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# The Revitalization of the Turkish–European Union Relations: Old Wine in New Bottles

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# THE REVITALIZATION OF THE TURKISH-EUROPEAN UNION RELATIONS: OLD WINE IN NEW BOTTLES?

**Meltem Müftüler-Baç\***

## **Executive Summary**

On December 14, 2015, the European Union member states unanimously agreed to open Chapter 17, the Chapter on Economic and Financial Matters, with Turkey as part and parcel of the accession negotiations. The opening of Chapter 17 came on the heels of a new wave of revitalization for Turkey's accession negotiations with the EU, with renewed commitment on both parties for their shared destiny. The opening of accession negotiations in October 2005 was an important step in taking the Turkish-EU relations forward, but within a few years the process was stalled (Aydin-Duzgit and Tocci, 2015; Muftuler-Bac and Cicek, 2015; Schimmelfennig, 2009) and enthusiasm on both sides waned. This revitalization of the accession process in 2015, therefore, was both unexpected and astonishing. This paper aims to understand the new opening in the Turkish-EU relations, and assesses the background within which this revitalization was launched. A key question here is whether there is indeed a transformation of the Turkish-EU relations with an increased possibility of Turkey's accession to the EU or whether this is still old wine in new bottles.

**December 2015**

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*The interpretations and conclusions made in this article belong solely to the author and do not reflect IPC's official position.*

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## The EU's altering external environment

There is a significant alteration in the European Union's external environment, especially with regards to the changing political landscape in the Middle East. The EU is faced with a massive refugee crisis since the beginning of 2015 when an unprecedented flow of people, from Syria in particular, have flocked to the gates of Europe. The crisis reached its peak in September 2015, with thousands of refugees trying to cross the Balkans and EU member states such as Hungary in their quest to reach their ultimate destinations on the European continent, specifically Germany. The massive influx of people combined with the European uncertainty over the proper responses to the refugee crisis led to increased border controls and a discussion on re-inserting closed door policy. According to Dimitris Avramopoulos, the European Commissioner in charge of immigration policy, the refugee crisis poses challenges to the European integration process and the Schengen zone since "Schengen is the greatest and most tangible achievement of European integration. But some policies are putting Schengen in danger. It is a difficult moment for Europe. Unfortunately, the European dream has vanished."<sup>1</sup> So, how did one of the greatest achievements of the EU, borderless Europe, come to the brink of collapse and what can be done to salvage it?

The Syrian civil war which erupted in 2011 already has created a massive exodus of people to the neighboring countries. Of these neighboring countries, Turkey received more than 2 million Syrian refugees, putting an economic, social and political burden on the Turkish government. While most of the Syrian neighbors, such as Turkey, were left alone to deal with the humanitarian aftershocks of the Syrian civil war, the EU was slow to act, and adopted measures only when it was directly threatened with a mass flow of people,

but nowhere close to what Turkey faced. It might be worthwhile to remind that Turkey hosted more than 2 million refugees, but the EU countries were unable to host even about 100,000 people. It was only in the summer of 2015 that the EU found itself facing a crushing wave of refugees who were now in transit from Turkey to the EU. In July 2015 alone, around 150,000 Syrian refugees reached Europe through the Aegean Sea and the Balkan route. As the Balkan countries and Central and Eastern European countries found themselves on the front line for the refugees, they suffered greatly from this influx. On August 20, 2015, Macedonia declared a state of emergency unable to cope with the daily flux of people onto its borders and on August 30, 2015 Hungary built a fence on its border with Serbia. With the Hungarian border closing, the refugees this time flocked to Croatia and Slovenia in order to cross onto Austria, and ultimately to Germany.

Faced with this massive exodus, the EU had no choice but to formulate a plan of action, a feat that it was able to avoid since 2011. The first step was taken in September 2015, with a pre-set calendar and quotas for accepting refugees. The German government took the leading position with its unilateral announcement that it would welcome 800,000 Syrian refugees in 2015. Of course, this served to worsen the situation as it created another wave of refugees attempting to reach Germany before the window of opportunity closed. However, the burden faced with front line states such as Greece and Italy, as well as the Central and Eastern Europe could not be solved unilaterally by a German initiative of welcoming refugees. In September 2015, the EU member states agreed to adopt quotas for Syrian refugees and to redistribute 160,000 Syrian refugees in Greece and Italy to the rest of the EU member states,<sup>2</sup> in a time span of two years.

