

Turkish-German University
Master of European and International Affairs
(MEIA) (2016-2017)

**Course title: Turkey and EU in Contemporary
History**

Professor: Prof. Reiners and Prof. Dr. Turhan

Student: Abdoul Yoro Diallo
Student number: 1681011113

Research Project Paper 114AVU: European External Action Service

Structure of the Research Project

- 1. Introduction and background**
- 2. The tasks of the of the EEAS in the EU-Turkey relations**
- 3. Challenges in decision-making process of the EEAS and the fields of cooperation with Turkey**
- 4. Discourse analysis and the role of elites in framing the Public opinion: the EEAS and Turkish Political elites**
- 5. Conclusion and remarks**

Word counting (4130 including references and foot notes)

1. Introduction and background

Recent developments in the field of European Studies have led to a renewed interest in understanding the role of the institutions and their impact on European Union (EU) external and internal functions. For the purpose of conducting a more coherent foreign policy and strengthen the role of the diplomatic mission of the EU, the Lisbon Treaty assigned a new task to the High Representative for Foreign Affairs and Security Policy. To denote that the position of EU foreign affairs was changing every six (6) months with a rotation system. Thus, if the Treaty of Amsterdam (1999) previously created the post of the High Representative, the Lisbon Treaty gave the institution noticeable power.

Led by Federica Mogherini who is also the Vice president of the Commission (since 2014), the union's main policy is to coordinate external matters in a single manner for a coherent foreign policy as it was a “state”. The use of the term state is not meaningless in this sense. The EU is not a state, but its supranational dimension makes more than a simple association of states. With supranational institutional power, which can override the national sovereign states, the EU has full or partial jurisdiction over some policy areas with the conferral principle via treaties. The principle of conferral is central to the application of the legal system of the EU. In this sense, competences are voluntary transferred from the member states to the institutional bodies as mentioned in Lisbon Treaty (2009) article 5 (1 and 2). The EEAS, therefore, can benefit from such autonomy. To a certain extend, the EEAS is the main body of the EU which implement the Union's foreign policy even if it is confronted to many challenges regarding its autonomy. It has around 140 delegations in all over the world and its headquarters is located in Brussels. When it comes to the delegation presented in Turkey, we will see that the most important delegation with over 120 European and Turkish experts to forge strong ties between a prospective member and the EU.(Meet The EU Delegations to Turkey,2017).

This chapter is an attempt to understanding the interactions which exist between the EU most important delegation and Turkey.

1. Firstly, comprehending the tasks of the institution in EU-Turkey relations based on the legal documents (treaty) will be a key element in order to see whether this treaty based relations is different from what we are seeing in real world.
2. Secondly, tasks of the institution can help us to understand the actors who are involved in the decision-making process for both sides in legal as well as in real world.
3. Thirdly, discourse analysis in the way they influence the institutions and the public opinions (in EU and Turkey) from the representatives may provide us a great help to understand how the reality could be constructed with the speech act.

2. The tasks of the of the EEAS in the EU-Turkey relations

Helsinki summit in 1999 marked a new era between Turkey and the EU to share a common destiny. This initiative had played a considerable role in enhancing the relations and the desire to institutionalize this long-lasting relationship.

To say, the declaration of the European Council to give Turkey a candidate status came to award the perseverance of the Turkish political elites and the idea to which Turkey belongs to Europe. In fact, Turkey was rejected in 1997 due to the fact that the country was not ready because of its poor human rights and territorial disputes with Greece (Castle, 1999). This decision to accept Turkey as an official candidate in 1999 created some concerns on the Turkish side because of the concessions over the Cyprus issue and the resolution of the border problems. Since then, Ankara and Brussels have tried to keep the communication channels opened to the institutionalizing of the EU-Turkey relations.

