



SECOND BORRELL REPORT: LIFE SAVER OR “PLUS ÇA CHANGE PLUS LA MÊME CHOSE”²

1. The Need to Engage with Türkiye

The European Union (EU) has been looking for ways and means to engage with Türkiye for quite some time, actually after the country’s accession negotiations have effectively come to a standstill in 2018.

The main factors influencing the EU in this direction have been the following:

- Strong demand/need to have a sustainable stability and security in the East Mediterranean;
- Its unsolved migrant/refugee problem³.

After the elections in Türkiye the number of the reasons leading the European Union - that has been curiously waiting for the result - to determine a “new” path in its relations with Turkey increased. The following developments has influenced the EU in addition to the aforementioned ones:

- The current administration would at least last five more years there is a need to engage with it;
- Geostrategic and security environment has been changing fast, especially in the EU’s neighbourhood;
- Türkiye’s reluctance for Sweden’s accession to NATO;

¹ <https://www.tepav.org.tr/en/ekibimiz/s/1139/Nilgun+Arisan+Eralp>

² The more it changes, the more the same thing : the evaluation of the “Borrell Report” by a retired senior European Commission Official

³ This is so crucial that the EU felt an urgent need to have a failing agreement with Tunisia which is far far away from universal values.

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- After the Russian aggression enlargement has been back in the EU’s agenda, hence something else had to be found for the “awkward” partner that is officially a candidate as well.

Certainly the strategic importance of Türkiye plays an important role in EU’s interest to engage with the country, although its unpredictable foreign policy weakens this strategic importance.

Consequently, the High Representative of the EU for Foreign Affairs and Security Policy Josep Borrell was given the task of preparing a road map for Türkiye as was the case back in 2021. This report, upon the approval of EU leaders in almost ten days is expected to pave the way for the Türkiye-EU relations.

The effort of trying to find a way forward with Türkiye which is moving away of universal values is not new at all. The first “positive agenda” between the parties had been envisaged in the second semester of 2012, as a way of keeping the relations intact during the EU presidency of Cyprus. The constituents of this “positive agenda” would sound familiar: visa, mobility and migration, trade, energy, counter-terrorism and dialogue on foreign policy.

2. The First Borrell Report (2021)

Then came the year 2021. In order to calm down the tense relations between Türkiye and the EU after the maritime disputes in the Eastern Mediterranean, Josep Borrell prepared the first report regarding ways and means to contain Türkiye via engagement. There were mainly four items there:

- I. Modernisation of the Customs Union;
- II. High-level dialogue in the areas of common interest, such as public health, climate, counter terrorism and regional issues;
- III. Strengthening cooperation with Türkiye regarding people to people contacts and increasing mobility;
- IV. Commitment to provide additional support for refugees.

There were two preconditions to initiate negotiations aiming at the modernization of customs union.

- Removal of trade irritants in the existing customs union;
- Implementation of the existing customs union to all the member states of the EU, i.e. direct trade with Cyprus via opening ports and airports.

Türkiye has taken important steps in the process of removing the trade irritants, however ports and airports are still closed to Cyprus.

Just before Russia invaded Ukraine in February 2022, President of Greek Cypriots Nicos Anastasiades made an unofficial proposal which envisaged “the handing over of the fenced area of Varosha to the UN, opening of Tymbou (Ercan) airport to direct flights under the UN and the opening of Famagusta port to foreign trade, under EU supervision. With direct flights and lifting of the trade embargo the isolation of the Turkish would end. In exchange he had asked for the implementation for the additional Ankara protocol, opening Turkey’s ports to

Cyprus-flagged ships and allowing Cyprus planes into Turkish airspace.”⁴ In September Nikos Christodoulides repeated this proposal but neither Turkish Cypriots and Türkiye nor the EU has shown any response. This proposal was very similar that was declared by the then Foreign Minister of Türkiye, Abdullah Gül in an ‘action plan’ dated 2006. This proposal could have been owned by Türkiye and the EU. It is unfortunate that it went unnoticed.

