EU INTEGRATION TALE OF TURKEY:

LESSONS LEARNED FOR UKRAINE
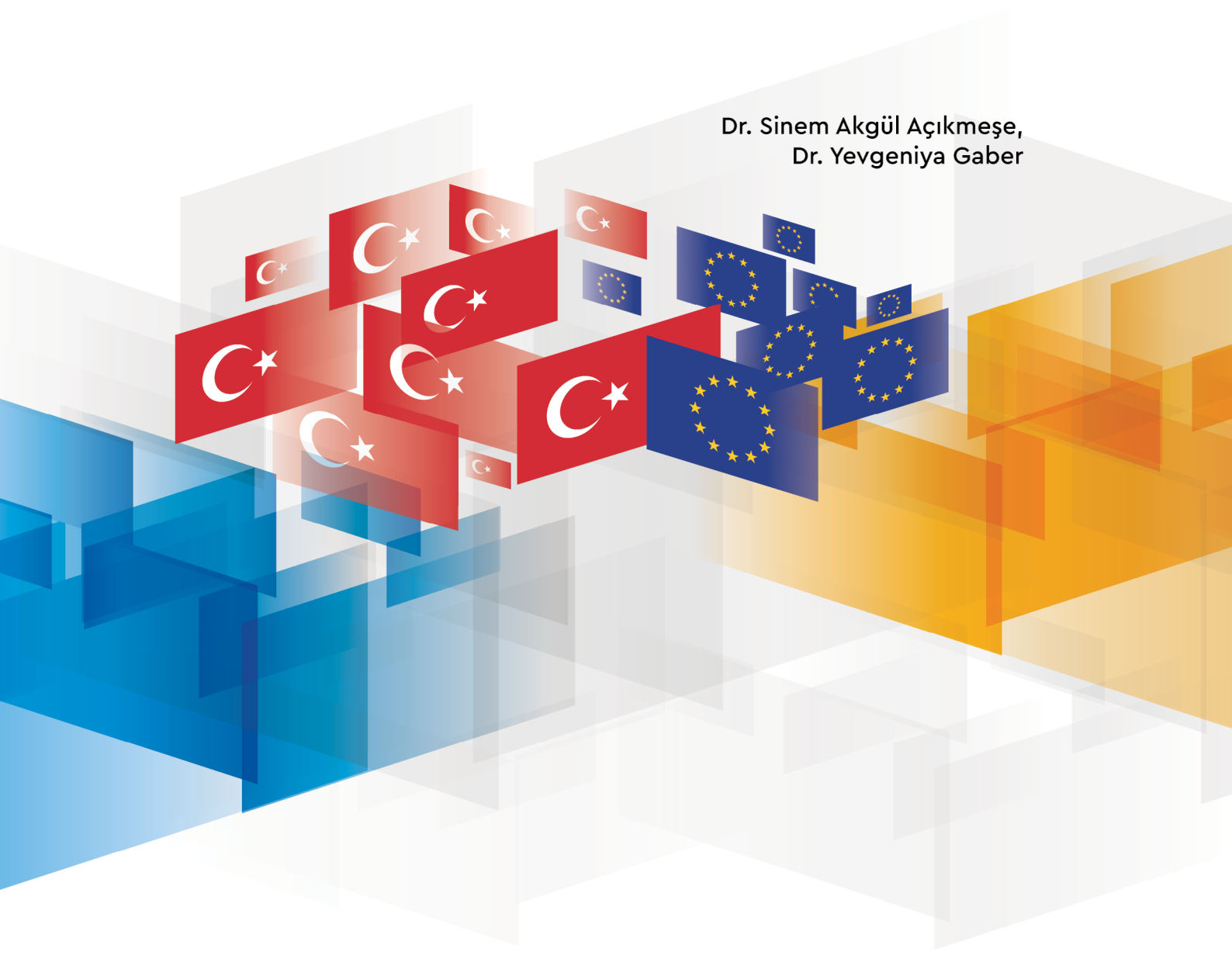
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LESSONS LEARNED FOR UKRAINE

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INTRODUCTION

This paper compares the two different tales of the EU integration process at the coasts of the Black Sea, and answers the question on whether/how Turkey's model of relations with the EU could inspire Ukraine-EU relations. Turkey's saga with the European Union in the form of association since 1960s and accession since its application in 1987 has been a knotty one, which at very limited times included hopeful signs of progression either at the transactional terms or towards *finalite politique* of membership. On the other hand, Ukraine's EU tale involves neighborhood components of association, Deep and Comprehensive Free Trade area and visa-free regime, which has not yet transformed into an accession form despite Ukraine's aspirations and continuing reforms in line with the Association Agreement.

While a full membership in the EU remains Ukraine's unchanged strategic course and a key foreign policy priority, as enshrined in its Constitution, there are still obvious obstacles that make the implementation of this goal impossible in a short-term future. Turkey's almost sixty years' experience of developing close relations with Brussels after signing the Association Agreement back in 1963 without still becoming its full member, represents a unique case for Ukraine, both in terms of the lessons learnt from ups-and-downs in this uneasy dialogue as well as its positive record of transactional cooperation which, at times, allow the two sides to come closer.

Given the long historical record of Ankara's EU journey, this paper begins with the analysis of the EU's transformative impacts as a normative power on Turkey's domestic politics and its rise as a role model for the countries in the region throughout the 1990s and early 2000s; proceeds to explain the failure of the accession model in the subsequent periods and, finally, provides a brief overview of the current formats of interaction between Ankara and Brussels. Drawing upon Turkey's positive and negative experiences, the paper suggests new possible elements of Ukraine's integration with the EU and concludes with the relevant policy recommendations for Ukraine.

COMMON GOAL, DIVERGENT AGENDAS: MAKING SENSE OF A COMPARATIVE ANALYSIS OF THE UKRAINIAN AND TURKISH CASE STUDIES

Even though the EU plays an important role in the political agendas of both Ukraine and Turkey, the Ukrainian-Turkish dialogue on sharing their practices of cooperation/integration with the EU is not extensively covered by experts or in academia. This is mostly due to the fact that these two countries have different motivations and obstacles in their quests for EU membership. Hence, comparative analysis of the EU's policies towards Ukraine and Turkey is an understudied topic with some exceptions.[1]

For instance, in the Turkish case, the focus is usually placed on the competitive political, ideological and cultural narratives of Ankara and Brussels[2]; alleged inconsistency of the European/Christian vs. Turkish/Muslim identities[3];

EU's criticism of the human rights violations, democratic backsliding and illiberal practices in Turkey in such areas as freedom of speech, religious liberties, gender issues etc.[4] A substantial body of literature is also devoted to the analysis of the impacts of historical burden in Ankara's relations with neighbouring countries and current geopolitical realities that complicate its dialogue with EU, e.g., problematic relations with Greece and Cyprus issue[5]; war in Syria, refugee crisis and EU-Turkey migration deal[6] and others. Accordingly, it is often argued that Turkey's EU membership perspective is important not only as a driver of domestic reforms but also as a solid "anchor" keeping Ankara in the Western civilizational realm, as well as economic, political and security structures of the West.

1   Akgül-Açıkmeşe, Sinem. "Shared Aspects of Turkey and Ukraine in Relations with the EU" in "Enhancing Security in the Black Sea Region and Prospects for the Turkish-Ukrainian Cooperation", Kyiv, *Razumkov Center*, 2011: 131–134.

2   Pope, Hugh and Nigar Göksel. "Turkey Does Its Own Thing." *Chatham House*. (December 2020).

3   Lindgaard Jakob, Ayça Uyğur Wessel, Cecilie Felicia and Stokholm Banke. "Turkey in European Identity Politics: Key Drivers and Future Scenarios." (April 2018); Yükleyen, Ahmet. "Compatibility of "Islam" and "Europe": Turkey's EU Accession." *Insight Turkey* 11, no. 1 (2009): 115–131.

4   Rumford, Chris. "Human Rights and Democratization in Turkey in the Context of EU Candidature." European Area Studies 9, no. 1 (2001): 93–105; Hale, William. "Human Rights, the European Union and the Turkish Accession Process." Turkish Studies 4, no. 1 (2003): 107–126; Dam, Philippe. "Time to Focus on Human Rights in EU's Turkey Agenda." Human Rights Watch. (March 2021).

5   Akgül-Açıkmeşe, Sinem, and Dimitrios Triantaphyllou. "The NATO-EU-Turkey Trilogy: The Impact of the Cyprus Conundrum." Southeast European and Black Sea Studies 12, no. 4 (December 2012): 555–573.

