

**The Impact of the European Union: Democratization of Turkey**

**Cem Utku Duyulmus**

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## **ABSTRACT**

### **The Impact of the European Union: Democratization of Turkey**

**Cem Utku Duyulmus**

Turkey has introduced crucial legal reforms since 1999 for satisfying the membership conditions of the European Union (EU). The Turkey-EU relationship has evolved to an unprecedented level with opening of the accession negotiations with Turkey in 2005. The EU anchor is a major factor for understanding the democratization of Turkey since 1999. In this study, I examine the research question “Under which conditions have EU had a positive impact on compliance with liberal democratic norms in Turkey?”

I have used the explanations of the external incentives and the social learning models for answering the research question. The analysis of the variables of the two models has been done in two time periods (1999-2002, 2002-2004) and according to three issue areas (human rights, minority rights and civil-military relations). It has been observed through this research that the identification of the Turkish government and the size and credibility of the EU rewards have been the most important factors that influence the compliance. Legitimacy and resonance variables of the social learning model and the size of adoption costs of the external incentives model have failed to explain the compliance.

This research has revealed that the impact of the EU is dependent of different domestic and EU level factors. Although I could not reach a definitive conclusion on the validity of the two theoretical models, I have been able to determine which factors are important in explaining the compliance of Turkey with the EU's conditions.

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## **Dedication**

This thesis is dedicated to my parents, Mehmet and Semra Duyulmus, whom were nothing short of emotional and financial support. This thesis could not be completed without the support given to me by Gokce Somay in this long journey.

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## Abbreviations

AKP	Adalet ve Kalkinma Partisi (Justice and Development Party)
ANAP	Anavatan Partisi (Motherland Party)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
DEHAP	Demokratik Halk Partisi (Democratic People's Party)
DEP	Demokrasi Partisi (Democracy Party)
DSP	Demokratik Sol Parti (Democratic Left Party)
DYP	Dogru Yol Partisi (True Path Party)
ECHR	European Court of Human Rights
ECRML	The European Charter for Regional or Minority Languages
FCNM	Framework Convention for The Protection of Minorities
FP	Fazilet Partisi (Virtue Party)
HADEP	Halkin Demokrasi Partisi (People's Democracy Party)
IMF	International Monetary Fund
MHP	Milliyetci Hareket Partisi
MSP	National Salvation Party (Milli Selamet Partisi)
NSC	National Security Council (Milli Guvenlik Kurulu-MGK)
OSCE	OSCE - Organization for Security and Co-operation in Europe
PKK	Partiya Karkaren Kurdistan (Kurdistan Workers' Party)
SHP	Sosyaldemokrat Halk Partisi (Social Democratic People's Party)
SP	Saadet Partisi (Felicity Party)
TGNA	Turkish Grand National Assembly

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## INTRODUCTION

Since the creation of European Union (EU), Turkey has shown a great interest in membership. Accordingly, Turkey has established an institutional relationship with EU/EC with the signing of the Association Agreement in 1963 where the country's eligibility for full membership was recognized.<sup>1</sup> However, the EU-Turkey relationship has experienced serious difficulties resulting from incompatibilities between both parties' policies; the prospect of membership became real for Turkey only in 1999.<sup>2</sup> Although the Customs Union Agreement that has been established in 1996 has improved the institutional relationship between the EU and Turkey, the ambiguity about membership at that period has led to much tension.

The 1999 Helsinki Summit decision of the European Council to recognize Turkey as a candidate country launched a new period in EU-Turkey relations where the EU had a legitimate opportunity to apply leverage on Turkey for encouraging this country to undertake the reforms necessary to comply with political and economic criteria for membership. In that respect, Turkey has been in a process of undertaking important political and economic reforms since 1999 where a domestic debate about the merits of these reforms has been occurring.<sup>3</sup> Moreover, there are scholarly debates in the existing literature on EU-Turkey relations about Turkey's performance on undertaking necessary reforms for complying with EU's membership conditions. Scholars such as Paul J. Kubicek and Thomas Smith have considered Turkey's democratization efforts far from being satisfactory for corresponding to the EU's norms. Other scholars such as Frank Schimmelfennig, Fuat Keyman and Ziya Öniş, consider Turkey's effort impressive especially since 2002.<sup>4</sup> The scholarly debate has focused especially on the impact of the

EU's democratic conditionality on Turkey for explaining what lead to the compliance of Turkish policy makers to the EU conditions for membership. Thus it is largely assumed that Turkey would never have undertaken such reforms without the prospect of EU membership.<sup>5</sup> The European Council's decision in Brussels to open accession negotiations in December 2004 according to the Commission's recommendations which states that "Turkey sufficiently fulfils the Copenhagen political criteria in the lights of the changes that have taken places in recent years", indicates that substantial changes in the political system have occurred to fulfill EU membership conditions.<sup>6</sup> However there exits a considerable gap in the literature on EU-Turkey relations on the ways the EU has shaped reforms in Turkey and under which conditions it has been effective on generating these reforms. With some exceptions, the impact of EU on Turkey in terms of generating political and economic change has not been studied in a detailed manner using theoretical approaches such as constructivist and rationalist theories on how external actors and specifically EU can best encourage democratization on non member states.<sup>7</sup> The approach used in this study is different than the approaches used in the existing studies that examine the EU's impact on Turkey because I study the impact systematically through three issue areas. I use two competing theoretical approaches grounded in the literature on EU enlargement and I set clear indicators and measurement of variables in order to prevent any biased conclusion.

In this regard, the ambiguity around how to evaluate the performance of Turkey since 1999 on fulfilling with the EU's conditions for membership and on the ways of EU's impact constitute a puzzle for rationalist and constructivist theories. The puzzle rises from the characteristics of the Turkish case since we do not see a linear convergence



towards European norms; we observe periods of slowdown and acceleration in reforms in Turkey since the Customs Union Agreement of 1995. In this regard, I try to answer one main research question in this study which would contribute to our understanding of the impact of EU on Turkey: “Under which conditions have EU had a positive impact on compliance with liberal democratic norms in Turkey?”

This research question arises from the historical trajectory of EU-Turkey relations and the reforms that have occurred in Turkey since 1999 as well as from the theoretical debate between constructivist and rationalist theories about how the EU influence the non member states. Historically, the institutional tie between Turkey and EU has evolved to the degree of opening accession negotiations for membership despite several breakdown and accelerations between 1963 and 2004. Turkey’s interest in accession to the EU can be traced back to 1959 when it applied for associate membership in what was then the European Economic Community (EEC).<sup>8</sup> Turkey became an associate member following the Ankara Agreement on September 12, 1963. This Agreement, which came into force on 1 December 1964, aimed to secure Turkey’s full membership through the establishment, in three phases, of a customs union.<sup>9</sup> The Additional Protocol of November 13, 1970 set out in a detailed manner how the customs union would be established.<sup>10</sup> In other words, it was quite clear what step Turkey should take to become an EEC member country. However the domestic situation in Turkey and the stalemate in the EEC during the 1970s further slowed down the development of Turkey-EU relations.<sup>11</sup> Relations were then frozen following the military coup d’etat of September 12, 1980 in Turkey. Only after the multiparty elections of 1983 did relations between Turkey and the EEC begin returning to normal. With the restoration of democracy,