Having understood this complex diplomatic relations in the EU-Turkey relations, the EEAS has the heavy burden in coordinating the union's diplomacy, promote human rights, work with multilateral organizations, develop humanitarian aid, and deepen the relations between the EU and its trade partners. (About the European External Action Service. 2016, March 3rd Retrieved from https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-the-european-external-action-service-eeas_en.)

The EEAS is somewhat representing the foreign policy of the EU. As a consequence, it is also in charge of maintaining the diplomatic channels with Turkey. Nevertheless, it has no easy tasks given that the High Representative, at the head of this institution, is also the Vice-president of the Commission. Her tasks also should take consideration vis-a-vis other institutions.

Taking the Commission's role, it represents the supranational institution of the EU and a sort of executive power. It deals with issues that fall under its competences by promoting the general interest of the EU. The Parliament and the Council of Ministers may be seen as the legislative power whereas the Council is purely the intergovernmental institution which represents the individual interest of member states. Thus, the EEAS' mission will be to elaborate a cohesive and comprehensive foreign policy which satisfies all institutions, member states, and to realize its mission. (Soyaltin, 2013).

In the EU-Turkey relations, the EEAS is trying to define its competence fields by balancing the Commission and the Council for its autonomy. The Lisbon treaty explains the reasons why the EEAS has a complex mission. The future mission and task of the EEAS was laid down in this manner: *"The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission."* Creation of the EEAS. (2016, June 14th) Retrieved from https://eeas.europa.eu/headquarters/headquarters-homepage/3648/creation-eeas_en.

Some people argue that during the Lisbon Treaty, the objectives of the EEAS was blurry. There was tensions relative to non adoption of the Treaty by some member states as Ireland, which in fact rejected the Treaty, and then adopted the latter after the second referendum in 2009 (October 2nd). (The Telegraph, 2009).

Adding to this, the Council per se did not state a clear purpose for how the EEAS would resemble as in article 2 and 3 of the Council Decision 2010/427/EU. (Euro-Lex 2016, June 28th). It is considerable to highlight the fact that the EEAS faced external and intra-EU challenges when it was established namely the Euro-zone crisis, which created uncertainty in EU political and economical cohesion, and the Arab Spring. Coming back to the context of the relations with Turkey, the EEAS at its early time tried to develop and strengthen the relations which had been established for decades.

These relations were not only political but economical, cultural, and social. Furthermore, the EEAS would face new problems with the consequences of the Arab Spring and the influx of the migration of refugees to Europe. Then, the role of the EEAS would substantially gain importance in the following years.

3. Challenges in decision-making process of the EEAS and the fields of cooperation with Turkey

The Turkey's accession process is the key anchor in formalizing its relations with the EU. Therefore, the EEAS' role in this process is not negligible and investing all efforts in order to ease the tasks of the institutions became one of the primary objectives of the High Representative.

As an 'embassy-like', the Delegation, which as a pyramidal structure as the other institutions, has to fulfil some criteria in order to fully play its role.

Above all others in the hierarchical position of the EEAS, Federica Mogherini is the High Representative of the EU for Foreign Affairs and Security Policy and at the same time the Vice-president of the Commission. A position she has occupied since November 2014. Originally from Italy, she worked as a Foreign Minister and member of the parliament simultaneously represented Italy for the NATO delegation.

(Federica's Dairy, 2016). Her today's mission is not an easy task to fulfil. As been said earlier, this institution has to deal with the conflict of interest between the Commission or the Parliament (supranational institutions of the EU) and the Council (the intergovernmental institution of the EU).

When it is to implement the EU Foreign Policy (FP) vis-a-vis third countries, difficulties may arise because of the limited competences of the EEAS. To note that the EEAS is considerable in the context which the EU as a single regional actor should be able to implement the same external action vis-a-vis third countries and specifically with the neighbouring countries such as Turkey.(Helwig et. Al, 2013). The EEAS had to set up new steps towards more a comprehensive and coherent foreign policy decision making process by serving as a bridge between the EU and third countries.

