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MA Thesis
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(In)Consistency in the Application of the European Union Accession Conditionality
in the Context of the Migration Crisis: the case of Turkey

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I have written this Master's thesis independently. All viewpoints of other authors, literary sources and data from elsewhere used for writing this paper have been referenced.



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ABSTRACT

The enlargement is one of the most powerful foreign policies the EU engages in. A central aspect for it is conditionality. The candidate countries are required to meet certain conditions before they can be considered as Members of the Union. These conditions are set out in the Copenhagen Criteria. The focus of this study is to observe how the EU has applied its accession conditionality towards Turkey in the context of the refugee crisis. Turkey has been a candidate for the EU membership already since 2005. The period when Turkey was most committed in fulfilling the reforms was in early 2000's. Despite the progress in the reforms Turkey did early on in its candidacy the EU has been hesitant letting Turkey to join the Union and over the years the credibility of the membership has faded. The current refugee crisis that saw its peak in the summer 2015 brought the issue back in light. The EU signed an agreement with Turkey which stated that the EU would re-energize the Turkish accession negotiations if Turkey would help tackling the crisis. However as the reform progress has been significantly slowing down, and in some areas according to the Commission Progress Reports from 2015 there has been backsliding in fulfilling the conditions, Turkey is not in accordance with the EU standards. This study establishes that in this sense the EU has acted inconsistently when applying its accession conditionality towards Turkey. Behind this action has been rationalist as well as constructivist considerations of the threats the migration crisis has posed to the EU.

KEY WORDS: Conditionality; Turkey; Enlargement; European Union; Inconsistency

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1. INTRODUCTION

This thesis is a study of the European Union (EU) enlargement process. It puts specific emphasis on the accession conditionality of the candidate states. The case chosen to study application of the EU accession conditionality is the case of Turkey. Turkey has been long associated with the EU but still not a member state. It started the accession negotiations in 2005 but has had a slow progress rate. The current migration crisis brought a sudden will for the EU to re-energize the accession negotiations with Turkey. The EU worked closely with its Turkish counterpart which led to cooperation between the two actors and signing of the Joint Action Plan and later in March 2016 the EU-Turkey Statement. The EU linked the accession process to the agreements that were signed and already in the end of 2015 the EU announced opening of the Chapter 17: Economic and Monetary Policy. Furthermore the Commission committed to opening further chapters later on (European Commission, 2016j). In the light of these actions the study is trying to observe if the application of the EU accession conditionality has been consistent or inconsistent and what considerations are behind the reasoning.

The migration crisis reached its peak in summer 2015 which has been threatening to tear the Union and its Member States apart. The year will be remembered as the year of the migration crisis. This movement of refugees from various conflict zones, especially from Syria, rapidly increased during the summer of 2015. Especially Greece has been one of the countries that has suffered from the endless flows of migrants who have crossed the Mediterranean arrived to its shores. The disagreements between the leaders of the EU on how to deal with the issue caused the inability to cope with the enormous flows of migrants that arrived to the shores of the continent. The member states have not found a coherent way or working together concerning the crisis which has led to some of them to building fences and even using security forces to stop the refugees entering the country. This led the EU to reach out for Turkey. Turkey acted as a gatekeeper for the EU when the Turkish security forces stopped hundreds of refugees entering the EU from Turkey (Okuy et. al, 2016: 53-54). After series of negotiations and bargaining between the EU and Turkey they announced the Joint Action Plan in late 2015 and later in early 2016 the EU-Turkey Statement. The Action Plan states that the EU and Turkey will launch a cooperation addressing the crisis in Syria with temporary

protection and migration management (European Commission, 2015b). According to the agreements all new irregular migrants that cross Turkey to arrive to the shores of Greece will be returned to Turkey. For every Syrian refugee that will be returned to Turkey, another is resettled from Turkey to the EU, prioritizing those migrants that have not entered or tried to enter the EU irregularly. In return for Turkish help the EU promised to accelerate fulfilling the visa-liberalization roadmap, funding for Turkey and most importantly for this study, the agreement is a confirmation of re-energizing the accession negotiations for Turkey's entering the EU and the opening of specific chapters (European Commission, 2016:4). Before this background this thesis investigates whether by re-energizing the accession process and opening of new chapters the EU has been acting inconsistently when concerning the application process and if so what has been the underlying rationale.

The EU is founded on certain values, principles and rules that all of the member states have to respect. They are the respect for liberty, democracy, equality, rule of law and human rights. These values are listed under Article 2 of the TEU (Treaty on the European Union). Furthermore the Article 49 of the TEU states that the applicant states for the EU are demanded to respect them in order to be considered as a Member State (Treaty on the European Union, art.49). The EU is promotes these values outside its borders, in it's near neighbourhood as well as in its own region. This is an integral part of its foreign policy and this is an characterization of the EU as a "normative power" (Manners, 2002: 241). This kind of value promotion can be seen most clearly in the enlargement policies of the EU. In the enlargement process the non-member state has to comply with all the EU rules and values as well as adopt the EU legislature. These conditions are set out in the Copenhagen criteria and they are the conditions that the applicant state has to fulfill in order to qualify for the membership. The membership of the EU requires political and economical criteria to be fulfilled which means the stability of the institutions that guarantee democracy, rule of law and human rights and functioning market economy that ensures the country's ability to cope with the pressure of the market forces. The adoption of the *acquis* is the third requirement (Grabbe, 2002: 251). Linked to the enlargement is the notion of conditionality. The EU accession conditionality works through bargaining where the EU provides incentives for the non-members to comply with its conditions. If the target government complies with the

conditions the EU gives the rewards, however if the target government fails to comply the EU can withhold the rewards. (Schimmelfennig et al. 2004: 670-671). This study concentrates on the notion of accession conditionality and how the EU has applied it towards Turkey in the context of the current migration crisis.

Turkey has been linked to the EU since already 1964 when the two signed the Association Agreement but the accession negotiations were not opened until 2005. Turkey has evidently been progressing slow and by 2015 only 14 chapters had been opened so far and one provisionally closed (European Commission, 2015b: 4). The European Commission progress report from 2015 states that the pace of the reforms have been slowing down. Despite the efforts of reinvigorating the EU accession process, the key legislation in the area of rule of law, freedom of expression and assembly are against the standards of the EU and in the areas of the freedom of speech and assembly there can be seen backsliding. Regarding to the obligations of the membership Turkey has continued to align with the *acquis communautaire* but with a slow pace. However according to the report Turkey needs to give attention in all the areas to align the legislature with the EU *acquis*. (European Commission, 2015b: 4, 6-7). This begs the question whether in the light of the EU Turkey agreement the EU has not applied its accession conditionality consistently.

The EU-Turkey Statement in particular is a case where it is seen how the conditionality has been applied and whether the action on the EU side is in line with the official stance of the Union. In order to explain the phenomena the research is focusing on two theories which are rationalism and constructivism. It is also observing how the EU conditionality is envisioned.

Rationalism expects that actors are trying to maximize their self-interest which might be either ideational or material. In order to maximize their utility the actors are acting rationally and manipulating their environment to reach the goal. This theory privileges material interests over beliefs. (Pollack, 2006: 32). In the case of the enlargement and Europeanization this rationalist approach is seen in the work of Schimmelfennig and Sedelmaier (2004). The external incentives model is a rationalist choice model which focuses on the bargaining that happens in between the EU and the candidate state in the accession process. According to this model the EU applies conditionality and complying with the *acquis* is a prerequisite for a membership (Schimmelfennig et al.

2004: 671). According to this theory the EU applies accession conditionality inconsistently if the interest-based considerations that lead to action benefit the EU in a way that surpasses strict application of accession conditionality.

The other theory concerned is constructivism. In contrast to rationalism the actors, according to constructivism, base their actions on social rather than material reasons (Kratochvil et. al 2010: 25). In the model of Schimmelfennig and Sedelmaier this kind of value based action is modeled as social learning. It is guided by the logic of appropriateness. According to this logic actors are motivated internalized identities, norms and values. When acting and making decisions they choose the most appropriate or legitimate one (Schimmelfennig at al. 2004: 675). Following the constructivist logic consistency or inconsistency in the application of accession conditionality can be explained by value-based considerations and conceptions of appropriate action. Accordingly the EU is expected to apply its accession conditionality inconsistently, if there are other, value-based considerations that outweigh the application of the accession conditionality consistently.

The research concentrates on a specific timeframe from 2015 until 2016 when, due to the migration crisis, Turkey and the EU developed closer cooperation and signed the Joint Action Plan and the EU-Turkey Statement.

The question in which this study aims to answer is following: *“What explains inconsistency in the application of the EU accession conditionality towards Turkey?”*. More specifically the research aims to identify whether it is values or interests that underpin consistency or inconsistency in the EU’s application of the accession conditionality. For this purpose the study puts forward two competing explanations:

1. The EU applies the accession conditionality inconsistently if the interest-based considerations, that lead to EU action, causes benefits that outweigh the strict application of the accession conditionality.
2. The EU is expected to apply the accession conditionality inconsistently if the value-based considerations outweigh the consistent application of the accession conditionality.

In the case of Turkey it might be hypothesized that the EU has applied the conditionality inconsistently in the accession process of Turkey and acted out of self-interest since Turkey is still not complying with the conditions. In this case it seems that

the security interests are put first. If the EU fails to pursue its norms and values such as the respect for human rights towards Turkey, while insisting them upon smaller and weaker states it can lead to the EU to be accused of hypocrisy as well as double standards (Mattlin, 2012: 182)

In order to answer these questions the research is divided as follows: After introduction a literature review is presented. The first part of the thesis is describing the history of the relationship between Turkey and the EU. The second part describes the theoretical framework more deeply. It is concerned with conditionality with a specific focus on the EU accession conditionality. It also tries to explain the notion of inconsistency and see whether there has been previous examples of inconsistency in the foreign policy of the EU. The theoretical framework is based on rationalist and constructivist theories which tries to explain the reasoning behind the EU action through rationalist and constructivist lenses. The third part explains the methodology. In order to explain the phenomena this study proposes a study of the EU's accession conditionality towards Turkey as a single case study, exploring the explanatory power of the rationalist and constructivist account. The last part contains the analysis and findings after which an epilogue is introduced. The findings first describe more in detail the agreement between the Turkey and the EU and establishes whether the EU action can be categorized as consistent or inconsistent based on the progress Turkey has made. This is done by connecting Turkey's reform progress as indicated in the progress reports with the EU's response which in this case means granting or withholding rewards. Once the study has established whether the EU has applied its accession conditionality consistently or inconsistently it is followed by exploring alternative explanations, constructivist and rationalist, of the observed course of action by investigating the rationale underpinning EU action, namely through the justifications given by the EU and the balance of value-based and interest-based arguments therein. The study concludes in stating whether the application of the accession conditionality has been consistent or inconsistent and what has been the reasoning behind the action. Lastly it names the shortcomings the study had.

2. LITERATURE REVIEW

The relationship of the EU and Turkey is extremely researched topic. Especially the aspect of the enlargement has been in the center of the interest. The thesis aims to examine what role values and interests play in EU foreign policy, especially in the frames of enlargement. It will focus specifically on the EU-Turkey Statement that was signed in March 2016. The migration crisis marked a turning point in the EU-Turkey relations. It started a set of meetings between the two which lead to more enhanced cooperation in the field of migration. Turkey and the EU committed themselves in combatting against irregular migration from the territory of Turkey to the EU. This agreement resulted also in the visa-liberalization dialogue as well as the EU promising to re-energize the accession negotiations of Turkey to the Union (Turhan, 2016:471). The literature of the EU-Turkey Statement mainly concentrates on the accession negotiations of Turkey to the EU which shows a historical perspective as well as the current situation. Turhan (2016) approaches the question in the perspective of the member states and asks whether the current members of the EU matter in the accession process. He has found that Member States indeed play a significant role in the accession negotiations. In the case of Turkey particular Member States like Cyprus has played an important role in slowing the accession process (Turhan, 2016:473). Others like Okaya and Zaragoza-Cristiani (2016) study the agreement and the migration crisis itself as well as the current political situation in Turkey.