Turkey further pushed for the pursuit of membership to the Community. Turkey applied for full membership in 1987.<sup>12</sup> The Commission's Opinion on Turkey's membership bid was completed on December 18, 1989 and endorsed by the Council on February 5, 1990. It stated that "it would be inappropriate for the Community, which itself undergoing major changes while the whole Europe is in a state of flux, to become involved in new accession negotiations at this stage."<sup>13</sup> It continued "Furthermore, the political and economic situation in Turkey leads Commission to believe that it would not be useful to open accession negotiations with Turkey straight away."<sup>14</sup> The Commission Opinion suggested that the EC was under great transformation with the introduction of the Single Act and not ready for any new members. It also pointed out the deficiencies of Turkey for membership: the lack of political pluralism and human right abuses.<sup>15</sup>

In fact, the most important interaction between Turkey and the EU in the 1990's was the signing of Customs Union Agreement. The customs union between Turkey and the EU came into effect on 1 January 1996. The customs union however, without a clear prospect for membership, provided few incentives for Turkish policy makers to undertake the reforms.<sup>16</sup> After the introduction of the customs union, Turkey became even more assertive in its demands for membership. However, the European Commission in its Agenda 2000 document excluded Turkey from the enlargement process on the political grounds that emphasized the inadequacy of democratization in Turkey, the lack of respect for human rights and the need for a political settlement of the Kurdish issue.<sup>17</sup> The Luxembourg European Council Summit in December 1997 approved the Commission's opinion on the prospect of Turkey's membership, and hence excluded Turkey from the EU enlargement on the same political grounds.<sup>18</sup> As a reaction to the EU decision, the

Turkish government suspended all political dialogue with the EU until Turkey was clearly put on the list of enlargement candidates.<sup>19</sup>

The Helsinki decision to accept Turkey as a candidate country has been important in terms of creating more valuable sets of conditions and incentives to encourage the reforms in Turkey. In the period between 1999 and 2004, several important changes in Turkey's political structure occurred in accordance with the EU's democratic conditions for membership. Particularly, some major reforms for fulfilling the EU democratic conditions have been implemented rigorously since 2002 when a majority government of the Justice and Development Party (*Adalet ve Kalkinma Partisi-AKP*) that demonstrated a high degree of commitment to the goal of EU membership was formed.<sup>20</sup> For this reason, the historical trajectory of events requires us to analyze the role of the EU in generating reforms and political change in Turkey.

Furthermore, this research question refers also to the developing literature on the impact of international organizations on domestic change and more specifically on the EU's role in promoting democratization in non member states. This literature focusing on the recent Eastern enlargement of the EU tries to explain how the EU has been able to act as an anchor of democratic reforms in these countries. In fact, this literature has been dominated by two main approaches from international relations, constructivist and rationalist theories, which propose different models on the conditions under which the EU has been effective in influencing non member country in terms of generating substantial change. The external incentives model which is based on the rationalist theory indicates that the compliance of a non member state with the EU conditions depends from the size and credibility of the EU rewards and the size of adoption costs for the

government. On the other hand, the social learning model that is based on the constructivist theory emphasizes that the compliance depends from the legitimacy of the EU conditions, the resonance of these conditions in the non member state and the identification of the non member state government with the EU. In this regard, the research question proposed in this study arises also from this newly developing field on the impact of the EU on the non-member states. By looking at the Turkish case, I would hope to broaden both the empirical and theoretical explanations of the external incentives and social learning models, by trying to determine which explanation is more valid for explaining the impact of the EU in promoting democratization in Turkey.

The reforms in Turkey have triggered a great interest on the part of scholars looking to explain the reasons of change in long standing problems regarding democracy and economy in Turkey. One set of the explanations proposed by scholars such as Ziya Öniş have been based on the Turkish context in terms of explaining the change and the reforms in Turkey by the country's economic crisis in 2000 and 2001.<sup>21</sup> This line of argument that can be labeled as the "political economy", suggests that the deepest economic crisis that Turkey experienced during the post-Cold War period, had some rather unexpected consequences in terms of accelerating the changes in Turkey's domestic politics.<sup>22</sup> According to this political economy argument, Turkey, due to the severity of economic crisis, has been in need of some external actors that could generate stability and economic prosperity in the country in the short and long term.<sup>23</sup> Moreover, it has been suggested that the economic crisis has contributed to a change in some actors' interests, such as business organizations, which have started to support more strongly the reform process with the economic crisis for entrapping Turkey in its way to EU's

membership. However this line of political economy argument lacks theoretical support in relating the reform process to the economic crisis. There are not any empirical study that shows the causality between the economic crisis and the acceleration of reforms in Turkey. Moreover, it seems too simplistic to explain an outcome by one contextual variable where the logic of causality is also questionable. I do not suggest that economic crisis was irrelevant in terms affecting the EU's leverage on Turkey. This explanation could be considered in the line with the rationalist theory's emphasis on the power asymmetries between the international organization and the non member state, where the economic crisis increased this asymmetry. Indeed, rationalist theory suggests that other variables such as domestic cost of adoption and the credibility of EU's conditionality determine mainly the compliance of a country to EU norms. For these reasons, the political economy argument would be considered in this study as incomplete to explain the complex factors that determine the compliance of Turkey to EU's conditions.

I will answer the research question by concentrating on change in Turkey on three issue areas; human rights, minority rights and civil military relations from 1999 to 2004.<sup>24</sup> These three issue areas are covered by the EU's democratic conditionality. They have been chosen for practical as well as theoretical reasons. The EU conditionality (the Copenhagen Criteria) is composed of requirements that encompass a wide range of issues from economic requirements to human rights, which create difficulties to study "change" in Turkey. The specification of issue areas makes it easier to compare the explanations of rationalist and constructivist theories because their main premises are focused on political conditionality. To answer the research question, I used a research design based on cross period analyses of Turkey's reform process towards accession.<sup>25</sup> In fact, the cross-period

analysis provides a comparative analysis of sequences of events, processes and outcomes that give an opportunity to examine the impact of change over time in reference to key explanatory variables proposed by rationalist and constructivist theories. Accordingly, the case of the Turkey reform process will be analyzed in two periods; from 1999 to 2002 and from 2002 to 2004. For each time period, variation in potentially important explanatory variables can be observed. In the theoretical review section, I will determine the main hypotheses of the external incentives and the social learning models about the conditions of compliance of a candidate country to EU's norms. Then, I propose an inquiry plan on how I can reach a conclusion about the validity of constructivist and rationalist hypotheses on explaining the Turkish case in the research design section. The main aim of the research design is to better assess the competing explanations of constructivist and rationalist theories about the Turkish case. I will try to determine which better explains the outcomes for the Turkish case. A more detailed research design that indicates the indicators and measurements will be generated in the research design section.

Is Turkey a crucial case for the rationalist and constructivist theoretical approaches? Turkey as the most controversial candidate country to the EU constitutes a difficult case for the two theoretical approaches. It is due to serious discussions in Europe about the "Europeanness" of Turkey and the deficiencies of the Turkish democracy. Turkey has been argued to be culturally and religiously different than the rest of Europe. Moreover the Turkish democratic system has been under major criticism by the European institutions since the 1980's. In this regard, Turkey's transformation in the road to membership has been projected to be a difficult and cumbersome process. The rationalist

and constructivist approaches try to explain under what conditions EU could be effective in terms of generating political change in candidate states. Turkey as having major deficiencies in terms of its democratic system and as being subject to discussions about its “Europeaness” constitutes a crucial case for the two theories. If the two theories can be shown to work in a problematic case such as Turkey, it is more likely to be valid in other less controversial cases. In this regard, it is logical to examine the validity of the two theories in a problematic case such as Turkey instead of less controversial cases from Central and Eastern European countries such as Poland or Czech Republic.