6   İçduygu, Ahmet. "Türkiye'deki Suriyeli sığınmacılar: Siyasallaşan bir sürecin analizi." *Toplum ve Bilim* 140 (2017): 27–41; Kirişçi, Kemal. "Revisiting and Going beyond the EU-Turkey Migration Agreement of 2016: An Opportunity for Greece to Overcome Being Just 'Europe's Aspis'." *ELIAMEP Policy Paper*, 64, 2021.

On the other hand, Ukraine's EU integration process is generally regarded either as a part of the country's post-Communist transformations after the collapse of the Soviet Union, thus stressing EU's transformative power in Ukraine's transition to democracy, market economy and good governance[7]; or in a broader context of the regional turmoil, Russia-EU-China geopolitical triangle, Kyiv's struggle for a sovereign (pro-Western) foreign policy and decoupling from Russia.[8]

In other words, comparative analysis of the EU integration tales of Ukraine and Turkey is under-studied, but very relevant and much needed. While the current stop of this journey is more or less the same, the starting points might be too different for a credible comparative study of the two integration models and learning lessons from each other's experiences. Indeed, a brief overview of the literature on the matter will show that many experts tend to assess Ukraine's successes and failures in its relations with EU in comparison to the other EaP countries, namely Georgia and Moldova (three countries have recently formed a grouping called "Association Trio" in order to join efforts and speed up their progress on the EU path). Until recently, when the accession process was almost shelved in an informal manner, Turkey had been considered in the same "basket" with the Balkans and other Central and Eastern European countries, where the EU's democracy promotion agendas are seen as key elements in its enlargement process. For example, the EU's democracy promotion in Turkey and Croatia has been given as an example of external pressure to consolidate democracies and promotion of fundamental values.[9] However, the Croatian case became successful, whereas the EU's transformative power on Turkey's democracy consolidation has been lost es-

pecially by the end of 2000s. Moreover, the EU is currently dealing with Turkey as a neighbour based on strategic issues of the Eastern Mediterranean and Syrian refugees, not genuinely as part of the enlargement package including the irrevocable political criteria.

However, a more thorough analysis will prove Turkey's experience to be both relevant and valuable for Ukraine in its Euro-integration efforts. No doubt, in a changing global international structure it is not only the membership candidates who need to adjust to the EU's influence but also the EU who needs to adapt to the new realities of a multipolar world, including in its relations with the emerging regional powers. Müftüler-Baç argues that political conditionality has its limits in transforming the domestic agenda of the candidate countries, and unless the dialogue with Brussels becomes a two-way road, the EU integration process has little chances for success.[10] This is even more so, when the candidate countries appear to be emerging regional powers with populations compared to that of the biggest countries of the EU and national economies that continue to grow. Given the uncertain future of and the changing dynamics inside the European Union itself, she rightfully concludes that Turkish accession needs to be analyzed not only by looking at the EU's impact on Turkish transformation but also from an angle that captures the Turkish role in recasting Europe. In this regard, Ankara's efforts to revise its dialogue with Brussels on a more equal, reciprocal basis represent valuable experience for Ukraine.

7   Youngs, Richard. "Fine-Tuning EU Support for Ukrainian Democratization." *Carnegie Endowment for International Peace.* (April 2016).

8   Shulga, Dmytro. "Why a European Perspective for Ukraine Corresponds to German Interests?" *Zentrum Liberale Moderne* (July 2021).

9   Balkır, Canan and Müge Aknur. "Different Trajectories Yet the Same Substance: Croatia and Turkey." *The Substance of EU Democracy Promotion: Concepts and Cases,* Palgrave Macmillan, 2015: 85–103.

10   Müftüler-Baç, Meltem. *Divergent Pathways: Turkey and the European Union. Re-Thinking the Dynamics of Turkish-European Union Relations.* Berlin, Budrich Publishers (2016).

SECTION 2.

TURKISH PUBLIC OPINION AND THE EU: REINVENTED SENSE OF SELF-CONFIDENCE OR LACK OF MUTUAL TRUST?

Back in 2012, commenting on the future prospects of the EU-Turkey relations, Paul analyzed why the public support for Turkey's EU integration had dropped, "Turks have become increasingly disillusioned with the process" and "trust between the two partners has been eroded".[11] Her explanation of the root causes of such changes in public attitudes, echoes many of Müftüler-Baç's arguments: "Turks have acquired a new sense of confidence in contrast to the political and economic malaise plaguing the debt-ridden EU. The leverage the EU had in the early days over Turkey is no longer there".[12] Even though public support has decreased over the years, according to many survey results, it has never been under 50 percent. According to the Turkish Foreign Policy survey conducted by Kadir Has University in 2021 (Istanbul, Turkey), 59,3 % of Turkish public support full membership in the EU, whereas this number was 53 % in 2020. In other words, and when looked at the comparative figures of this survey, approximately 50 % of Turkish people have never stopped believing in the value in membership.[13]

Thus, it is clear that in order to bridge this widening gap of mutual trust between Turkey and the EU at the popular level as well for the ad-

vancement of bilateral relations between Turkey and the EU, a new type of dialogue is needed. This new form of relationship is currently dubbed as the "positive agenda" by the EU, which does not replace the accession process but aims at giving a new – and maybe a final one – momentum to the long-lasting but problematic relationship.

In the case of Ukraine, which has recently marked the sixth anniversary of the Association Agreement, Ukrainian expert community as well as policy-makers have also been quite vocal about the necessity to strengthen current relations with the EU through Kyiv's own "new positive agenda". Officially, Kyiv has unambiguously stressed on numerous occasions that it has a much more ambitious EU agenda than simply "doing its homework" on domestic reforms. While conditionality remains an important tool to reinforce democratic processes inside the country, there is still a largely untapped potential in the additional modalities of cooperation to develop closer ties with the EU on the matters of mutual concern, from the matters of regional security in the Eastern Europe to digitalization to tackling disinformation to developing

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11   Paul, Amanda. "Turkey's EU Journey: What Next?" *Insight Turkey* 14, no 3 (2012): 25–33.

12   Müftüler-Baç, Meltem. *Divergent Pathways: Turkey and the European Union. Re-Thinking the Dynamics of Turkish-European Union Relations.* Berlin, Budrich Publishers (2016): 25.

13   Kadir Has University. *Turkish Foreign Policy Public Perceptions Survey* (2021). (*https://www.khas.edu.tr/en/arastirma/khasta-arastirma/khas-arastirmalari/turk-dis-politikasi-kamuoyu-algilari-arastirmasi-2021*).

global health infrastructure and taking action on climate changes.

Drawing on the Turkish decades-long experience of its approximation to the EU, this paper seeks to examine the logics behind Ankara-Brussels interaction in three different modalities: (1) as a country with the Association Agreement; (2) as a candidate country; (3) as an "external partner" of the EU. The general assumption is made that the success on each of these stages largely depends on the political will and resolution of both sides to invest in these relations: to deliver the conditionality requirements on the part of the candidate country and to provide relevant motivation for cooperation on the part of the EU. Finally, Turkish model of a "partial integration" without full membership, or a transactional model in other words, is examined in regard to its applicability in the case of Ukraine.

SECTION 3.

EU'S TRANSFORMATIVE IMPACT

Since 1960s, Turkey has been establishing close bonds with European economies through its Association (Ankara) Agreement signed on 12 September 1963. The Ankara Agreement aimed at the progressive establishment of a Customs Union between Turkey and the EC member states in industrial goods. This agreement also included a political target. According to Article 28, "as soon as the operation of this agreement has advanced far enough to justify envisaging full acceptance for Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community". With this accession perspective in mind, Turkey applied to the EU for full membership as part of the multidimensional foreign policy vision of Özal administration on 14th April 1987. On 18th December 1989, the Commission implied that Turkey is eligible for membership, but rejected to initiate the accession process of Turkey on economic and political grounds. After a decade of inertia, Turkey was declared as a candidate country in December 1999 and immediately afterwards, Ankara launched an extraordinary process of political reforms and harmonization of laws in accordance with the EU legislation. In this context, especially between 2001 and 2006, there was a comprehensive transformation in Turkey on the way to democ-ratization and a more liberal approach to freedoms. For instance, and alongside a significant number of constitutional changes, death penalty was abolished in all cases including terrorism, the rights of broadcasting and learning in different languages and dialects traditionally used by Turkish citizens were expanded, the military's role in foreign policy making was curbed through limiting its representation in the National Security Council (NSC) as well as by limiting the influence of the NSC in Turkish political life.[14]

The concept of *Europeanization* which is in very general terms understood as the process of change at the domestic level due to the pressures generated at the EU level and its tool of *conditionality* provide a useful framework to understand this unprecedented reform process in Turkey[15]. Between 2001–2006, several factors resulted in the successful implementation of conditionality and hence the Europeanization of Turkey, including AKP governments' promotion of the EU accession objective and the reform agenda, opposition's backing to the reforms, support from the member countries as well as the EU as an institution *per se* for Turkey's accession process. With all these political reforms, the EU had a very positive impact also on shaping Turkey's soft power and Turkish role model, specifically for the MENA countries, as

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[14] Nas, Çiğdem and Yonca Özer. *Turkey and the European Union: Processes of Europeanization.* Surrey, Ashgate (2012); Akgül-Açıkmeşe, Sinem. "Cycles of Europeanization in Turkey: The Domestic Impact of EU Political Conditionality," M. Aydın (ed.), *Turkish Foreign Policy: Old Problems, New Parameters.* Madrid, UNISCI, 2010: 185–217; Özcan, Gencer. "The Changing Role of Turkeý s Military in Foreign Policy Making." *UNISCI Discussion Papers*, no. 23 (May 2010): 23–45.