Consequently negotiations for customs union modernisation have not started.

High level dialogues have been realised in the above mentioned technical areas and needless to say co-operation in migration has continued to be the most concrete area of partnership.

There have been serious difficulties in people to people to people contacts and increasing mobility as citizens of Türkiye have started to face difficulties in getting visas from EU member states. One of the reasons for this is argued to be the increasing asylum applications coming from Türkiye.

3. The Second Borrell Report (2023)

As stated above, the changing circumstances made the EU to envisage a new road map for Turkey, while there has been unfulfilled areas of co-operation from the previous one. In the summit of EU leaders at the end of June this year, EU has decided to prepare a report for Türkiye and gave the task to the high representative Joseph Borrell.

When one compares the new report with the previous one, it is easy to notice that the first road map has been renewed and beefed up.

- **Involving Turkey in Multilateral Frameworks and somehow affiliate it with the EU Common Foreign and Security Policy (CFSP).**

In different occasions we have always been proposing to the EU to include Turkey in multilateral frameworks and criticising it for not being able to realise the multilateral conference in the East Mediterranean it has envisaged in 2020, due to the resistance of some countries in the region not necessarily the EU member states.

Also we have always claimed that it is a serious mistake not to have a high level dialogue with Turkey in foreign policy and not to invite Türkiye to Gymnich meetings while it has a very low alignment rate (around 10 %) to the CFSP. This practice has been further alienating Türkiye and given the instability in its north and south this has not been a very wise one, especially if you'd like to contain the country through engagement.

Hence it would be impossible not to be pleased to read in the second Borrell Report that organising an Eastern Mediterranean Conference, involving Türkiye, is still valid. However it is not certain it would be materialised or not as the Report refers to the “the increasing tensions in the region” that would affect the timing.

⁴ <https://cyprus-mail.com/2022/02/20/our-view-weve-admitted-the-folly-of-sanctions-but-is-new-approach-too-late/>

Nevertheless, notwithstanding the uncertainty surrounding the organisation of the Conference it is still positive that EU might take the initiative to make use the interdependence in the East-Mediterranean for the stability of the region.

Furthermore, although it was not included among the high level dialogues, it might still be a positive step to have a more structured dialogue with Türkiye in foreign policy, in parallel with the country’s progress in the process of alignment with the CFSP. Likewise inviting the Foreign Minister of Türkiye to informal “meeting(s)” of the Foreign Ministers cannot be neglected.

However they are all written very carefully and seem conditional. Foreign Policy Dialogue (not a high level one) is conditional upon Türkiye’s alignment with the CFSP. This might be regarded as putting the cart before the horse.

Also thinking about the time when Türkiye had been participating to most of the Gymnich meetings when accession process was still intact, being able to participate “relevant” meeting(s)” cannot be easily considered a great step.

- **Customs Union Modernisation**

Customs Union Modernisation is in this Report as it was in the previous one. The report also refers to resuming discussions on the draft negotiating framework. Removal of trade irritants where Turkey’s progress is being praised is one condition. However here there is an additional condition that is interesting: “addressing the circumvention of EU restrictive measures against Russia via its territory rapidly and efficiently”.

Over and above that, there is a very crucial condition in here that goes far beyond the conditions of initiation of the negotiations of customs union that were there before. This is “an environment conducive to the resumption of Cyprus settlement talks”.

Notwithstanding its ambiguity and with all due respect to the solidarity principle one cannot expect forming an “an environment conducive to the resumption of Cyprus settlement talks” only from Türkiye, if that is what the Report meant. We hope things would be clearer after the summit meeting of the EU leaders and the reasons of the failure of the most comprehensive settlement efforts for the Cyprus issue, i.e. The Annan Plan and the Crans Montana Talks would be taken into consideration. Otherwise “the most successful peace project nature of the EU” can be seriously stained.⁵

- **Visa Facilitation**

The report hints the possibility of facilitating the visa procedures for “business people, students, and Turkish citizens with family members in the EU etc.” However, like some of the other proposals in the Report, there is nothing certain in here. Borrell Report commits itself to explore possibilities of facilitation with Member States.