This thesis is divided in chapters that cover the theoretical discussions and the case studies on Turkey. In Chapter I, following the introduction, I will introduce a theoretical review around the research question and will present a detailed research design. Chapter II will cover the analysis of the legitimacy and the resonance variables of the social learning model for the Turkish case. Chapter III will analyze the period from 1999-2002 by examining the variables of the external incentives and the social learning models. In a similar manner, Chapter IV will cover the time-period 2002-2004 in Turkey and reveal the analysis of the variables of the two models. In all case study chapters, the variables of the external incentives and social learning models will be examined through two time periods; from 1999 to 2002 and 2002 to 2004. The conclusion chapter will reveal the findings of this study.

### **Endnotes**

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<sup>1</sup> Harun Arian, *Turkey and the EU: An Awkward Candidate for EU Membership?*, (Wiltshire, UK : Ashgate, 2003), p. 1

<sup>2</sup> Ibid., p. 69.

- <sup>3</sup> E. Fuat Keyman and Ziya Öniş, "Helsinki, Copenhagen and beyond: Challenges to the New Europe and the Turkish State," in *Turkey and European Integration :Accession Prospects and Issues*, eds. Nergis Canefe and Mehmet Uğur, (New York: Routledge, 2004), pp. 182-183.
- <sup>4</sup> See, Paul Kubicek, "Conclusion: the European Union and Democracy Promotion," in *The European Union and Democratization*, ed. Paul Kubicek, (New York:Routledge, 2003), p. 202. Thomas W. Smith, "The politics of Conditionality: the European Union and Human Rights Reform in Turkey," in *The European Union and Democratization*, ed. Paul Kubicek, (New York:Routledge, 2003), p. 127. Frank Schimmelfennig, "*The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis*," Center for European Studies, *Central and Eastern Europe Working Paper No. 61*, p. 13. Available at <http://www.ces.fas.harvard.edu/publications/Schimmelfennig.pdf>, (Accessed in 22.06.2005).
- <sup>5</sup> E. Fuat Keyman and Ziya Öniş, "Helsinki, Copenhagen and beyond: Challenges to the New Europe and the Turkish State," p. 176.
- <sup>6</sup> European Commission, Communication from The Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey's progress towards accession, p. 10. Available at [http://europa.eu.int/comm/enlargement/report\\_2004/pdf/tr\\_recommandation\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/tr_recommandation_en.pdf). (Accessed on 20.01.2006).
- <sup>7</sup> See for instance Frank Schimmelfennig, "*The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis*," p. 3. Paul Kubicek, "International Norms, the European Union, and Democratization: Tentative Theory and Evidence," in *The European Union and Democratization*, ed. Paul Kubicek, (New York:Routledge, 2003), p. 3.
- <sup>8</sup> Şaban H. Çaliş, "Formative Years: A Key For Understanding Turkey's Membership Policy Towards EU," *Perceptions*, Vol. 9, No. 3, Autumn 2004, p. 88.
- <sup>9</sup> Ibid. p. 89.
- <sup>10</sup> Aylin Guney, "Justifying the EU's Enlargement Towards Turkey: An Asset or Liability?" *Perceptions*, Vol. 9, No. 3, Autumn 2004, p. 140.
- <sup>11</sup> Idem.
- <sup>12</sup> Meltem Müftüler-Bac, *Turkey's Relations with A Changing Europe*, (New York: Manchester University Press, 1997), p. 63.
- <sup>13</sup> Aylin Guney, "Justifying the EU's Enlargement Towards Turkey: An Asset or Liability?," p. 141.
- <sup>14</sup> Idem.
- <sup>15</sup> Harun Arıkan, *Turkey and the EU: An awkward candidate for EU memebership?*, p.121.
- <sup>16</sup> E. Fuat Keyman and Ziya Öniş, "Helsinki, Copenhagen and beyond: Challenges to the New Europe and the Turkish State," p. 182.
- <sup>17</sup> Aylin Guney, "Justifying the EU's Enlargement Towards Turkey: An Asset or Liability?," p. 142.
- <sup>18</sup> Idem.
- <sup>19</sup> Meltem Müftüler-Bac, "The Impact of the European Union," *East European Quarterly*, Vol. 34, No.2, June 2000, p. 162.
- <sup>20</sup> Ibid., p. 175.
- <sup>21</sup> Although Ziya Öniş does not represent the economic crisis as the only factor that lead to acceleration of the reforms, he suggests that this has played as an important background variable. Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era," in *Turkey and The European Union: Domestic Politics, Economic Integration and International Dynamics*, eds. Ali Çarkoğlu and Barry Rubin, (Portland: Frank Cass, 2003), p. 9
- <sup>22</sup> Ibid., p. 10.
- <sup>23</sup> Idem.
- <sup>24</sup> The three issue areas; human rights, minority rights and civil-military relations, are related to the EU's democratic conditions for membership. The Copenhagen Criteria, that constitutes EU's membership conditions, requires from the candidate countries the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of a functioning market economy; and the ability to adopt the *acquis communautaire*. Although the EU's conditions are composed of democratic, economic and *acquis* conditions, I would focus here to the impact EU's democratic conditionality in Turkey.
- <sup>25</sup> Evan S. Lieberman, "Causal Inference in Historical Institutional Analysis: A Specification of Periodization Strategies," *Comparative Political Studies*, Vol. 34, No. 9, 2001, p. 1016.



## **CHAPTER 1: THEORETICAL REVIEW AND RESEARCH DESIGN**

### **1.1-Theoretical Review**

In this section, I will examine the literature related to the research question on how the EU encourages political change in non-member states for the purpose of clarifying essential concepts and theoretical explanations evaluated by different scholars. The aim of this theoretical review is to illustrate the existing explanations on the conditions under which the EU could encourage reforms in Turkey. In this theoretical review, I focus on the literature regarding the EU democratic conditionality, where theoretical approaches have been proposed related the research question at hand.<sup>1</sup> In this context, I will reveal the main hypotheses of constructivist and rationalist theories proposed in the literature on democratic conditionality at the end of this section. Overall, I am concerned with presenting the arguments of each scholarly study or theoretical approach, by showing how these studies can be relevant for answering the research question.

The most elaborated and theoretically developed studies regarding the impact of EU in non-member states have been conducted in the newly developing literature on the EU democratic conditionality, where explanations originating from rationalist and constructivist theories have been proposed. In fact, the focus of these studies have been on explaining and conceptualizing the impact of EU democratic conditionality in a more theoretically coherent manner by linking the study of enlargement with the study of institutions in international relations and European integration studies.<sup>2</sup> These studies adapt the divergent premises of rationalist and constructivist theories on the causal status and purposes of international organizations to the EU enlargement, which leads to

competing explanations about the rationale, the conditions and the mechanisms of enlargement.<sup>3</sup> By focusing on the implications of the EU's Eastern enlargement in the applicant states, this literature determines that democratic conditionality has been the major strategy of the EU for imposing its democracy standards to new aspirant states. As previously said there exists two different explanations namely constructivist and rationalist, on how the EU's democratic conditionality works and when it is effective. I now will present these two different explanations through reviewing the existent studies on the EU democratic conditionality.