In order to trace the decision making process of the EEAS, it is necessary to be reminded that the EEAS is relatively a new institution when it is compared to the others. Furthermore, because of the ambiguity with regard to finding a consent on FP decisions before Lisbon Treaty the Council was using “le Comité de Representation Permanent” (COREPER) due to the constant shift of the head of the Council. It is important to pursue a common foreign policy. Arguably, a common FP was not the primary objective of the EU, however, it was time consuming for the EU to reflect a common vision-model of foreign policy. The need to handle the external relations in a more effective manner and save resources pushed to the normalization of the EEAS as an independent institution.(Chelotti, 2016).

However, the evolution of the EEAS shows that the decision-making process is not linear which requiring less consultation. The EEAS benefits from a relative autonomy due to the principle of conferral. Yet, Its legitimacy or capability to reflect the preferences of member states and the EU institutions is indeed linked to the nature of the stake under discussed. When it was design, the EEAS has to follow the course of its tasks of coordinating the foreign policy of all member states without external

pressure, on one hand. On the other hand, giving autonomy to the EEAS would increase efficiency in the process of FP decision making. Unlike the Commission and the Council, the EEAS has a relative autonomy vis-a-vis other institutions. Thus, it has to consider external and internal factors when dealing with an issue. (EU External Action,2016).

Regarding Turkey, the EEAS via its Delegation has to report on Turkey's foreign policy to the EU at a diplomatic level. Strengthening the financial and economic relations with Turkey in order to increase the trade volume between the sides is one of the most important roles to play. As a member of the customs union, Turkey has to implement the regulations under the supervision of the EEAS. In a broader scope, the candidate status of Turkey gives the EEAS the possibility to monitor the process. The political requirements with regard to the *acquis* and the steps of the negotiations are unfolded by the EU delegation in Turkey.

Additionally, the delegations also report to the headquarters to provide incentives of the accession evolution. Thus, the yearly progress report of the Commission is based on the reports of the Delegations. Beside reporting to Brussels regarding the accession process, the delegation also is involved in many pre-accession plans which aim to decentralise Turkey's institutional body. This cooperation has a bottom-up approach and could play an effective role when it comes to implement projects with the civil society or assisting the most vulnerable people (citizens or refugees). In this aspect more than 250 projects have been implemented with a considerable some of 2 billion Euros. (EU External Action,2016).

For the last five (5) years, the most important field of cooperation which makes the EU delegation busy can be the management of the refugees in Turkey. The geographical position of Turkey (between Asia and Europe) makes the country an avoidable place to transit for people coming from the Middle East. Turkey as a transit country to Europe, nonetheless, is not a new phenomenon. The failure of regime change in Syria has deeply participated to the destabilization of the entire Middle East and created a mass migration.

Turkey alone hosts more than 2.7 million people fleeing from war. Many scholars highlighted this humanitarian crisis as the worst one in the 21th century. The burden of hosting these refugees is shared with the EU which gives Turkey financial and technical assistance to cope with the crisis. (Toygür and Özsöz, 2016).

The Delegation has considerably increased to deal with the crisis. With the leaderships of the EEAS and the Commission, a facility for the refugees in Turkey is a short term answer to provide assistance and support to refugees. Mogherini underlined the necessity of the facility in the way that it can help for a short term to fix the refugees in the Turkish border.

This solution is in line with the member states since countries are directly affected (especially Greece). According to recent report release by the EU, the facility focuses on humanitarian assistance, education, migration management, health, municipal infrastructure, and socio-economic support. (Managing the refugee crisis: *The Facility for Refugees in Turkey* [2016 Sept,14] retrieved from https://eeas.europa.eu/sites/eeas/files/7_frit_2pg.pdf). The financial resources come from the EU budget and the participation of the member states for 3 billion Euros for the first phase and 3 more billion Euros for the last one. The management of the refugee crisis is to avoid the influx of the refugees to Europe through Greece and Turkey as transit country. As the result, less people are attempting the journey.