[15] Europeanization refers to a wider socio-political and normative context, including top-down and bottom-up approaches, where norms, policies and institutions are constructed and have impact on the ones who construct them. Within the context of EU-Turkey relations, and for simplicity of explanation, only the top-down aspect of Europeanization (sometimes referred as EU-ization) is used here.

it brought reforms in key areas related to democracy, human rights and liberties. Turkey, in other words became a role model and a center of attraction for the Arab world by being a democratic and secular country having a Muslim population and shifted its strategic focus to the Middle East and Eurasia.[16] For instance, the Syrian president Bashar al-Assad told Prime Minister Erdoğan: "Mr. Erdoğan, it excites us that you are going to become a member of the EU, we will be neighbors with the EU."[17] It was not only political reforms but also the Customs Union as well as the economic reforms that the EU has imposed on Turkey, that made Turkey attractive for the region.[18] This status has also contributed to and had an impact on Turkey's activeness as a "rising trading state", a term defined by Kemal Kirişçi in his seminal article which explained the transformation of Turkey from a security-oriented 'post-Cold War warrior' of the 1990s to mostly an economic 'soft power' in the 2000s.[19] All in all, this period marked the golden age of Turkey-EU relations and Turkey's regional political and economic attractiveness, with the vision and the target of full membership. However, things started to change in 2005 and 2006, paradoxically around the time when accession negotiations began.

Since then, with the domestic political debates on the political party closures, headscarf issue, Ergenekon, Sledgehammer and military espionage cases, the resumption of the armed conflict between the PKK and Turkey, terrorist activities of ISIS and the coup-attempt, Turkey's domestic focus shifted to a point that the EU became almost a non-issue in Turkish politics. This shift went hand in hand with the loss of enthusiasm and decisiveness in the EU circles towards Tur-

key's accession. Thus, both sides contributed to de-Europeanization of Turkey, which means the loss or the weakening of the EU as a normative and political power and as a reference point in domestic settings and national public debates.[20] In other words, EU political conditionality proved to be inadequate in approximating Turkey to the EU due to domestic and EU-level.

Turkey's saga of political reforms due to the forces of EU enlargement criteria indicates that conditionality could only result in progressive political reforms and closeness to the EU if all the stakeholders demonstrated genuine willingness towards accession, not only in words but also in deeds. In a more general vein, Turkey's experience shows that functionality of the conditionality principle depends on the resolution of both parties to define very concrete, well-articulated indicators of success and work towards tangible results on each stage of this process.

The Ukrainian experience has also proved that whatever the terms of the conditionality might be, the crucial factor here is the EU response to a country's performance on the integration path: not only in the form of sticks but also as carrots. Getting "intermediate" positive results in the short-term while continuing the implementation of a broad spectrum of reforms in the long run might be a beneficial strategy for several reasons. On the one hand, it gives an opportunity to set certain benchmarks to track the progress over a short period of time, thus encouraging decision-makers to accelerate the efforts for aligning itself to the EU. On the other, delivering "carrots" to the wider public upon the completion of the much-needed yet often unpopular and painful reforms would signifi-

16   Öniş, Ziya and Şuhnaz Yılmaz. "Between Europeanization and Euro-Asianism: Foreign Policy Activism in Turkey during the AKP Era." *Turkish Studies* 10, no.1 (March 2019): 7–24;

17   Günay, Defne. "Europeanization of State Capacity and Foreign Policy: Turkey in the Middle East." *Mediterranean Politics* 19, no. 2 (2014): 231.

18   Yılmaz, Kamil. "The EU–Turkey Customs Union Fifteen Years Later: Better, Yet Not the Best Alternative." *South European Society and Politics* 16, no. 2 (June 2011): 235–249.

19   Kirişçi, Kemal. "The Transformation of Turkish Foreign Policy: The Rise of the Trading State," *New Perspectives on Turkey* 40 (Spring 2009): 29–56.

20   Aydın-Düzgit, Senem, and Alper Kaliber. "Is Turkey De-Europeanising? Encounters with Europe in a Candidate Country", *Routledge* (2017).

cantly facilitate the task of the governments to communicate the necessity for such changes (as well as the advantages of the European integration itself) inside the country.

The most eloquent success story as part of EU's transformative power could be linked to the Visa Liberalization Action Plan, which has paved the way for Ukrainians to travel to the EU without visas. Experts agree that this plan gave a real impetus to a number of reforms in Ukraine because the value of a visa-free regime was clear to ordinary Ukrainians and reachable in a foreseeable future. This has put even more pressure on the politicians who had publicly declared their pro-European stance to vote for the "visa-free reforms", including the anti-corruption legislation, which is usually the most difficult block of reforms to get votes for in the Parliament.[21]

The developments in the Turkey-EU dialogue throughout its decades-long history have also shown that it is not only the conditions-compliance dichotomy per se, but the interplay of domestic and European level forces that render conditionality conducive to Europeanization.[22] For example, the EuroMaidan events, which started as a manifesto of Ukrainians' irreversible "European choice", and almost a decade of ongoing Russian aggression against Ukraine, have probably done more for strengthening Kyiv's alignment with Brussels than all previous years of reforms. Apparently, within the general geopolitical conjuncture there could be a political momentum to consolidate international support and intensify a high-level dialogue with the EU, however it is still the commitments of national governments to carry out sustainable reforms in compliance with the AA that remain a key factor to success on the EU integration path.

Overall, as both the Ukrainian and Turkish experiences have proved so far, the conditionality mechanism remains an important foreign poli-

cy tool vis-à-vis the third countries. However, to become a success story, it has to (1) be credible (consistent in time and clear in the scope of commitments to be undertaken by both sides); (2) take into account the interplay of various domestic and European-level forces; (3) provide tangible rewards in return for adoption of the demanded principles and norms (varying from financial aid and visa-free regime to forging political dialogue and common strategies to strengthening institutional ties, e.g. concluding agreements on trade, cooperation, association and even accession); 4) fall on a conducive geopolitical ground. Otherwise, it has all chances to end up as a "reinforcement without reward" policy, without any motivation for compliance on the part of the candidate country or clear membership perspectives on the part of the EU.

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[21] Getmanchuk, Alyona, Sergiy Solodkyy, and Marianna Fakhurdinova. "Route to Membership: Why Should Ukraine Have a Roadmap to NATO Accession?". *New Europe Center* (2021), 10.

[22] Akgül-Açıkmeşe, Sinem. "Cycles of Europeanization in Turkey: The Domestic Impact of EU Political Conditionality," M. Aydın (ed.), *Turkish Foreign Policy: Old Problems, New Parameters*. Madrid, UNISCI, 2010: 185–217.

THE OLD STORY: FAILURE OF THE ACCESSION MODEL

According to the European Council's decision in December 2004 declaring that Turkey sufficiently fulfils the political criteria as a result of its unique reform process, the EU opened the accession negotiations with Turkey on 3 October 2005 in the Intergovernmental Conference. Despite some negative components of the Negotiating Framework which highlighted the 'open-ended' character of the negotiation process, the potential derogations in agriculture and free movement of people, and the option that negotiations could be frozen if breech of democratic principles is observed, Turkey enthusiastically celebrated the commencement of accession talks. This well-deserved optimism, however, began to shatter around those times which reversed the Europeanization cycles backwards.