Frank Schimmelfennig, Stefan Engert and Heiko Knobel have explored democratic conditionality as the main mechanism through which international organizations such as the EU induce non-member states to comply with "its human rights and democracy standards".<sup>4</sup> They seek to determine how the EU democratic conditionality works and when it is effective by a comparative study of "hard cases"; Slovakia, Turkey and Latvia.<sup>5</sup> The authors first point is that the main strategy used by the EU is "reinforcement by reward", where an international organization reacts to the fulfillment or non-fulfillment of its conditions by granting or withholding rewards, but does not proactively support or punish non-compliant states.<sup>6</sup> Schimmelfennig, Engert and Knobel indicate that the EU offers two kinds of rewards in the reinforcement by reward mechanism; technical assistance and institutional ties ranging from trade and cooperation agreements, via association agreements, to full membership.<sup>7</sup>

The second claim of Schimmelfennig, Engert and Knobel is that the central channel of effective reinforcement is intergovernmental because of weak societies and electoral volatility in the case studies.<sup>8</sup> In this regard, they claim that the EU uses material

bargaining through intergovernmental channel by offering the target governments material or political rewards such as improving institutional tie to the degree of membership in return of compliance.<sup>9</sup> According to Schimmelfennig, Engert and Knobel, the compliance of non-member states with the EU's democratic conditions depends on domestic conditions in the non-member countries at the level of governments.<sup>10</sup> They claim that democratic conditionality will be effective if the domestic political costs of compliance for the target government are low.<sup>11</sup> The political actors in the non member state calculate if the rewards offered by the EU (membership) are worth the costs of adoption such as limits to the autonomy and power of governments.

Schimmelfennig, Engert and Knobel also suggest an alternative model based on transnational channel of reinforcement by social influence mechanisms to their intergovernmental model of reinforcement.<sup>12</sup> In this regard, the alternative model works through transnational channel that is, via societal actors on non-member countries<sup>13</sup>. In this model, the societal actors are opposition political parties and civil society organizations. The rewards offered through social influence mechanism are international recognition, legitimacy or a positive image.<sup>14</sup> In this respect, the effectiveness of the EU's social influence will depend on how much non-member actors identify themselves with the EU community.<sup>15</sup>

Schimmelfennig, Engert and Knobel test hypotheses derived from these two models, namely intergovernmental bargaining model and transnational mechanism, in three cases: Latvia, Slovakia and Turkey. They explain the reason for selecting these hard cases in terms of the existence of significant conflict between EU rules and the initial situation in these candidate countries and the easier assessment of the democratic

conditionality and its effects.<sup>16</sup> The findings of Schimmelfennig, Engert and Knobel's study reveals that the transnational channel of conditionality and societal conditions are largely irrelevant to the success of EU democratic conditionality.<sup>17</sup> They indicate that the material bargaining mechanism and the condition of low domestic costs determine the success of EU conditionality in the case studies.<sup>18</sup> Schimmelfennig, Engert and Knobel emphasize that the domestic power costs of compliance have been proven to be the most important factors for compliance of a candidate state with EU democratic conditions.<sup>19</sup> Although this study suggests a main model for the functioning of EU conditionality and the conditions for its effectiveness, two important reservations can be made. Firstly, the size of domestic adoption costs variable was not sufficiently clarified in terms of demonstrating what makes costly the adoption of EU democratic norms for a government. This led to the different assessment of adoption costs for governments of each candidate states, weakening the generalization of this condition. Secondly, this study has evaluated the impact of EU conditionality in a static manner, in terms of treating each of them as a single case. This plan of inquiry has failed to catch the variation of conditions and outcomes through different time periods, leading to some controversial results in terms of evaluating certain variables.<sup>20</sup>

A similar line of study has been conducted by Frank Schimmelfennig in "*The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis*".<sup>21</sup> Schimmelfennig looks at under what conditions the EU had an effective impact on compliance with EU democratic norms in Eastern European countries.<sup>22</sup> Schimmelfennig proposes two models of international rule promotion; rationalist external incentives and constructivist social learning models.<sup>23</sup> In this regard,

he relates the answering of the effectiveness of conditionality to the context of the rationalist-constructivist debate in International Relations. The suggested social learning model has been inspired from the “international socialization” literature conducted in the constructivist framework where the processes of social influence, argumentation and the effects of interest and identity change have been emphasized.<sup>24</sup> The external incentives model has been based on the literature of international conditionality, conducted in the rational theories framework, which focuses on the conditionality of international financial institutions for lending financial resources to countries.<sup>25</sup> Furthermore, Schimmelfennig indicates that the literature on Europeanization uses a similar theoretical distinction between rationalist and constructivist approaches in explaining the impact of the EU on member states institutions and policies.<sup>26</sup>

The external incentives model is based on a rationalist bargaining model where the actors are supposed to be acting as utility maximizers in order to improve their power and welfare.<sup>27</sup> According to Schimmelfennig, European organizations use a strategy of political conditionality where the rewards such as assistance or institutional ties are made conditional upon the fulfillment of political conditions.<sup>28</sup> Schimmelfennig indicates that the external incentives model considers that the compliance of a state with the EU’s political conditions will be dependent upon the size and credibility of international rewards and the domestic costs of adoption.<sup>29</sup> In this regard Schimmelfennig emphasizes that the size of international rewards can be assessed by its quality and quantity.<sup>30</sup> In fact the quality of EU’s rewards depends on the tangible benefits that would enhance the benefits of the government. Concerning the quantity of the rewards, Shimmelfennig emphasizes that the offer of higher benefits is more likely to lead to compliance of a

target states with EU conditions.<sup>31</sup> In this regard, the offer of EU membership will be more effective than the offer of association. With regard to credibility, Schimmelfennig indicates that the offering of rewards should be credible in terms of withholding the reward in case of non-compliance or promising to deliver the reward in case of compliance.<sup>32</sup>

In addition to the size and credibility of the rewards, Schimmelfennig argues that the size of the domestic adoption costs determines whether the governments will accept or reject the EU conditions.<sup>33</sup> Schimmelfennig emphasizes that domestic political or power costs arise if the subject of political conditionality limits the autonomy and power of governments.<sup>34</sup> This occurs because certain governments can rely on curbing the rights and the freedom of other groups. Moreover, EU conditions can require the change of power relations between governmental actors such as limiting the political influence of the military.<sup>35</sup> Democratic conditions can affect the composition of citizenship by empowering certain ethnic groups through the adaptation of the conditions regarding minority rights.<sup>36</sup> The governments in the target states can consider this as threatening to the security, integrity and identity of the state.