The cooperation between these two actors started already in 1959 and the association started properly in 1963 with the signing of the Ankara Agreement. The Agreement stated that Turkey would be treated as an associate member until it was ready to become a full member. It started the gradual economic integration between Turkey and the EU which eventually led to the Customs Union that was enacted in 1996 (Aka et al. 2015: 255). Finally in 2005 the accession negotiations started with Turkey. Phinnemore and Icener (2016) remind that the relations between the two actors have been varying throughout the negotiations. In 2005 they saw warming down but more often the relations remained cooler. Turkey has been a candidate country longer than anyone else and currently there are countries that are moving faster with the negotiations. They argue that the accession negotiations with Turkey have become almost non-existent

without any hope for progress. Most of the chapters were opened between 2005-2008 but despite of the positivity that prevailed in 2005 some Member States were not favorable of the Turkish accession and blocked the chapters. Moreover Phinnemore and İçener argue that the conditionality in the negotiations have become ineffective since credibility of Turkey ever becoming a member has more or less vanished (Phinnemore et al. 2016, 446-448, 451). Aka and Özgural (2015) are on the same page that the EU membership for Turkey is still far away and for instance visa liberalization seems to be more achievable. They also argue that the EU is applying double standards when it comes to the visa-free traveling. All the Balkan states who are candidates to join have or are about to have visa-free regime (Aka et al. 2015:259). The most positive phase in the EU-Turkish relations were in between 2002-2007 when Turkey committed itself in doing reforms to meet the criteria for membership. European leaders were still skeptical about the Turkish accession and unwilling to “reward” Turkey with full-membership unlike the United States. Alessandri (2010) argues that the United States was the most outspoken of the non-EU states supporting Turkey’s accession to the Union (Alessandri, 2010: 91,93-94). Many authors including Icoz (2016) stress the slow and problematic process of the accession negotiations. Turkey has been the only country that is negotiating the accession inconclusively for around 11 years (Icoz, 2016: 495). I am contributing to this debate by showing that in the case of the Turkish accession process due to the latest developments concerning the migration crisis the EU might not have been acting consistently when considering the accession process. However Phinnemore and İçener note that even though the accession negotiations of Turkey were re-energized the EU did not abandon the conditionality. With this interpretation they rely on the President of the European Council Donald Tusk’s statement where he convinced that the EU was not trying to re-write the enlargement process (Phinnemore et al. 2016: 451)

The second strand of literature in the study engages with the literature of the EU enlargement and more specifically with the EU accession conditionality. The EU enlargement is often seen as the most successful foreign policy of the EU. In the case of the Central and Eastern European countries it has helped these countries with democratic consolidation, respecting the human rights and minority protection. A central aspect for the accession and the EU enlargement is conditionality. The EU offers

the candidate countries external incentives which are the membership and the benefits that come with it. These incentives come with conditions. The candidate countries have to comply with the conditions that the EU has set for them (Schimmelfennig, 2008:918). The country that wishes to join the Union has to be democratic, have a competitive market economy and be willing and able to adopt the EU rules and policies. The conditions also reassure that the new member states do not create instability nor burden the EU economically. The conditions were established by the Copenhagen Criteria in 1993. Conditions for membership existed before 1993, but this round introduced more detailed and comprehensive conditions than ever before. The conditions consists of chapters that the candidate countries have to open and close provisionally. This is the part where the EU can see the progress of the accession states (Grabbe, 2002: 249-252). Schimmelfennig and Sedelmaier (2004) call this process rule transfer and describe the application of the EU conditionality as a bargaining strategy where the EU provides rewards if the target government complies with its conditions. They introduce three models for rule transfer: external incentives model, social learning model and lesson drawing model. Out of these three models the external incentives model is said to be working the best. This is a rationalist bargaining model where the actors are expected to be utility-maximizers who are interested in increasing their own power and welfare. The bargaining consists of threats, promises and sharing of information. The outcome depends on the bargaining power. This is how the EU conditionality works. The second model is the social learning model which is a constructivist approach. According to this the actors involved are motivated by values, identities and norms. In the case of the EU rule transfer the candidate country adopts the EU rules and norms if it considers them to be appropriate. The final model that Schimmelfennig and Sedelmeier introduce is the lesson-drawing model. According to this model the target countries adopt the EU rules without any incentives or persuasion, the rule adoption is based on the domestic situation. If the policy-makers adopt the rule, it is because they assume that it will solve the domestic problems (Schimmelfennig et al. 2004: 670-671, 675-676).

After the Cold War liberalist and idealist approaches have shaped the discussion of the role of the EU. Many scholars have described the EU as an “civilian” or “normative” power. Manners (2002) introduces his “Normative Power Europe” theory where he

argues that normative power Europe exists and is different to any previous political forms. In Manners' view the normativity derives from the history of the EU as a peace project (Manners, 2002:240,242). Furthermore the EU member states see the EU as a force for good in the international scene. They see the EU as an actor that is committed in promoting its own democratic values and principles around the world. (Hyde-Price, 2006:217, 223). However Martin-Mazé notes that there are many who are suspicious of the EU acting only in a normative manner when conducting its foreign policy. The EU has inevitably many geopolitical, economic and strategic interests that would make it nearly impossible to act only normatively without considering interests (Martin-Mazé,2015:1288). In the enlargement process the notion of values and principles are important. The idea is to export the EU norms and rules to the non-member states. In the context of the enlargement consistent acting on the EU side would mean that the EU would admit a country as a member when it adhered with all the conditions the EU has set for the candidates. To be associated with the EU the candidate countries have to have a political system in where democracy, human rights and civil liberties are guaranteed. According to Schimmelfennig the sociological approach towards enlargement considers adherence to the norms and values of the community enough for the candidate country to become a member of the organization (Schimmelfennig, 2001: 59-61). On the other hand others have been critical of this value-based approach, questioning the primacy of ideational concerns in the EU's external relations. An example of this is when the EU applies makes a positive enlargement decision even though the accession country does not fully comply with the accession criteria. In case of such action the application of conditionality is inconsistent. Pridham (2007) uses a case of Bulgaria, Romania and Poland as an example of such an action. Romania and Bulgaria were among the countries that in the Helsinki summit in 1999 were admitted to negotiate the membership from the early 2000's even though these countries had failed in some areas of the reforms. This was especially seen in the case of Romania when it did not satisfy the required economic and political conditions adequately. The feeling of responsibility on the EU side was visible. Especially in the light of the Kosovo crisis which could have lead to further instabilities in the Balkan area played an important role. The EU was concerned about stabilizing the area (Pridham, 2007:453). The inconsistencies do not only appear on the enlargement process but also in other fields of

the EU foreign policy. Brummer argues that at least when considering the EU sanctions policy there can be seen inconsistencies. The selection of the countries that the sanctions are posed on is inconsistent. The countries that the EU usually poses sanctions are countries where the political rights are slim and where the civil liberties are restrained. The EU indeed poses sanctions towards these countries but in some cases has not done so when considering troubled countries. Brummer makes an example of Lebanon where there had been lack when considering civil as well as political liberties. Sanctions were imposed but only under the UN umbrella not by the EU autonomously (Brummer, 2009:191,196,199).

3. HISTORY OF THE RELATIONSHIP BETWEEN THE EU AND TURKEY

The journey of Turkey to becoming a member of the European Union and to even start the accession negotiations has been long and a reluctant process. Phinnemore and İçener describe the EU-Turkey relations as complicated, which suffered from many setbacks and occasional suspensions and it is still far from completing the negotiations. EU has been reluctant to admit Turkey to the exclusive club from various reasons. The sheer size of the country has been one of the concerns. The EU lacks the capacity to integrate a country as big as Turkey especially after the enlargements of 2004 and 2007. The distribution of the seats in the European Parliament and the size of Turkey's vote that it would receive in case it would join, under the current institutional settings in the Council, have alarmed the other member states. Besides these material concerns, there are also ideational concerns of the Turkish membership. If Turkey were to be admitted it would be the first majority-Muslim member state. Turkey has formally declared itself as a secular country, however the country has seen lately de-secularization and presumed re-Islamization policies of the Erdogan government. The question whether it would be able to ever become part of the European culture and share the values has been a major preoccupation. The EU has criticized Turkey of democratic deficit and not admitting the basic rights to the Kurdish minority living in the country. Even single member states have voiced their concerns over the Turkish membership and blocked the accession process (Phinnemore et al. 2016: 450-452).

Despite of the long engagement with the EU the attitudes towards the Turkish accession are still reluctant. The association properly started with the signing of the Ankara Agreement in 1963 which resulted in Turkey becoming an associate member of the European Community (EC). The Commission president at the time recognized Turkey as "part of Europe". This agreement recognized that some day Turkey could become a member of the community. After that the progress has been slow. In 1970 the association was expanded with an Additional Protocol by the European Community. Later in 1995 it evolved to a customs union which established a zone free of customs between the EU and Turkey (Müftüler-Baç, 1998:241).

In the context of the Cyprus crisis, in 1974 Turkey participated in a war against the Greek in the island of Cyprus, which led to the division of the island in two. The island

has now been split into Greek and Turkish sides for almost four decades. The Turkish occupation of the Northern part of the island has ensured that the issue remains unresolved (Hughes-Wilson, 2011:84,90). The incident harmed Greco-Turkish relations, which led to a rivalry between Greece and Turkey which made Greece one of the fiercest opponents of Turkish accession in the 1980's (Müftüler-Baç, 1998: 245). This is the time when it became a problem when concerning the relations between the EC and Turkey as well. The Commission highlighted the importance of solving the Cypriot issue. However the external conflicts were not the only obstacle for Turkey to enter the Community. It also suffered from internal political turmoil as the Turkish military has intervened in politics several times. Due to the role of the army in Turkish politics, the democratization itself has been a slow process for Turkey. It has taken part in politics and had a direct role in the government throughout the years. This fact has left the EC wondering how democratically Turkey functions in reality. In 1980 a "coup d'état" took place in Turkey which led to the EU freezing its relations with the country. The relations were not revitalized until 1986 (Icoz, 2016; 498-499).

In 1987 Turkey finally was able to apply for full membership but was far from being ready. Politically and economically it was still in an unsatisfactory situation. The European Commission stated that in principle Turkey could apply for the membership but neither side was ready to start the membership negotiations. At the time the EC was in the middle of completing the transition to the Single Market, which meant, according to Elver that enlargement was not its priority (Elver, 2005: 25). However roughly at the same time period the Mediterranean enlargements happened. This means that the Community was actually not entirely pre-occupied with the Single Market, it was also about the applicant. It seems that Turkey was not the EU's priority which can be seen in the fact that Greece was admitted in 1981 and Spain and Portugal in 1986. The countries had been ruled by dictatorial regimes. The EC showed political motivation to admit these countries to the Community hoping that it would help to consolidate the democracy in all of the countries. The southern enlargement showed that under certain conditions the political and the value-guided considerations could prevail over the economic ones when considering further enlargement (Kahraman, 2000: 4-5). This shows that the interest and value-based considerations are an integral part in guiding the political action of the EU.