The lowest moment came with the dispute over the implementation of Turkey's Customs Union with the EU in its entirety to all the member countries including Cyprus. On 29 July 2005, the parties signed the Additional Protocol that extends the implementation of Turkey's Association Agreement (Ankara Agreement) signed in 1963 to all EU member countries including Cyprus, with the Turkish reservation that Turkey does not recognize the Republic of Cyprus. In its counter declaration of 21st September 2005, the EU stated that Turkey should implement the Additional Protocol fully to all member countries including Cyprus and Turkey should lift all the restrictions on free movement of goods (such as the ones to be exported from Cyprus) and especially the ones on transportation. Accordingly, the EU leaders decided in December 2006 to suspend negotiations on the eight (related to Customs Union) of the thirty-five chapters until Turkey implements the Additional Protocol that extends the application of the Customs Union fully by also admitting Greek-Cypriot aircrafts and ships to its ports. Moreover, no chapter would be provisionally closed until the Commission verified that Turkey has fulfilled its commitments related to the Additional Protocol.[23] Since then, only one chapter has been closed and fifteen chapters were kept open for talks out of thirty-five.

Domestic, regional, European-wide determinants contributed to Turkey's de-Europeanization and Turkey's diminishing vision as a potential member which have progressed simultaneously since the second half of the 2000s.[24] The political leadership in Turkey became less dependent on EU agenda, as it became stronger in 2007 with the general elections, and then stabilized its political constituency. Solid majority of votes guaranteed non-necessity of the EU process for the AKP governments to gain grounds for religious-oriented reforms and anti-EU emphasis became evident in leaders' discourses.

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[23] Akgül-Açıkmeşe, Sinem. "Cycles of Europeanization in Turkey: The Domestic Impact of EU Political Conditionality," M. Aydın (ed.), *Turkish Foreign Policy: Old Problems, New Parameters.* Madrid, UNISCI, 2010: 185–217.

[24] Eralp, Atila. "The Role of Temporality and Interaction in the Turkey-EU Relationship." *New Perspectives on Turkey* 40 (2009): 149–170; Aydın-Düzgit, Senem, and Nathalie Tocci. "Turkey and the European Union." *London: Macmillan Palgrave*, (2015).

Member states have also been reluctant towards Turkey's accession, especially with the rise of far-right political parties all over Europe which have consistently used anti-Turkish accession discourses combined with a rising tide of Islamophobia more in general, while addressing their constituencies. Anti-Turkish accession discourse was also evident in the Brexit campaign. Additionally, turmoil in the EU's wider, and Turkey's immediate neighborhood including the Syrian civil war, ISIS-originated terror activities in the region, migration issue and finally tensions in the Eastern Mediterranean have all contributed to the reluctance of the EU in Turkey's accession. Moreover, Turkey's regional leadership dreams were shattered and the attraction of the "zero problems with neighbors" was lost in the aftermath of the Arab uprisings, dramatically with the Syrian civil war. In other words, Turkey, as a country that could directly influence the Middle East with its good neighborly relations, was thought to be attractive for the EU. Up until the early years of the Arab spring, Ankara's reinvented "soft power" played an important part in shaping Europeans' positive perceptions of the country, and in various official documents on Turkey's impact on the EU Turkey was cited as a role model for the region. However, this picture has changed when Turkey's "soft power" status became to be challenged specifically after 2011, since it became obvious that Ankara could not be an active player in the Syrian theater.[25]

Cyprus issue and the problematic Greek-Turkey relations, or in more general terms Turkey's contested neighborly relations, constitute another essential drawback in the progress of Turkey-EU dialogue both in the accession and the association forms. Specifically, since 2019, Turkey's drilling activities in the Eastern Mediterranean have been subject to harsh criticism from the EU

which have led to threats of sanctions towards Turkey. At the same time, with the claim that the sovereign maritime rights of both Cyprus and Greece are being jeopardized by Turkey's provocative actions in the region, the Union announced solidarity with both stakeholder members. The fact that Turkey is now evaluated under the "Eastern Mediterranean" title in EU's various official documents, not as part of the "accession countries", "enlargement" or other relevant titles[26] is a testimony that Europeans mostly consider Turkey as a third country, not a country to be evaluated under the accession framework. This negative trend is obviously a result of the clash of interests of Turkey and the EU in the Eastern Mediterranean.

All in all, due to the above-mentioned factors, Turkey's accession process has been stalled, and even unofficially stopped. In a resolution adopted on March 13, 2019, the European Parliament decided to recommend the formal suspension of negotiations with Turkey to the Commission and the Council of the EU. The EP's decision to suspend negotiations with Turkey was not welcomed by the EU institutions which have the authority to end this process. The optimistic rhetoric that the EP lacks enforcement capacity and that EU leaders will have the final say on when to end the negotiation process turned negative with news from the Council in June 2019. Based on the Commission's Annual Report on Turkey, the Council stated that Turkey is gradually moving away from the EU, and "recalling its conclusions of 26 June 2018, the Council notes that Turkey's accession negotiations have therefore effectively come to a standstill and no further chapters can be considered for opening or closing and no further work towards the modernization of the EU-Turkey Customs Union is foreseen."[27]

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25   Ataç, C. Akça. "Pax Ottomanica No More! The "Peace" Discourse in Turkish Foreign Policy in the Post-Davutoğlu Era and the Prolonged Syrian Crisis." *Digest of Middle East Studies* 28, no. 1 (2019): 48–69.

26   European Council, "Conclusions", (10–11 December 2020). (*https://www.consilium.europa.eu/media/47296/1011–12–20-euco-conclusions-en.pdf*).

27   European Council, "Council Conclusions on Enlargement and Stabilisation and Association Process." (18 June 2019) (*https://www.consilium.europa.eu/en/press/press-releases/2019/06/18/council-conclusions-on-enlargement-and-stabilisation-and-association-process/*); Akgül-Açıkmeşe, Sinem. "Deadlock in EU-Turkey Relations", Zeynep Alemdar and Sinem Akgül-Açıkmeşe (eds.), *Year 2019: World Politics and Turkish Foreign Policy*, (2019).

To sum up, Turkish model of accession has been problematic and to a large extent failed due to a number of domestic political problems and as a result of the unresolved geopolitical issues. On the one hand, the consolidation of power in one executive center with the country's transition to the presidential system has raised serious concerns in Brussels about the future of democratic institutions, human rights and the rule of law in Turkey. On the other hand, mounting problems in Turkish foreign policy, specifically in its relations with neighboring states, have not only led to the decline of Ankara's "soft power" in the region but further strained already complicated relations between Turkey and the EU. The failure of the "Turkish model" for the Middle East in the aftermath of the Arab spring, unsettled Cyprus issue, rising tensions in the Greece-Turkey relations, divergent positions in the Syrian war, lack of coordinated efforts to tackle the humanitarian and migration crisis and finally, the Eastern Mediterranean debacle have further deepened the already existing gap between the foreign policy visions of both sides, leaving almost no place for a positive agenda in the Turkey-EU relations.

By taking lessons from the Turkish negative experience of the "protracted" accession process, it is possible to draw some conclusions for the future of Ukraine's dialogue with the EU.

Firstly, domestic politics matter. While various European countries and EU institutions can react to the backsliding in democratic reforms in a candidate country in a more or less vocal manner, the main idea behind the European integration as such, and political association in particular, remains the EU's normative, transformative power and a value-based cooperation. Whatever the pragmatic considerations behind some policy choices might be, it is in the end the ability of a national government to implement democratic principles and norms, (i.e., the rule of law, effective system of checks and bal-

ances between different branches of power, accountability and transparency in the functioning of the public institutions, fighting corruption, ensuring independence of judiciary etc.) that define a country's progress on its path to the EU. The failure to do so and to meet the strict criteria will most probably result in the failure of the whole accession process.

Secondly, problematic relations with neighbors are a major obstacle for a full EU membership, especially if the neighbours are EU members. Burden of historical traumas from the common past, unresolved problems from the recent periods, territorial (cultural, religious, ethnic) disputes tend to turn even a perfect candidate country into an unwanted trouble-maker on the EU borders once the "old wounds" remind of themselves again. The Cyprus issue and tense Turkish-Greek relations remain one of the main stumbling blocks on Ankara's route to Brussels many years after the start of negotiations. In this context, Ukraine's efforts to mend somewhat deteriorated ties with its Western neighbors – EU members Poland, Hungary, and to a lesser extent Romania and Slovakia, e.g., in such spheres as language policy, protection of rights of national minorities and non-discrimination policies, should be regarded as part of a broader EU puzzle besides their direct impacts on the bilateral relations per se. On the contrary, the "regional dimension" of the European integration, which was definitely lacking in the Turkish case, can significantly boost Ukraine's membership bid. Both benefiting from the cooperation opportunities embedded in the Eastern Partnership and exploring the still largely untapped potential of the Association Trio – a recent joint initiative of Ukraine, Moldova and Georgia,[28] can help these countries create additional bonds with the EU, thus anchoring themselves in the unstable waters of the world politics.