⁵ In order not to repeat the mistakes of the past, Report of the French-German Working Group on Reforming and Enlarging the EU (written upon the demand of the French and German governments) has envisaged a “Conflict resolution’ principle: for security and stability reasons countries with a territorial conflict with another candidate country or an EU Member State cannot join the EU”. (p.44) <https://www.auswaertiges-amt.de/blob/2617322/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf>

It is rather frustrating to remember that more than ten years ago the European Commission proposed a general visa facilitation process for Türkiye. This was rejected by the then Foreign Minister Ahmet Davutoğlu who believed that visa facilitation would be useless for Türkiye for whom visa liberalisation would be put into effect soon.

- **Other Areas**

Migration Co-operation would definitely continue. However the items that appeared in Commission Reports like dignified return and co-operation in border security, especially eastern borders of Turkey are not there.

Reinstating the EU-Türkiye High-level Dialogues on Economy, Energy and Transport foreseen in the Report would be very positive. These are very important areas. These would be realized provided that “Türkiye continues to refrain from all illegal drilling activities in the Eastern Mediterranean and all other actions that do not respect the sovereignty and sovereign rights of EU Member States.” These conditions seem to be subjective. Who would decide whether the drilling activities in Turkey are illegal? There are different evaluations of that even in jurisprudence of the International Court of Justice.

In the following sentence to this it was written that “in the same logic, resume meetings of the Association Council and the High-level Political Dialogue at ministerial level”. It is very positive indeed but will these be subject to the conditions: It is not clear.

4. Conclusion

Although one is inclined to evaluate the Second Borrell report as a life saver for Türkiye-EU relations, there are some issues preventing that.

Almost all proposals in the report are conditional and some conditions, besides being ambiguous are difficult to fulfill. How can Türkiye all by itself can create an environment conducive to a settlement of Cyprus problem?

Also sometimes the Report puts the cart before the horse. In principle Foreign Policy Dialogue should start to provide for increasing Türkiye’s low level alignment with the CFSP. However, Türkiye’s progress in this alignment is made a precondition to initiate the dialogue.

Yes, conditionality is an inherent part of the accession process. However EU does not regard Türkiye as a candidate anymore, it is not there in the enlargement package. This Report is about finding a cooperative and mutually beneficial relationship with Turkey, to engage with Turkey. Some conditions are reasonable but some are quite strange as stated above.

Furthermore, most of the constituents of this report had been there in different documents on co-operation between the parties. Even the ones we were happy to see here are like that: foreign policy dialogue, multilateral conference for East-Mediterranean, visa facilitation etc. In most of the documents they appeared before, the language was not this ambiguous. So one is quite inclined to say “plus ça change plus la même chose”.

Even after reading this report one thinks that there is an absence of strategic outlook on both sides. As Sinem Adar from CATS once stated “both parties seem to be sleep walking without a compass”. There is a definite need to make a sober discussion regarding how to co-operate and find a working relationship towards building a peaceful future in a shared neighborhood.

Like the EU, Türkiye also wants to have a transactional and compartmentalized relationship with the EU, mainly for economic reasons and to a some extent to enhance its regional power.

However, what Türkiye wants from the EU is a “no strings attached co-operation”.

Such a co-operation is impossible like a transactional relationship devoid of norms. Both sides have to respect these norms.

The main problem between the parties is lack of trust which is almost tangible in this Report. For the alleviation of this huge problem, Turkey has to stop moving away from universal values, in politics, in judiciary and in the economic sphere. The EU on the other hand has to close the gap between the rhetoric and practice which has widened recently.