

Dealing with Turkey After Ukraine: Why the EU Should Let the Enlargement Approach Go

Antoaneta L. Dimitrova*



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European Union's confidence in its reach and attractiveness for its neighbours will never be the same after the events in Ukraine at the end of 2013. Even if there are few explicit signs yet that the years of inertia when the EU happily followed the tried and tested enlargement method are coming to an end, the realization must be dawning on European leaders that not only President Putin, but also other leaders of important EU neighbours are playing a different geopolitical game than the EU's neighbourhood policy envisaged. Using enlargement as the most successful foreign policy tool the EU has had in the past decade may be dangerously inadequate in the current situation. The question is whether relations with Turkey, the largest and most geopolitically important of the countries currently negotiating for membership, should be reconsidered in the light of the dramatically changed global environment.

When former Ukrainian President Yanukovich refused to sign the long-negotiated Association agreement with the EU in Vilnius in November 2013, he appeared to EU leaders as someone who had been living in another world. And so he had. His power base was rooted in a personalized network, in a regime that had been increasingly turning from a formal democracy to an openly neo-patrimonial oligarchy. Confronted with Ukraine's domestic elites and institutions, the European Union's conditionality approach had a negligible impact in driving reforms.¹

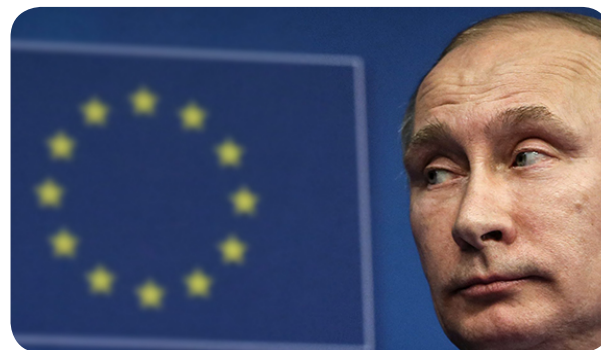
¹ Antoaneta Dimitrova and Rilka Dragneva, "Shaping Convergence with the EU in Foreign Policy and State Aid in Post Orange Ukraine: Weak External Incentives, Powerful Veto Players", *Europe-Asia Studies*, Vol. 65, No. 4 (June 2013), p. 658-681.

* Antoaneta L. Dimitrova is Associate Professor at the Institute of Public Administration, Leiden University.

The fact that Ukrainian elites, including the ones linked to previous President Yushchenko, were not in a hurry to implement the reforms the EU required, should have served as a wake up call for the European Union even before the Vilnius summit.

For all the differences between the EU's Neighbourhood policy and enlargement, conditionality – trading domestic reforms for progress in negotiations – remains the cornerstone of the EU's approach. But can it still work as it did in the past? During the Eastern enlargement of 2004-2007, there were several mechanisms underlying conditionality's success. Next to a fairly credible accession promise on the EU's side, domestically, both rational factors and socialization mechanisms worked to support EU demands for reform. As Central and Eastern European (CEE) politicians assured their electorates that they were working to "return to Europe," rational cost-benefit calculations were strengthened by pre-existing socialization. The success of EU conditionality in Eastern Europe in the past was ultimately ensured by the fact that domestic leaders derived their own legitimation from following a path of Euro-Atlantic integration. This pre-existing socialization and the domestic institutional structure of the CEE states worked to complement EU demands and kept the process going. Such pre-existing socialization and favourable global context no longer exist for any accession candidate, with the possible exception of Serbia.

Despite the increasing resistance of candidate countries to reforming their domestic political institutions and policies, the EU's enlargement strategy as it has evolved since 2011, includes even more "strict but fair" conditionality rather than a reconsideration of it. Adding more steps in the process of accession and benchmarks for difficult chapters works when a country is well on its way to membership, as Croatia was. Despite the clear normative logic behind it, a similar approach has not worked in the negotiations of the Association agreement with Ukraine and it will most likely continue to be problematic for Turkey. Looking back at the last quarter century of enlargement, Heather Grabbe noted the EU's gravitational pull has been remarkable, but that we have reached the end of the EU's monopoly on transformative power.² It is time to reassess the EU's approach vis-à-vis its neighbours and partners.



