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EU Policies toward Turkey and Avenues for Cooperation with the U.S.: Protecting Shrinking Democratic Spaces, Safeguarding Multilateral Principles

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published by Heinrich Böll Foundation, July 2021

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EU Policies toward Turkey and Avenues for Cooperation with the U.S.: Protecting Shrinking Democratic Spaces, Safeguarding Multilateral Principles

Against the backdrop of the increasingly marginalized role that the EU accession framework and democratic conditionality play in EU–Turkey relations, the Biden administration’s pronounced focus on “defending” and “revitalizing” democracy “at home and abroad”¹ offers an opportunity for coordination between the U.S. and the European Union (EU) to effectively respond to Turkey’s democratic backsliding. The contours and content of such coordination will inevitably be shaped partly by existing EU and U.S. instruments and partly by the extent of prospective EU and U.S. security cooperation with Turkey.

The deterioration of the rule of law and violations of human rights in Turkey — as well as the country’s departure from its multilateral commitments — are closely connected. Nevertheless, it is imperative that the EU and the U.S. distinguish between the two to better coordinate their Turkey policies. Neither the EU nor the U.S. can force Turkey into democratic reforms, but together they can help protect the already “shrinking democratic spaces”² in the country. When it comes to the violation of international law and multilateral commitments, the EU and the U.S. should set clear red lines and raise the costs of unilateralism. While at the same time, they should also jointly work toward deepening multilateral ties with Turkey.

1 The White House, “Interim National Security Strategy Guidance”, March 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf>.

2 On the concept of “shrinking democratic spaces”, see e.g. Asa Elden and Paul. T. Levin, “Swedish Aid in the Era of Shrinking Democratic Case: The Case of Turkey,” *The Expert Group for Aid Studies*, 2018, https://eba.se/wp-content/uploads/2018/11/2018-06-Shrinking-Space_webb_Tillganp.pdf.

Where to locate Turkey in renewed transatlantic cooperation?

After four years of regression in EU–U.S. relations, the election of Joe Biden produced a collective sigh of relief among many European leaders. The EU leadership welcomed the Biden administration hoping that it would lead to an era of revitalized transatlantic relations.³ The expectation certainly matches the U.S. ambition for a new foreign policy agenda.⁴ Among other things, the White House has expressed a strong commitment to cooperation and coordination with allies and partners to defend and revitalize democracy and multilateralism to tackle the climate crisis and other shared challenges such as “cross-border aggression, cyberattacks, disinformation, digital authoritarianism, infrastructure and energy coercion.”⁵ Biden’s proposal to convene a global Summit for Democracy is an early signal of the U.S.’ determination to resume its leadership in an ever-changing global political landscape marked by the rise of autocratic powers such as China and Russia. At the same time, it raises many questions about how defending democracy can be balanced against the need to cooperate with authoritarian countries in the rivalry with China and Russia.⁶

The dilemma confronting renewed EU–U.S. cooperation in defending democracy versus promoting security cooperation is arguably most stark in relation to Turkey. In less than two decades, Turkey’s image in the international arena has shifted from that of a poster child for Muslim democracy⁷ to habitually disruptive actor challenging the EU and the U.S.⁸ Meanwhile, their relations with Turkey have been increasingly marked by persistent tension and petty squabbles. The steadily worsening rule of law situation and curtailment of human rights—together with an unprecedented deterioration of institutions and the effective end of the separation of powers in Turkey—have seen the country’s accession negotiations with the EU grind to a halt. Now that the relationship is dominated by foreign policy conflicts and pressing security issues, democratic conditionality is no longer central

3 European Commission, “EU-US: A New Transatlantic Agenda for Global Change,” December 2, 2020, https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2279.

4 The U.S. Department of State, “A Foreign Policy for the American People,” March 3, 2021, <https://www.state.gov/a-foreign-policy-for-the-american-people/>.

5 See footnote 1.

6 See Yascha Mounk, “Democracy on the Defense: Turning Back the Authoritarian Tide,” *Foreign Affairs*, March/April 2021, <https://www.foreignaffairs.com/articles/united-states/2021-02-16/democracy-defense>.

7 Steven A. Cook, “Turkey: The Muslim Democracy,” *Politico Magazine*, March/April 2014, <https://www.politico.com/magazine/story/2014/02/turkey-the-muslim-democracy-103885/>.

8 Marc Pierini and Francesco Siccardi, “Why the EU and the United States Should Rethink Their Turkey Policies in 2021,” *Carnegie Europe*, January 21, 2021, <https://carnegieeurope.eu/2021/01/21/why-eu-and-united-states-should-rethink-their-turkey-policies-in-2021-pub-83662>.

to EU–Turkey relations. Energy and boundary disputes in the Eastern Mediterranean, migration cooperation, economic relations, and Turkish diaspora policies are front and center today.