After the EU had deferred several years Turkey's eligibility to join the Union, the European Council finally confirmed the country's eligibility for full membership in 1997. The Council stated that Turkey would be "judged on the basis of the same criteria as the other applicant states" (European Council, 1997:4). After, in the Helsinki summit in 1999 the Council noted positive progress in Turkey in complying with the Copenhagen criteria. Turkey was officially recognized as an accession candidate and the European Council stated that Turkey "is a candidate State destined to join the Union" and should be treated as any other candidate state (European Council, 1999: 3). At the same time the Luxemburg European Council decided that accession negotiations would be started in 1998 with five Central and Eastern European countries (CEEC) and a year later in 1999 another five joined the group. In the case of the CEEC's the membership was reached relatively quickly. Müftüler-Baç (2002) argues that concerning the Copenhagen criteria Turkey was dealing better than the CEEC's with the pressures of the market economy at least before the financial crisis that occurred in 2001 (Müftüler-Baç, 2002: 81). Sedelmeier notes that the policy-makers of the EU constructed a special role towards the CEEC and the notion of "responsibility" was central. The discourse supported the integration of these countries and implied commitment to consolidate democracy in the area and end the division of the continent (Sedelmaier, 2005a: 124). This shows that the EU is an actor that at times can be motivated by other means than just purely rationalist calculations. In the case of the CEEC it was clear that that value considerations played a role in the decision-making. The early 2000's marked a positive phase in the reforms that Turkey conducted to comply with the Copenhagen criteria and to harmonize Turkish legislation with the *acquis*. These changes included rewriting one third of the Turkish constitution, abolishing death penalty and improved women's rights. Even the Turkish military stepped back as they had previously had a dominant role in the politics (Independent Commission on Turkey, 2009: 13). Based on the reforms, the Commission report and recommendations, in late 2004 the Brussels European Council decided that Turkey sufficiently fulfilled the political conditions of the Copenhagen criteria to start the negotiations. The accession negotiations of Turkey to become a member of the European Union started finally in October 2005. Already at that time it was acknowledged that the process would take time. The European Commission

recommendation from 2004 admitted that the negotiating process will be essential in guiding for new reforms in Turkey but also stated that “it is an open-ended process whose outcome cannot be guaranteed beforehand”. No date was set for the Turkish accession (European Council, 2005; 5-6). Most of the accession chapters that have been opened happened between 2006-2009. During this period Turkey was still relatively committed in making reforms as can be seen in the progress reports. In the fields of judiciary, science and research and education and culture Turkey had made the most progress (European Commission, 2006-2009). In 2007 the then Minister of Foreign Affairs stated that Turkey would proceed with the constitutional, legal, political and economic reforms. In spite of this reform progress there were still opposition to Turkish membership from single member states. Most vocal about the issue were France’s Nicolas Sarkozy and Germany’s Angela Merkel (Oguzlu et al. 2008: 945). Between July 2010- October 2013 no new chapters were opened in the accession talks. Out of all 35 chapters Turkey was negotiating only 13. Several chapters have been blocked by the EU member states such as Cyprus and France. The process of accession and reforms have significantly been hindered by the blockage. The European leaders are hesitating with the enlargement even if Turkey would fulfill the requirements. This period was the most positive period in the enlargement process. Turkey made most of its reforms during this time, however due to the rational calculations and objection especially from Cyprus hindered the accession negotiations. In this sense already in the previous period there can be observed inconsistency in the application process.

The Independent Commission on Turkey notes that even in Turkey the support for the membership has faded since the implementation of the reforms is difficult and sometimes also expensive (Independent Commission on Turkey, 2009: 11-12). The reluctance of the EU to fully commit itself to the Turkish accession created mistrust and disaffection towards the EU on the Turkish side. As a consequence Turkey has been less encouraged to make the reforms to meet the EU conditionality. In order the conditionality to work the membership perspective needs to be credible. The credibility is an essential part of bringing domestic change in the accession country (Schimmelfennig, 2008:918). In addition, the Eurozone crisis, that broke out in 2010, took Turkey’s accession negotiations out of the priorities. In 2013 Turkey and the EU signed a readmission agreement and launched a visa-liberalization road-map which is

planned to lift EU Schengen visas in 3 years for Turkish citizens. By 2015, 15 chapters were opened and only one has been tentatively closed. Science and research, financial control, taxation, free movement of capital and environment are examples of chapters that have been opened (Phinnemore et al. 2016: 446, 448). From the early 2000's positive phase the process has significantly slowed down. Undermining the importance of the reforms from the EU's side has led to a growing frustration in Turkey. Some member states have been arguing for a privileged partnership rather than full membership (Independent Commission on Turkey, 2009). Turkey has been negotiating the accession nearly a decade but the reluctance towards Turkey's accession has prevented the country of getting closer to the membership.

After a more quiet period in the EU- Turkish relations the 2015-2016 migration crisis brought the issue back on the table. The EU signed an agreement with Turkey that in exchange for Turkish help in managing the migrant flows, especially those who were fleeing Syria, the EU would be committed to reviving the accession negotiations as well as issue visa-liberalization (European Council, 2016b). The EU was committed to start the preparations for further chapters to be opened such as on energy, judiciary and fundamental rights and justice, freedom and security (Phinnemore et al. 2016: 449). According to the 2016 Commission Progress report Turkey is still aligning with the *acquis* but the efforts work on a limited base. In some areas such as the company law and science and research Turkey is advanced but for instance in the areas of judiciary and freedom of expression the Commission sees backsliding. When the EU-Turkey statement was signed in March 2016 the Turkish government took the necessary steps in order to meet the requirements that the EU had set to the country (European Commission, 2016b: 8). At the time the Prime Minister Ahmet Davutoglu was behind this positive approach, however he was asked to step down already couple of months after the agreement was signed. This revival of Turkey's accession has taken place during Rogan's presidency however Turkey has been backsliding in certain areas concerned. Rogan's way of governing has been different. According to Icoz (2016) the President has interfered in every aspect of political life and has in some cases undermined the constitution. Based on this Icoz notes that the rule of law and democracy can be questioned in Rogan's Turkey. The way Erdogan is currently ruling Turkey is directly contradicting the values of the EU (Icoz, 2016: 495). However

despite the reluctant attitude of the European leaders and deferring of the negotiations the process is still ongoing and the door still remains open for Turkey at least officially. Evidently the relationship between the EU and Turkey throughout the time has been challenging described with positive and negative periods. Some form of progress can be observed, however the overall amount of reforms still does not correspond with EU's standards thus this study is going to see what determines the latest stage of the relationship.

4. THEORETICAL FRAMEWORK: (IN)CONSISTENCY IN THE EU ACCESSION CONDITIONALITY

4.1 CONDITIONALITY

The research falls into the broad area of EU's enlargement policies where conditionality plays a central role. The theoretical framework focuses on the accession conditionality and the inconsistency. Turkey has been associated with the EU already since 1960's without gaining a membership because of various reasons. In the light of the migration crisis the EU offered to revitalize the membership negotiations for the Turkish help with the migrant flows. This could be a case of inconsistency in the accession process which this research is mainly interested in. The accession country has to meet the requirements that the EU has set for the countries that are eager to access the Union. The enlargement usually happens based on interests, which can be explained with a rationalist model, or ideational matters, which the constructivist model explains. Therefore this chapter outlines the basic idea of conditionality in the accession process and after discusses the inconsistency in the application of conditionality.

Political conditionality is often linked with the EU enlargement policies and the enlargement is usually considered as one of the most successful foreign policies of the EU. Conditionality plays a central role in the process and can be considered as a cornerstone of the enlargement (Schimmelfennig, 2008:918). The EU enlargement is an important political process for the EU itself but also for the whole region. This process has changed the EU from strictly West European club to an organization that covers most of the continent. The term Europeanization can be linked in the enlargement as the individual countries that want to join the Union have to adopt its organizational norms and rules. Schimmelfennig and Sedelmaier (2002) define enlargement of an institution as a process of gradual and formal horizontal institutionalization. In the case of the EU this means that the institutions and norms spread beyond the boundaries of the Union to the aspiring members. However outside actors might also follow certain organizational norms and rules. (Schimmelfennig et al., 2002:500-503) In their theoretical approach to enlargement Schimmelfennig and Sedelmaier put forth two hypotheses on enlargement: rationalist and constructivist. Rationalism expects that the costs and benefits of the

enlargement determine the preferences when further enlargement is in the consideration, since the actors are likely to maximize their benefits. In contrast to rationalist viewpoint, constructivism does not concentrate on the actors preferences, but instead takes into account ideational factors. According to this theory the politics of enlargement are mainly shaped by ideational and cultural factors. Constructivism studies the enlargement based on social identities, values and norms. One of the most essential factor is that the actors inside and outside the organization share the same collective identity and beliefs. The desirability of the enlargement depends on whether the member states and the applicant country perceive some degree of community with each other (Schimmelfennig et al., 2002: 510, 513). In other words if the applicant state identifies itself with the international community that the organization represents and if it shares the same values and norms than the organizations does it is highly likely that the country seeks strong ties with the organization and the already member states are willing to integrate with the state. In the case of the EU's enlargement to the Central and Eastern European countries (CEEC) both of the explanations were visible. The political objective of these countries was the "return to Europe" and the fact that they adhere to liberal democratic norms is most likely the strongest indicator for the membership application and that fits with the constructivist argument. On the other hand CEEC's had strong material interest of joining as well. The CEEC's would benefit from the integration economically for instance in terms of the market access and they would have a say in the EU decision-making (Schimmelfennig et al. 2002: 519-520). Before the enlargement takes place the EU wants to make sure that the accession country is ready for becoming a member. In order to become a member of the Union the candidate countries must comply with all the standards and rules of the EU, all the current member states and institutions have to be in consent and the acceding states must also have the approval of their own citizens. The Treaty of the European Union states that all European countries that respect democratic values and are committed in promoting them are able to apply for the membership of the Union (European Commission, 2016). In the enlargement process, the EU has a lot of influence over the accession countries and the external governance that the accession countries have to go through with is a huge process. A big amount of domestic institutions has to be restructured as well as the public policies (this was the case especially with the CEEC's). This is what

Schimmelfennig and Sedelmaier call rule transfer. In this kind of rule transfer the essential part is conditionality. The policies of the EU in the enlargement process is usually described as a policy of conditionality (Schimmelfennig et al.,2004: 669-670). Sasse (2008) distinguishes three main elements of conditionality: the incentive structures, the consistency and credibility of the conditions and the power asymmetry and adoption costs. According to her conditionality can be framed as a process rather than for instance as an intervening variable. In this process conditionality facilitates institutional, political and behavioral change (Sasse, 2008: 296, 303). So the EU transfers rules and the non-member states adopt them as a condition for membership. This could be also called institutionalization which includes modifying the EU law into domestic law and restructuring the institutions according to EU rules. Schimmelfennig and Sedelmaier (2004) explain the EU external governance by proposing three models that underpin conditionality out of which the two first are looked into in this study. These are the external incentives model, social learning model and lesson learning model. The models are not absolutely mutually exclusive, they can be competing or complementary explanations. According to Schimmelfennig and Sedelmaier (2004) the EU's enlargement policies and the rule transfer is most successful when looking at it from the external incentives model especially when considering the credibility of the EU conditionality as well as domestic costs of the rule adoption. The external incentives model explains the effectiveness of the conditionality on rationalist perspective. This is a rationalist bargaining model which assumes that the actors involved are utility-maximizers. These actors are mainly interested in increasing their own power and welfare. Central aspect for this model is bargaining. In this bargaining process the EU exchanges information, threatens and promises rewards. This model suggests that the EU is following a strict strategy of conditionality. It offers rewards if the target country fulfills the conditions that have been set as conditions. If the target government does not comply with the conditions, the EU withholds the rewards. It does not intervene forcefully or supportively to the target governments policies which means that the EU does not punish nor should it offer extra benefits. The credibility is an important aspect of conditionality. The EU should be able to withhold the rewards with no cost to itself or the costs being minimal. The conditionality is credible when in case of compliance the EU gives a reward and in the case of non-compliance withholds the rewards. On the

other hand if the accession state adopts the rules of the EU the benefit the state gets must be exceed the costs that the rule adoption creates. This model also suggests that if the EU does not set up the rules as conditions for rewards they will not be adopted. The size and speed of the rewards count as well. the promise of the membership should be stronger than a promise of an association otherwise the state will be less motivated in complying with all the EU conditions. According to Schimmelfennig and Sedelmaier this is the model that is the main mechanism that has been successful and stands out in the enlargement process when rules are adopted in the accession countries (Schimmelfennig et al. 2004: 670-673).