In contrast to the rationalist external incentives model, Schimmelfennig presents the social learning model. In this model, actors are assumed to behave according to the logic of appropriateness, where they choose the most appropriate or legitimate course of action among others.<sup>37</sup> In this regard, they are assumed to be motivated by their internalized identities, values and norms.<sup>38</sup> Therefore the social learning model suggests that actors are behaving as social actors not as utility maximizers, where they decide according to their own values and norms.<sup>39</sup> In this regard, the social learning model

represents the basic premises of the constructivist framework by emphasizing the logic of appropriateness and the motivation by identities, values and norms. Schimmelfennig indicates that according to the social learning model, the effectiveness of EU conditionality regarding the compliance of a non-member state will depend on three conditions; the legitimacy of the EU's norms, the identification of the target government with the EU and the resonance of the EU norms in the non-member states.<sup>40</sup> According to Schimmelfennig, legitimacy refers to the normative quality of the EU's norms.<sup>41</sup> Schimmelfennig indicates that the demands on target governments must be based on the EU's rules rather than the interest of member states.<sup>42</sup> Moreover, if the democratic conditions are clearly defined and consistently applied among the member states, the compliance of target states will be high.<sup>43</sup> Schimmelfennig also argues that the identity of the non-member state government influences its compliance with EU conditions.<sup>44</sup> In this regard, if the target government regards the EU as its aspirant group and expresses its commitments to the European community, the likelihood of compliance will increase.<sup>45</sup> As the third factor, the resonance refers to the institutional match of a democratic condition with already existing domestic rules and norms.<sup>46</sup> Thus the social learning model suggests that if the resonance of a specific condition is high, the non-member state government will adapt it much more easily.<sup>47</sup>

The results of the Schimmelfennig study suggest that the credible EU incentives and low domestic adoption costs of the external incentives model are individually necessary and jointly sufficient conditions of compliance.<sup>48</sup> However the study reveals also that the European identity of the target government in conjunction with credible membership incentives led to the compliance of a non-member state government with EU

conditions.<sup>49</sup> Moreover the social learning model fails to explain compliance; the legitimacy and the resonance are confirmed to be irrelevant in terms of compliance and identity is relevant only in combination with membership incentives. Therefore, Schimmelfennig's study supports the argument that the rational external incentives model explains most adequately under what conditions a state would comply to the EU's democratic conditions.

A complementary work to these two studies reviewed above is the Frank Schimmelfennig and Ulrich Sedelmeier edited volume, *"The Europeanization of Central and Eastern Europe"*.<sup>50</sup> Schimmelfennig and Sedelmeier introduce new theoretical concepts and mechanisms that differ from the above mentioned studies. The case study chapters in this book reveal also important findings that are useful for assessing the validity of theoretical models. Therefore, I will expose important aspects of this study by stressing different propositions made by the authors.

Schimmelfennig and Sedelmeier emphasize that the main difference of this study from the previous ones is the way they conceptualize the domestic change or transformation in the candidate states as "Europeanization".<sup>51</sup> They define "Europeanization" as a process in which states adopt EU rules.<sup>52</sup> They consider rule adoption<sup>53</sup> as the dependent variable of their study as they try to determine the mechanisms and conditions under which nonmember states adopt EU rules.<sup>54</sup> Schimmelfennig and Sedelmeier indicate that by studying rule adoption, they concentrate on the institutionalization<sup>55</sup> of the EU rules at the domestic level such as the transportation of EU law into domestic law, the restructuring of domestic institutions according to EU rules, or the change of domestic political practices according to EU



standards.<sup>56</sup> Furthermore, they suggest three forms of rule adoption; the formal, the behavioral and the discursive, as a key aspect of assessing the impact of EU in the domestic politics of non member states.<sup>57</sup> The formal conception of rule adoption considers adoption as “the transfer of EU rules into national law or the formation of institutions or procedures in the line with EU rules.”<sup>58</sup> According to the behavioral conception of rule adoption, rule adoption is determined by “the extent to which the behavior of nonmembers is rule confirming.”<sup>59</sup> In this regard, the behavioral form of rule adoption is focused more on the implementation and enforcement of rules rather than the legal transportation of rules.<sup>60</sup> The discursive form of rule adoption considers rule adoption as “the integration of a rule as a positive reference into the discourse of domestic actors.”<sup>61</sup> In fact, Schimmelfenning and Sedelmeier indicate that formal rule adoption is the dependent variable of this study, even though some contributors to the volume are also interested with behavioral rule adoption, emphasizing the implementation of the rules.<sup>62</sup>

Schimmelfenning and Sedelmeier determine three mechanisms of rule adoption that specify different conditions under which nonmember states adopt EU rules: external incentives model, social learning model and lesson drawing model.<sup>63</sup> The first two models, external incentives and social learning models, suggested by Schimmelfenning and Sedelmeier are similar to the models proposed by the Schimmelfennig’s study discussed above.

They also introduce a new model: lesson drawing, which emphasizes the voluntary transfer of rules by non member states as a response to the domestic dissatisfaction.<sup>64</sup> In this regard, the lesson drawing model is not concerned with the EU

conditionality. Thus, it differs from the others through its focus on the adoption of EU rules as induced by the non members themselves rather than the activities of the EU.<sup>65</sup> According to the lesson drawing model, policy makers in non member states can choose to adopt the EU rules when they face particular problems with existing policies.<sup>66</sup> Schimmelfennig and Sedelmeier indicate that whether or not policymakers will choose to transfer EU rules when there is dissatisfaction with existing policies depends on two factors: the existence of EU centered epistemic communities in non member states and the transferability of EU rules.<sup>67</sup> However, it is important to emphasize the lesson drawing model is focused on cases where there exists voluntary rule transfer by non member states governments rather than cases where governments comply with EU conditions.<sup>68</sup> For that reason, the lesson drawing model will not be considered as a competing explanation to the external incentives model and social learning model in this study as the circumstances for Turkey are quite different than the premises of lesson-drawing model.

An important aspect introduced by Schimmelfennig and Sedelmeier is their precision regarding the contexts of Europeanization.<sup>69</sup> They distinguish two main contexts of Europeanization: democratic conditionality and *acquis* conditionality.<sup>70</sup> The democratic conditionality refers to the EU rules of liberal democracy, the norms of human rights and to the fundamental political principles of the EU.<sup>71</sup> The *acquis* conditionality concerns specific rules of the EU's *acquis communautaire* (such as standards and policies regarding) education, environment, and agriculture.<sup>72</sup> In fact, Schimmelfennig and Sedelmeier indicate that two contexts; democratic conditionality and *acquis* conditionality, refer to different historical stages of Europeanization.<sup>73</sup> In the

period starting with the recognition of candidate status to a non member states to the start of accession negotiations, EU conditionality is mainly democratic conditionality for non member states.<sup>74</sup> Democratic conditionality prepares the political ground for the accession process and the transfer of more specific EU rules of the *acquis communautaire*.<sup>75</sup> With the start of the accession negotiations, the non members start to adopt the different parts of the *acquis communautaire* to their domestic system.<sup>76</sup> Schimmelfennig and Sedelmeier explain that the distinction of democratic and *acquis* conditionality is important for theoretical reasons.<sup>77</sup> They suggest that one theoretical model can explain better rule transfer in one of these contexts, but in the other context the alternative model can be more adequate to explain the compliance of a non member states with EU conditions.<sup>78</sup> Their broad suggestion is that the external incentives model works better in the contexts of democratic conditionality, while the social learning model and the lesson drawing models explain better rule transfer in the context of *acquis* conditionality.<sup>79</sup> This study on the impact of the EU on Turkey is concerned with the context of democratic conditionality rather than *acquis* conditionality. It is due to the historical period chosen for this analysis –from 1999 to 2004- and to the EU’s decision to start the accession negotiation with Turkey only in 2005.