Foreign policy and security dialogue have always been at the center of U.S.-Turkey relations. Turkey joined NATO in 1952 and played an essential role in its southern flank during the Cold War. After 2001, Turkey was regarded as the U.S.'s "new frontline state"⁹ in its global war on terror. The institutional and organizational legacies of the Cold War continue to play an important role in U.S.-Turkey relations. As during the Cold War, U.S. nuclear weapons continue to be stationed in Turkey. It also continues to be an active member of NATO. In 2021, for instance, Turkey has been leading NATO's Very High Readiness Joint Task Force.¹⁰ Furthermore, President Biden and President Erdoğan agreed during a meeting at the sidelines of the NATO Summit in June 2021 that Turkey "would play a leading role in securing Hamid Karzai International Airport" after the U.S. withdrawal from Afghanistan later this year.¹¹

Despite the long history of U.S.-Turkey security cooperation, the relationship has not been immune to conflict. Examples of tensions include U.S. President Johnson's letter to Prime Minister İsmet İnönü in 1964, in which he warned against a Turkish military intervention into Cyprus, the U.S. arms embargo against Turkey (1975–1978) for invading Cyprus in 1974, and Turkey's refusal to let the U.S. use Turkish military bases during the Iraq invasion in 2003. Despite these historical precedents, the relationship has undergone a noticeable deterioration in the last couple of years, revealing steady deviations in perceptions, interests, and, perhaps most importantly, in mutual trust.

For the U.S., Turkey's continued support for the Muslim Brotherhood after the Arab uprisings, its initial reluctance to seal off its border with Syria to prevent foreign fighters from joining ISIS,¹² its purchase of S-400s from Russia, its military incursions into northern Syria, and, last but not least, its violation of the U.S. sanctions against Iran, have put intense strains on the relationship. For Turkey, on the other hand, a perceived lack of solidarity by the U.S. during the 2016 failed coup attempt and the U.S. partnership with the PYD/YPG in northern Syria against ISIS are the two most important burdens on the relationship.

9 Frederick Kempe, "Turkey is Central on World War IV's Frontline", *Atlantic Council*, 2017, <https://www.atlanticcouncil.org/blogs/new-atlanticist/turkey-is-central-on-world-war-ivs-frontline/>.

10 NATO, "Turkey takes charge of NATO High Readiness Force," January 1, 2021, https://www.nato.int/cps/en/natohq/news_180627.htm.

11 The White House, "On-the-Record Press Call by National Security Advisor Jake Sullivan on the President's Trip to Europe," June 17, 2021, <https://www.govinfo.gov/content/pkg/CHRG-113hhrg91661/html/CHRG-113hhrg91661.htm>.

12 The U.S. Government Publishing House, "House Hearing, 113 Congress: ISIS and the Threat from Foreign Fighters," December 2, 2014, <https://www.govinfo.gov/content/pkg/CHRG-113hhrg91661/html/CHRG-113hhrg91661.htm>.

The Biden administration has thus inherited a plethora of conflictual issues with Ankara. Various recommendations – ranging from a “grand bargain”¹³ to “putting the relationship on ice”¹⁴ – have been put forward to deal with the impasse in relations. Against this backdrop, Biden has so far made three things clear. Unlike his predecessor, he is determined to manage the strife via institutions instead of president-to-president contacts. Secondly, there will be no easy reset despite Turkey’s efforts to move in that direction since late 2020. Biden was also the first U.S. president to recognize the Armenian genocide, and is also reluctant to condone rule of law and human rights violations in Turkey. Yet, given the urgency – particularly within NATO and the EU – to continue cooperation with Turkey in various areas, it remains unclear to what extent this emphasis on democratic principles will be the main driver of the relations.

The EU’s declining normative leverage over Turkey

A similar statement about the balance between democratic values and interests can be made for the EU. As U.S.-Turkey relations are in a new phase, so are EU–Turkey relations. Since the late 2000s, the necessity for an alternative framework in EU–Turkey relations has increasingly dominated the discussion among politicians, experts, and academics.¹⁵ In addition to the EU’s growing enlargement fatigue (and the Eurozone crisis), accession negotiations with Turkey have often been held hostage by conflicts between Turkey and Cyprus. Between October 2005, when Turkey and the EU started accession negotiations, and June 2010, Turkey opened only 13 of 33 chapters of the *acquis*.¹⁶

13 Sinan Ülgen, “A Path for Joe Biden to reset U.S. relations with Turkey,” *Financial Times*, January 31, 2021, <https://www.ft.com/content/e4194007-b6be-4836-b936-cf0f2074df11>.