The EU-Turkey dialogue to strike a deal to the migration crisis is contributing to discourage the refugees who attempt the perilous journey of crossing the Aegean for Greece. In this crisis, the EEAS provides a substantial tool of diplomacy in coordinating the EU efforts.

The effectiveness of policy coordination via the EEAS is more and more underlined by the EU. The period before the Lisbon treaty was characterized by many challenges due to the fact that the bilateral delegations (the individual member states diplomatic representation) were more successful than multilateral delegations of the EU member states. Afterwards, because of the conflict of interest the EU stated that these delegations (bilateral) should also help the EU project. A statement which was arguable knowing that the EU is not a state. However, the post-Lisbon era gave the EU the status of a legal personality as written in article 47 of the TEU: “The conferral of legal personality on the EU means that it has the ability to conclude and negotiate international agreements in accordance with its external commitments; become a member of international organisations; join international conventions, such as the European Convention on Human Rights , stipulated in Article 6(2) of the TEU”. (Euro-Lex, *Legal personality of the Union*, retrieved from http://eurlex.europa.eu/summary/glossary/union_legal_personality.html).

However, in reality before acting on behalf of member states consent is needed. The EEAS' competence is somewhat limited when negotiating with a third country. As a legal person the EU delegation in Turkey work under the terms of the Vienna Convention on diplomatic immunity like ambassadors. For the prospect of becoming an EU member, the EEAS via its Delegation in Turkey closely works with many different organizations public or private. It maintains ties with the political parties, academia, business organizations, think tanks and civil society organizations.

With these programmes, the aim is to promote democratic dialogue, enhance visibility and transparency between Turkey and the EU. This passage is obligatory to the strengthening of common culture, identity, and standards between Turkey and the EU member states.

4. Discourse analysis and the role of elites in framing the Public opinion: the EEAS and Turkish Political elites

In the context of EU-Turkey relations, understanding how statements from the representatives of the EU or from Turkish officials shape the view of the public opinions (in Europe and Turkey) presents an important tool to analysis two (2) possible outcomes: the process of Europeanization or de-Europeanization of Turkey.

The accession process will be used as a variable to understanding the preferences and why actors act (or react) to different circumstances. The key element to keep in mind is the idea of framing the reality by the elites or by the mass media to guide the public opinions. The concept of identity is important when it comes to the understanding of the “other”. In other words, framing is an essential step to interpret the divergences or the convergences of ideas. It is therefore crucial to see what is the image of the “Turk” according to the West and the image of the “European” in the mind of the the “Turk”. It is intriguing to look at the degree to which Turkey is Europeanized since its European project started in the early 1960's

with the Association Membership (Ankara agreement in 1964). However, the analysis will consider two (2) facts. The first one is the beginning of the accession while the second tries to identify the role of the EEAS and the discourse of political elites.

When the accession process started in 2005, hope was the only element that kept the EU-Turkey relationship positive. In fact, Turkey was undergoing a profound institutional changes to meet the EU standards in political, economical, and social. This phase of alignment could be interpreted as the period of Europeanization. Reforms and legislations were the cornerstone of this rapprochement. This positive agenda set for convergence to enable Turkey to join the European club could be seen with the speech of the commissioner Olli Rehn responsible for the enlargement who said: “ This leads me to my second point, which is congratulating Turkey for this outcome. It is above all the result of Turkey’s achievements in the past few years.[...] it would have been impossible to even think about starting negotiations”.(EU and Turkey together on the same journey, 2005) retrieved from [file:///home/yoro/Downloads/SPEECH-05-587_EN%20\(1\).pdf](file:///home/yoro/Downloads/SPEECH-05-587_EN%20(1).pdf)). It is important to note that there may be two (2) arguments which enabled the process of Europeanization to be a reality.