The second important model for rule transfer in the EU enlargement when considering this research is the social learning model. The social learning model is central to constructivism. It is a significant alternative to the rationalist model. In contrast where rationalism expects that actors are acting according to their self-interest, the social learning model assumes that actors are motivated by identities, values and norms so it assumes the logic of appropriateness. In this sense the non-member state adopts the EU rules and norms if it considers them appropriate. When concerning conditionality and the rule transfer to the candidate countries this model leans more on the legitimacy of the rules and the appropriateness of the behavior, persuasion and learning rather than bargaining about rewards and punishments (Schimmelfennig et al. 2004: 675).

In order the conditionality to work it has to be credible. Schimmelfennig (2008: 920) argues that the EU conditionality has to be credible in two ways: the accession state must be sure that the EU is rewarding the state after the reforms it has made in order to become a member and that the EU will exclude the country from the membership if the reforms are not done. The conditionality is comprehensive but in some cases it might not achieve the wanted rule transfer in certain countries or specific issue areas. Conditionality has been successful if the target countries adopt the EU legislation and transfer them into domestic laws, restructure the domestic institutions according to EU rules and/or change the domestic policies according to the EU standards (Schimmelfennig et al. 2004).

4.2 EU ACCESSION CONDITIONALITY

In 2004 more countries than ever accessed the EU at the same time. With the accession of the CEEC's the Commission adopted a stricter approach for the newcomers when concerning the conditions that have to be met before the accession. The Eastern Enlargement has made the conditions for accessing the EU more demanding and difficult to satisfy. During and after this accession round the EU conditionality has mainly focused on the democratic consolidation of the candidate countries (Pridham, 2008:366,372). The conditions that were set to the CEEC for the accession became the most detailed and comprehensive that the EU has ever formulated for candidate countries. (Grabbe, 2002:250). The attractiveness of the membership perspective and the strict political conditionality has an impact for the democratization process in the accessing countries. The conditionality reassures that the future member states are democratic, have respect for human rights, protect minorities, have functioning market economies and are stable. When the EU makes an offer of membership perspective it has to be consistent and credible. It ought to be guided only by the democratic and human rights performance of the candidate country. The effectiveness of the conditionality depends on the target country's domestic situation and the costs of the possible reforms. The more costly the reforms are to the accession country the more unlikely is the rule transfer to happen. Also if the EU offers the candidate country incentives that are less than the membership perspective such as financial aid or association agreements it affects to the motivation of doing the reforms. After the Eastern Enlargement the EU has suffered from enlargement "fatigue" which has made it reluctant to extend the membership to more countries. This and the opposition of some member states for further enlargement has an impact on the credibility of the membership perspective and the effectiveness of the political conditionality of the EU (Schimmelfennig, 2008: 918-919).

In order to assess whether the candidate states are fully committed and ready to play their part as members of the community, the European Council defined the Copenhagen criteria in 1993. The norms of the Copenhagen criteria are the defining features of transforming from communist rule in the post Cold War period when it was important to distinguish the democratic western Europe from the communist East (Manners,

2002:243). The political conditionality has existed throughout the European Union's integration process but saw extremely detailed and more strict set of conditions with the aspiring new members of the Central and Eastern Europe that joined the Union in 2004. The EU conditions have become more demanding and difficult to adapt to since the Eastern Enlargement. For this enlargement round the EU introduced the democracy and market economy conditions that had not existed before. For the neutral countries of Sweden, Finland and Austria who joined in 1995 the precondition for joining was that these countries should accept the whole *acquis communautaire* that included the foreign and security policy but the conditions of democracy and market economy did not yet exist as such. The reason for creating the Copenhagen criteria was to reassure that the countries that joined would not become politically unstable and burden the EU economically. With the conditions the EU wants to reassure that the future member states are ready for adopting all the EU rules and legislature (Grabbe 2002: 250-251). In the case of the CEEC the Copenhagen criteria states that the accession to the Union will take place as soon as the candidate country is ready to assume the obligations of membership. The accession country has to have achieved "stability of institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union." The membership also "presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union". (European Council, 1993: 13). This means that the countries have to have multi-party system, free and fair elections, independent judiciaries and have anti-corruption measures. One crucial aspect for conditionality is that the standards the EU has set have to be met before the accession takes part which means that the EU should not accept countries that do not meet the conditions completely. The opposite happened with the Southern Enlargement since the approach to accession was still less strict (Pridham, 2008: 373). The conditions also include the *acquis communautaire* which is the whole set of EU rules, judicial decisions and political principles that the candidate states have to adopt. In the enlargement round of the Central and Eastern European states it was over 80,000 pages of legislative texts. However some parts of the *acquis* are still open for interpretation which made the EU to interpret it strictly in the last enlargement rounds.

The candidates had no options of negotiating opt-outs on Stage 3 of monetary union or Schengen. The conditionality went more deep into domestic policy making than in the previous rounds (Grabbe, 2006). The *acquis* is based on different chapters that are opened and provisionally closed in the accession negotiation process. The opening and closing of the chapters demonstrate how the candidate country has been progressing in applying the conditionality. The most measurable way to assess whether the accession countries have been complying with the EU rules is the formal alignment of the *acquis*, since it is possible to see how many laws have been introduced or re-written. (Grabbe, 2006). The Copenhagen conditions are integral part of the conditionality. It should reveal a linkage between the demands that the EU has set with the formal conditions and the rewards in the accession process. A clear causal relationship exists between the process that is making the reforms and adjusting the legislature and the outcome that is the rewards such a financial aid or the membership. Saatuoglu argues that such linkage is crucial since if the EU applies membership conditionality outside of the Copenhagen conditions it would undermine the credibility and consistency of the official criteria. But the time, when the candidate country is going to be admitted to become a member, depends on the individual efforts that it makes in order to meet the conditions. (Saatuoglu, 2009).

According to Schimmelfennig in the case of the European Union, conditionality is a “bargaining strategy” where the EU offers rewards for the target government if they comply with its conditions. The EU offers attractive incentives to the countries that are interested in becoming members, but these incentives are conditional on certain norms and policies that the EU wants the possible members to comply with to trigger the reform. The rewards can be financial assistance, institutional association or eventually membership of the Union. If the countries fail in meeting the conditions they are denied any kind of assistance, association or membership. There are formal procedures which allow suspending the negotiations if the conditions are not met. The political conditionality is mainly positive which means that the EU does not give penalties but rather withholds the incentives. This means that positive conditionality works through rewards and negative conditionality through punishment. (Schimmelfennig, 2008; 2010, Pridham, 2008).

At first sight political conditionality tends to look straightforward since the country that wishes to join the Union has to be democratic and it has to have a functioning market economy but as Grabbe argues the membership conditions are not as simple as they seem to be and compares it to the conditionality of other actors and institutions that exercise it, such as the development banks. In the case of EU conditionality, the conditions are very general and open to considerable interpretation, they do not define specifically a democracy or a market economy. The tasks that the accessing countries have to fulfill are extremely complex and politicized and it is occasionally difficult to measure whether the conditions have been fully fulfilled (Grabbe, 2002: 250).

However the conditionality is not only limited to enlargement. The distinction has to be made between the accession conditionality and the conditionality the EU applies to third countries. The EU has applied conditionality to third countries for benefits such as trade concessions, aid and cooperation agreements (Grabbe, 2002:250). Probably most visibly the application of conditionality can be seen in the European Neighbourhood Policy. Sasse (2008) calls the European Neighborhood Policy (ENP) conditionality a kind of “conditionality lite” for non-accession countries. When compared to the enlargement conditionality the biggest difference in the defining elements is that the conditions are more vague, the incentive and enforcement structures are less clear. Since for the accession countries the EU can offer a membership perspective it has reduced the incentives the EU can offer for the ENP states as a component of its external relations (Sasse, 2008:296-297). The conditionality of the ENP consists of reforms in the areas of political and economic structures, minority rights and democracy but the effectiveness of this policy is still questioned because of the lack of membership perspective and the award for the reforms is not clear. The membership perspective in the EU enlargement justifies the EU’s demands and engagement in the reforms of the candidate countries but in the framework of the ENP it is not as straightforward (Wolczuk,2009 :189-190). The ENP monitoring looks very similar to the accession and the policy transfer is extracted from the enlargement policies. The basis for the relations between the EU and the ENP countries lay in the Action Plans. These Action Plans are guided by the Copenhagen criteria so the conditions of democracy, market economy as well as the whole *acquis communautaire* are visible in them. (Sasse, 2008: 301-302). That is how the EU sets out the values and standards that the ENP countries should comply with.

However it is up to each partner country to decide how much integration they want to establish with the EU. The increased economic integration as well as tighter political cooperation is conditional. The progress of the ENP countries is monitored by the association or partnership councils and the Commission is issuing regular progress reports as in the regular enlargement (Smith, 2005:763-764). Hence the notion of conditionality is a feature of different kinds of EU relations and consistency of its application is most likely expected in the case of accession conditionality since it makes the EU credible as an international actor.

4.3 INCONSISTENCY

For the EU action to be consistent the political declarations and statements have to match with the actual behavior. When there appears inconsistency in the rhetoric and action it might harm the reputation and the credibility of the EU in the eyes of the rest of the world but it might also have an impact internally. When considering the application of accession conditionality the response of the EU to the reforms of the candidate state determines the consistency. If the candidate country has fulfilled the conditions the EU gives rewards and the opposite, if the accession country has not fulfilled the standards the EU should not give rewards. Smith (2005) finds inconsistencies in the EU action in the framework of the ENP. These inconsistencies can be seen in the reaction of the EU progress or non-progress. The Action Plans set out the values and standards for the neighbors to comply with. The Action Plans are tailored for the needs of each of the ENP country and identify the key priorities as well as offers the incentives for the reform. In the Action Plan of Israel there can be seen mainly things that the EU and Israel should do in cooperation rather than just reforms that Israel should do. According to Smith it seems that these two parties are perceived more as equal in comparison to the rest of the ENP countries and that the EU offers more carrots than sticks for Israel. For the other ENP states the demands are much more strict and this kind of inconsistency in the treatment of the neighborhood countries may cause the loss of credibility as well as legitimacy (Smith, 2005: 763-764, 766).