14 Max Hoffman, “Flashpoints in U.S.-Turkey Relations in 2021.” *Center for American Progress*, January 19, 2021, <https://www.americanprogress.org/issues/security/reports/2021/01/19/494738/flashpoints-u-s-turkey-relations-2021/>.

15 See e.g. Senem Aydın-Düzgit, “Turkey and the EU: Perpetual Crisis or Restricted Cooperation,” *The German Marshall Fund of the United States*, June 2017, <https://www.gmfus.org/publications/turkey-and-eu-perpetual-crisis-or-restricted-cooperation>; Huge Pope, “Privileged Partnership Offers Turkey neither Privilege nor Partnership,” *International Crisis Group*, June 2007, <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/privileged-partnership-offers-turkey-neither-privilege-nor-partnership>; Sinan Ülgen, “Avoiding a Divorce: A Virtual EU Membership for Turkey,” *Carnegie Europe*, December 2012, https://edam.org.tr/wp-content/uploads/2017/03/avoiding_divorce_paper.pdf.

16 Ülgen (2012). See footnote 15.

In 2013, the EU and Turkey agreed on a visa liberalization roadmap, setting out 72 benchmarks organized in five thematic groups: document security, migration and border management, public order and security, fundamental rights, and readmission of irregular migrants.¹⁷ Even though the roadmap involves normative requirements such as reforming Turkey's infamous anti-terror law, its introduction marked in practice the commencement of an alternative process parallel to the accession framework. With the EU and Turkey agreeing on the Joint Action Plan in November 2015 and the subsequent EU–Turkey Statement in March 2016 to prevent further refugee movements from Syria to Europe via Turkey, a new repertoire was added to the menu of tools in EU–Turkey relations: transactionalism. Since 2016, migration has been a central area of cooperation, leading to a vicious cycle of strengthened exigencies and weakened trust between the parties.

At the end of 2016, the EU Parliament called on the Commission to temporarily freeze accession talks on account of Turkey's repressive measures under the state of emergency declared in the immediate aftermath of the failed coup attempt.¹⁸ The further democratic backsliding in the country since then needs no detailed explanation. The presidential system, which was adopted in a referendum in 2017 and launched in 2018, formalized the *de facto* control of the executive over the other branches of the state.¹⁹ The opposition remains under systematic attack, and about 90 percent of media outlets are linked to the AKP through personal and/or financial ties.²⁰ Prosecutions of social media users for insulting the president are common.²¹ A new 2020 law permits multiple bar associations,²² intending to create an institutional wedge between pro-government and opposition lawyers. Ankara has also expanded its oversight over civil society organizations²³ and worked to rein in local governments by replacing elected mayors in Kurdish municipalities

17 European Commission, "Turkey's Progress on the Visa Liberalization Roadmap," May 4, 2016, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160504/turkey_progress_visa_liberalisation_roadmap_en.pdf.

18 European Parliament, "European Parliament Resolution of 24 November 2016 on EU-Turkey Relations," November 24, 2016, https://www.europarl.europa.eu/doceo/document/TA-8-2016-0450_EN.html.

19 Sinem Adar and Günter Seufert, "Turkey's Presidential System after Two and a Half Years: An Overview of Institutions and Politics," *SWP Research Paper*, 2021, <https://www.swp-berlin.org/en/publication/turkeys-presidential-system-after-two-and-a-half-years/#en-d18742e2929>.

20 Euro Topics, "Turkey: Government also Seeking to Gain Control of the Internet," April 2020, <https://www.eurotopics.net/en/149429/turkey-government-also-seeking-to-gain-control-of-the-internet>.

21 *ibid.*

22 Bertil Emrah Oder, "Attacking the Bar Associations: A New Episode of Capture and Distraction in Turkey," *Verfassungsblog*, July 17, 2020, <https://verfassungsblog.de/attacking-the-bar-associations/>.

23 Reuters, "Turkish Parliament Passes Associations Oversight Law that Critics Say Will Stifle NGOs," December 27, 2020, <https://www.reuters.com/article/us-turkey-foundations-law-idUSKBN29106Y>.

with government-appointed trustees²⁴ and cutting funding for opposition-held councils.²⁵ Recently, the Constitutional Court accepted an indictment to ban Turkey's second-largest opposition party, the People's Democratic Party (HDP).²⁶