The second chapter of this edited book, “*The Impact of EU Political Conditionality*” by Frank Schimmelfennig, Stefan Engert, and Heiko Knobel reveals important findings regarding the two competing models, in explaining the dependent variable of rule adoption by non member states.<sup>80</sup> Schimmelfennig, Engert and Knobel study the EU’s impact on basic democratic and human rights reforms in Slovakia, Turkey, and Latvia.<sup>81</sup> They test hypotheses derived from the external incentives and

social learning model to explain the rule adoption or non-rule adoption in non-member states. They analyze the hypotheses of the two models in two time periods for each country and observe what leads to the variation of the dependent variable, rule adoption, from one period to another.<sup>82</sup> Their findings support the premise of the external incentives model: the likelihood of rule adoption varies mainly with the size of domestic adoption costs, provided that the credibility of EU conditionality is high.<sup>83</sup> They suggest that credibility is a necessary but not a sufficient condition of rule adoption.<sup>84</sup> Political conditionality will not work without credibility, but even if credibility is high, rule adoption will depend on the size of adoption costs for the non member state government.<sup>85</sup> In this regard, Schimmelfennig, Engert and Knobel characterize the credibility variable of the external incentives model as a condition variable<sup>86</sup>, where the relationship between the size of domestic adoption costs and rule adoption by non-member states exists only if the commitment of the EU is high.<sup>87</sup>

Furthermore, Schimmelfennig, Engert and Knobel present important findings about the adequacy of social learning model. They argue that in all three countries the factors emphasized by the social learning model, identity, legitimacy and resonance, do not affect the likelihood of rule adoption.<sup>88</sup> They indicate that the identification of the governments with EU values and norms in the case studies are mostly positive but this does not correlate with the rule adoption by the governments.<sup>89</sup> In this regard, they observe that although governments identified with Europe, they did not always comply with the EU rules.<sup>90</sup> Moreover, the findings of Schimmelfennig, Engert and Knobel about the legitimacy and resonance variables of the social learning model expose the problematic character of these variables in explaining the variation of the dependent

variable, rule adoption.<sup>91</sup> Resonance refers to the institutional match of a specific rule with the already existing democratic values, norms and practices in a specific issue-area.<sup>92</sup> It is assumed that if the existing domestic rules do not contradict the EU democratic conditions or even if they conform to the EU conditions, this will facilitate rule adoption by a non member state. However, the choice of selecting problematic cases such as Turkey, Latvia and Slovakia to observe more adequately the impact of the EU in non-member states comes with a cost in terms of weakening the explanation of the resonance variable.<sup>93</sup> Countries labeled as problematic cases or “reluctant democratizers”, have been mainly characterized with the lack of resonance with EU democratic rules.<sup>94</sup> Moreover, resonance has been designed as a constant variable by definition, which emphasizes the match between the existing rules and required conditions. In this regard, if the resonance of a non-member state’s rules with EU democratic conditions is low, this will not change until the non member state complies with the EU conditions. Resonance therefore could not explain the variation of the dependent variable in the Schimmelfennig, Engert and Knobel’s study. A similar problem exists for the legitimacy variable in explaining the variation of the dependent variable. It is assumed that EU conditions and rules that are shared by all member states have higher degree of legitimacy.<sup>95</sup> In turn, the conditions that have a higher degree of legitimacy increase the likelihood of rule adoption or compliance by non member states. The legitimacy variable is mainly concerned with the minority rights conditions<sup>96</sup> of the EU, although all member states do not share the rules on minority rights that are set as conditions for non-member states.<sup>97</sup> Moreover the norm of civilian control over the military<sup>98</sup> is not institutionalized in the EU, although it is widely shared among the member states.<sup>99</sup> It is expected that the

lack of legitimacy for the minority rights conditions should decrease the likelihood of rule adoption by non member states. However, Schimmelfennig, Engert and Knobel observe in the case studies that the lack of legitimacy for the minority rights conditions does not have any impact on rule adoption by non-members.<sup>100</sup> They observe that even though the minority rights conditions lack the legitimacy enjoyed by other conditions, the candidate countries have complied with them. Furthermore, in these case studies, rule adoption has varied from one time period to another even if the legitimacy of the rules stayed constant. In this regard, the legitimacy variable is not able to explain the variation of the dependent variable.<sup>101</sup> In the time period of their analysis, there was no change in the legitimacy of the EU rules and only the minority rights conditions among other issue areas lacked the legitimacy enjoyed by the other rules.<sup>102</sup> This weakens the explanatory power of the legitimacy variable because it is unable to explain any variations of the dependent variable. Schimmelfennig, Engert and Knobel argue that the lack of legitimacy did not matter because of two reasons.<sup>103</sup> First, the Commission set the conditions as undisputable and formalized them by creating annual reports about the candidate countries.<sup>104</sup> In fact, the evaluations of the Commission make clear for the candidate countries that the minority rights conditions are similar to other democratic conditions.<sup>105</sup> Secondly, the candidate states prefer not to discuss the legitimacy of the EU rules because this could put in danger the membership opportunity.<sup>106</sup> I will evaluate the implications of the findings of this study at the end of this theoretical chapter while I refine the variables of the two models.

A similar line of study has been taken by Paul Kubicek and his collaborators<sup>107</sup>, where hypotheses from two similar models have been tested in seven countries (Latvia,

Slovakia, Romania, Turkey, Croatia, Ukraine, and Morocco).<sup>108</sup> Kubicek examines how the EU promotes democracy in countries that he labels as “reluctant democratizers”, countries that have been reticent to push for political liberalization despite the encouragement of the EU.<sup>109</sup> In this regard, Kubicek also employs a similar theoretical framework contrasting rationalist and constructivist mechanisms and conditions.<sup>110</sup> Thus, the suggested two models by Kubicek, convergence and conditionality, cover mostly the same conditions of compliance as Schimmelfennig’s two models, social learning and external incentives. However, Kubicek suggests a few different variables for its two models. In this section, I will present the different conditions that have been proposed by Kubicek.

Kubicek emphasizes that two models, convergence and conditionality, are the ones most useful to explore the promotion of democracy by the EU in “reluctant democratizers”.<sup>111</sup> He indicates that convergence is the system conformity produced by the spread and acceptance of democratic norms.<sup>112</sup> In this regard, Kubicek emphasizes that convergence results from a more genuine internationalization of norms by persuasion, dialogue and socialization.<sup>113</sup> Thus Kubicek suggests that the convergence model is based on the premises of constructivist theory insisting on the spread of norms and its effects. Kubicek proposes six conditions for the convergence model, which determine the democratization of a country through external pressure by the EU: cultural match, novelty of environment, status of persuader, spillover, soft tactics and transnational networks.<sup>114</sup> Two of the conditions, cultural match and status of persuader, are similar to the identity and legitimacy conditions of the social learning model. Thus I will not insist on them.

The novelty of the environment condition suggests that the norm-based persuasion from the EU will be more effective in new environments, where state elites will be more open to new ideas.<sup>115</sup> However, Kubicek indicates that this condition is only applicable to post-communist countries where such change has occurred after the fall of communism.<sup>116</sup> The second condition suggested by Kubicek in the convergence model is the spillover from rhetoric to real change.<sup>117</sup> According to Kubicek, the invocation of a given norm by political elites or social actors leads to greater chances of internalization of this norm.<sup>118</sup> In this logic, the political actors who speak about the norms will find themselves entrapped and will be obliged to accept them. The third condition is the “soft tactics” where it is suggested that the promotion of democracy will be more effective if the EU refrains from lectures and demands, but instead engages in sustained and principled argumentation.<sup>119</sup> In this logic, it is suggested that if the EU consistently explains the necessity of a norm instead of imposing it to a state, the chance of acceptance of this norm by state elites will be higher.<sup>120</sup> It is important to emphasize that these two conditions, spillover from rhetoric and soft tactics, are more concerned with the ways of norm promotion than its effectiveness.<sup>121</sup> The final condition suggested by Kubicek in the convergence model is the transnational networks. Kubicek indicates that the adoption of a norm is more likely if there is some sort of activity or support mechanism behind that norm.<sup>122</sup> In this regard Kubicek emphasizes that if there exist non-governmental organizations (NGOs) or political parties that embrace the norms made conditional by the EU in a non-member country, they could be an important agent of change by pressuring the non-member state government from below. In this logic, it is suggested that the external actors can empower these NGOs by providing legitimacy for



their causes and financial resources. In this regard, Kubicek insists that the existence of transnational networks empowered by the EU will lead more easily to the acceptance of a norm in a non-member state.<sup>123</sup> This is especially important in a situation where the government is reluctant to change initiated by the direct external pressure of the EU, but can not dismiss the pressure from the transnational networks.

