks despite democratic backsliding in the country. This does not mean that the EU should not cooperate with Turkey on issues of mutual interest. But it means that Brussels should stick to its principles when it does so. Maintaining such principles is extremely important for the EU's credibility and for ensuring that Europe does not provide breathing space to authoritarian leaders elsewhere in the world.

Third, the EU should collaborate with the United States actively and transparently on areas of common interest. In certain cases, U.S. foreign policy seems to be moving toward embracing a divide between democracies and autocracies. Washington did not invite Ankara to the December 2021 Summit for Democracy, for instance. This decision was a more honest reflection of Turkey's current politics than is evident from the EU accession process. As a NATO ally, Turkey remains a vital player for EU security interests despite antidemocratic developments there. The transatlantic allies would likely strengthen their pro-democracy policies if they can align their stances more closely.

## The Road Ahead

EU-Turkey ties are plagued by disagreements and a long-term relationship built around "conflictual cooperation," not a short-term spat. Attempts to paper over this dysfunction with renegotiated terms of ad hoc cooperation have produced disappointing results. Disagreements have widened between EU members and among EU institutions over how tough to be on Turkey and how to balance concerns over democratic backsliding with other interests.

Ultimately, the EU cannot switch on a whim between treating Turkey merely as a third country—a nonmember—whenever it suits Brussels' interests and then asking Ankara to fulfill human rights clauses because it technically remains a candidate country. The EU's current aim of simply avoiding crises, renegotiating terms when necessary, and passively waiting for democratic change in Turkey is unsustainable. Even if such change were to come about, the problems in EU-Turkey relations stemming from the stalled accession talks would linger.

Without a credible chance of Turkish EU membership for the foreseeable future, accession offers no hope of democratic conditionality. Instead, the EU should at least start talking about the prospect of a reworked association agreement with Turkey to get the relationship back on track. Turkey could at some point be ready to return to a democratic path. The EU should think about what to offer Turkey when this time comes.

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