The EU's response to systematic attacks against Turkey's civil society has been limited to statements of condemnation and calls to suspend the accession negotiations. In July 2017, the European Parliament struck a sharp note, calling on the Commission and EU Member States to officially suspend accession talks if Ankara implemented the planned constitutional reform amendments.²⁷ Although EU governments have to date shied away from this step, two days after the new presidential system came into effect, on 26 June 2018, the European Council declared that Turkey had moved further away from the EU and that accession talks had *de facto* come to a standstill. On 20 February 2019, the European Parliament Foreign Affairs Committee voted to suspend the accession talks.²⁸ Most recently, in May 2021, the EU Parliament urged the Commission to recommend a formal suspension of the accession negotiations unless the "current negative trend is urgently and consistently reversed."²⁹

Against this backdrop, it is increasingly unclear what levers the EU has to address Turkey's democratic backsliding. One option is to open Chapter 23 on the Judiciary and Fundamental Rights and Chapter 24 on Justice, Freedom, and Security in the pre-accession negotiations, which Ankara has also proposed.³⁰ However, this is an unlikely option for two reasons. First, the European Council had continued to block the opening of these chapters even before the accession framework was stalled. Moreover, given that more Europeans

- 24 HDP, "The Trustee Regime in Turkey & Denial of Right to Vote and Right to be Elected (31 March – 20 November 2019)," <https://www.hdp.org.tr/Images/UserFiles/Documents/Editor/12%20Trustee%20report%202019.pdf>.
- 25 Ahval, "Turkish Gov't Cuts Funding for Municipalities amid Pandemic," January 24, 2021, <https://ahvalnews.com/municipalities/turkish-govt-cuts-funding-municipalities-amid-pandemic>.
- 26 Reuters, "Turkish Court Accepts Indictment Seeking Ban of Pro-Kurdish Party," June 21, 2021, <https://www.reuters.com/world/middle-east/turkish-court-accepts-indictment-seeking-ban-pro-kurdish-party-tv-2021-06-21/>.
- 27 European Parliament, "European Parliament Resolution of 6 July 2017 on the 2016 Commission Report on Turkey," July 6, 2017, https://www.europarl.europa.eu/doceo/document/TA-8-2017-0306_EN.html?redirect.
- 28 Reuters, "Turkey Condemns European Parliament Committee Call to Suspend Accession," February 21, 2019, <https://www.reuters.com/article/us-turkey-eu-idUSKCN1QA0MJ>.
- 29 European Parliament, "European Parliament Resolution of 19 May 2021 on the 2019-2020 Commission Reports on Turkey," May 19, 2021, https://www.europarl.europa.eu/doceo/document/TA-9-2021-0243_EN.html.
- 30 Seda Sevanca, "Turkey, EU Should Build up their Future Together'," *Anadolu Agency*, May 9, 2021, <https://www.aa.com.tr/en/politics/turkey-eu-should-build-up-their-future-together/2234622>.

consider Turkey an adversary than a necessary partner³¹, garnering public support for the idea will be extremely difficult.

The Instrument for Pre-Accession Assistance (IPA) is one instrument the EU could use to support Turkey's civil society. Despite cuts in 2017 and 2019, Turkey, as a candidate country, continues to receive IPA funds. The EU contribution in the 2014–2020 period (set at an initial €4.5 billion but cut later to €3.5 billion) established "democracy and governance," "civil society," and "rule of law and fundamental rights" as three priority sectors.³² Given Turkey's continuous violation of the European Court of Human Rights (ECtHR) rulings³³ and extensive politicization within the judiciary, it is an open question whether the 2014–2020 IPA allocation achieved its goals. Nevertheless, these funds remain important sources of support for Turkey's pro-democracy and pro-European civil society.

Given 66.2 percent of those aged between 18 and 24 see Turkey's EU membership positively,³⁴ IPA's role in continuing people-to-people exchanges such as the Jean Monnet Scholarship Programme, Erasmus +, and Horizon 2020 should not be overlooked.³⁵ Even though pre-accession funds are unlikely to produce substantive changes in Ankara's behavior vis-à-vis democratic principles, it is still a vital instrument to ensure institutional and organizational contacts between the EU and local civil society, including critical media. In the short run, the EU's priority should be to protect the shrinking democratic spaces in Turkey. In order to ensure the transfer of funds to actors in these spaces, however, the EU should directly manage the newly agreed allocation of IPA funds.³⁶

31 Susi Denison and Jana Puglierin, "Crisis of Confidence: How Europeans See their Place in the World," *European Council on Foreign Relations*, June 9, 2021, <https://ecfr.eu/publication/crisis-of-confidence-how-europeans-see-their-place-in-the-world/>.

32 European Commission, "Instrument for Pre-Accession Assistance (IPA II) 2014-2020: Turkey – Supporting Fundamental Rights," https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/ad_fr_2.pdf.

33 Human Rights Watch, "Turkey: Opposition Politicians Detained for Four Years," November 19, 2020, <https://www.hrw.org/news/2020/11/19/turkey-opposition-politicians-detained-four-years>.