Perhaps to be expected, some EU member states such as Hungary opposed Germany's welcome to the refugees, the redistribution plan as well as the quotas, accusing Germany of 'moral imperialism'.<sup>3</sup> The bickering among the member states over the redistribution was illustrated in the Justice and Home Affairs Council meeting on September 14, 2015. The Czech Republic, Slovakia, Hungary, and Romania opposed the redistribution of the refugees among the EU members in the JHA Council. However, because the proposal was adopted in the JHA Council and not the European Council, a qualified majority was sufficient for its adoption rather than unanimity which would have been the case had the vote been taken in the European Council, where any one of the above mentioned member states would have vetoed the proposal. The United Kingdom was not included in this Council meeting as it has an opt-out from the Schengen zone and the Common Asylum policy. Of those whose vote could not stop the adoption of the proposal, Slovakia decided to take legal action against this re-distribution by taking its complaints to the European Court of Justice. Jeroen Dijsselbloem, Minister of Finance in the Netherlands reflected on the expectation from the Western European point of view with regards to the Central and Eastern European members as "Poland is taking only a limited number of people...Poland gets a lot of subsidies. We help to build Poland - they should take up asylum seekers in return."<sup>4</sup> Yet, according to Miro Cerar, the Slovenian Prime Minister: "The EU will start falling apart if it fails to take concrete action to tackle the refugee crisis."<sup>5</sup>

This is why, on October 15, 2015, the European Council met to discuss a new action plan to deal with the refugee crisis and agreed on stepping up efforts to coordinate with the countries of origin and transit.<sup>6</sup> In other words, the EU was unable to come to a consensus on the fate of the refugees

after they succeeded getting on the European soil, so a shift in focus was adopted with solving the problem prior to their departure, either with their home countries or with the countries of transit. On October 25, 2015, an EU mini-summit with Balkan countries was held in Brussels in which the JHA Council decision was pushed back, and a new deal was agreed on. The EU agreed to a new policy for the processing of the refugees and asylum seekers by setting up centers of reception in the EU member states in the Balkans, such as Greece, Slovenia, and Croatia but also candidate states such as Serbia. The reception centers would process the arriving refugees by finger printing and registering them prior to their re-distribution to the EU members, in particular Germany. In addition, the humanitarian needs of the refugees would be met in these centers with shelter, food and basic necessities provided. Increased border controls, and greater communications between the EU members and the Balkan countries was also foreseen as part of this 17-point action plan agreement. The registration of the refugees prior to their arrival in Germany would enable the German government to decide on whom to take and send back those deemed undesirable back to where they come from. This, in turn, required a deal with countries where they departed from to get to the EU. While this deal took care of the processing and at least ameliorated the needs of the refugees, there was still the need to cope with the 1 million potential refugees waiting in line to come to Europe. The most important route seemed to be from Turkey onto Greece via the Aegean Sea, and then from there onto Macedonia, Serbia, Croatia or Slovenia onto Austria and Germany. Turkey was not invited to the October 25 summit that the EU agreed on new measures. The closure of the border in Hungary more-or-less sealed off the Hungarian route. The need to keep the refugees at home and/

or send them back after they have been processed and registered in the reception centres became a pressing issue for the EU, and it necessitated a deal with third parties.

As a result, on November 11-12, 2015, the EU member states held an emergency summit in Malta over the refugee crisis. The Valletta summit addressed the joint concerns of the European and African countries on the flow of migration, especially with a focus on the readmission procedures of the African countries. The EU decided to set-up an emergency fund of 1.8 billion Euros to assist the African governments to deal with unwanted migration and keep possible refugees at home. Thus, by the end of November 2015, it seemed that the EU, unable to cope with what it perceived was a massive influx of people, decided to outsource the solution to the countries in the periphery and assist them in keeping the refugees in their countries.