Conditionality works if the target government successfully transforms its domestic policies to correspond the set of rules and legislature of the EU. A reward for the action

would then ultimately be the membership of the Union. The inconsistency in the application process comes up in general when the EU response does not correspond to action of the candidate country. Consistency in the EU application of conditionality then means that the EU gives rewards when there have been reforms. In contrast inconsistency in the application of accession conditionality occurs when for example the EU offers the membership perspective even though the candidate country does not meet the certain requirements or even though the candidate country has done reforms but the EU does not offer rewards.

4.5 EXPLAINING THE INCONSISTENCY IN THE EU APPLICATION PROCESS/ RATIONALIST APPROACH

Pollack argues that the rationalist choice theory should be understood as an approach to social theory which is able to study the human behavior. In recent years this theory has also been applied to the EU decision-making. Rational choice model can take individuals, organizations or states as a unit of analysis, it explains individual and collective outcomes (Pollack, 2006). In this theory interests matter, opposed to ideational matters. Rationalism expects that that the actors try to maximize their self-interests and in order to reach their goals they manipulate their environment rationally. These interests may be material as well as ideational (Kratochvil et al. 2010:27). After the Cold War liberalist and idealist approaches have shaped the discussion of the role of the EU. Many scholars have described the EU as a “civilian” or “normative” power. Furthermore the EU member states see the EU as a force for good in the international scene. They see the EU as an actor that is committed in promoting its own democratic values and principles around the world. (Hyde-Price, 2006:217, 223). However Martin-Mazé notes that the there are many who are suspicious of the EU acting only in a normative manner when conducting its foreign policy. The EU has inevitably many geopolitical, economic and strategic interests that would make it nearly impossible to act only normatively without considering interests (Martin-Mazé,2015:1288). It is said that the EU is a unique actor since the foreign policy that it conducts should be guided by norms and principles that are acknowledged by the United Nations (UN) rather than

interests. Brummer argues that at least when considering the EU sanctions policy there can be seen inconsistencies. The inconsistencies occur when the interest of the EU is at stake. An example of this is the selection of the countries that the sanctions are posed on. The countries that the EU usually poses sanctions are countries where the political rights are slim and where the civil liberties are restrained. The EU indeed poses sanctions towards these countries but in some cases has not done so when considering troubled countries. Brummer makes an example of Lebanon where there had been lack when considering civil as well as political liberties. Sanctions were imposed but only under the UN umbrella not by the EU autonomously (Brummer, 2009:191,196,199). On the same page with Brummer is Del Biondo who noted that the norms and democracy promotion has been inconsistent also in Africa. In the area of the EU sanctions the application has been selective. In this case the norms and interests are also at stake. The EU is mainly known as a donor of humanitarian aid to the African countries but it also has security co-operation with them whereas some of these countries possess natural resources that are important for the EU. Energy resources have become increasingly important in the EU foreign policy towards Africa since the competition of these resources has become tougher between international actors. In this sense the foreign policy of the EU towards Africa rests between norms and interests. The EU has instruments which it uses to react to the violations of democratic principles, peace and human rights but the strength that the EU uses these instruments depends on the costs to the target state but to the EU as well. One of the strongest instruments is suspending the aid to a third country. In the case of some African countries that were taken into consideration the EU action were either guided by norms or by both norms and interests. In the case of for instance Ethiopia interest-based as well as norms-based approach could be seen (Del Biondo, 2015; 237, 239-240, 247). This is a case where it can be observed that the EU action is not just guided by just rationalist or constructivist considerations. It can be guided by both. For the application of accession conditionality this means that it is applied if the EU interests outweigh sticking to conditionality. Such interest-based reasons would be for instance security and commerce. Rationalist theory expects the EU to act according to interests rather than principles and explains the inconsistency in the application process by self-interest.

After having outlined the two accounts of inconsistency in the EU's application of the accession conditionality, they are utilized in the following to shed light on the rationale underpinning the EU's application of the accession conditionality towards Turkey in the time period of late 2015 to early 2016.

3.4 EXPLAINING THE INCONSISTENCY IN THE EU APPLICATION PROCESS/ CONSTRUCTIVIST APPROACH

Constructivism stresses the social approach between actors. According to this theory international politics is guided by shared ideas, norms and values that the actors are holding and these structures ultimately shapes their behavior. The structures define the actors goals, the part it should play in the global scene. These ideational structures can be produced and altered and they exist when the actors are in interaction with each other so the actors do not exist without the social environment (Guzzini et al. 2006:3). The social environment defines the actors and their identities. In the context of the European studies constructivism has started to play a part only recently and it mainly contributes to the European integration studies. Whereas according to rationalism actors are concentrating in maximizing their interests, constructivism follows a different path (Risse, 2004: 159, 161-163). This is defined as "logic of appropriateness" by March and Olson (1998). According to this logic actors are acting according to rules which means that they act in a way that they consider to be "appropriate behavior". Norms and rules are essential to this approach. Actors are expected to act according to rules that associate specific identities to specific situations and when acting are guided more with identities as well as with the range of rules. This appropriateness entails cognitive as well as ethical dimensions, goals and aims (March et al. 1998: 951).

The enlargement is usually considered as the most successful foreign policy tool of the EU. This tool is believed to have an impact in the consolidation of democracy and the stability of the accession countries, namely the Eastern Europe. Central component in this tool is conditionality which is helping it to induce the conditions of democracy, protection of human rights on the non-member states (Schimmelfennig, 2008:918). The EU is widely considered as a political entity of a sui generis-type, it is more than an international organization but still not a nation-state. It has been argued that it pursues

objectives that are not only motivated by traditional self-interest but by the norms and values it represents. Manners (2002) argues that the EU is different to other international actors because of its normative nature which derives from its history. The EU was created to avoid another destructive wars that were fought in the 20th century. The aim of the this community was to preserve peace and liberty in the continent. This new unit stressed the values and principles that were common for all of the Community members (Manners, 2002: 240). The EU has been presented as an actor that acts in a principled manner when conducting its foreign policy and these principles should give the EU a distinctive role in the international politics as well as guide foreign policy it conducts (Lucarelli, 2006:2-3). Manners (2002) also introduces the term “normative power Europe” and the discussion of ideological power. He distinguishes five core norms that the policies of the EU are based on: peace, liberty, democracy, rule of law and human rights. The EU is founded on the consolidation of democracy, respect for human rights and fundamental freedoms and the rule of law. The EU stresses the importance if exporting these rules and practices beyond its borders. According to the “normative power Europe” approach the EU does not use force in its foreign affairs but instead it exports and transfers rules beyond its borders. The power in exporting these norms lies in the Union’s ability to shape the perception of what is normal in international relations. Manners argues that the EU can be seen as an actor that is able to change the norms in the international system and redefine them in its own image. One example of changing norms he uses the abolition of the death penalty in various states such as in Turkey (Manners, 2002: 247). In the enlargement process the notion of values and principles are important. The idea is to export the EU norms and rules to the non-member states. Manners argues is that since the EU is constructed on the basis of respecting various norms such human rights, democracy and the rule of law, the EU also acts in a normative way when conducting its foreign policy which means that it is motivated by the values and principles (Manners, 2002: 252). In the context of the enlargement consistent acting on the EU side would mean that the EU would admit a country as a member when it adhered with all the conditions the EU has set for the candidates. To be eligible for the EU membership candidate countries have to have a political system in where democracy, human rights and civil liberties are guaranteed. According to Schimmelfennig the sociological approach towards enlargement considers

adherence to the norms and values of the community enough for the candidate country to become a member of the organization (Schimmelfennig, 2001: 59-61).

Some argue that the EU's strong focus on humanitarian principles is not just a policy, it is the core of the European identity. Youngs does not necessarily cast a doubt on the genuineness of the normative values in the Union's external policy but argues that certain norms reveal security-predicated rationalism (Youngs, 2004). Mattlin on the other hand argues that especially towards bigger powers it is impossible for the EU to uphold consistent normative policy that it promotes. When a material interest appears the Member States often pursue their own interests. However Mattlin mentions that in multilateral settings such as in the United Nations General Assembly the EU has been acting coherently when it comes to the human rights. But when it comes to the relations with bigger and more powerful states the values become ambivalent. Failure in maintaining coherent policy internally as well as externally will diminish its normative influence. If the EU fails to insist to pursue the its highly valued norms and values such as respect for human rights with Turkey while insisting them upon smaller and weaker states the EU can be accused of hypocrisy and double standards (Mattlin, 2012). Del Biondo notes that in the light of the EU democracy promotion literature it can be seen how the foreign policy is driven by values such as democracy if there is no conflict between norms and interests. That means that if the target country is not strategically important to the EU, it is more likely to impose sanctions on the country for the violations of democratic principles. When on the other hand the EU deals with countries that are economically important, energy suppliers or such, the Union has been unwilling to impose sanctions (Del Biondo, 2015: 237).

On the other hand the value-based considerations can lead to inconsistency in the EU action in the foreign policy field. As an example of how value-based considerations can influence EU action Pridham (2007) uses a case of Bulgaria, Romania and Poland as an example of such an action. Romania and Bulgaria were among the countries that in the Helsinki summit in 1999 were admitted to negotiate the membership from the early 2000's even though these countries had failed in some areas of the reforms. This was especially seen in the case of Romania when it did not satisfy the required economic and political conditions adequately. Especially in the light of the Kosovo crisis, which could have lead to further instabilities in the Balkan area, played an important role. The

EU was concerned about stabilizing the area (Pridham, 2007:453). This kind of feeling of responsibility was most visibly seen in the Central and Eastern European enlargement. These countries had lived under authoritarian regimes so it was the responsibility of the EU to free the nations and help with the democratization of the area (Sedelmaier, 2005b: 24). Especially in this case the value-based considerations lead to inconsistency in the application of the EU conditionality. The idea of responsibility and consolidating democracy played an important role. The EU is considered as a normative actor whose action is guided by values and principles. But this does not mean that it would not lead to inconsistency in its action. When the value-based considerations outweigh the strict application of conditionality in the accession process, inconsistency occurs.

5. METHODOLOGY

This research falls in to the wide scope of the EU enlargement and more deeply investigates the working of the EU accession conditionality. The following analysis represents a case study of application of the EU accession conditionality towards Turkey in the context of the EU-Turkey Statement and the refugee crisis. More specifically the focus is set on the accession process of Turkey in order to determine the factors that lead to consistent or inconsistent application of the accession conditionality. Drawing on the theoretical framework developed above the study relies on literature about the EU enlargement and especially the EU conditionality that is applied in the accession process. This allows to see how, on the theoretical accounts, the accession conditionality is expected to work. On this basis I am going to investigate in the following sections whether in the case of Turkish accession negotiations there has been inconsistencies from the EU side when applying the accession conditionality and if so what are the underlying motivations for inconsistency. This research tries to track the reforms that Turkey has made in order to comply with the necessary rules that the EU has set for the candidate countries. The progress of the reforms of the candidate countries can be traced in the progress reports that the EU publishes annually. The consistency or inconsistency of the EU's application of the accession conditionality is therefore measured by the correspondence of the EU rewards to the progress of the reforms that Turkey has so far made. In this case the EU acts consistently when the candidate country has made enough reforms to justify a reward being given by the EU. On the other hand consistent action exists also in a situation where the EU does not give a reward for the candidate country if there has been no progress. The progress reports are an integral part of the research because the reform progress is measured by the assessment of these documents. This enables me to see whether the EU has given rewards, essentially in the context of the EU-Turkey Statement, even though there has been no sufficient amount of reforms from the Turkish side. In the case of Turkey the rewards are benefits that the EU has granted such as re-energizing the accession negotiations and opening new chapters (European Council, 2016b:2). In order to measure the reasoning that drove the EU to apply the accession conditionality consistently or inconsistently I am going to analyze mainly documentary which makes it

a document analysis. The analysis consists of 40 documents. The document amount seems small but the same themes of reasoning occurred several times in the statements and speeches. The documents show the motivation for the observed action. The justifications that are found in the documents are then divided and put under various indicators. From the rationalist part the indicators that could be defined were: *security*, *instability*, *criminality* and *danger of being over-burdened*. Indicators on the constructivist side are defined as *responsibility* and *shared values*. These indicators are also introduced in *Table 1*.