There are three main reasons for this: first, the dynamics of the accession process, second, the character and content of the *acquis* and third, the larger geopolitical picture in Europe and the expansion of Russian interests through, among others, the Eurasian Customs Union.

What are the implications of this reassessment for relations between the EU and Turkey? As Maniokas and Žeruolis have recently argued,³ enlargement is not a recipe for a successful foreign policy in general. Nowhere is this truer than for the EU and Turkey. Turkey's negotiation process has been stuck in a stalemate since 2008. Even though formal negotiations have restarted in 2012 with a "positive agenda" approach intended by the EU "to bring fresh dynamics" into Turkey-EU relations⁴ and chapter 22 on regional policy has been opened,⁵ there has been no solution for the problems that led to this stalemate in the first place. More importantly, the accession method is not suited as a response to the changed strategic context in Europe and the challenges in Syria and Ukraine which the EU and Turkey need to address together.

The dynamics of EU-Turkey negotiations have become largely negative, by the sheer virtue of being blocked for such a long time. Furthermore, if we accept that domestic elites and their socialization matter more than we previously realised, we need to ask ourselves whether Turkey's new elites, led by Prime Minister, now President Recep Tayyip Erdoğan, are interested in going along with EU conditions. Until a few weeks ago, this question would have been answered in the negative, based on Turkish reactions to EU criticism of the Turkish government's handling of the Gezi park protests and their coverage in social media platforms. However, on 18 September 2014, Turkey announced a new strategy to accelerate its accession process, including constitutional reforms and a public relations campaign. While first reports of this strategy indicate a change of tone and a greater commitment to dialogue with the EU on political reform, the European Union's ability to respond to such changes, were they indeed to take place, remains very limited.

The European Commission stressed Turkey's role as a strategic partner in its latest progress report, yet at the same time, it stated that the Positive Agenda adopted in 2012 is not a substitute for negotiations.⁶ In contrast to the Commission's view, I would argue the accession negotiations no longer provide the most suitable framework for EU-Turkey relations.

The EU's credibility in relation to Turkey's accession is diminished due to the Union's own enlargement fatigue and negative public opinion trends towards Turkey as a potential member in several large member states. Even with the rising external threats from Russia and Syria, a substantial group of EU member states remains inward looking with government policies responding to electorates for whom immigration rather than external security are seen as the biggest threat.

2 Heather Grabbe, "Six Lessons of Enlargement Ten Years On: The EU's Transformative Power in Retrospect and Prospect", in *The JCMS Annual Review of the European Union in 2013*, p. 40-56.

3 Klaudijus Maniokas and Darius Žeruolis, "EU: Enlargement: How Wrong Blueprint Spoils Good Policy", in *Europe's World*, 20 March 2014, <http://europesworld.org/?p=6754>.

4 European Commission, *Positive EU-Turkey agenda launched in Ankara* (MEMO/12/359), 17 May 2012, http://europa.eu/rapid/press-release_MEMO-12-359_en.htm.

5 European Commission, *EU-Turkey: Putting accession talks back on track, new chapter opened* (MEMO/13/958), 5 November 2013, http://europa.eu/rapid/press-release_MEMO-13-958_en.htm.

6 European Commission, *Enlargement Strategy and Main Challenges 2013-2014* (COM(2013)700), 16 October 2013, p. 21, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52013DC0700>.

member and a strong military power, Russia may seek closer ties in energy and trade to attract Turkey towards its orbit.

A rapprochement between Turkey and Russia may not be as unrealistic as it sounds. For one thing, even if Russia's takeover of the Crimea affected the Crimean Tatars considerably, Turkish official reaction to their problems has been less vigorous than could have been expected.

Furthermore, similarities between the Russian and Turkish ideas of statehood might become more important especially if Turkey continues to feel rejected by the European Union. It is possible to imagine President Erdoğan having sympathy for Putin's drive to reassert Russia's role in the international arena as a way to anchor his popularity at home. It is also not unlikely that Erdoğan, Turkey's most influential conservative politician, may find common ground with Putin the conservative. The Russian President has been positioning himself as the defender of conservative values, against the European Union as the "overly liberal," "too tolerant" other. This social conservatism may serve as a common ideological platform between Russia and some Turkish elites as it has already served to create common ground between Putin and the European far right.

