

Turkey and Tensions in the Eastern Mediterranean

The Narrow Path forward between the European Union and Turkey

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Since late 2019, relations between the European Union and Turkey have gone through a rough patch and have only marginally improved in early 2021. The list of divergences is very long and diversified, with obvious linkages to domestic politics on both sides. The uncertainties surrounding the future of Turkey's economy, rule-of-law architecture and domestic political climate make the search for a "positive agenda" with Europe a drawn out endeavor.

This article aims to provide a realistic assessment of the path ahead for the two sides. Confronted with Turkey's assertive, fluctuating and often self-contradicting foreign policy narratives, the European Union will have to surmount its own internal divergences and to coordinate more closely with the United States in its search for a path forward with Ankara.

A Turbulent 18 Months

From the maritime boundaries agreement signed with Libya's then Government of National Accord on 28 November 2019 to the presidential statement labelling Europe "an open-air prison" for Muslims on 12 May 2021, the list of Ankara's assertive foreign policy actions and statements is substantial. To put it mildly, this foreign policy has not been perceived as constructive by European leaders.

Taken together, and not necessarily as part of a comprehensive strategy, these actions and statements

resulted in creating a tangible gap¹ between Ankara and the rest of the Western community. The most serious challenges to the EU-Turkey relationship involved the following activities:

- Challenging the EU's sovereignty in February 2020 through a paramilitary operation on the land border with Greece, where 1,000 riot police escorted some 6-7,000 non-Syrian migrants bussed in from Istanbul toward the border fence;
- Unilaterally disrupting the established maritime boundaries through research and drilling activities in the eastern Mediterranean and delineating new boundaries between Turkey and Libya, while promoting a "Blue Homeland" doctrine borrowed from retired military officers. These actions directly targeted the interests of Greece and the Republic of Cyprus and involved substantial naval forces, leading to one major incident at sea between a Greek and a Turkish frigate in August 2020;
- Launching a military operation in western Libya (then controlled by the Government of National Accord) under a military cooperation agreement signed alongside the maritime boundaries agreement, providing assistance and training through the deployment of Turkish forces, and delivering equipment. The latter activity was in contradiction with Turkey's commitments at the January 2020 Berlin Conference on Libya, and broke the prevailing arms embargo, despite Turkish claims to the contrary. Several incidents took place at sea between the Turkish Navy escorting these arms deliveries and French, Ger-

¹ <https://carnegieeurope.eu/2021/01/21/why-eu-and-united-states-should-rethink-their-turkey-policies-in-2021-pub-83662>

- man, Greek and Italian frigates enforcing the embargo under NATO and EU naval operations;
- Declaring the UN-led process toward a comprehensive settlement on the island of Cyprus obsolete and promoting a “two-state solution”² in contradiction with the relevant UN Security Council Resolution;
 - Opting for a strategic cooperation with Russia on missile defence with the purchase and deployment of S400 missile systems, as well as facilitating Russia’s military operations in Syria and Libya by granting it overflight rights over Anatolia;
 - Verbally attacking the leaders of Germany (“Nazis”) and France (the “mental health” incident) in a rarely seen display of personal hostility at the highest level. This strategy also involved routine interference in the domestic politics of the two countries, most recently with the 12 May 2021 presidential statement.³

Overall, the European Union, despite visible internal divisions, reacted with firmness and showed solidarity with both Cyprus and Greece, while considering an array of possible sanctions against Turkey. It also supported a military deconfliction process between Greece and Turkey within NATO, as well as the notion of a conditional and reversible opening toward Turkey. On the whole, Turkey’s display of military and paramilitary force didn’t achieve the proclaimed objectives, and challenges to legal boundaries are still unresolved.

The 3 November 2020 election of Joe Biden as the President of the United States was a game changer for Turkey’s leadership, as it upended the personal relationship between his predecessor and Turkey’s President. It also restored a cohesive relationship between Washington on the one hand and NATO and the EU on the other, thereby limiting the opportunities for Ankara to play transatlantic partners off against one another.

However, the sudden flurry of pro-US and pro-EU statements emanating from Ankara in November 2020 struck few American and European minds giv-

en the abrupt reversal in tone and substance. The prevailing analysis in Western capitals is that Ankara’s assertive foreign policy initiatives of 2020 and the aggressive tone of statements at the highest level are closely linked to a difficult domestic political situation. They illustrate, primarily, the vulnerable and uncertain future of Turkey’s economy,⁴ a tense domestic political climate and a fractured rule-of-law architecture. As a result, the credibility of such pro-US and pro-EU statements is minimal.