The method of this research is a single case study. The justification for why this method was selected is that the study is dependent on a specific social context in space and time. Moreover case studies tend not to generalize phenomena. (Harland, 2014: 1116). This is in line with the present thesis because it tries to explain a phenomena that is dependent on the strict time frame. The study is trying to explain something unusual. The case of Turkey is particularly insightful when considering the notion of conditionality. When it comes to the EU enlargement and the accession of the candidate countries to the Union, it is expected that the EU would work consistently. Thus the study is trying to explain one specific event that has lead to an outcome that needs explanation. This is done by relying on two theories. Constructivist and rationalist approaches are two opposite theories. In this study they are used as tools to assess the explanations behind EU decisions that have lead to a certain outcome. In this sense the research is outcome oriented. The goal of outcome oriented study is to comprehensively determine explanations to specific events (Gschwend et al., 2007: 8). However according Harland the methodological boundaries of a case study is the perception of the researcher. When conducting the research and analyzing data, especially with a qualitative approach that is also used in this research, the researcher is open for various interpretations and different inquirer's might have a different interpretation (Harland, 2014: 1115).

The time frame chosen is from 2015 the end of 2016. This relatively narrow time frame is chosen because it involves the period when the flow of refugees is the highest, the negotiations between the EU and Turkey about the crisis occur as well as the signing the Joint Action Plan and the EU-Turkey Statement. With these external pressures at play, accession conditionality was put to a test. Therefore this time period serves particularly well to study the phenomena under the investigation. However at the same time, the

narrow timeframe embedding of the findings, since it cannot be considered entirely isolated from the EU’s accession conditionality towards Turkey before (2005-2015) and after (2016-present). This will be done below, in an epilogue to the analysis, in which the findings of this specific episode of EU-Turkey relations are contextualized.

The data analyzed consists of official EU documents such as the annual progress reports, press releases and implementation reports of the EU-Turkey Statement but also statements and speeches from the EU officials from various EU institutions and from articles published in two European news outlets: “Euractiv” and “Euobserver”. These news outlets were selected because they are both specialized in European issues. The EU institutions selected to this research were the European Council, the European Parliament and the European Commission since all the these bodies have been an integral part in dealing with the migration crisis and the as well as in the EU accession process. The speeches and statements that are observed in this research are heads of the EU institutions concerned or Commissioners from the relevant issue areas; Donald Tusk from the European Council, Jean-Claude Juncker from the European Commission and Martin Schulz from the European Parliament as well as Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos and the Commissioner for European Neighborhood Policy and Enlargement Negotiations.

Table 1.

INTEREST-BASED REASONING:	VALUE-BASED REASONING:
SECURITY	RESPONSIBILITY
INSTABILITY	SHARED VALUES
CRIMINALITY	
FEAR OF BEING OVER-BURDENED	

6. EU APPLICATION OF ACCESSION CONDITIONALITY TOWARDS TURKEY

In this section I try to empirically study whether the application of the EU accession conditionality from the EU's side towards Turkey has been consistent or inconsistent. Particular interest lies in the Progress Reports that the EU annually publishes, especially in the 2015 report which was published just before announcing the EU-Turkey Statement and cooperation. From the Progress Reports it is possible to see whether Turkey has kept aligning with the *acquis* and complying with the conditions that the EU has set for the accession. In order to establish whether the action has been consistent or rather inconsistent also the actions of the EU is observed. The EU action in this question is mainly seen from the Joint Action Plan and the EU-Turkey Statement. On the basis of these observations when connected to the theory it is possible to see whether the application of the accession conditionality towards Turkey has been consistent. First the focus is set on the Turkish reform progress from 2015 and after it is set on the EU's response to the progress. Finally the attention is given to the reasoning behind the EU response.

6.1. THE REFORM PROGRESS OF TURKEY ACCORDING TO THE PROGRESS REPORTS

The Commission Progress Reports from various years states that "Turkey remains a key partner for the European Union". However as can be seen in the Progress Reports Turkey keeps moving away from the EU political criteria. The same is noted by Müftüler-Baç who points out that the relations between Turkey and the EU have deteriorated since 2013 even though Turkey still aligns with the *acquis* in various areas such as freedom of mobility of industrial goods and foreign and security policy (Müftüler-Baç, 2017:2).

The deterioration of the situation can be observed from the Progress Reports. This is an important factor since the progress report was published just before the EU-Turkey Statement, which means that the EU was well aware of backsliding. Despite Turkey moving gradually away from the political criteria the EU still decided to offer to re-energize the accession negotiations. In the 2015 Progress Report, which covers the time

period from October 2014 to September 2015, the EU stresses slowing of the reforms when regarding the political criteria. It is noted that the political landscape is divided albeit the outgoing governments efforts to revive the accession process. Concerns are growing when regarding some areas of the political criteria. In the areas of rule of law, freedom of expression as well as freedom of assembly a key legislation was adopted that was not in the frames of the European standards. Below the key areas where the EU sees problems are observed more thoroughly.

The judicial system and the fight against corruption- The judicial area is also in the need of reforms. The Commission noted that there has been no reforms in the area since 2014. Key areas of judiciary have been undermined especially their independence as well as the principle of separation of powers. Moreover judges and prosecutors have been under fierce political pressure. When considering the fight against corruption the Commission notes that there have been efforts to prevent it. However it has been inefficient as there has not been legislative developments regarding public transparency and Turkey does not have an independent anti-corruption body. Corruption still remains widespread in the country (European Commission, 2015d: 5, 14, 16).

Human rights and Fundamental Freedoms- The Constitution of Turkey officially guarantees human rights and fundamental freedoms and there has been improvement in this area however major shortcomings still remain. Turkey is not yet completely aligning with the European Convention of Human Rights. The rights of women, children and sexual minorities need to be guaranteed since Turkey still lacks a comprehensive framework law that accords with the European standards when considering the combat against discrimination (European Commission, 2015d: 5).

Freedom of expression and freedom of assembly- The Commission notes that there has been backsliding in the areas of freedom of expression and the freedom of assembly. During several years Turkey was progressing in this area and the citizens were able to discuss some sensitive issues but according to the 2015 Progress Report there has been recent criminal cases against journalists and others including social media users who have addressed controversial topics. There has occurred a significant number of arrests, prosecutions and censorship cases against journalists since the government has maintained a strong pressure on the country's media. In addition due to alteration of the Internet law, that has noted to be a significant step back, has made it possible for the

government to block content independently without an order from the court (European Commission, 2015d: 5, 23).

All of the above mentioned political criteria and the lack of reforms in these areas establish that Turkey is ignoring the fundamental European values. The problems were mainly seen in the political criteria. When considering the economic criteria according to the Commission Turkey is advanced and can be regarded as a functioning market economy. However the economic growth in the country has been small-scale. The ability of aligning with the *acquis* is seen as positive and Turkey is said to be able to “take on the obligations of membership” although slowly (European Commission, 2015d: 6).

The findings above indicate that Turkey is still not yet progressing in the accession reforms efficiently enough. When considering the crucial areas it is clear that Turkey is still far from fulfilling the European standards.

6.2. THE RESPONSE OF THE EU TO THE PROGRESS OF TURKEY IN THE CONTEXT OF THE REFUGEE CRISIS

The seemingly never-ending refugee crisis was the beginning of the cooperation between the EU and Turkey. The President of the European Council stated in many occasions that the cooperation with Turkey is crucial since there is no good alternative for it in sight (European Council, 2016b). The cooperation and negotiations of the EU and Turkey resulted in first in the Joint Action Plan in late 2015 and later, in early 2016, in the EU-Turkey Statement. The EU-Turkey Joint Action Plan was the first answer to the migration crisis. It stated that “the international community faces an unprecedented crisis which requires solidarity, togetherness and efficiency”. For the EU the Joint Action Plan was a way to cooperate with Turkey in a coordinated manner (European Commission, 2015b:1). These agreements introduced series of actions that the two actors would take in order to tackle the issue in a burden sharing manner. Both of the parties were supposed to implement the actions simultaneously. The agreements stressed the importance of controlling the irregular migration. It was agreed that all the irregular migrants that would try to get to Greek islands by crossing Turkey would be returned to Turkey. The migrants who would not apply for asylum or whose previous

application has been inadmissible or gratuitous is not going to be admitted to the EU. For every Syrian who has been returned to Turkey, another Syrian is going to be resettled from Turkey to the EU. The EU would prioritize the migrants that have not previously entered or tried to enter the Union illegally. According to the agreement Turkey should prevent new sea or land routes emerging from Turkey to the EU and cooperate with the neighboring authorities especially with Greece Chapters (European Council, 2016:1-2).

The EU recognized Turkey as a country that has made enormous efforts to support and aid the people who seek refuge in Turkey. In return for the Turkish help the EU committed itself to support the refugees that were in Turkey, stem the irregular migration, increase the support for visa-liberalization of Turkey and intensify the bilateral relationship with Turkey, which included re-energizing the accession negotiations (European Council, 2015e).

When the EU response to the Turkish reforms in the context of the agreements are further scrutinized the re-energizing the accession negotiations with Turkey is a crucial aspect when considering the application of the EU accession conditionality. In order to secure Turkish help also the notion of EU accession negotiations were linked to the agreement. Already in December 2015 Chapter 17 (Economic and Monetary Union) was opened at an Intergovernmental conference. Moreover the EU promised to make progress in opening of five more chapters: Chapter 15 (Energy), Chapter 23 (Judiciary and Fundamental Rights), Chapter 24 (Justice, Freedom and Security), Chapter 26 (Education and Culture) and Chapter 31 (Foreign, Security and Defense Policy) (European Commission, 2016j).

The European Parliament strongly criticized the agreement and cooperation with Turkey due to the respect of human rights, international law and the law of sea. The different political parties of the Parliament were also discontent with the administrations policies and behavior (European Parliament, 2015c: 2). The MEP's did not believe that the deal was a long term solution to the crisis. The agreement included the notion of the accession to the EU which was not agreed by the European Parliament. The MEP's stated that the accession negotiations and the conditionality should not be connected to the cooperation on migration (European Parliament, 2016b). However as the impacts of the crisis were becoming more threatening and the agreement with Turkey more crucial,

the President of the European Council Donald Tusk stated that the “accession process need to be re-energized” (European Council, 2015d).

On the other hand the EU, when considering the backsliding of crucial areas such as freedom of speech, it should be noted that the EU decided to continue and revive the accession negotiations and not to freeze them or for instance impose sanctions on Turkey. This is an important concern since it means also that the negative conditionality does not play out in this case.

