

Why the EU should terminate accession negotiations with Turkey

Steven Blockmans and Sinem Yilmaz

Dictators do not simply come and go. And when they go, they rarely go quietly. The test of a dictator like President Erdoğan isn't how he came to power but how he treats critics, journalists, minorities, and whether he can still be outvoted. Now that a narrow majority of Turkish voters in the referendum has supported the codification of autocracy, any hope for the democratic removal of Recep Tayyip Erdoğan has evaporated. Given this sorry state of affairs, the EU has no other choice but to terminate Turkey's accession process. By constitutionalising an executive presidential system that erases the separation of powers and frees Erdoğan's hands to deepen repression, Turkey will be in breach of the 'political' criteria for EU membership for years, if not decades, to come.¹

Rather than merely 'suspending' accession negotiations in an attempt to keep up appearances – bureaucratic language that will be lost on Erdoğan as much as it will be on liberal Turks and European citizens – the EU should stand behind its core values and reset its relationship with the Republic of Turkey on a more credible and strategic footing, while pressing the regime on respect for human rights and working with civil society to keep the flame of 'deep' democracy alive.

Action, reaction?

Thus far, the EU institutions and the Turkish authorities have engaged in a game of 'chicken', gambling on which side will be the first to pull the plug on Turkey's accession process. After the Venice Commission's sharp condemnation of the proposed amendments to Turkey's constitution and the curbs on media freedom in the country, High Representative Federica Mogherini and European Commissioner Johannes Hahn issued a carefully worded statement in

¹ For an anatomy of the constitutional changes, see S. Blockmans and S. Yilmaz, "Turkey and the Codification of Autocracy", CEPS Policy Insights, March 2017.

Steven Blockmans is Head of the EU Foreign Policy unit at CEPS and Professor of EU External Relations Law and Governance at the University of Amsterdam. Sinem Yilmaz is a PhD candidate at Ghent University and an intern at the EU Foreign Policy unit of CEPS.

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which they expressed their concerns about, among others, the excessive concentration of powers around the presidency, which would have a serious impact on the necessary checks and balances. Nevertheless, they deferred the final assessment until after the referendum and said that they would evaluate

the proposed amendments (...) and especially their practical implementations (...) in light of Turkey's obligations as an EU candidate country and as a member of the Council of Europe.

In other words, the EU is unwilling to act on the constitutional changes alone but will reconsider its assessment only when their "practical implementations" become too grave to ignore.

At the end of referendum day on April 16th, the pair – now joined by Commission President Jean-Claude Juncker, was quick to re-issue the statement, in an effort to buy more time:

We are awaiting the assessment of the OSCE/ODIHR International Observation Mission, also with regard to alleged irregularities. (...) We encourage Turkey to address the Council of Europe's concerns and recommendations, including with regards to the State of Emergency. In view of the close referendum result and the far-reaching implications of the constitutional amendments, we also call on the Turkish authorities to seek the broadest possible national consensus in their implementation.

In a preliminary report published less than 24 hours later, the OSCE and the Council of Europe said that the vote had been held "on an unlevel playing field," a reference to a state of emergency imposed by Erdoğan's government in the wake of the failed military coup of July 2016. Under the state of emergency, deputies from one of the main opposition parties were among the thousands of people arrested, 'no' campaigners were physically intimidated and their rallies and access to public media were suppressed.

The EU should draw its own conclusions, rather than try to avoid aggravating an autocrat for stating the obvious. Similarly, the EU should enforce its own rules on membership and terminate accession negotiations, rather than try to limit political damage by taking a softer approach. By deferring to the judgment of other international organisations, or by waiting for Erdoğan to make good on his campaign bluster to organise a 'Trexit' referendum, or another on the reintroduction of the death penalty, the EU is ducking responsibility and losing credibility. It need not wait for the "practical implementations" of the constitutional amendments to find that Erdoğan's Turkey has crossed multiple red lines.

Since the start of the purge last summer, Turkey has been in blatant breach of democratic principles and fundamental rights, which form the backbone of the Copenhagen criteria. The Commission should not cower under political pressure from member states but assume its role as guardian of the treaties. Members of the European Parliament should live up to the democratic principles they represent. The Commission and the Parliament should recommend that the Council 'terminate' accession negotiations with Turkey. The General Affairs Council at the end of April provides an opportunity to formalise that decision and to discuss the desired breadth and depth of the future bilateral relationship. The European Council could then adopt guidelines for a strategic agenda for EU-Turkey relations in June.

Partnership not membership

There are several reasons to prefer a strict approach to a half-hearted suspension of talks. First, it is evident that after more than ten years of trying, accession negotiations have failed and Turkey has gone in the opposite direction of EU membership. The country's regression in complying with the Copenhagen criteria has been well documented by the Commission in successive annual reports. The latest amendments to the constitution represent the lowest point in the long descent into autocracy.

Keeping up appearances in a dysfunctional accession process undermines the EU's image as a soft power and as a beacon of democracy and rule of law. To be fair, the EU's image has lost some of its shine in the past few years as a result of illiberal tendencies in member states like Hungary and Poland. Whilst working to remedy that situation internally, the EU should uphold the same core values and principles that underpin its policies externally. By terminating accession talks with Turkey, the EU would make it clear that the 'political' criteria for membership, as agreed at the 1993 summit of the European Council in Copenhagen, constitute the irrefutable DNA of the EU rather than simple boxes to be ticked on a negotiable checklist.