34 The German Marshall Fund of the United States, "Turkish Perception of the European Union," April 29, 2021, <https://www.gmfus.org/publications/turkish-perceptions-european-union>.

35 Max Hoffman and Michael Werz, "The Effects of a Suspension of Turkey's EU Accession Process," *Stiftung Mercator*, 2019, https://www.stiftung-mercator.de/content/uploads/2020/12/The_effects_of_a_suspension_of_turkey_s_EU_accession_process_study-1.pdf.

36 European Commission, "European Commission Welcomes Political Agreement on New €14.2 Billion Pre-Accession Assistance Instrument (IPA III)," June 2, 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2810.

Areas of cooperation and conflict in EU–Turkey relations

While the EU has largely ceded its normative leverage over Turkey, foreign policy and security conflicts and compartmentalized cooperation have moved to the center of relations. For the first time, the European Council conclusions of October 2020 implied separating the modernization of the Customs Union from the accession framework and offered Turkey a “positive agenda” on the condition that it abstains from “unilateral actions in the Mediterranean.”³⁷ As such, the EU has replaced democratic conditionality as part of the pre-accession process with conditionality in foreign policy. The Council reiterated this in its June 2021 conclusions but added a short paragraph on the worrisome condition of the rule of law and human rights in Turkey.³⁸

Despite differences among EU institutions³⁹ and Member States⁴⁰ about how to engage with Turkey, there is a general acknowledgment within the EU that a functioning relationship with Turkey is not a choice, but inevitable due to the expansive economic and societal linkages between Turkey and the EU, the geographical proximity, and the volatile security situation in the EU’s southern neighborhood. Four key issue areas will continue to shape cooperation and conflict with Turkey:⁴¹ migration, energy, trade, and the Turkish diaspora.

As already mentioned, migration has been a fraught area of cooperation. Five years after its implementation, the EU–Turkey Statement has consolidated EU–Turkey interdependence in this area, especially since the Member States still lack a consensus among themselves over a common asylum policy. The EU’s migration cooperation with Turkey certainly extends beyond the refugees in Turkey. Being a transit country and sharing borders with Iran, Iraq, and Syria, the cooperation also extends to controlling the border areas. For

37 European Council, “European Council Conclusions on External Relations, 1 October 2020,” October 1, 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/10/01/european-council-conclusions-on-external-relations-1-october-2020/>.

38 European Council, “European Council Conclusions on External Relations, 25 June 2021,” June 25, 2021, <https://www.consilium.europa.eu/media/50763/2425-06-21-euco-conclusions-en.pdf>.

39 İlke Toygür, “European Institutional Responses to the Recent Developments in Turkey: Divided in Unity?” *Elcano Royal Institute*, 2016, http://realinstitutoelcano.org/wps/portal/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/europa/commentary-toygur-european-institutional-responses-recent-developments-turkey-divided-unity.

40 Sinem Adar and İlke Toygür, “Turkey, the EU and the Eastern Mediterranean Crisis: Militarization of Foreign Policy and Power Rivalry,” *SWP Comment*, 2020, <https://www.swp-berlin.org/en/publication/turkey-the-eu-and-the-eastern-mediterranean-crisis>.

41 On the future of EU–Turkey Relations see e.g. Beken Saatçioğlu et al., “The Future of EU–Turkey Relations: A Dynamic Association Framework Amidst Conflictual Cooperation,” *Feature Synthesis Paper*, 2019, https://feuture.uni-koeln.de/sites/monteus/user_upload/FEUTURE_Synthesis_Paper.pdf.

instance, Turkey is central to EU efforts to prevent another wave of refugees from Idlib to Turkey and potentially to the EU.

However, Turkey — which hosts the world's largest refugee population⁴² - needs the EU as well. Moreover, given Turkey's worsening economic crisis, keeping EU financial and logistical support in place is crucial. In addition, Ankara looks to the EU for support in Idlib, particularly given the risk of another Russian-backed regime offensive. However, the problematic nature of Turkey's military and humanitarian engagement in Syria complicates this cooperation, particularly given that the EU sees Turkey's military incursion in October 2019 as a violation of international law.⁴³

Energy is another area of cooperation and conflict. While the EU is making the transition toward renewable energy, natural gas remains a part of the EU's energy mix. Moreover, the Trans-Anatolian Natural Gas Pipeline — a joint project between Turkey and Azerbaijan — is a central part of Europe's efforts to reduce dependency on Russian gas. Nevertheless, EU–Turkey relations are also prone to conflict in energy, particularly in the Eastern Mediterranean. Turkey's exclusion from the Eastern Mediterranean Gas Forum and the maritime disputes with Greece and Cyprus, which triggered confrontations in 2020, are prime examples. Migration and the Eastern Mediterranean conflict top the EU's priority list with Turkey.