6.3 CONSISTENT OR INCONSISTENT APPLICATION OF THE EU ACCESSION CONDITIONALITY?

In the previous sections I investigated Turkish reform progress regarding the EU accession and the EU’s response to those reforms. In the light of the findings from the progress reports connected to the EU action concerning the EU-Turkey statement it can be assumed that the EU has acted inconsistently concerning the application of the EU accession conditionality. This observation is also based on the theory section where the EU accession conditionality was more thoroughly scrutinized. Schimmelfennig and Sedelmaier (2004) describe the accession conditionality as reinforcement by reward. According to this description the candidate states are expected to make sufficient reforms after which the EU is then giving rewards (Schimmelfennig e al. 2004:). In the case of Turkey the Commission pointed out various insufficiencies in the political criteria. In crucial areas like the independence of judiciary, respect of human rights and freedom of expression and assembly there were seen serious inadequacies. However despite the lacks in the political criteria in the context of the EU Joint Action Plan and EU-Turkey Statement the EU has offered rewards to Turkey even though the progress reports indicate that there has not been enough reforms when considering the political criteria. Due to the re-energizing the accession negotiations the EU even opened one chapter and committed itself to progressing in the preparations to open five further chapters. The further chapters that the EU had plans on opening later on cover crucial areas such as judiciary and fundamental rights and freedom and security (European

Commission, 2016j: 8). However these are also the areas where the Commission previously saw most of the flaws and in some cases even backsliding.

In the light of the findings above the EU application of the accession conditionality is interpreted to have been inconsistent. The next section is trying to uncover the reasoning behind such action by relying on rationalist and constructivist interpretation.

6.4 THE RATIONALIST EXPLANATION OF (IN)CONSISTENCY: INTEREST-BASED REASONING OF THE APPLICATION OF THE EU ACCESSION CONDITIONALITY

As the application of the EU accession conditionality towards Turkey has been demonstrated to be inconsistent rather than consistent in the previous section in this case this section is going to observe the reasons behind this action in the rationalist point of view. This interpretation is based on interests that have affected the decision-making. In the speeches and statements of the EU officials from different EU bodies three main areas concerning interest-based reasoning could be discovered: *security, instability, criminality and danger of being over-burdened*. These themes were visible in the speeches and statements the officials gave on various occasions. The various EU institutions were concerned of different issues. The Council of the EU was mainly concerned about the capacity in hosting the refugees in the member states as well as of security issues. On the other hand the Commission was occupied with the Schengen regime and the burden sharing between the member states when considering the asylum seekers and the European Parliament with the human rights questions when dealing with the refugees (Maricut, 2017:1). The Commissioner for Migration and Home Affairs Dimitris Avramopoulos noted that the refugee and migration crisis has been a test for the European institutions as well as it has been for European cohesion, solidarity and responsibility (European Commission, 2015i).

Security

Security was one of the most current issues addressed when concerning the refugee crisis. Protection of the external borders was an issue. The border between Turkey and Greece was one of the priorities. If the EU would fail in protecting this border the President of the Commission Juncker stated that it would be impossible to overcome the crisis (European Commission, 2016h). On several occasions the EU officials stressed the importance of solving the issue with a rapid pace. In January 2016 the President of the European Council Donald Tusk stated that the EU has two months left when considering tackling the migration crisis. If the issue would not be solved, one of the side effects would be the collapse of the Schengen-zone (Euractiv, 2016b). He also stressed the importance of a consensus between the Member States that would be based on joint decisions and rules. The notion of consensus was important since some of the Member States had been acting unilaterally without regarding the Union. A few member countries such as Sweden announced that they would start borders controls due to the amount of refugees coming. In the case of Sweden the identities of the people who crossed the border from Denmark to Sweden were checked (European Council, 2016a; Afouxenidis, 2017:15). This unilateral acting as well would have an impact on the Schengen system, which has been one of the most pressing issues for the EU. The priority was given to the protection of the external borders and preservation of the Schengen. Due to the enormous flow of migrants and refugees to the EU it was clear already in September 2015 that the whole Schengen system was at stake. The EU had no ability to protect the external borders by itself. The protection and control of the external borders of the Union became a priority. If the external borders could not be properly protected it would create “the re-emergence of walls and barriers” on the internal borders of the EU (European Council, 2015a). The collapse of Schengen would lead to much larger catastrophe than just re-introducing border controls between the Member States. It would have societal, cultural, political as well as economical consequences (European Commission, 2016e). The First Vice President of the Commission Timmermans notes that the end of Schengen would mean that it would cost around 5 to 18 billion euros a year for the EU as well as it would mean the end of the free movement of people (European Commission, 2016i). Also the President of the

European Commission Jean-Claude Juncker has stated that the breaking down of Schengen would mean the end of the internal market as well as the single currency since without the free movement of workers and people “the euro makes no sense”. This scenario would then damage the European perspectives of economic growth (Euractiv, 2016a). It would then lead to workers and businesses suffering. People would lose their job which means that companies would lose their employees. It is a political catastrophe that would affect everyone not to mention the administrative costs of the re-introducing the border controls (European Parliament, 2016b). The fear of collapsing of the Schengen regime came up several times in the speeches of all of the EU officials that were observed.

The security concerns were among the main considerations of the EU institutions which were stressed on various occasions in the statements of the EU officials. All the above mentioned concerns indicate that they were at the core of the EU action.

Instability

“Europe is at crossroads”. This how the Commissioner for Migration, Home Affairs and Citizenship describes the situation the EU has been facing. The EU encountered a critical moment where its unity was at stake (European Commission, 2016b). Besides the security concerns the EU had concerns about the factors that would create instability inside the Union. The refugee crisis has been a test for the unity. The crises that the EU has been facing are not bringing the Europeans closer together, on the contrary, they are threatening to drive the Europeans apart. Mistrust to one another has been growing (European Parliament, 2016d) The EU officials have stressed on several occasions that the EU should work together as a Union. A problem has occurred in the decision-making and implementing the decisions made in the EU institutions. Officially the decision-making has gone by the book and the Member States have agreed on policies that the Commission has proposed and the Council has decided. But instead of implementing what was agreed some of the Member States have not done so. In the eyes of the Commission this kind of action weakens the EU institutions (European Commission: 2016c). Among the member states there were different interpretations of how to deal with the crisis thus the situation created cracks to the unity of the EU.

Germany welcomed all the refugees to the country whereas Hungary threatened to build a fence on its border with Serbia in order to stop the immigrants who were arriving through the Western-Balkan route to the country (Afouxenidis, 2017:15). These cracks to the unity of the Member States created a threat to the core European values that addressed the migratory and security challenges. Cohesion, solidarity and European principles were under pressure. Xenophobia including anti-refugee sentiments were feared to spread more to the minds of the European citizens. The time has been favorable for populist parties to rise. Populist sentiments threatening the democracy were already noted to be gaining ground across Europe. (European Commission, 2016g). Tusk notes that this is because if the leading politicians fail in being effective and determined, the citizens will try to find other types of leaders that are radical and ruthless. For the citizens the priorities are the guarantee of order and security (European Council, 2015a)

These elements that the EU considered as creating instability served as a background considerations before which the EU action was taken.

Criminality

The notion of criminality could also be distinguished from the speeches and statements of the EU officials as an issue that needs to be tackled. The aim of the EU-Turkey agreement was to tackle the irregular migration coming to Europe. Most of the illegal migrants crossed from Turkey into Greece (European Council, 2016b). A big part of this irregular migration contains human trafficking that the EU wants to end. According to Commissioner Avramopoulos human trafficking is “fuelled by the continuing demand of services provided and goods produced by exploiting victims and their vulnerabilities”. This phenomenon is treating human beings as commodities, which is a crime against the European values and should not exist in the society (European Commission, 2015c). Reducing the number of the migrants arriving to Greece was the priority to the EU. Implementing the Joint Action Plan with Turkey would help in breaking the business model of the smugglers and help to find legal and managed pathways to Europe. The legal routes to Europe would also reduce the drowning’s and loss of life in the Mediterranean (European Commission, 2016e).

For the EU the illegal smuggling and the loss of lives of the migrants on the route to the Union were a serious problem that had to be solved. This means that the EU interests were at stake.

Danger of being Over-Burdened

The high amount of the refugees arriving to the shores of the EU led to the Southern Member States heavy burdening. Greece was the country who suffered from the influx the most. The Vice-President of the Commission Frans Timmermans was also an advocate for the cooperation with Turkey stressing that the pact with Turkey was the only way to handle the crisis otherwise Greece would become an enormous refugee camp (Euractiv, 2016c). The sheer amount of the refugees on Greek borders made it impossible for Greece to apply Dublin Regulation which has led to uneven distribution of the refugees between the Member States. The heavy burden on some Member States on the issue on the long run would not be sustainable. Commissioner Avramopoulos stressed that the unfair distribution was one reason why the cooperation with Turkey would be crucial (European Commission, 2015g). What has made the situation more difficult is that some of the Member States do not take their responsibility in accepting the refugees which burdens the Member States who welcome the ones who need protection (European Commission, 2016c). The President of the European Parliament Martin Schulz makes an example of Sweden as a Member State that has been generous in welcoming the refugees. As a small country that accepts a large amount of refugees whereas there are countries that do not want to share the burden Schulz calls the situation as unfair (European Parliament, 2015a).

The amount of migrants also led the EU prioritizing the migrants coming from the conflict zones, especially from Syria. The importance of identifying the migrants was crucial. The EU wanted to distinguish the migrants that need international protection from those who come to Europe for economic reasons since at least in the beginning of 2016 only about 40% of the refugees who crossed to Greece from Turkey were Syrians. The other 60% were from Tunisia, Morocco and other countries which were not in the middle of a conflict (European Commission, 2016a).

The burden is not only focused to the Member States but the citizens of the EU might be economically burdened as well by the crisis. According to Timmermans the deal

with Turkey is crucial to the EU taxpayers. The agreement is aims to help the Syrians to get better prospects for them in Turkey by allowing them to work in Turkey legally and improving their health care. To be able to offer aid for the Syrian refugees in Turkey would become cheaper than to offer the help inside the EU's borders (European Parliament, 2016b).

All these above mentioned indicators stress the urgency of tackling the issue and highlight the interest-based reasoning behind the EU action. All things considered they provide a picture of the way the EU identified the situation it faced. This then laid the groundwork for the EU response that included it signing a mutual agreement with Turkey. The findings suggest that the EU was acting according to its interests. The vital interests were mainly concerning security and stability but also there was a will to avert the costs that the refugee crisis would create for the Union. From the reasons that have lead to interest-based EU action it can be observed that since the EU has various geopolitical, economic and strategic interests it is difficult to act solely on a normative manner as Martin-Maze has noted (Martin-Mazé, 2015: 1288).

6.5 THE CONSTRUCTIVIST EXPLANATION OF (IN)CONSISTENCY: THE VALUE-BASED REASONING OF THE APPLICATION OF THE EU ACCESSION CONDITIONALITY

The constructivist approach explains the inconsistent application of the EU accession with norms and values. Inconsistency can be expected when value driven consideration override the concern with strict adherence to conditions. The EU identifies its norms and values as democracy, human rights, peace, liberty and the rule of law. These values have been developing since the establishment of the European Coal and Steel Community (Manners, 2002: 242).

In the light of the migration crisis the EU used different value-toned arguments to justify the agreement with Turkey. In several documents it is stressed that Turkey is a key partner for the EU and that the two actors are “strategic allies” in the region who

must cooperate in order to tackle the difficulties the region is currently facing. According to the Commission “the accession negotiations still remain the cornerstone of the EU-Turkey relations” (European Commission, 2016c: 1).

The indicators that could be found in the speeches and statements of the EU officials were *responsibility* and *shared values*. These are the main issue areas that affected the decision-making.