On the whole, the “phased, proportional and reversible” European Council opening⁵ made on 25 March 2021 by the EU toward Turkey has not yet resulted in major progress in any of the relationship’s specific segments. The “sofagate” protocol incident of 7 April 2021 had no impact on the substantive discussions, and merely masked the deep divergences between the EU and Turkey on a way forward. While discussions are already underway regarding an extension of the March 2016 agreement on assistance to Syrian refugees in Turkey, all the other topics of a potential “positive agenda” stumble on the dramatic decline of rule of law in Turkey. Significantly, even the most positively-minded EU member governments face strong opposition from their parliaments. This is particularly true within the German Bundestag and, at EU level, the European Parliament.

Back to Basics

While it is hazardous to predict the future of the EU-Turkey relationship at the time of writing, it is useful to go back to basics, i.e. to list the eight domains constituting the skeleton of any future relationship (further assistance to Syrian refugees is not discussed here, since contacts are currently underway between the EU and Turkey).

Fixing the Turkey-NATO Relationship

Although European leaders have, so far, happily left the S400 missile conundrum to successive US

² www.reuters.com/article/turkey-greece-cyprus-int-idUSKBN2AA17X

³ www.aa.com.tr/en/turkey/virus-of-islamophobia-making-europe-a-prison-for-muslims-turkish-president/2239354

⁴ www.worldbank.org/en/country/turkey/overview

⁵ www.consilium.europa.eu/media/48976/250321-vtc-euco-statement-en.pdf

presidents, they cannot avoid the discussion any longer, for two reasons. First, the bond between Washington and European leaders (EU and non-EU) has been rekindled and has given rise to multiple, close consultations on an array of subjects. Turkey's situation in NATO being one of them. Second, the perceived personal affinity between former President Trump on the one hand and his Russian and Turkish counterparts on the other has vanished.

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But the ensuing situation is far bigger than a personal relationship. By striking a deal on missile procurement from Russia, Turkey has brought about a major game changer in the security domain.⁶ It has upset key parameters of NATO's defence architecture for Europe by reorganizing its air force into two distinct subsets, one integrated into NATO and the other dependent upon Russian maintenance and (ultimately) access. In addition, by providing the Russian air force with overflight rights, Ankara is facilitating Moscow's operations in both Syria and Libya, a unilateral move unexpected from a NATO member. This parallel military connection with Moscow has created an issue of trust within NATO, and is bound to influence future relations between Turkey and the rest of the Alliance.

In response to Russia's perceived "threat from NATO," members of the transatlantic alliance will inevitably need to factor in this new situation. The affirmation by the Turkish Minister of Defence that S400 missiles "are not a threat to anybody" (sic) is hardly likely to reassure fellow NATO members, since the essence of

deploying a missile defence system is precisely to display a credible threat.

Striking a Deal on Maritime Boundaries with Greece?

The ongoing negotiations are bilateral in essence, with Greece able to count on EU solidarity. Discussions may focus on one major point (the Kastellorizo maritime boundaries) or on a much wider set of issues (as proposed by Turkey). But not even the background to the discussion has been settled, i.e. Greece insisting on basing it on the Convention on the Law of the Sea (UNCLOS), a legal instrument not recognized by Turkey. Whatever the scope of the discussions, what was made clear in 2020 by the EU is that military threats, however useful on Turkey's domestic political scene, cannot lead to a resolution of divergences.

The False Battle of the Eastern Mediterranean Gas Forum

An Eastern Mediterranean Gas Forum was established in January 2020 between Cyprus, Egypt, France, Greece, Israel, Italy, Jordan and Palestine, and formalized in September 2020. The European Union and the United States are permanent observers. The move was perceived as hostile to Turkey, and Ankara forcefully objected.

Apart from the diplomatic choreography, the stated objective of the EastMed Forum is the creation of a gas pipeline between Israel's offshore gas fields, Cyprus and the EU. This is, however, a distant and increasingly problematic project. Overall, gas demand in western Europe is on the decline due to a) a lower energy demand linked to the pandemic-induced recession; b) plans for the greening of the EU economy; and c) the competition from liquefied natural gas (LNG), which is in abundant supply and able to respond flexibly to a hard-to-forecast demand. None of these factors favour a new gas pipeline with a cost in the region of \$10 billion and a timeline of around 10 years.