The pressing problem created a rift between the EU member states, especially with Germany on the one side and Greece, and the Central and Eastern European members- the front line countries on the other. The German position was one of commitment to the EU's open door policy, and Germany also indicated its initial desire to accept refugees from Syria, about 1 million in the next year. According to the German Chancellor Angela Merkel, "This is one of the greatest litmus tests that Europe has ever faced."<sup>7</sup> However, the German commitment to keep internal borders in Europe open and its 'Welcomekultur' for Syrian refugees was perceived by the rest of the European Union members as a unilateral decision. The German leadership in this aspect favored controlled admission to the refugees coming to Europe, but precisely because it was adopted unilaterally, the other EU member states- for example, Hungary- felt the burden of transit, thousands of refugees attempting to use

Hungary as a jumping step onto Germany. This seemed to be most important challenge facing Germany, while Merkel aimed to uphold the normative values of Europe; she was faced with the very visible, diverging material preferences of the EU member states. Suddenly, Germany at the end of October 2015, found itself as a lone champion of the open door policy, willing to deal with the refugee crisis but unable to close its doors despite the heavy flow of people pushing through that door. The only plausible solution seemed to be a deal with Turkey, a particularly appealing way out.

Interestingly, "Merkel cautioned that there would be no solution without Turkey as 'We will not solve the refugee problem completely; we need, among other things, further talks with Turkey for that. Only with Turkey we can switch illegality to legality. It is very important that the (European) Commission discusses further the migration agenda with Turkey."<sup>8</sup>

This is precisely why the German Chancellor Angela Merkel visited Istanbul on November 1, 2015 and met with the Turkish President Tayyip Erdogan, reaching a deal on EU aid of 3 billion Euros and revitalizing the accession talks in return for the Turkish commitment to act as a gatekeeper for the Syrian refugees and keep them in Turkey. This also fits the changing course of action that the EU adopted with its October 25 summit on refugees, outsourcing the problem. In October 2015, Turkey and the EU agreed to a joint action plan. According to this plan, Turkey would process the asylum applications to Europe and send a pre-set number of refugees to Europe, and keep the rest in its own camps. The EU would pay for the material costs of keeping these camps open and functioning. Most importantly, Turkey would be obliged to take back and provide for those who are either unable to move to Europe, or whose asylum applications

are rejected in the reception centres as explained above. The refugees that could not stay in the European Union, but neither could be sent back to their home countries would be re-routed to Turkey instead.

Thus, the revitalization of the Turkish-EU relations and the accession negotiations was shaped by the pressing need of the external security concerns for the EU members, stemming from the refugee crisis and its impact on the EU policies.

### **The re-energized accession process**

The developments at the end of 2015 for Turkey-EU relations have been largely unexpected and sudden. In return for keeping Turkey firmly tied to the EU, the EU leaders seemed intent to revitalize and re-energize the almost paralyzed Turkish-EU relations. The Turkish accession negotiations, underway since 2005, have been particularly rocky. While it began with high hopes on both sides, increasingly after 2011, they were stalled and frozen (Aydin-Duzgit and Tocci, 2015; Muftuler-Bac and Cicek, 2015). The European Commission in 2006 suspended the opening of 8 chapters related to the freedom of mobility of goods based on the Turkish non-compliance with the Additional protocol to its 1995 Customs Union Agreement, mainly its non-implementation of the customs union to Cyprus (Muftuler-Bac, 2008). In the post 2006 period, Cyprus which acceded to the EU in 2004, vetoed 6 chapters even in areas where Turkey and the European Union were ready to negotiate, and France vetoed 5 chapters.

Nonetheless, the European Union's role in the Turkish political transformation has been critical, and the EU anchor mattered to a great extent in terms of the democratization process in Turkey (Aydin-Duzgit and Gursoy, 2015; Noutcehva and

Aydin, 2012; Muftuler-Bac, 2015). However, as the EU accession goal post moved further away with the individual member states vetoes, the Turkish commitment to political reforms also waned. As a result of the fluctuations and internal disputes within the EU over the Turkish accession, the accession process has come to a standstill, with only 14 Chapters out of 35 opened since 2005 (Muftuler-Bac and Cicek, 2015).

It was, therefore, surprising to see that the European Union decided to move ahead with the opening of Chapter 17-frozen since June 2007. In October 2015, when it was more-or-less clear that the EU was unable to overcome its own internal divisions over the refugee crisis, the emphasis on the problem shifted to Turkey, which emerged as a key interlocutor for the refugee issues. However, Turkey's own accession process was going nowhere with talks on the remaining chapters were either frozen or suspended. In order to strike a deal with the Turkish government over the refugees in line with the new EU priorities, the EU seemed to have revamped the process. In return for its role in assisting the EU's refugee problems, there were two clear demands from the Turkish side, one was related to the visa free travel for the Turks, and the other was revitalizing the accession process.