The spillover to geopolitical or trade issues may be both unexpected and disastrous for the European Union. During the Minsk summit of the Eurasian Customs Union in October last year, Kazakhstan's President Nazarbaev was quoted as saying that Turkish Prime Minister Erdoğan had enquired about joining the Eurasian Customs Union.⁷ Such an eventuality may currently seem far-fetched, but its potential repercussions should be considered nonetheless.

Even if Turkey's reported interest in the Eurasian Union may currently be just another expression of frustration with the EU and the stalemate in the accession negotiations, the very existence of the Eurasian Customs Union means the EU will not be the only game in regional integration in Europe any more. The European Union should strengthen its relations with Turkey to prevent more serious moves in the direction of the Eurasian Union.

The enlargement process with its inflexible sequencing and stress on the *acquis* can become an impediment to this goal in several ways. First of all, despite resuming negotiations in November 2013, they are viewed by an increasing number of politicians in the EU member states as open-ended. It would not be an exaggeration to call them a dead end, especially if EU's democracy standards continue to clash with the policies of Turkish leaders

on civil society or the media. Even if Turkey does take a course of implementing further reforms in democratic governance, the EU is not able to make its promise of accession a reality, given the broad differences of opinion between member states on Turkish accession.

Next to this, the process and content of accession negotiations do not allow more flexible integration where there are common interests or needs. In terms of content, the bulk of the *acquis* are still market regulations based on bargains struck between the member states in the past. The EU's enlargement method does not choose between *acquis* areas. Differences in sequencing chapters are hardly a solution to this. While the Commission's enlargement strategy for the 2004-2007 accession round relied on opening "easy" chapters first to build progress and momentum and the revised strategy applied to Croatia started with "difficult" rule of law chapters, keeping them open to the end, neither makes much sense as a short and medium term response to the geopolitical challenges the EU and Turkey face today.

The EU should aim to make a strategy and a foreign policy for Turkey taking these current challenges, especially the violent conflict in Syria, hostilities in Eastern Ukraine and the repercussions of the sanctions against Russia, into account. This would require two substantial adjustments in current thinking. First, both European and Turkish elites have to find a way to accept that accession will not happen in the short term. This should not mean giving up on trade and the Customs Union or offending and alienating Turkish elites: just the opposite. The goal of accession should be replaced with a form of functional Union - not to be confounded with the concept of Privileged Partnership which has been floated mostly as a project to delay and substitute Turkish integration in the EU - providing both sides with support in handling the geopolitical problems they are faced with. A key difference with the current approach would be that it would not be based on a sequential adoption of existing *acquis* chapters, but on agreements to integrate deeply in specific, narrowly defined policy areas.

The formation of such a functional Union involving cooperation in specific policy areas, next to the Customs Union would be a form of differential integration. This would involve a second adjustment to current thinking. Instead of working through the *acquis*, the EU and Turkey could pick the policy areas in which each partner needs cooperation with the other and start from there. Policies to deal with refugees and asylum seekers, regional support for Turkish regions affected by the Syrian conflict, a joint policy supporting the rights of Crimean Tatars, a joint policy on the conflict in Ukraine and trade arrangements in response to the Russian import sanctions could each be the subject of narrow, but deep cooperation. Another cluster of integrated policies could cover aspects of

7 "Turkey Not Making Eyes at the Eurasian Union: for Now", in *EurasiaNet.org*, 21 November 2013, <http://www.eurasianet.org/node/67786>.

security not covered by NATO, such as economic security, energy security and energy routes. The EU's values on freedom of expression, human rights and democracy do not need to be abandoned, but could be included as part of the issue linkages which would inevitably occur during negotiations. Such a differential EU-Turkey Union would be formed on the basis of equal negotiations, rather than the asymmetric enlargement method. Starting from a policy issue where Turkey needs immediate support, for example developing a joint EU-Turkey response to

the tidal wave of refugees from Syria entering Turkey, could serve as an incentive and a token for good will for Turkey. The substitution of more equal negotiations for the currently ineffective enlargement method may in itself send a signal to Turkey that it is taken seriously as an important partner in trade and security and an important regional geopolitical power. In these precarious times, it is crucial that policy makers in the European Union ensure that the Union has a united front with Turkey on the future of Europe.