Responsibility

Commissioner Avramopoulos reminds that in coping with the migration crisis the EU has a responsibility towards the EU citizens, towards the Member States, neighboring partner countries as well as the refugees who are seeking protection (European Commission, 2016d). The agreement between the EU and Turkey was seen deriving from a great responsibility towards Turkey. It was argued that it was a great opportunity for Turkey to make reforms and come closer to the European values and principles in the areas which the EU has seen problematic. These issues are democracy, rule of law, freedom of expression, respect for minority rights and the Cyprus dispute (European Commission, 2016k). Therefore, stopping cooperation would be detrimental for securing those values in Turkey. The Commissioner for the Neighborhood Policy and Enlargement Negotiations Johannes Hahn also brings up the EU enlargement. In addition to strengthening the human rights and rule of law the enlargement also boosts the economy and promotes regional cooperation. This then creates more stability around the Union. The commitment to the enlargement is thus also a long-term investment for the EU since it brings security and prosperity (European Commission, 2015h) The idea of responsibility is not new to the EU. It was seen during the Central and Eastern European enlargements. These countries had been under an authoritarian rule and the EU saw it as its responsibility to help to democratize and stabilize these countries and bring them “back to Europe” (Sedelmaier, 2005b: 24). Therefore it is not surprising that also in the case of Turkey, rhetoric of responsibility came into play. This is a factor that can also possibly work to outweigh other considerations, such as strict application of conditionality.

The notion of responsibility can be seen also in the EU rhetoric towards the refugees. The President of the European Parliament Martin Schulz noted that the relations with Turkey have been difficult but the country is crucial for the cooperation when considering the benefit of the refugees. Without the cooperation the refugee crisis would be in danger to turn into a humanitarian crisis (European Parliament, 2016c). Avramopoulos stated that it is the moral obligation of the Europeans to offer the refugees protection which is grounded in the principles of the EU. It is also responsibility that is laid down in the international as well as in the European laws. For Avramopoulos offering protection for the refugees “is also a Christian duty” (European Commission, 2015a). The implementation of the Joint Action Plan would help the refugees to get better prospects for themselves in the future. The living conditions would be improved as well as their chances to get education, health and food. The Commissioner for the European Neighborhood Policy and Enlargement Negotiations Johannes Hahn points out that it allows the refugees to stay closer to their homes (European Commission, 2016f). This shows that sense of responsibility either to Turkey and Turkish population or refugees was prevalent also in the considerations of the EU. The notion of responsibility is an example of action was catalyzed by value driven considerations. The accession conditionality is thought to help in consolidating democracy in the candidate country. Turkey slipping into autocracy without the EU would lead to destabilizing the neighborhood but also the rights of refugees created considerations of their human rights.

Shared Values

The other value-driven consideration was simply losing of the shared values that are the core of the EU. The notion of democracy is integral part of functioning of the EU. Tusk makes a reference to the European values he notes that “liberal democracy is the essence of Europe”. However due to the crisis it is at risk because of the populist forces that were on the rise. He prioritizes the protection of the liberal democracy (European Council, 2015b).

In the core of the European Project since its establishment have always been diplomacy, values and legal order. After the destructive World Wars the founding fathers of the

Union wanted to create a community where all the nations would share the same core values such as pluralism, non-discrimination, justice and tolerance while co-existing in harmony. This was the foundation of the European solidarity and cohesion. (European Commission, 2016g). The term solidarity, and especially the threat of it disappearing, was brought up in several occasions in the speeches of the various EU officials. The Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos stresses the importance to have solidarity towards the neighbors of the EU and partners that face similar challenges as well (European Commission, 2015e). Avramopoulos also stresses that finding a solution to coping with the crisis is something that needs to be found and this solution should balance the notion of solidarity and responsibility (European Commission, 2015f). Manners stresses the normative conception of the EU as well and argues that as a political entity the Union is based on the legal order. The constitutional norms determine the international identity of the EU which is based on the principles such as democracy and rule of law (Manners, 2002:241). The crisis that has prevailed has put these values and principles in danger. Therefore in order to protect these values the strict application of conditionality was undermined in this occasion.

The above mentioned show a clear value-based reasoning for the EU action that went on, although the value-based considerations did not constitute as numerous reasoning for the EU response the meaning of the values as consideration should not be undermined.

The findings above show that the EU acted inconsistently when applying the accession conditionality towards Turkey. Behind the reasoning for such action was both interest-based and value-based considerations that sacrificed the strict application of the accession conditionality. Inconsistency was seen as giving rewards or by not withholding the rewards despite the negative developments in the accession country. This was done in order to maintain cooperative relationship with Turkey In weighing the explanatory power it was clear that in this case interest-based arguments were dominant. Yet also value-based reasoning was discernible. In combination these factors allow to justify the above observed EU response – namely inconsistent application of the inconsistent application of accession conditionality towards Turkey.

7. EPILOGUE

Since the signing of the EU-Turkey Statement and the re-energizing the accession negotiations Turkey has in fact been going even further from the EU standards. The situation keeps developing all the time. The summer 2016 with a coup attempt in 15th July marked a step back for Turkey. There can be observed backsliding in many crucial areas such as the independence of judiciary as well as in freedom of speech and assembly. The coup attempt raised the EU's concerns of the state of democracy in Turkey. (European Commission: 2016l: 4, 8). After the coup the government closed many universities, foundations and associations and it controls most of the media in the country which is a clear sign of restricting the freedom of speech and assembly. (Sarfati, 2017: 8). According to Müftüler-Baç (2017) the aftermath of the coup attempt resulted in the European Parliament voting on the suspension of the accession negotiations. However the resolution is not binding which means that the door to Turkey's accession still has not been shut, at least officially (Müftüler-Baç, 2017: 2). This shows that the negative conditionality still does not play a significant role in the case of Turkey. The EU has not been giving rewards after the signing of the EU-Turkey Statement. Openings of new Chapters has not occurred due to the worsening situation in Turkey. The opened chapters remain in 16 but at the same time the EU is not suspending the negotiations even though Turkey is moving even further from the standards of the EU (European Commission, 2016l: 4).

8. CONCLUSION

This case study investigated the EU's application of the accession conditionality and more specifically the conditions that lead to its consistent or inconsistent application. For this purpose the study of the EU-Turkey relationship was conducted with the aim to show whether the EU has been applying its accession conditionality consistently or inconsistently towards Turkey when due to the signing of the EU-Turkey Statement the accession negotiations were revitalized. In the beginning this study asked: "*What explains inconsistency in the application of the EU accession conditionality towards Turkey?*" and hypothesized that inconsistency occurs if the interest-based considerations, that lead to EU action, causes benefits that outweigh the strict application of the accession conditionality. Or on the other hand the EU is expected to apply the accession conditionality inconsistently if the value-based considerations outweigh the consistent application of the accession conditionality. Based on the findings the EU application of the accession conditionality towards Turkey was interpreted as inconsistent. In this case the reasoning behind such action had realist as well as constructivist considerations. The realist considerations included security, stability, criminality and fears of being over-burdened whereas constructivist considerations were about the feeling of responsibility and shared values.

The Progress Reports, especially the one from 2015, have given important insights of the Turkish reforms and overall aligning with the *acquis*. These results compared with the investigated motivations driving the EU response has given a view of the consistency of EU actions. This study has shown that based on the Progress Reports that regarding the political criteria the progress Turkey have made with reforms has slowed down. Problems were seen especially in the areas of judiciary, fighting corruption, human rights and fundamental freedoms. In the area of freedom of expression and assembly the Commission had noticed even backsliding (European Commission, 2015d: 5). In order to define the consistency of the EU application of the accession conditionality the research studied the EU-Turkey Statement in order to see what the EU response has been. In order to secure the cooperation with Turkey in the refugee crisis the EU re-energized the accession negotiations as well as opened one chapter and committed itself to opening further chapters. As Turkey had been backsliding in few

areas the EU could have used the notion of negative conditionality which would have meant freezing the accession negotiations or even sanctions towards Turkey. Based on the findings the EU application of the accession conditionality towards Turkey was found to be inconsistent.

In order to establish the motivations driving the EU action more specifically the justifications for the action were divided into various indications based on the content. Indicators that could be defined from the rationalist point of view were *security*, *instability*, *criminality* and *danger of being over-burdened*. The issues that concerned the EU came up multiple times in the speeches and statements of different EU officials. One of the most prominent issue that came up in all of the EU officials speeches that were observed was the protection of the external borders and possible collapse of the Schengen regime. The importance of the Schengen regime was stressed on several occasions and different scenarios were built to show what would happen if Schengen were to collapse. According to the officials it would have more impact than just re-introducing the border controls to the EU citizens. It would end the free movement as well as it would have economic effects. Abolition of Schengen would mean enormous costs that re-introducing the border controls would create but according to Juncker it would also mean the end of Euro (Euractiv, 2016b). The migration crisis had also destabilizing effect on the Union. On various occasions it was stressed that it was crucial that the EU and the Member States would not lost their unity since all the Member States had their own ideas of how to deal with the crisis. The cracks to the unity and solidarity would then, in the minds of the EU leaders, lead to the rise of xenophobia and populist parties. Explicitly the whole idea of the EU-Turkey Statement was to stop the illegal migration and smuggling to the EU. Thus one of the indicators identified was *criminality* since the human trafficking was seen as a threat. The last justification was labeled as the *fear of over-burdening*. From the start of the crisis it was obvious that the Southern Member States were suffering most of the influx of the refugees. It was underlined that the Dublin System did not work which made the distribution of the refugees uneven. In the long run this would not be sustainable. The notion of over-burdening was not only limited to the Member States. It was also noted that the EU citizens would suffer from the crisis economically. A large amount of taxes is distributed to the handling of the crisis and the First-Vice President of the Commission

Frans Timmermans noted that the agreement with Turkey gives the ability for the EU give aid for the refugees in Turkey which would become cheaper for the EU taxpayers (European Parliament, 2016a).

On the constructivist part indicators that were defined were fewer. They were identified as *responsibility* and *shared values*. The justifications that could be linked to values were fewer but the ones that could be found occurred several times. The notion of responsibility was one of the most important justifications from the constructivist considerations. The EU saw that it had responsibility towards the refugees in offering them humanitarian aid but also towards Turkey in a sense that re-energizing the accession negotiations would help the country in consolidating democracy and improving its human rights. The second indicator was *shared values*. The crisis was seen as a threat to the core values of the EU such as liberal democracy and solidarity.

The empirical findings suggest that in the EU's considerations both values and interests were at stake in the decision-making when concerning the reasoning behind the decision of re-energizing Turkey's accession negotiations. The previous studies have not clearly been answering whether the EU acts rather according to the norms or interests but there have been many indications that even though the EU is considered as a normative actor it is not unthinkable that the EU also acts according to rationalist considerations. This study has proven that when considering the EU the actions are rarely guided only by interests or values. The findings also suggest that the application of the EU accession conditionality is more political than the literature that has been written before the background of 2004 enlargement. It was learned from the theoretical part of the study above that, according to the literature about conditionality, the process of enlargement and the role of conditionality is very technical in nature. This study has shown that the application of accession conditionality is not always straightforward. When considering interests vs. values in general in the EU foreign policy it seems that they both play a role in parallel but the predominant nature of rationalist considerations puts doubt on the "normative power" narrative.

The study also had its limitations. As a single case study the interpretations usually depends on the researchers views. When considering this study Turkey especially in the context of the migration crisis might have been a special case when considering the consistent application of the accession conditionality. If the consistency of the EU

application of conditionality would be in the interest of further researching the researcher should investigate the whole period of the Turkish accession negotiations since 2005. Also when concerning the next enlargements and the notion of conditionality it is crucial that the accession conditionality in these cases is studied in order to have further knowledge of the consistency or inconsistency in the application of the accession conditionality.

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