Conditionality is proposed by Kubicek as a model that works along instrumental logic where rational actors behave according to their cost-benefit calculations.<sup>124</sup> Kubicek indicates that the EU has employed conditionality most clearly in the case of the Copenhagen Criteria.<sup>125</sup> Indeed, he insists that it is important to determine under what conditions conditionality is effective.<sup>126</sup> Thus, he suggests five conditions that can determine the effectiveness of conditionality in democratization of “reluctant democratizers”: sizeable carrots, real sticks, lack of alternatives for target states, problems of ‘gray zone’s democracies and transnational networks.<sup>127</sup> Two conditions, sizeable carrots and real sticks, are similar to the size and credibility of rewards variable of the Schimmelfennig’s external incentives model. Thus I will not insist on these two conditions.

According to Kubicek, if a non-member state government lacks alternatives for economic and political support from other outside actors than EU, they will be more likely to comply with EU’s democratic conditions.<sup>128</sup> In fact, Kubicek indicates that the lack of alternative is important for the efforts of the EU as the other external actors such as the US do not emphasize in the same manner the democratic shortages of a target state.<sup>129</sup> Thus if a government could find other external supports, it would be less likely to conform to the EU’s democratic conditions.<sup>130</sup> The second condition, gray zone

democracies, suggests that if a state has minimum standard of democracy such as elections or a democratic constitution but also serious democratic shortcomings, it can be reluctant to conform to the EU conditions by insisting on its limited democratic standards.<sup>131</sup> In this logic, the grey democracies or hybrid regimes will be less likely to conform to EU's democratic standards by insisting on its special circumstances.<sup>132</sup> In fact, this condition of grey democracy conforms mostly to the Schimmelfennig's domestic adoption costs variable, where a government will not comply with the EU's democratic conditions if it perceives the condition will lead to political power costs.

Interestingly, Kubicek suggests that the transnational networks can also be an important condition for the conditionality model based on rationalist theory.<sup>133</sup> Kubicek indicates that conditionality is most likely to be effective if the external agent can find domestic allies such as NGOs.<sup>134</sup> In fact, the transnational networks condition of conditionality model is different from the same condition in the convergence model in terms of suggesting that the domestic actors support compliance to the EU's conditions because of their interests.<sup>135</sup> In this regards the motivation of their action (supporting compliance to the EU conditions) is based upon their perceived economic or political benefits.<sup>136</sup>

The results of Kubicek and other collaborators' study indicate that the hypotheses of the conditionality model explain better the compliance or non-compliance of a state to the EU democratic conditions than to convergence model.<sup>137</sup> In the case studies, it has been determined that the EU has been more effective when it has offered strong incentives (sizable carrots) such as offering membership instead of associations.<sup>138</sup> Moreover the study also suggests that the EU has been more effective when it has been

willing to sanction a target state (real sticks) in the case of non-compliance.<sup>139</sup> The “gray zone democracies” argument has also been strongly confirmed in the case studies.<sup>140</sup> States which claim the sufficient standard of their democratic systems and argue over the applicability of certain democratic standards on their countries were more reluctant to comply.<sup>141</sup> In fact, this variable mostly covers the domestic costs of adoption for a government of the Schimmelfennig’s external incentives model. In most of the cases, the transnational networks argument works too, as the existence of transnational networks that embrace EU conditions in a country increase the likelihood of compliance.<sup>142</sup> However, Kubicek indicates that the motivation of transnational networks in terms of interests and internalization of the norms is not explicit.<sup>143</sup> Thus, he does not clarify which model should cover the transnational networks argument. The convergence model has been mostly disconfirmed by the Kubicek’s study. Moreover the spillover and soft tactics hypothesis are mostly disconfirmed in the cases.<sup>144</sup> The status of the outsider hypothesis was not confirmed in the case studies. Only the cultural match hypothesis (identity) of the convergence model has been determined to work continuously in the case studies.<sup>145</sup>

The above review of the newly developing literature on the EU democratic conditionality suggests that it is appropriate to examine the research question of this thesis; in a theoretical framework contrasting rationalist and constructivist mechanisms and conditions. The two models based on rationalist and constructivist theories put forward alternative explanations with different emphasis on conditions and mechanisms that compete for explaining the compliance or non-compliance of a state with the EU’s democratic conditions. Moreover, the above review of the literature on democratic

conditionality also shows that Turkey fits well to the case selection criteria of these studies as being a “reluctant democratizer” or a problematic case. Thus Turkey is an appropriate case to explore the validity of rationalist and constructivist models where the conditions and outcomes vary between time periods and issues.

I will use a theoretical framework contrasting rationalist and constructivist mechanisms and conditions for explaining the research question at hand. However there is a need to refine the two rationalists and constructivist models suggested by Schimmelfennig and Kubicek in order to examine adequately these models in the Turkish case. Schimmelfennig and Kubicek’s models are mostly similar as shown in the above analysis. However, they suggest alternative variables that could complicate the current study if all of them were to be examined. Thus I will present here the conditions and variables that I will use as drawn from the models.

From the rationalist model, I will use mostly the conditions proposed in the Schimmelfennig’s external incentives model suggesting that the compliance of a state with EU conditions depends on credible EU incentives and low domestic adoption costs. Kubicek adds to these two conditions three other conditions; the lack of alternatives, gray zone democracies and transnational networks. The gray zone democracies variable mostly fits into the size of domestic adoption costs variable of the external incentives model because essentially the governments in gray democracies consider the high political costs associated with accepting the EU conditions. The lack of alternatives does not fit well into the case of Turkey because there are no other external actors that are offering similar incentives such as the EU membership. It is problematic to consider and compare the US-Turkey relation in the same framework as EU-Turkey relations because

the size of the incentive is not similar nor is the scope of the relation. The third different variable, the transnational networks, does not fit well into the channel of action suggested by rationalist external incentives model because Schimmelfennig indicates that the rationalist model emphasizes that the channel of interaction between the target government and the EU is intergovernmental not societal or transnational.