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[28] "Association Trio: Memorandum of Understanding between the Ministry of Foreign Affairs of Ukraine, Ministry of Foreign Affairs of Georgia and the Ministry of Foreign Affairs and European Integration of the Republic of Moldova" *Ministry of Foreign Affairs of Ukraine* (May 2021); "Batumi Summit Declaration Issues by the Heads of State of Association Trio – Georgia, Republic of Moldova and Ukraine" *Official web-site of the President of Ukraine* (July 2021).

Thirdly, as in the case of Turkey, wider regional and global geopolitical considerations will to a large extent determine the future of the EU-Ukraine relations. Russia, obviously, is an "elephant in the room" being implicitly present in the background of any negotiations between official Kyiv and Brussels, as well as in Ukraine's relations with other European countries. While Moscow's direct military aggression and hybrid warfare against Ukraine remains a major challenge to the pace of domestic reforms and the progress on the EU path, Kremlin's efforts to destabilize Ukraine from inside and prove to its own constituencies the "unviability" of the "Ukrainian model" prove that Ukrainian "soft power" could be a potential threat for the Russian leadership in case of a success story of Kyiv's relations with the EU. Experts suggest that this might become a powerful argument in communicating the gains of Ukraine's potential EU membership to the Western partners. In the short run, opening a clear European perspective for the "Association Trio" countries would strengthen their own resilience vis-à-vis Russia. In the long run, "integration to the EU and other Western institutions could help these countries to modernize and thus raise their "soft power" attractiveness for residents in regions currently occupied by Russia -in a similar way to what worked once for Western Germany".[29] After the "Turkish model" of democratic transformations failed in the Middle East and Turkey's focus shifted from Europe to the Middle East and Eurasia Ukrainian case will probe the Brussels' ability to learn from its past mistakes and test its resolution not to leave another strategically important region just across the borders to the hands of two illiberal powers -aggressive Russia and assertive China.

Finally, the political will of the governments of the third countries to coordinate their foreign policies with that of Brussels, even if it sometimes comes at the cost of their own national interests, can become a decisive factor in their dialogue with EU. While this consideration does not necessarily create a problem for the smaller countries with limited diplomatic and economic resources to promote their own foreign policy agendas, the situation looks different when bigger regional powers come into play. There is a general consensus among experts that one of the reasons why the Turkish accession model failed was Ankara's search for more "strategic autonomy", meaning more independence in its foreign policy making and often implying direct clash of interests/policies with those of the EU or NATO partners.

In this respect, Ukraine's record of cooperation with EU has been a much more positive one. As stressed by the Deputy Prime-Minister for the European and Euro-Atlantic Integration Olga Stefanishyna, coordinating steps on the international arena with the European partners has been a top priority for the Ukrainian government from the very beginning.[30] This has made the implementation of a "political association" the most effective part of Ukraine's association agreement, allowing to reach 89% in convergence of the foreign policy, security and defence cooperation between Ukraine and the EU.[31] According to the First Deputy Minister of Foreign Affairs of Ukraine, "In 2021, within the framework of political association with the EU, Ukraine joined 220 political statements in the field of EU foreign policy, indicating that a bilateral political convergence between the EU and Ukraine exceeds 90 percent. ... For example, in Serbia [which is considered a potential candidate for EU membership], such convergence is

29   Shulga, Dmytro. "Why a European Perspective for Ukraine Corresponds to German Interests?" *Zentrum Liberale Moderne* (July 2021).

30   Stefanishyna, Olha. "Шість років виконання Угоди про Асоціацію: що маємо і куди далі" ("Six Years of Implementation of the Association Agreement: Current State of Play and Way Forward"). *European Pravda* (June 2021).

31   "Report on Implementation of the Association Agreement between Ukraine and the European Union. 2015–2020". *Eurointegration Portal of Ukraine* (June 2021), 14.

up to 60 percent."[32] Besides positive effects of such convergence for Ukraine's relations with the EU per se, it also helps consolidate international support for Ukrainian-sponsored initiatives in the framework of the multilateral organizations, such as the UN.

On the contrary, the lack of consensus with Brussels on the key issues of regional and global security, and the prevalence of country's own ambitious foreign policy goals over the common European agenda are likely to turn the whole accession process into the dialogue of the deaf, moving the candidate country away from the full membership to the occasional *ad hoc* cooperation on the matters of mutual interest, which has been evident in Turkey's case.

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[32] "Efficiency of EU-Ukraine Political Association Reaches 90% – Dzheppar". U*krinform* (July 2021).

SECTION 5.

THE NEW STORY: HOPES FOR A TRANSACTIONAL MODEL

With all the contributing factors (domestic and EU-wide) Turkey's relationship with the EU has almost been moved from its course of full membership to a one that necessitates another vision which is generally defined with the concepts of "strategic partnership" or "external differentiated integration".[33] For some time ahead, Turkey-EU relations will highly likely proceed towards such a functional or a transactional model, which will be built upon deepening cooperation in various sectors, including but not limited to trade, migration, energy, and security. With Turkey's shift away from the European values of democracy, rule of law, fundamental rights and freedoms, a new vision is needed, which should be inspired from the already existing policies that both sides have common interests in. In more simplistic terms, the distance is gradually growing between Turkey and the EU membership prospects. And both sides should and sometimes do accept the fact that a new vision can shape the future of this relationship instead of the membership or until the time comes for the membership.

This new transactional vision has also been evident in the EU's very recent decisions in 2020 and 2021 on framing a positive agenda and new pathways with Turkey. In the European Council meetings of October and December 2020, the EU offered Turkey a positive agenda which "could cover the areas of economy and trade, people to people contacts, high level dialogues and continued cooperation on migration issues."[34] Moreover, in line with December 2020 decisions, the High Representative submitted a report to the European Council in March 2021 "on the state of play concerning the EU-Turkey political, economic and trade relations and on instruments and options on how to proceed."[35]

In reality, mostly in line with the rhetoric categorization, this transactional framework, can be based on three pillars as evident in EU's official documents and as argued by the experts on EU-Turkey relations: *bilateral trade* (effectively conducted within the Customs Union framework since 1996), *migration cooperation* (specifically the deal of March 18th, 2016 which has succeeded to date in decreasing the number of illegal crossings from Turkey to Greece); and *security issues*, embedded mostly in the still-evolving NATO-EU partnership, to which Turkey could contribute as an important NATO ally and also on different aspects of security including energy.

Advancement of bilateral trade and *Customs Union* as its tool is one of the ways in which Turkey-EU relations could work in the transactional model. Aytuğ et al. argue that in the 20 years of the Customs Union in the EU-Turkey relations,

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[33] Müftüler-Baç, Meltem. "Turkey's Future with the European Union: An Alternative Model of Differentiated Integration." *Turkish Studies* 18, no.3 (September 2017): 416–439.

[34] European Council, "Conclusions", (10–11 December 2020).

[35] European Commission, Joint Communication to the European Council: State of Play of EU-Turkey Political, Economic and Trade Relations (22 March 2021) (*https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/state_of_play_of_eu_turkey_relations_en.pdf*).

the impacts of the Customs Union were considered significant. If there were no Customs Union, "Turkey's exports to the EU would have been 39.4 billion USD instead of 63.6 billion USD in 2013", for instance.[36] As analyzed by Tsarouhas, the EU imports were increasing between 2017 and 2019 while its exports to Turkey were decreasing.[37] It is also considered that Turkey's top trading partner is the EU-27 according to the 2019 census. There have been signals in December 2020 and March 2021 by the EU to start the Customs Union modernization talks within the context of the positive agenda. In accordance with these decisions, the latest European Council conclusions included this statement: "… it takes note of the start of work at technical level towards a mandate for the modernization of the EU-Turkey Customs Union and recalls the need to address current difficulties in the implementation of the Customs Union, ensuring its effective application to all Member States."[38]

Dawar et al. suggest that the Customs Union does not favor both sides in its current state. To modernize it, an inclusive free trade agreement has to be signed.[39] In the agricultural sector, ensuring free movement of the goods will be difficult for Turkey because of its different regulations than the EU. If done properly, the EU would also gain considerably, especially from deeper political and economic integration with Turkey. Adar et al. recommend that the EU should commit to working with Turkey on the matter, with a will-

ingness to renegotiate the existing trade agreements if Turkey completes certain requirements. In these circumstances, Adar et al, propose that Turkey should quickly renegotiate the Customs Union with the EU because of its deteriorating economy and lacking foreign investments.[40] Finally, if Turkey renews the Customs Union, it might eventually help Turkey have more transparency in financial and judicial matters. Tsarouhas argues that if the Customs Union is modernized, the EU could re-establish its conditionality process, which it lacked in recent years.[41] Özer suggests that Turkey's lack of involvement in the EU's decision-making processes curtails the Customs Union as well.[42] Such a scheme of differentiated integration could better function if the EU includes Turkey in the internal market. To sum up, a modernized Customs Union including other sectors such as agriculture, services and public procurement would be considered as an upgrade of Turkey-EU relations.