On November 29, 2015, the EU held a bilateral summit with Turkey - a first in its enlargement process. In the EU-Turkey summit, the EU agreed to lift the visa restrictions on the Turkish citizens on a gradual basis in return for the Turkish compliance with the terms of its Readmission Agreement with the EU signed on December 16, 2013. In addition, the EU agreed to restart the negotiations process with the opening of Chapters where significant progress in the Turkish compliance with the EU acquis has been already made, such as Chapter 17. It needs to be noted here that the preparations

for opening Chapter 17 were not made overnight. The European Commission and Turkey already agreed to a Common Draft Negotiating Position on Chapter 17 in 2007, and the CDP was to be opened with unanimous approval in the European Council in June 2007 along with two other Chapters. However, French President at the time Nicholas Sarkozy vetoed its opening arguing it would prejudice the outcome of negotiations as accession (Muftuler-Bac and Cicek, 2015).

Since its veto in the Council by France in June 2007, the Turkish government continued to work on Chapter 17, even though it was not opened for negotiations and presented the Commission in March 2015 with a new Position Paper outlining the progress made since 2007 in meeting the related EU acquis with regards to Economic and Financial Matters. Thus, when it came to revitalizing the accession process between Turkey and the EU, it would have been more than likely to start with a Chapter where significant progress was already done and the blockage was due only to one state's veto- France in this case. This is how, the EU decided to go ahead with Chapter 17 in October 2015 and open the Chapter officially with an Intergovernmental conference on December 14, 2015.

There are multiple chapters similar to Chapter 17 where there is significant progress made by Turkey in meeting the EU rules, but they could not be opened so far because of individual vetoes, Chapter 15, the Chapter on Energy and Chapter 26 on Education are prime examples. Similar to Chapter 17, both Chapter 15 and Chapter 26 where the Turkish government and the European Commission have made progress are not yet opened for negotiations because of Cyprus's veto. It is possible to see these Chapters to be opened in the coming months. Perhaps more importantly, the

Chapters 23 and 24- on Justice, Freedom, Society, Judicial institutions and Fundamental Rights- are also blocked by Cyprus. The EU faces a significant problem here as the Commission adopted a new enlargement strategy in 2012, prioritizing these Chapters and their opening at the beginning of the negotiations process and keeping them open until the Accession Treaty with negotiating country is concluded (Muftuler-Bac, 2015). However, due to Cyprus's veto on Chapters 23 and 24, these Chapters could not be opened with Turkey. Opening these chapters needs to be a priority as this is also where negotiations on political reforms and also refugee matters would take place. Albeit, the lifting of the vetoes by Cyprus would also need an interim solution to the problem on the island, but there also seems to be hope on that front as well with the ongoing negotiations between the two different communities in Cyprus. It seems clear that the frozen accession process between Turkey and the EU is currently being unthawed.

## Conclusion

The Turkish-EU relations received unexpected boost at the end of 2015, when the EU members found themselves dealing with a refugee crisis that they were largely unprepared to respond to. As the flow of masses of people threatened the very basis of the European fundamental freedoms, open borders, and the EU members bickered over who is responsible for what, the most likely solution that emerged was to control the external borders of the EU, rather than close down the internal borders. It is, for this reason, the EU met with the countries of origin and transit in November 2015 in its Valetta Summit, and established reception centres to have a more orderly flow of people into the European territories in the borderline states. However, Turkey emerged as a critical player in managing the flow



of refugees onto the European territories as it turned out to be the key transit country, but also a country where most of the people running away from prosecution at home fled to.

The EU's reliance on Turkey intensified for two reasons, it relies on Turkey to keep the refugees in Turkey rather than flock to Europe and it also relies on the Turkish acceptance of the refugees it sends back when they are deemed to be undesirable or unsuitable for relocation in the EU territories after they are processed in the reception centres. In other words, the refugee crisis would be solved with the Turkish assistance outside of the territories of the European Union, but with financial and administrative assistance with the EU.

It is, essentially, a positive development that the Turkish-EU negotiations which were dormant for a long time are revitalized. Whether the process of revitalization spills over onto a solution in Cyprus, and leads to the lifting of Cyprus's vetoes on Turkey remains to be seen. A pressing question is the extent to which this new deal would lessen the EU's influence on Turkish political reforms and democratization process; however, with the accession negotiations process effectively frozen, there was little hope for such an influence. Now that the accession negotiations seem to be moving forward a little, maybe there would be a renewed engagement with political reforms in Turkey.

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