Ultimately, the Eastern Mediterranean Gas Forum, as diplomatically unpleasant for Turkey as it may be, is

⁶ <https://carnegieeurope.eu/2021/06/08/russia-s-posture-in-mediterranean-implications-for-nato-and-europe-pub-84670>

unlikely to constitute a major impediment to the country's energy policy. It might, however, turn into a more complicated subject area due to the events in Gaza, Turkey's reaction to them and Israel's relationship with Egypt, Jordan and the Palestinian Authority.

A Two-state Solution on Cyprus?

Following the election of Ersin Tatar as "President of the Turkish Republic of Northern Cyprus," an entity only recognized by Turkey, Ankara has insistently promoted a new formula as the only viable solution for the island, i.e. a "two-state solution." This formula contradicts all efforts within the United Nations and is opposed by the EU, the UK and the US

Yet, Turkey's position constitutes a carefully chosen topic for litigation with the European Union as a political trump card for Ankara's leadership, which can easily be transformed into a major crisis at any time, based on its massive military deployment in northern Cyprus and the strong relationship with a pro-Ankara Turkish Cypriot leadership. Here again, the linkages with domestic politics are obvious and the current alliance between the Justice and Development Party (AKP) and the Nationalist Movement Party (MHP) results in a harsher position on the future of northern Cyprus.

Facilitating a UN-led Process in Libya

Turkey's motives for restoring a strong relationship with Libya are many: recouping business contracts lost in the 2011 revolution; a redesigned set of maritime boundaries (as part of its eastern Mediterranean strategy) in exchange for a military cooperation agreement (training, advising, sale of equipment); and a sense of expansionism anchored in early 20th-century events.

Simultaneously, Ankara wants to be at the forefront of the diplomatic process aimed at restoring peace and stability in Libya, a process spearheaded by Germany (Berlin Conference in January 2020), the United States and the United Nations.

However, the multilateral process includes an arms sale embargo on all parties to the Libyan conflict, which (from open sources) Turkey has violated on

multiple occasions, while arguing that its arms deliveries are part of an official deal with a UN-recognized government (the November 2019 security agreement with the then Government of National Accord). The current inclusive government has openly requested the end of arms sales, while UN Security Council Resolution 2570 (2021)⁷ strongly urges the withdrawal of all foreign forces and mercenaries.

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Going forward, Libya's internal dynamics will be the key for future relations with Turkey. Strong international support for a post-election government (December 2021) will depend upon a strict application of Libyan commitments toward stability and security sector reform. External actors will have to comply with international commitments in order to consolidate the country's stability.

Russia's position in the multilateral process, as well as Egypt's and the United Arab Emirates' positions, will have an influence on Ankara's ultimate position.

Revamping Trade Relations, Yes but...

The much-touted modernization of the EU-Turkey Customs Union of 1995 clearly constitutes a potential source of mutual benefits, given the intensity of current trade, technology and investment relations. Mechanisms to resolve litigations and the inclusion of trade in services are some of the possible improvements.

Content-wise, the technical negotiation is not difficult to imagine. Much more problematic is the notion of a "level playing field," which is the basis of a com-

⁷ [https://undocs.org/en/S/RES/2570\(2021\)](https://undocs.org/en/S/RES/2570(2021))

plete trade integration mechanism such as a customs union. This, in turn, raises a number of rule-of-law issues, especially concerning the equity of treatment of foreign companies in a country where the judiciary is notoriously politicized. More generally, a customs union assumes a degree of consistency of economic policies among the partners, which is far from being the case today.

Ultimately, the possibility of starting the difficult negotiation toward a modernized customs union will be hampered by the dramatic decline of Turkey's rule-of-law architecture in recent years. It is hard to detect a positive will in the national parliaments of EU countries and in the European Parliament.

Toning down Personalized Attacks

The obvious perception among European Council members is that a more moderate language from Ankara's leadership (President, Foreign Minister, Defence Minister, key presidential advisers) would go a long way in facilitating a resumption of a normal relationship between the EU and Turkey. But adversarial narratives seem to be a deliberate choice and a seemingly useful communication device on the domestic political scene.