Despite all the problematic areas in the EU-Turkey relations, there are other spheres where both actors try to cooperate on a functional basis alongside the Customs Union. According to Saatçioğlu et. al, *migration* is one of such issues where the EU and Turkey will establish a "conflictual cooperation" among many other areas.[43] The EU-Turkey deal in 2016 which introduced the "1:1 rule", which suggests that in exchange of each Syrian person that fled to Greek islands, a Syrian person in Turkey will be resettled to

[36] Aytuğ, Hüseyin, Merve Mavuş Kütük, Arif Oduncu, and Sübidey Togan. "Twenty Years of the EU-Turkey Customs Union: A Synthetic Control Method Analysis." *JCMS: Journal of Common Market Studies* 55, no. 3 (2017): 425.

[37] Tsarouhas, Dimitris. "EU-Turkey Economic Relations and the Customs Union: A Rules-Based approach." *ELIAMEP Policy Paper,* 68 (2021).

[38] European Council, Conclusions on External Relations (24 June 2021) (*https://www.consilium.europa.eu/en/press/press-releases/2021/06/25/european-council-conclusions-on-external-relations-24-june-2021/*).

[39] Dawar, Kamala, Christopher Hartwell, and Sübidey Togan. "Reforming and Renegotiating the EU-Turkey Customs Union." *Turkish Policy Quarterly* 17, no. 1 (2018): 129–138.

[40] Adar, Sinem, Nicola Bilotta, Aurélien Denizeau, Sinan Ekim, Dorothée Schmid, Günter Seufert, Ilke Toygür, and Karol Wasilewski. *Customs Union: Old Instrument, New Function in EU-Turkey Relations* (Stiftung Wissenschaft und Politik) (2020)

[41] Tsarouhas, Dimitris. "EU-Turkey Economic Relations and the Customs Union: a Rules-based Approach." *ELIAMEP Policy Paper*, 68 (2021).

[42] Özer, Yonca. "External Differentiated Integration Between Turkey and the European Union: The Customs Union and Its Revision". *Turkish Studies* 21, no. 3 (2020): 436–461.

[43] Saatçioğlu, Beken, Funda Tekin, Sinan Ekim, and Nathalie Tocci. "The Future of EU-Turkey Relations: A Dynamic Association Framework Amidst Conflictual Cooperation." *FUTURE Synthesis Paper* (2019).

Turkey, and which enabled Turkey to receive EU funds for around 4 million Syrian people living in Turkey, has mostly failed in its resettlement objectives and the funds for migrants proved to be insufficient/ineffective. For instance, "the UNHCR has projected that there will be 423,600 places of resettlement needed for Turkey in 2021. As of the end of November 2020 the UNHCR reported there were only 3,867 departures from Turkey out of 6,000 submissions. This number is even lower than the 10,286 resettlement departures the previous November in 2019.[44]

However, over time, Turkey found itself in a new sphere of influence as a transit country because of the regionalization of migration, which also gave Turkey leverage over the EU.[45] As argued by İçduygu, migration flows into the EU in 2015 and the EU-Turkey deal in 2016 politicized migration globally, which is also linked to Turkey's domestic political developments.[46] As a result, the issue of migration became a strategic negotiation and bargaining item in Turkey-EU relations, yet again with the recent flow of Afghan refugees in the summer of 2021, in which the EU aims at keeping its borders closed to the refugees and Turkey aims at receiving concessions from the EU in return mostly in the form of funds and transactional progress in the relationship including visa liberalization, deepening of the customs union and etc. As part of future collaboration, Kirişçi argues that although 2020 has been a year with escalating tensions in Greece-Turkey and EU-Turkey relations, the EU-Turkey statement in 2016 could be revised along more humanitarian lines.[47] For instance, the Facility for Refugees in Turkey (FRIT) could be utilized to garner more support towards refugees in increasing their life qualities and social inclusion. In other words, migration cooperation is an issue of mutual dependency, and all the factors proposed above should be considered when formulating a deeper cooperation in this realm.

In this regard, cooperation on the border control mechanisms has gained vital importance. Since with Turkey's potential membership in the EU its eastern and southern borders will automatically become the external borders of the European Union, the implementation and efficient management of a comprehensive border security system becomes a matter of mutual concern in a highly volatile regional environment. The surge of illegal border crossings and cross-border criminal activities in the recent decade has had serious implications not only for Turkey itself but also for the EU and regional security.

To tackle these problems a specific project was developed to support the Turkish government in taking an integrated approach to border management and to ensure the further improvement of Turkish border surveillance systems and standards, in line with the EU's integrated border management policies and strategies. The project was administered by four Turkish governmental institutions: Ministry of Interior, Turkish National Police, Gendarmerie General Command and Coast Guard Command who were assisted by EU experts. After the evaluation of the EU best practices, model training programmes for prototype border, surveillance and control points, as well as the architecture and standards for use at them, were developed. A national action plan was adopted and endorsed by the government which foresees a single, non-military border security organization to oversee Turkey's border management. At a practical level, blue (sea) and green (land) border surveillance control and border check practices were improved at selected locations, in accordance with EU requirements. This process also involved installing

44   Kirişçi, Kemal. "Revisiting and Going beyond the EU-Turkey Migration Agreement of 2016: An Opportunity for Greece to Overcome Being Just 'Europe's Aspis'." *ELIAMEP Policy Paper*, 64 (2021): 14.

45   Heck, Gerda, and Sabine Hess. "Tracing the Effects of the EU-Turkey Deal." *Movements. Journal for Critical Migration and Border Regime Studies* 3, no. 2 (2017): 35–56.

46   İçduygu, Ahmet. "Türkiye'deki Suriyeli sığınmacılar: Siyasallaşan bir sürecin analizi." *Toplum ve Bilim* 140 (2017): 27–41.

47   Kirişçi, Kemal. "Revisiting and Going beyond the EU-Turkey Migration Agreement of 2016: An Opportunity for Greece to Overcome Being Just 'Europe's Aspis'." *ELIAMEP Policy Paper,* 64, (2021).

EU-standard integrated border management facilities at these border points. With the outbreak of the COVID-19 pandemic, the project was taken to the next level by adding the Ministry of Health to the scope of participants as well as by developing risk-analysis and risk-management models focused on prevention of spread of infectious diseases.[48]

Turkey's NATO membership and its military might could also be another track for further cooperation between Turkey and the EU. Turkey has contributed to European *security* specifically within NATO since the Cold War years. Turkey has one of the largest armies within the Alliance, the second after the USA and according to Global Firepower Index, it is the 11th country out of 139 countries with the rating of 0.2109.[49] As a candidate and third country, Turkey has participated in the EU Battlegroups and in several CSDP operations, aligned itself with several CFSP joint actions and common positions, and pledged contributions to EU's several inactive military frameworks including the Rapid Reaction Force and EU Battlegroups. Turkey is an important contributor to NATO operations as well as the EU's. This cooperation could be extended further with Turkey's participation more into the PESCO projects, however the limitations and opposition from Cyprus and Greece are likely to hinder the process.

Though for a lot of CEE states, NATO membership, in fact, became the first step towards integration with the West, and subsequently the EU, the Turkish experience has proved that there is no direct correlation between the two processes. While security cooperation with NATO as a whole and its particular member states bilaterally does contribute a lot to strengthening military and political ties between the European capitals and those of the candidate countries, different nature of these alliances, divergent

logics behind the enlargement processes and noticeable differences in public perceptions towards the EU and NATO make this equation irrelevant in cases of both Turkey and Ukraine.