Trade and economic cooperation is the most established part of the relationship, going back to the Ankara Agreement of 1963, and the creation of a Customs Union in 1995. The EU is by far Turkey's largest trading partner and its primary source of investment; Turkey is the EU's sixth-largest trade partner, with 3.6 percent of the EU's total trade in goods with the world. Moreover, most of Turkey's private debt is owed to French, Spanish, and Italian banks. In other words, Turkey's dependence on the European economy gives the EU substantial leverage. And successive European Council conclusions make clear the EU is willing to deploy this leverage to pressure Turkey on the Eastern Mediterranean. Yet, interdependence also means that the fragile Turkish economy poses risks to the EU economy.

Last but not least are the Turkish government's efforts to influence the Turkish diaspora in Europe, which constitute an emerging area of conflict. The Turkish state has long sought to influence and mobilize Turkish citizens living in Europe, to which EU governments have until recently largely turned a blind eye. Since the early 2010s, however, Ankara has adopted a more active approach towards the Turkish diaspora, including allowing Turkish nationals to vote without having to travel to Turkey, providing family support and education

42 UNHCR, "Refugee Data Finder" <https://www.unhcr.org/refugee-statistics/#:~:text=For%20methodological%20explanations%2C%20data%20limitations%20and%20coverage%2C%20visit,largest%20number%20of%20refugees%2C%20with%203.6%20million%20people.>

43 European Parliament, "European Parliament Resolution of 24 October 2019 on the Turkish Military Operation in Northeast Syria and its Consequences," October 24, 2019, https://www.europarl.europa.eu/doceo/document/TA-9-2019-0049_EN.html.

services, and pursuing policies that especially target youth.⁴⁴ Arguably, this would not have raised serious objections without two further developments: the dramatic deterioration in relations between Turkey and the EU since 2016 and Ankara's efforts — including through its intelligence services—to suppress opposition within the diaspora. These efforts have been subject to scrutiny in various European countries. In November 2020, France, for instance, banned the ultra-nationalist Grey Wolves for violent actions and inciting hate speech.⁴⁵ Similarly, German lawmakers have urged the banning of the group.⁴⁶ In its most recent report, the European Parliament called on the EU and its Member States to “examine the possibility of adding Grey Wolves to the EU terrorist list, to ban their associations and organizations in EU countries, to closely monitor their activities and to counter their influence, which is especially threatening for people with a Kurdish, Armenian or Greek background and anyone they consider an opponent.”⁴⁷

Reconciling democratic principles with interests: avenues for EU–U.S. coordination of Turkey policies

Given the challenges that the EU faces in dealing with a mercurial and fragile Turkish government, a realistic but comprehensive approach is necessary. Such an approach should focus on three goals: addressing democratic backsliding in Turkey; Turkey's wavering commitments to international law and multilateral frameworks; and strengthening multinational organizations like the Council of Europe and NATO to safeguard their foundational principles. Given that the Biden Administration shares these objectives, a fruitful area of cooperation between the U.S. and the EU on Turkey opens up.

44 Sinem Adar, “Rethinking Political Attitudes of Migrants from Turkey and Their Germany-Born Children: Beyond Loyalty and Democratic Culture,” *SWP Research Paper*, 2019, <https://www.swp-berlin.org/en/publication/rethinking-political-attitudes-of-migrants-from-turkey-and-their-germany-born-children/>.

45 Deutsche Welle, “France Bans Turkish Ultra-nationalist Grey Wolves Group,” November 4, 2020, <https://www.dw.com/en/france-bans-turkish-ultra-nationalist-grey-wolves-group/a-55503469>.

46 Deutsche Welle, “German Lawmakers Urge Ban on Extreme-right Turkish Gray Wolves,” November 7, 2020, <https://www.dw.com/en/german-lawmakers-urge-ban-on-extreme-right-turkish-gray-wolves/a-55528032>.

47 See Footnote 29.

Responding to the domestic situation in Turkey

No external actor can shift Turkey's political trajectory alone. As mentioned, the EU has ceded its leverage through the accession framework. And its experience with democracy promotion has surely proven to Washington that democracy cannot be readily exported.⁴⁸ Sustaining democracy requires strong political will, a resilient civil society, and durable institutions. Unfortunately, the political will in Ankara is non-existent at present, and Turkish institutions are buckling under the weight of nepotism, corruption, and scant separation of powers.⁴⁹ Yet, despite all the systematic efforts by the government to co-opt it, the country's civil society has proven resilient. Therefore, the EU and the U.S. need to coordinate policies to protect these resilient but shrinking democratic spaces. As noted, the EU's IPA funds are a source of leverage because the EU can manage them directly. Moreover, the European Endowment for Democracy and the U.S. National Endowment for Democracy could step up activities and provide more financial and organizational support to human rights defenders and civil society groups in Turkey.