Second, by terminating accession talks with Turkey, the EU would set an important precedent in showing that the pre-accession track is not a one-way street to guaranteed membership. This move should have a disciplining effect on other pre-accession countries in southeast Europe where popular support for EU membership remains high, but compliance with EU demands by the authorities has lagged behind. It would raise the stakes in Macedonia and Bosnia-Herzegovina, where the debilitating obstruction by unaccountable politicians of state institutions and the clash between Russian and neo-Ottoman influences should be decided in the EU's favour. The effect on Serbia might be harder to gauge, given that it is the only country in the region where support for EU membership has dropped below 50%. But the EU should be consistent in its approach and not undermine the credibility of the enlargement policy. It should also work harder to make good on the promise made back in 2003 to integrate the Western Balkans.

Re-entry into the EU

Third, Turkey remains a 'European' country with a capacity to trigger Article 49 TEU; it could therefore reapply for EU membership if and when it is ready to accept the rules of the club. Even if starting the process from scratch is more cumbersome than a resumption of talks, a mid- to longer-term suspension would anyway have to be followed by a wholesale screening of compliance with membership conditions and pre-accession benchmarks, and possibly the renegotiation of the latter.

Moreover, any decision by the EU to suspend talks would in any case be sold as 'termination' by President Erdoğan to audiences at home. While it is true that cancelling accession negotiations would relieve the regime of any pretence at democratisation, it ought not to kill the incentive for reform that remains in Turkish society, particularly in the big cities in the west of the country. On the contrary: it may reinforce it. If the EU is seen to get tough with the regime, while supporting any remaining political opposition, human rights defenders and civil

society organisations in and outside of the country, it will prove itself to be a more effective antidote to the authoritarian rule of President Erdoğan. This support would also speak to the frustration felt by many Turks at the EU's unprincipled attitude towards the great leader.

Proponents of suspending accession talks systematically exaggerate the impact of nuanced bureaucratic language and underestimate the potential damage of giving false hope to those they claim to protect. The risk of further autocratic behaviour and instability in Turkey is real, irrespective of the EU's decision to suspend or terminate accession talks. Boosted by the victory in the referendum on April 16th, Erdoğan has again floated the idea of organising a referendum on the reintroduction of the death penalty – testing the EU's knee-jerk reaction. More dangerously, he has effectively imported the war in Syria to the southeast of Turkey, fanning the flames of both homegrown and international terrorism. These and other tendencies will continue to play out according to their own domestic logic and regional dynamics.

Finally, the EU should emancipate itself from the humiliating and reprehensible migration deal with Turkey. Leaders of key member states and EU institutions continue to defend the EU-Turkey Statement of March 2016 as a game changer in dealing with the refugee and migration crisis. Ahead of national elections in France, Germany and other EU member states, they have been bending over backwards to emphasise the importance of Turkey sticking to a deal that rights groups have exposed as a humanitarian disaster, thereby downplaying the flanking measures (e.g. closing the Balkan route) that have been just as important in 'stopping the flow'. Relishing his position as kingmaker and arch scaremonger, Erdoğan has directly or indirectly threatened to suspend the agreement and allow 15,000 refugees to make their way to Europe every month. Just as it was unwilling to be blackmailed by the same tactics of Libya's Colonel Gaddafi, the EU should not allow itself to be held hostage by Mr Erdoğan. The migration deal is inherently flawed, for moral, political and humanitarian reasons, and parts of it have become unviable, particularly "the commitment to re-energise the accession process". The EU-Turkey Statement should therefore be revisited, sooner rather than later.

Any attempt to defuse this time bomb during the campaign for the German federal elections might be tricky in terms of potential fall-out among supporters of both Chancellor Merkel and President Erdoğan in Germany. But it may also prove necessary to limit the damage if Erdoğan does indeed 'open the floodgates'. If handled properly, political parties in Germany could be rewarded with electoral gains, but only if it is underpinned by a principled position on the termination of accession talks. What is clear is that neither Germany nor the EU should remain in this vulnerable position vis-à-vis a dictatorial regime in Ankara, because it could destabilise Europe more than the defenders of the migration deal appear to believe.

Incidentally, visa-free travel for Turkish citizens should be treated independently and remain high on the agenda of a strategic partnership. If Turkey is willing to comply with the conditions for visa liberalisation, then the EU should be ready to extend that right.

In the spirit of 'principled pragmatism' that emanates from its 2016 global strategy, the EU should uphold its core values and take the opportunity to refashion a strategic partnership with Turkey around a number of issues that are of mutual interest, and which in fact have already

become 'escape routes' from the pre-accession process. These issues are: migration and the free movement of people, counter-terrorism and regional security, energy and the modernisation of the customs union. Such a transactional arrangement would inject a much-needed dose of realism into the flailing relationship. But it should be clear to Erdoğan that, as part of such a transactional approach, any future bilateral cooperation should go hand in hand with a reinvigorated human rights dialogue and continued EU support for civil society. The EU must not abandon the half of the Turkish population that did not vote for the codification of autocracy.