Alongside the military component of security, "*energy*" aspect of security is an area where EU-Turkey relations could further progress. To ensure their security of energy supply, Turkey and the EU have been aiming to reach out to alternative countries to reduce their natural gas dependency on Russia. Turkey's proximity to significant energy regions increases the EU's potential for more cooperation with Turkey. Reciprocally, Turkey is also dependent on the EU because it sees the EU as a market for its energy exports. The EU's Green Deal constitutes a limitation on Turkey-EU energy cooperation since carbon emissions will gradually be reduced, the use of fossil fuels will be minimized, and Turkey does not have enough regulations to adapt to the EU's changes that would affect energy cooperation between the two actors. As Aydıntaşbaş and Dennison argue in line with the Turkish Industry and Business Association (TUSIAD) report, if Turkey adapts to the strategic changes the EU has been making, reduces its gas emissions, and maintains the companies' transition with green funds, it would potentially increase its GDP and become a much stronger partner in the EU's energy market.[50] Besides direct positive impacts for boosting global competitive advantages of Turkish companies, the Green Deal would also entail important geopolitical implications. While decreasing energy dependency on Russia (including gas imports and NPP), Ankara would get a chance to garner support from the EU member states, gaining visibility as a partner of the West in global actions on climate change and common renewable energy area. The crucial factor of success, as well as the main challenge here would be the readiness of both sides to invest in relations and engage in discus-

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48 "Establishing an Integrated Border Management System." *EU Delegation to Turkey* (2021) (*https://www.avrupa.info.tr/en/ establishing-integrated-border-management-system-2nd-phase-161*).

49 "Turkey". *Global Firepower Index* (2021).

50 Aydıntaşbaş, Aslı, and Susi Dennison. "New Energies: How the European Green Deal Can Save the EU's Relationship with Turkey". *European Council on Foreign Relations* (2021).

sions on conditions of the possible "Green Deal package" for Turkey with Turkey, before it actually gets its final form in the corridors of the EU.

At the moment, it looks like cooperation on the matters of sustainable development, "green" economy and decarbonization will stay high on the EU agenda for the foreseeable future. For Turkey, this means an opportunity to create a new, positive framework for relations with the EU, which have recently suffered a severe blow, inter alia, due to the ongoing competition for hydrocarbons in the Eastern Mediterranean and rising tensions in Turkey's relations with Cyprus and Greece. In Ukraine, setting the course for the implementation of the European Green Deal from the very early stages of the initiative – and in constant consultations with other European partners – is regarded as an important vehicle to take Kyiv's relations with Brussels to the next level. In this sphere, Turkey might learn from the Ukrainian experience of taking a proactive stance on the matters of common interests/concerns with the EU, thus turning them into positive triggers for boosting new forms of cooperation. For instance, Ukraine has already reached an agreement with the EU to launch a regular dialogue aimed at coordinating policies in the areas covered by the European Green Deal, based on its Association Agreement. The primary areas of common interest have been defined as energy efficiency, clean hydrogen, transformation of the coal regions, industrial alliances and development of a climate governance architecture. A special working group has been formed to negotiate the Carbon Border Adjustment Mechanism (CBAM).[51]

Cooperation in defence and security areas has also been an important dimension of the Ukraine-EU relations. Besides the high level of convergence in security and defence policies, as mentioned above, this collaboration has recently been expanded to include new elements dealing with new common challenges, such as threats coming from the cyber sphere and emerging technologies. In June 2021, Ukraine and the EU held their first "cyber dialogue" – a new initiative aimed at bolstering cyber resilience, increasing cooperation and coordination on the matters of cyber-related institutional, policy and legislative developments, and increasing capacities "to better prevent, protect against, detect, mitigate, deter, and respond to malicious cyber activities".[52] Participation of the Ukrainian Armed Forces in the EU-led international peace-keeping operations, EU Battle Groups and strengthening practical cooperation in the framework of the Common Security and Defense Policy are regarded as key instruments to maintain Ukraine's dialogue with the EU in military-political and military-technical areas. Involvement in PESCO projects remains an interesting track of possible cooperation covering different spheres from military mobility to information exchange to defence industry. However, the potential of this cooperation in the case of Ukraine is still largely untapped, as it is in the case of Turkey.

The idea of a "Turkish-type" Customs Union, initially suggested by the President of Ukraine Petro Poroshenko back in 2017, did not get further support neither from the next government, nor from the expert community. It was rejected by the former as not timely and not ambitious enough,[53] and criticized by the latter for

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51 Stefanishyna, Olga. "Шість років виконання Угоди про Асоціацію: що маємо і куди далі" ("Six Years of Implementation of the Association Agreement: Current State of Play and Way Forward"). *European Pravda* (June 2021).

52 "Ukraine and the EU Launch Dialogue on Cyber Security" *Ministry of Foreign Affairs of Ukraine* (June 2021) (*https://mfa. gov.ua/en/news/ukraine-and-eu-launch-dialogue-cyber-security*).

53 Kuleba, Dmytro. "Про Митний союз України з ЄС: як зробити "зраду" з правильного рішення?" ("On Ukraine's Customs Union with the EU: How to Turn a Fair Decision Into a "Treason?"") *European Pravda* (January 2020).

being outdated, limited in scope and generally not responding to the needs and interests of Ukraine.[54] While most analysts were unanimous in their positive assessments of the current EU-Ukraine Deep and Comprehensive Free Trade Area, which entered into full force in 2017 as part of the Association Agreement, they recommended to abandon a "Customs Union project" due to a number of reasons (exemption of agricultural products, leaving in place implementation of multiple non-tariff barriers, entailing a need to renegotiate FTAs with the third countries etc.). All in all, as the Trade Representative of Ukraine Taras Kachka put it, "the Turkish model of the Customs Union was the brainchild of the first years of the EU's existence.[55] It was established in 1995 on the basis of the 1963 Ankara Agreement, which was prepared on the basis of Turkey's application to join the European Economic Community, the forerunner of the current EU ... Ukraine needs to take modern concepts as a basis, not historical examples".

Therefore, in a couple of years initial idea of "4 unions" with the EU (Schengen, Customs, Energy and Digital) turned into a new initiative of "5 visa-free regimes" with the EU: industrial, customs, energy, digital and aviation.[56] In practice, this envisions advanced sectoral integration with gradual elimination of all technical, legal, tariff, non-tariff and other barriers.[57]

54   Kachka, Taras. "Зупинитися без членства: чим небезпечна для України ідея про Митний союз з ЄС?" ("To Stop Without Membership: Why Is the Idea of a Customs Union Dangerous for Ukraine?"). *European Pravda* (September 2017); Shulga, Dmytro. "Майже членство у ЄС: що запропонував Порошенко і що ще може зробити Україна?" ("Almost Membership in the EU: What Poroshenko Suggests and What Else Can Ukraine Do?" *European Pravda* (September 2017).

55   Kachka, Taras. "Зупинитися без членства: чим небезпечна для України ідея про Митний союз з ЄС?" ("To Stop Without Membership: Why Is the Idea of a Customs Union Dangerous for Ukraine?"). *European Pravda* (September 2017).

56   Stefanishyna, Olga. "Шість років виконання Угоди про Асоціацію: що маємо і куди далі" ("Six Years of Implementation of the Association Agreement: Current State of Play and Way Forward") *European Pravda* (June 2021).

57   Pashkov, Mykhailo et al. "Україна-ЄС: шлях до політичної асоціації" ("Ukraine-EU: Path Towards Political Association"). *Razumkov Center.* (June 2021).

SECTION 6.

CONCLUSIONS

In general terms, the Ukrainian concept of "sectoral integration" shares the logic behind Turkey's "external differentiated integration" in the areas of common interest/ concern. However, this is where the similarities end and further parallel trajectories might be misleading. Lately, the idea of Turkey's "external integration" or "strategic partnership *with* the EU *outside* of the EU" has come into being rather as an *alternative* to full membership than a vehicle to *approximate* it, at least until things get better. Thus, relations with Turkey are downgraded according to EU's enlargement typology, whereas the current state of EU-Ukraine relations have already been at that stage of close cooperation excluding membership.

Although EU membership is still officially recognized as a foreign policy goal by the Turkish government and is supported by a majority of people, the lack of credibility and trust in the turbulent relationship between Ankara and Brussels, the absence of clear European perspectives for Turkey in the decades-long negotiations process and an obvious fatigue on both sides leave rare windows of opportunity for constructive cooperation and a little hope for a full membership in the mid-term perspective. At the same time, enhanced cooperation and dialogue between Turkey and the EU becomes harder with Ankara's slowly drifting from the West in search for more strategic autonomy, especially when it comes to the sensitive issues of domestic politics and national security as well as with the growing divergencies in the foreign and regional policies of Turkey and the EU.

Unlike in the Turkish case, the "sectoral integration" of Ukraine is called to complement the two major pillars of Kyiv's relations with the EU – political association and economic integration – with additional narrow-focused efforts in specific areas ranging from energy and climate to transport to infrastructure to digitalization.

Just as the current stances of Ukraine and Turkey vis-à-vis the EU differ, so do the priorities of cooperation. The specifics of historical development, economic parameters, political system, cultural and social factors, last but not least geopolitical imperatives and national security considerations have to a large extent predetermined Turkey's unique agenda in its relations with the West, in general, and the EU, in particular. Naturally, many of the patterns, issues and formats of cooperation which are relevant for Turkey's European path would not fit Ukraine's own diverse agenda.