Besides protecting shrinking democratic spaces, the EU and the U.S. could better coordinate their actions to narrow Ankara's room for maneuver while ensuring critical institutional communication channels remain open. High-level political dialogue is one instrument. Until recently, Biden carefully avoided a personal meeting with Erdoğan.⁵⁰ On the other hand, the European leaders have been almost *too eager* to meet, at the expense of embarrassment for Brussels, as the so-called "Sofagate" scandal of April 2021 laid bare.⁵¹

Political dialogue with Turkey is undoubtedly important, perhaps even more so for the EU than the U.S., given its multi-layered relations with Ankara. However, high-level dialogue risks legitimizing authoritarian practices, especially if offered at no cost. For instance, the EU could consider holding such dialogues only on the condition that Turkey abides by ECHR rulings.⁵² Naming and shaming could also be used more effectively to delegitimize authoritarian practices – be it the attempts at party closures, pre-detention of dissidents

48 Stephan M. Walt, "Why is America so Bad at Promoting Democracy in Other Countries?" *Foreign Policy*, April 25, 2016, <https://foreignpolicy.com/2016/04/25/why-is-america-so-bad-at-promoting-democracy-in-other-countries/>.

49 See footnote 19.

50 Robbie Gramer et al., "Biden Gives Turkey the Silent Treatment," *Foreign Policy*, March 3, 2021, <https://foreignpolicy.com/2021/03/03/biden-erdogan-turkey-silent-treatment-diplomacy-middle-east-syria-crisis-nato/>.

51 David M. Herszenhorn et al., "Presidential Power Wars: Von der Leyen vs. Michel," April 29, 2021, <https://www.politico.eu/article/battle-in-the-bubble-ursula-von-der-leyen-and-charles-michel-clash-for-presidential-primacy/>.

52 Günter Seufert, "A Rules-Based Relationship," In Kadri Tastan (ed.), *Defining New Modes, Models and Agendas for EU-Turkish Relations*, *The German Marshall Fund of the United States*, 2021, <https://www.gmfus.org/publications/defining-new-modes-models-and-agendas-eu-turkish-relations>.

without trials, or the politicization of the judiciary. The most recent EU Parliament country report on Turkey is one positive example to this end. Yet, the lack of a coordinated approach within the EU and between the EU and the U.S. hinder a more effective response to rule of law and human rights issues.

Safeguarding international law and multilateral frameworks

While coordinating their Turkey policies, the EU and the U.S. should set clear redlines – particularly as pertains to the international law and multilateral commitments, while at the same time work together toward including Turkey in multilateral frameworks. In various areas of cooperation, the EU and the U.S. should hold Turkey accountable to a set of standards and principles that they jointly agreed on. For instance, the EU and the U.S. can coordinate “international humanitarian and stabilization support to Idlib without acquiescence to a permanent Turkish occupation.”⁵³ Similarly, the EU and the U.S. should coordinate close monitoring of Turkish efforts to repatriate Syrian refugees to Syria to ensure that they are voluntary and according to international law when they happen.

A similar situation also applies to energy cooperation. The EU and the U.S. can carve out a strategy toward Turkey’s ratification of the Paris Climate Agreement. Indeed, Biden already took the first step by inviting Erdoğan, alongside 39 other leaders, including Russia’s Putin and China’s Xi, to the virtual climate summit in April 2021. The EU can support the initiative to incorporate Ankara into multilateral efforts to tackle climate change and, given its energy cooperation with Turkey, might have more leverage than the U.S. Furthermore, the EU can support Turkey’s transition towards renewable energy in line with the European Green Deal, as was mentioned in Charles Michel and Ursula von der Leyen’s visit to Ankara in April,⁵⁴ on the condition that Ankara ratifies the Paris Climate Agreement.⁵⁵

Besides introducing clear guidelines per international law and multilateral frameworks into various areas of cooperation, the EU and the U.S. should also coordinate to raise costs of unilateralism concerning the rule of law and human rights, as they had already done vis-à-vis foreign policy conflicts. Here, the most effective tools are the respective Human Rights Sanctions Acts of the U.S. and the EU. Sanctions would be especially salient

53 Max Hoffman and Alan Makovsky, “Northern Syria Security Dynamics and the Refugee Crisis,” *Center for American Progress*, May 26, 2021, <https://www.americanprogress.org/issues/security/reports/2021/05/26/499944/northern-syria-security-dynamics-refugee-crisis/>.