Some people argue that the accession was the anchor of democratic reforms in a domestic level pushing governments to reforms while some other are saying that the domestic changes came from internal dynamics as the increasing role of the civil society organizations, the promotion of democratic values, and less political role for the military.(Soyaltin, 2013). During this early accession period, whether Turkey was in the process of Europeanization was less questioned even though the political conditionality was not fulfilled.

After few years of intense collaboration with the EU, the period of stagnation coincided with the rising power of AK Party (AKP) in 2007. In the following years, 16 chapters out of 35 would be opened and only one was closed. The 15th of July failed military coup, however, marked the apex of the escalations. The EU member states were hesitant to condemn the coup. For the Turkish government, the condemnation should have been immediate because of the violation of democratic principle.

When Turkey started the identification of people responsible for the coup d'etat, other questions regarding the democratic principles, human rights, and judicial matters arose in the eyes of the EU. The state of emergency enables Turkey to use all means in order to cut the deepest roots of people responsible for the military coup. Mogherini's speech in Brussels supported the Turkish government in its initiative to apply justice: *“We have always been clear that the Turkish authorities have a legitimate right, to hold the perpetrators of the coup and of terrorist attacks accountable for their actions. We have also called on all political parties to unequivocally condemn terrorist violence”*.(EEAS Press Team, 2016). She also highlighted that Turkey should respect the international norms of human rights in doing so. She states, *“At the same time, we know that the respect for human rights and fundamental freedoms is the strongest antidote to extremism and terrorism. [...] the independence of the judiciary and the right of every individual to a fair trial”*.(EEAS Press Team, 2016). The President of the Republic of Turkey, Erdogan, is threatening to leave the accession talks. According to the latter the EU applies double standards with regard to third countries, and Turkey did

not have enough support from the EU. The sentiment that Turkey was left, had pushed the president to make unilateral declaration. He said that if the EU did not open those chapters, a reference to specific aspects of the accession process, then "goodbye."(RFE/RL, 2017). These unilateral declarations seem to increase, and the solution may be a direct talk from the EU member states with the president Erdogan during the NATO summit on 24-25 May of this year. It is expected that president Erdogan and the EU leaders would talk about a new agenda.

During the meeting of EU Foreign Ministers in Malta on April 28th earlier, officials had expressed their desire to keep Turkey in the accession talks was visible. However, Turkey has to make some concessions regarding its future relations with the EU. Thus, certain conditions must be fulfilled especially after the referendum of 16th April which consolidate the power of the president.

5. Conclusion and remarks

Because of the limited competence of the EEAS, implementing an independent foreign policy is a complex issue. As it is stated in article 18 and 27 of the Treaty on the European Union, the High Representative functions is to exercise the CFSP and the External Relations (Treaty of the EU, 1993, article 18[4]). The role of the High Representative regarding the European External Action Service (EEAS) is specified in the TEU article 27 (3) as this: "In fulfilling his mandate, the High Representative shall...the High Representative after consulting the European Parliament and after obtaining the consent of the Commission". Additionally, the EEAS does not have sufficient power to weight in the Turkey-EU relations because of external and intra-EU matters. The difficult tasks of the EEAS could be traced from the Lisbon treaty and how it is attached to the High Representative's role in strengthening and implementing policies outside of the EU political borders, it is opportune to know the EEAS is representing the diplomatic service of the EU member states which have different foreign policy strategies.