In this context, Ankara needs to properly weigh up the negative consequences of such attacks on a) the country's economy and b) its diplomatic standing. More importantly, the temptation to interfere in the domestic politics of EU countries hosting a substantial Turkish community is certainly not conducive to improved relations.

The Human Rights Situation

Ultimately, human rights are the main drivers of Turkey's relationship with the European Union.

This basic political reality is clearly not part of the calculus of the Turkish leadership. To put it bluntly, Ankara's prevailing assumption is that economic relations and the internal political situation are two different things, i.e. business is business and political dissent is "terrorism." Respecting human rights and the rule of law are not key drivers of today's leadership in Turkey.

In the EU, however, the political reality is radically different, meaning that reinstating rule of law in Turkey and developing a strong EU-Turkey relationship go hand in hand, as illustrated by the strong majority vote in the European Parliament on 19 May in favour of the 2021 Report on Turkey.⁸

In the current political context, visible improvements in Turkey's human rights situation may be largely incompatible with its leadership's political choices, but they will ultimately remain decisive for the country's business and international relations. At one stage or the other, a choice will have to be made.

Overall, the eight abovementioned topics constitute a very long list of grievances and divergences between Turkey and the EU, some of them including the United States. They can hardly be construed as forming a consistent strategy, although there are linkages between some of them (e.g. maritime boundaries with Libya and EastMed). Several of these topics follow their own logic and are likely to be dealt with separately. It is therefore useful to ascertain which ones stand a chance of making progress in a reasonable time frame.

What Is on the Cards and What Isn't

Making recommendations in a volatile political, economic and social context does not make great sense, since so much depends on Turkey's economic and social outlook. Instead, a close observation of current discussions within the European Union's capitals and institutions provides a sense of what can be expected in the short and medium term and what cannot:

- An extension of the agreement on assistance to Syrian refugees in Turkey is probable, as it is in the interest of the EU and because Turkey's financial burden is severe.
- Adjustments within NATO are inevitable, if only to limit the risks posed by Turkey's acquisition of Russian missile defence systems and to preserve the possibility of a return, at some later stage, to a normal relationship with Ankara.

⁸ www.europarl.europa.eu/news/en/press-room/20210517IPR04118/eu-turkey-relations-are-at-a-historic-low-point-say-meps

- Launching negotiations toward a modernized Custom Union is a distinct possibility, but it will need serious progress in terms of restoring rule of law, not just on emblematic cases, but also on the fundamental requirements for the judiciary, the media, civil society and women's rights.
- Maritime boundaries will continue to be discussed bilaterally between Greece and Turkey, with the support of the EU, and will prioritize the resolution of current imbalances in access to eastern Mediterranean waters east of Rhodes and Crete.
- Given the past and present excesses in Turkey's narratives, it is likely that, on the whole, European Council leaders will want to practice a degree of social distancing with Turkey's leadership, and to prevent Turkish interference in their own internal debates.

On the negative side, it seems likely that a number of pre-existing and recent initiatives are bound to remain idle for the time being:

- Accession negotiations will be left to one side because of the total incompatibility between EU standards and Turkey's new constitutional architecture and political practice.
- Visa liberalization will continue to stumble on the incompatibility of Turkey's anti-terror law with EU standards, and only limited advances can possibly be expected for specific segments of the population, such as students, cultural actors and business people.

- An Eastern Mediterranean Conference is unlikely to get off the ground in the shape proposed by Turkey, i.e. with the full participation of all partners Turkey considers relevant, meaning the so-called Turkish Republic of Northern Cyprus (or TRNC). Inclusive participation in such a conference would in any case raise a number of diplomatic issues (will the Republic of Cyprus agree to sit at the table with the "TRNC" as a full participant? Are the governments of the Republic of Cyprus and Syria acceptable participants for Turkey? Will Egypt agree to sit at the table with Turkey in the absence of a normalization of relations?).

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The future relationship between the European Union and Turkey is hard to forecast given the high number of divergences, many of which illustrate the radically different choices made by Ankara in terms of governance. It may be true, as some analysts have argued, that Turkey is now set on a different course and doesn't want to be exclusively tied to the Western world any longer. The next question is whether the Turkish economy can prosper within the context of a permanently disruptive policy vis-à-vis Europe. Time will tell.