54 European Commission, “Statement by President Von der Leyen Following the Meeting With Turkish President Erdoğan,” April 6, 2021, https://ec.europa.eu/commission/presscorner/detail/en/statement_21_1603.

55 See footnote 52.

in areas where Turkey overtly violates international norms and principles to suppress dissent at home and abroad. Its well-documented acts of transnational repression constitute one such area.⁵⁶

Beyond Turkey: reforming multinational organizations

The ramifications of Turkey's authoritarian turn raise important questions about the ability of multinational organizations such as the Council of Europe or NATO to address democratic backsliding and rule of law issues. Given the Biden administration's commitment to revitalize multilateralism and defend democracy, and the broad appeal that it seems to have within Europe, there may be a chance to rethink the organizational structure of these multinational bodies. At stake is the question of how to incorporate more effective tools and mechanisms to ensure stronger checks to wayward members' behavior.

One specific example is Turkey's withdrawal from the Istanbul Convention – a Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence — for which the Biden administration and the EU leadership criticized Turkey. Statements of condemnation are undoubtedly the first step but have no binding influence. More coherently institutionalized tools⁵⁷ are necessary to raise the costs of such unilateral acts so that other countries (in and outside the EU)⁵⁸ understand that backsliding on women's rights will bring repercussions.

Another Turkey-related example that shows an urgent need for better instruments to ensure member states act in accordance with the foundational principles of multilateral organizations is the veto power that Ankara exercises within NATO and OSCE. In the discussions over NATO's official response to Belarus' hijacking of a plane, Turkey opposed including any mention of Western sanctions and that of the release of political prisoners. In addition, together with Azerbaijan and Tajikistan, Ankara also objected to the

56 *Freedom House*, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression – Recommendations," 2021, https://freedomhouse.org/sites/default/files/2021-02/FH_TransnationalRepressionReport2021_rev020221_policy_recommendations.pdf.

57 Wolfgang Benedek, "Are the Tools of the Council of Europe Sufficient to Protect Human Rights, Democracy and the Rule of Law from Backsliding?" *European Convention on Human Rights Law* 1: 151–158, 2020. Başak Çalı and Esra Demir-Gürsel, "The Council of Europe's Responses to the Decay of the Rule of Law and Human Rights Protections: A Comparative Appraisal," *European Convention on Human Rights Law*, Forthcoming.

58 Özlem Altan-Olcay and Bertil Emrah Oder, "Why Turkey's Withdrawal from the Istanbul Convention is a Global Problem," *Open Democracy*, June 2, 2021, <https://www.opendemocracy.net/en/can-europe-make-it/why-turkeys-withdrawal-from-the-istanbul-convention-is-a-global-problem/>.

reappointment of the media freedom representative and the heads of the human rights and minorities offices at the OSCE.⁵⁹

A democratic Turkey is in the self-interest of the EU and the U.S.

Even though reconciling foreign policy and security interests with democratic principles is not always an easy task, it is imperative not to privilege the former in relations with Turkey. It is true that both the EU and the U.S. have limited power to right the ship of Turkish democracy, but it is still in their interests to voice strong criticism of rule of law and human rights violations. While European and American policy-makers have often prioritized stability over democracy in relations with authoritarian states to protect their interests, and thus contributed to legitimizing authoritarian practices, that logic is associated with two problems in the case of Turkey.

For one thing, it is unclear whether an authoritarian, but stable Turkey would cooperate harmoniously with the EU and the U.S. and refrain from violating its multilateral commitments. Even more importantly, the stability of authoritarianism in Turkey is uncertain for several reasons. Firstly, Turkey's economic capacity depends heavily on popular consent, in particular, because the country lacks the kind of natural resources that can be exploited through coercion. Secondly, the country's sociopolitical diversity makes it difficult for the AKP to thoroughly penetrate the civil sphere; future protests are highly likely. Finally, the personalization of power and the tensions within the ruling alliance make the government fragile.

As such, a democratic Turkey is not only a matter of principle, but also in the self-interest of the EU and the U.S. Given that both see defending democracy and multilateralism as central to renewed transatlantic cooperation, they should be consistent and persistent in their criticism of Turkey's democratic backsliding and in their efforts to protect shrinking democratic spaces and multilateral principles.

59 Financial Times, "OSCE Faces Crisis as Infighting Leaves it Rudderless," July 27, 2020, <https://www.ft.com/content/cb06d5d1-57a3-4ce0-90b2-cadd7fdb55fc>.

Imprint

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Place of publication: <https://us.boell.org/>

Release date: July 2021

Layout: Saravanan Ponnaiyan, Chennai, India

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