References

- Analysis of development cooperation. (2013).The Lisbon Treaty, article 18 (4). Retrieved from <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-3-provisions-on-the-institutions/85-article-18.html>.(last accessed 26/05/2017).
- Analysis of development cooperation. (2013). Lisbon Treaty,Article 5 .Retrieved from <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/9-article-5.html>.(last accessed 25/05/2017).
- Castle,S., (1999). Helsinki Summit: Turkey must now be wooed to accept EU membership .Retrieved from <http://www.independent.co.uk/news/world/helsinki-summit-turkey-must-now-be-wooed-to-accept-eu-membership-1131681.html>.(last accessed 25/05/2017).
- The Telegraph. (2009). Ireland to hold second referendum on Lisbon Treaty. Online newspapers. Retrieved from <http://www.telegraph.co.uk/news/worldnews/europe/eu/5579684/Ireland-to-hold-second-referendum-on-Lisbon-Treaty.html>. (accessed 26/05/2017).
- European Union External Action. (2016). About the European External Action Service (EEAS) retrieved from https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-the-european-external-action-service-eeas_en_en .(last accessed 25/05/2017).
- europa.eu. (2017). Agencies and other EU bodies. Retrieved from http://europa.eu/european-union/about-eu/agencies_en.(last accessed 25/05/2017).
- EUROPEAN COMMISSION SECRETARIAT-GENERAL and LEGAL SERVICE. (2011). VADEMECUM ON THE EXTERNAL ACTION OF THE EUROPEAN UNION. EMAS SEC(2011)881. Retrieved from <http://ec.europa.eu/transparency/regdoc/rep/2/2011/EN/2-2011-881-EN-1-0.Pdf>.(last accessed 25/05/2017).
- Euro-Lex.(2016). Conferral. Access To European Law. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Arx0013>.(last accessed 22/05/2016).
- European Union External Action. (2016). Remarks by High Representative/Vice-President Federica Mogherini on EU-Turkey relations at the plenary session of the European Parliament. Retrieved from https://eeas.europa.eu/headquarters/headquarters-homepage/15566/remarks-high-representativevice-president-federica-mogherini-eu-turkey-relations-plenary_en. (last accessed 25/05/2017).
- GENERAL SECRETARIAT OF THE COUNCIL OF THE EU (BACKGROUND).(2009). The High Representative for Foreign Affairs and Security Policy / The European External Action Service retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111301.pdf. (last accessed 25/05/2017).

Helwig, N., Ivan, et al. (2013). The new EU Foreign Policy Architecture. CENTRE FOR EUROPEAN POLICY STUDIES (CEPS) retrieved from <https://www.ceps.eu/system/files/EEAS%20%20years%20on.pdf>. (last accessed 15/05/2017).

Jozwiak, R. (2017). Erdogan: Turkey Will Say 'Goodbye' to EU Unless New Talks Opened. RadioFreeEurope RadioLiberty (RFE/RL) retrieved from <https://www.rferl.org/a/turkey-erdogan-eu-open-new-talks-or-goodbye/28463987.html>. (last accessed 19/05/2017).

Petrov, R., (2011). Article 8 TEU: Towards a New Generation of Agreements with the Neighbouring Countries of the European Union? SSRN *European Law Review*, Vol. 36 retrieved from <https://poseidon01.ssrn.com/delivery.php?ID=700081022092072117124122071081111089010076064020040013104095093123090085126113104025026057038062020002124109064081121117116115006010088060018024081002027067080094022060020008100028098127027018090116086104119025125001106024099001084106072072102123097124&EXT=pdf>. (last accessed 15/05/2017).

Soyaltin, D., (2013.) Europeanization: Analysing the domestic change in Turkey retrieved from <http://www.e-ir.info/2013/05/10/europeanization-analyzing-the-domestic-change-in-turkey/>. (last accessed 15/05/2017).

Ulgen, S., (2012). Avoiding A Divorce: A Virtual Membership for Turkey. Carnegie Europe retrieved from <http://carnegieeurope.eu/2012/12/05/avoiding-divorce-virtual-eumembership-for-turkey-pub-50218>. (last accessed 20/05/2017).

Toygür, I. and Özsöz, M. (2016). Stormy months on the Aegean: the refugee deal and its impact on Turkey-EU relations. Strategic and international studies retrieved from http://www.realinstitutoelcano.org/wps/portal/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/demografia+y+poblacion/ari27-2016-toygur-ozsoz-stormy-months-aegean-refugee-deal-impact-turkey-eu-relations. (last accessed 25/05/2017).