What Ukraine can learn from Turkey's nearly 60-years-long EU journey, is the ability to adapt to the changing realities of the international conjuncture and to the flexibility of the transactional format of cooperation with the EU.

While there is no "fast track" to the EU, Turkey's road to Brussels has been the longest and the most complicated so far. Neither of the two have stayed the same as they started. Since then, Turkey has almost tripled its population, faced various domestic crises, developed significant economic potential and political clout in the region, then lost much of it. The EU has accepted 22 members, lost one, and is still searching to define its own future. Obviously, these changes have been reflected in the nature of interactions between Ankara and Brussels, both in terms and substance. Albeit Turkey must still

continue to accept the Acquis Communautaire and adopt the European standards to become a full member in the future, it also fairly claims its rights to be a part of the process of defining that future. In this respect, the Turkish case might be a good example of changing a paradigm of relations with the European Union from a "lifetime student" to a rules-based relationship on a more equal footing while advocating for a larger involvement of the (potential) candidate countries in decision-making processes at the EU level.

SECTION 7.

POLICY RECOMMENDATIONS FOR UKRAINE AND EU

Turkish experience with the EU can teach both Ukraine and Brussels some valuable lessons of the do's and don'ts in the integration process.

FOR UKRAINE:

1 **The Turkish scenario can be regarded as the most vivid evidence of what happens in case of democratic backsliding.** The progress once achieved in domestic reforms is not irreversible, neither is the success in negotiations with the EU. In this regard, protection of the freedom of speech and human rights, corporate governance reform, judicial reform, effective fight against corruption, institutional capacity-building in public administration and strengthening civil society are crucial "homework" tasks for any country, which already is or expects to become a candidate country.

Thus, **on the national level**, maintaining the pace of domestic reforms in the key areas of democratic transformations remains the primary precondition for the EU accession. At the same time, it is important for the Ukrainian government to communicate a message to Brussels that conditionality without clear European perspectives in the long run can deprive the EU of its main foreign policy tool, which is its transformative power. Setting short-term goals with clear timelines, objectives and incentives would help motivate further changes, monitor and assess the process.

2 **One of the distinct features of the Turkey's "never-ending" EU journey has been Ankara's going the whole way alone**, not fitting into any regional country groupings, "enlargement waves" or EU's neighbourhood policy instruments. Partially explained by the country's own internal (political, social, demographic and other) specifics, partially stemming from the difficulties to set the partnership priorities and shared interests together with neighbours because of Ankara's own foreign policy ambitions, this lack of the regional ownership approach has somehow "externalized" Turkey on the EU's regional agenda.

Learning from this negative experience of Turkey, Ukraine should take a proactive stance in formulating and promoting common agenda **on the regional level,** within the framework of the EaP and other regional formats involving EU member states and (potential) candidate countries. The joint "Association Trio" initiative of Ukraine, Georgia and Moldova has already proven a success, making its way to the official documents and declarations of the EU summits. In this context, Ukraine should continue its policy of consolidating regional efforts aimed at the EU integration and based on shared values and common interests.

3 **At the same time, it is important to work bilaterally with Brussels on the EU-Ukraine level** to capitalize on the existing opportunities embedded in the Association Agreement. Revising and updating the existing AA and additional protocols to it would

help assess the current achievements and shape a more ambitious agenda for the future. On the one hand, this process should focus on defining the most promising areas of cooperation and strengthening sectoral integration in these spheres, such as implementation of the "industrial visa-free regime". On the other hand, it is high time to explore the opportunities in the relatively new spheres; digital agenda, energy market, Green Deal and climate changes being among the top priorities. As the Turkish experience has demonstrated, adding new titles to the list of joint sectoral initiatives can sometimes help reinvigorate the stalled negotiations.

4 **On a more general, conceptual level, Ukraine should try to engage in the European dialogue** ("reflection process") on the future of the EU and to advocate the idea of co-creating a common future as equal partners instead of being approached with a "conditionality package". A failure to achieve such a "partner-to-partner" approach, sticking to the "mentorship" model instead, can lead to a situation similar to the Turkish case when the initial enthusiasm in the society about the EU-driven reforms has gradually given place to the pessimism, frustration and confusion about the prospects of the further integration.

5 **Finally, there is a largely untapped potential in the sphere of the "second-track" diplomacy, especially on the expert level.** Therefore, it would be useful to launch informal meetings of Ukrainian and European experts (alternatively, "Association Trio-EU" expert meetings) to discuss the current state of relations with the EU and future milestones on the way to Brussels. Inviting Turkish experts to such meetings might have added value both for the EU analysts in terms of learning lessons from the so far negative experience of Turkey, as well as to the Turkish experts willing to reinvigorate the EU-related discourse inside the country.

FOR THE EUROPEAN UNION

For the European Union, the suggested recommendations in relation to Ukraine would be based upon three main pillars:

1 **Upgrading Strategic Vision**

The geopolitical shifts that have taken place regionally and globally since 2014, have paved the way to the changing nature of Ukraine's dialogue with the EU. These changes have increased the level of Kyiv's expectations from Brussels, including:

- moving beyond the pure conditionality and engaging Ukraine in the reflection process on the future of integration models;

- exploring opportunities to increase the level of Ukraine's convergence with the Common Foreign and Security Policy and Common Security and Defence Policy;

- implementing the principle of differentiation within the Eastern Partnership in order to bolster cooperation and give clear integration prospects to the countries successfully meeting the accession criteria.

2 **Enhancing Security Cooperation**

Much of the criticism traditionally addressed towards the European institutions in Turkey (and now also more often heard in Ukraine) in many ways follow the line of the former Belgian Foreign Minister Mark Eyskens who once described Europe as "an economic giant, a political dwarf and a military worm". Even though the "hard" security issues have never been in the focus of the EU's agenda, the changing regional environment as well as the emergence of the new types of threats (from cyber-attacks on critical infrastructure to the migrant crises on the borders) have made clear a need to revise the role of the EU as a security actor. As viewed from Ukraine,

this new role of the EU as a security provider in the CEE region would entail:

- developing a "Black Sea Strategy" of the European Union that would clearly define its interests, goals and ambitions (if any) in the region facing Russian military aggression and Chinese economic expansion;

- considering a training military mission to Ukraine that would help improve Ukraine's military capabilities and underscore the visibility and commitment of the EU to the EaP countries;

- supporting Ukraine's participation in PESCO projects;

- enhancing cooperation with Ukraine in defence and military spheres, including resilience-building measures, professional military education and assisting Ukrainian authorities in sustainable reforms and civil control in the security sector;

- working together on specific technical issues, such as establishing an integrated border management and control system, improving Ukrainian border surveillance systems in line with the EU standards etc. (keeping in mind a successful case of the EU-Turkey cooperation on border management).

- improving stratcom to convey clear messages to the public both in the member countries and in Ukraine: overpromising and underdelivering without sufficient explanation are highly likely to trigger negative reactions on either of the sides;

- conducting tailor-made public and educational campaigns for different regions (social groups) in Ukraine to explain the advantages of the EU membership and increase EU's attractiveness as a major normative power in the region;

- joining efforts in fighting Russian propaganda and promoting anti-Western narratives (from Eurasianist concepts in Turkey to undermining public trust to the EU and NATO in Ukraine);

- increasing efforts to develop a consolidated position within the EU on a number of the most controversial foreign policy issues (e.g., Nord Stream-2, sanctions against Russia etc.);

- working together to intensify people-to-people contacts, expanding business and cultural ties, building trust and raising awareness of common values among citizens of the EU and Ukraine.

3 Building Trust

One of the key factors usually cited by experts as a reason behind a widening gap between Turkey and the EU, is a declining active public support caused by a crisis of confidence, erosion of trust and general "disillusionment" of ordinary Turks with the process. To avoid the same backsliding effect in Ukrainian society after the extremely high expectations fueled by the Euro-Maidan, the EU should consider the following steps:

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ABOUT NEW EUROPE CENTER

The New Europe Center was founded in 2017 as an independent think-tank. Despite its new brand, it is based on a research team that has been working together since 2009, at the Institute for World Policy. The New Europe Center became recognized by offering high-quality analysis on foreign policy issues in Ukraine and regional security by combining active, effective work with advocacy.

The New Europe Center's vision is very much in line with the views of the majority of Ukrainians about the future of their country: Ukraine should be integrated into the European Union and NATO. By integration, we understand not so much formal membership as the adoption of the best standards and practices for Ukraine to properly belong to the Euroatlantic value system.

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