From the constructivist model, I will use mainly the three conditions of the social learning model; identity, resonance and legitimacy. The three alternative conditions suggested by Kubicek are soft tactics, spillover from rhetoric and transnational networks. Two conditions, soft tactics and spillover from rhetoric, are mainly concerned with the mechanism of norm promotion. Moreover, Kubicek concluded that these variables proved to be irrelevant in the case studies. The transnational networks variable suggested by Kubicek lacks precision in terms of how the existence of a Europhile civil society leads to compliance with EU conditions in non-member states. Although the logic of the transnational networks hypothesis works well with the logic of appropriateness of the constructivist social learning model because it represents the internalization of norms by social actors that are able and willing to push the governments for compliance, it is not clear if we should consider this variable as an independent or intervening variable. It has been argued that the EU has supported the civil society of candidate states for accelerating the domestic reform process, where these organizations can push the governments for the reforms. It has also been suggested that in the case of unresponsive governments to the conditions of the EU, civil society organizations can act as the stimulator of the reform process by putting pressure on unresponsive governments. However, civil society is a concept that encompasses different organizations (mainly

NGOs) that have divergent characteristics in terms of interest representation, organizational structure and ability to influence the policies. It is not clear what type of organizations are supportive of the reform process generated by the EU and how the EU is able to influence these organizations. Moreover, it is rather difficult to measure and demonstrate how the NGOs influence the government's policies. In this regard, the addition of transnational networks variable can complicate this study where the impact of the EU has been questioned. In fact, the analysis of the transnational networks hypothesis can be the subject of another study that focuses only on the role of civil society in the Europeanization process of candidate countries.

It is important to express here some reservations about the resonance and legitimacy variables of the social learning model, although they are included into the refined constructivist social learning model of this study. In the above review of the studies on the impact of the EU conditionality on non-member states, it has been observed that problematic cases or reluctant democratizers such as Turkey where there exists substantial conflict between existing rules and EU democratic conditions are characterized by the lack of resonance. Moreover, the concept of resonance has been defined as the match of EU democratic conditions with already existing domestic rules and norms.<sup>146</sup> In this regard, resonance has been defined as a constant variable by definition, where the existing norms and rules regarding the domestic political structure have to be taken into account before the impact of EU conditionality. In this regard, resonance as a constant variable is unable to explain the variation of the dependent variable, compliance, from one period to another. Similarly, the legitimacy variable has been defined as a constant variable for explaining the compliance or non-compliance of a

non-member state with EU conditions. The logic of the legitimacy variable supposes that the rule's capacity to obligate non-member states suffers if the member states do not generally accept it or apply it coherently.<sup>147</sup> It has been argued that non-member states are reluctant to comply with EU conditions that lack legitimacy in the EU's institutional environment such as minority rights conditions. Similarly the norm of civilian control over the military is not institutionalized in the EU. However it is important to emphasize that in the EU's institutional environment, the lack of legitimacy is valid only for the minority rights conditions and to a certain degree for the civilian control over the military conditions. The lack of legitimacy for minority rights conditions has not changed since 1995; all member states have not signed 1995 Framework Convention on National Minorities.<sup>148</sup> Similarly, the norm of civilian control over the military has not been institutionalized in the EU. In this regard, the legitimacy variable can not explain the variation of compliance of a non-member state with minority rights conditions or civilian control over the military conditions from one period to another. I prefer to include the resonance and legitimacy variables into the social learning model in order to not weaken the explanation of the constructivist model compared to the rationalist model by reducing the number of variables. However, I will reflect the reservations made here about these two variables in the research method section.

In fact, it is important to indicate which variable can be conceptualized as an "explanatory variable" for the two models explaining the compliance or non compliance of a non-member state with EU conditions. According to the theoretical review on EU conditionality, the identity variable for the social learning model and the size of adoption costs for the external incentives model are explanatory variables in the studies. This does

not mean that the authors of the above reviewed studies disregard other variables of the two models. However, the variables of the two models identity and the size of adoption costs have been more adequate in explaining the compliance or non-compliance of a non member with the EU conditions. According to Schimmelfennig, Engert and Knobel, the compliance of a non-member state varies mainly with the size of domestic adoption costs, provided that the credibility of EU conditionality is high.<sup>149</sup> They emphasize that the credibility is a necessary but not a sufficient condition of rule adoption.<sup>150</sup> Moreover, Schimmelfennig's study reveals that the European identity of the target government in conjunction with credible membership incentives led to the compliance of a government with EU conditions.<sup>151</sup> He finds that resonance and legitimacy does not matter in explaining the variation of compliance. In the light of these studies, it is important to characterize the two variables of the two models, identity and adoption costs, as explanatory variables.

In this regard, I will suggest two models based on constructivist and rationalist theories and refined from the theoretical review. The variables and hypothesizes of the two models are represented below:

#### **1.1.1-External incentives Model**

The compliance of a non-member state with the demands of the EU will be more likely (Dependent Variable)

- If the EU is offering sizeable and credible rewards. (Size and Credibility of EU rewards-Independent Variable)
- If the domestic costs of adoption for the non member state's government are low. (Size of Adoption Costs-Independent Variable)



### **1.1.2-Social Learning Model**

The compliance of a non member state with the demands of the EU will be more likely (Dependent Variable)

- If the demands of the EU is based on consensually shared and consistently applied organizational rules. (Legitimacy-Independent Variable)
- If the principles on which the EU conditions are based do not contradict basic political beliefs and values of the non member states. (Resonance-Independent Variable)
- If the government consistently presents itself and its state as 'European' and shares EU norms and values. (Identity-Independent Variable)

### **1.2-Research Design and Methodology**

To repeat, I am looking at under which conditions the EU has had a positive impact on compliance with liberal democratic norms in Turkey. This will be answered through two theoretical models based on rationalist and constructivist theories. The explanations suggesting external incentives and social learning model differ in terms which independent variables determines the compliance or non-compliance of a state with the EU's democratic conditions. The different explanations of the external incentives and social learning models arise from the two theories they were based upon: rationalist and constructivist. The external incentives model is actor centered and based on logic of consequences. It anticipates that actors are utility maximizers who calculate the cost and benefit of their actions.<sup>152</sup> In contrast with the rationalist model, the social learning model assumes a logic of appropriateness. In this perspective, whether a non member adopts EU rules depends on the degree to which it regards EU rules and its

demands as appropriate in terms of the collective identity, values, and norms.<sup>153</sup> Thus we have two competing explanations that could explain the case of Turkey.

In this section, I will present my plan of inquiry on how I will determine which one of the two models; is more valid to explain the compliance or non compliance of Turkey in the two time periods and three issues areas. The Turkish case will be analyzed by subdividing the process of adoption into two time periods; from 1999 to 2002, and from 2002 to 2004. This way, I will be able to determine the effect of change over time in the independent variables over the dependent variable, compliance. Moreover, the compliance of Turkey will be analyzed in three specific issue-areas; human rights, civil-military relations and minority rights. In this section, I will first present the conceptualization of the variables of the two models by insisting on the indicators and measurements of these variables. In the second part, I will describe the research design based on periodization and issue specification, by revealing the details regarding the Turkish case

#### **1.2.1-Variables, Indicators and Measurements**

In this part, I will explain how I conceptualize the variables of the external incentives and the social learning model and how I will reach conclusions on their validity. The variables will be conceptualized in terms of high, medium and low values according to qualitative characteristic expressed in the theoretical models. The medium value describes the value of a variable that is located somewhere between high and low, meaning that the value of the variable can not be evaluated strictly as high or low. The value of medium has been created so as not force the evidence from the case studies to fit into the high-low dichotomy. In the studies on EU conditionality, it has been observed

that authors used a similar third value such as medium or +/- for describing the ambiguous value of a variable.<sup>154</sup> The high, medium, and low values have not been created for all variables. Certain variables such as resonance, legitimacy and the size and credibility of the EU rewards can have only high or low values according to their theoretical qualification. I will indicate below the scale of values that I am going to use for each variable. In fact, I will present question(s) for each variable, whose answers will orient us to determine the values. This way, I am going to be able to set more clearly what can lead to the value of the variable by specifying the questions to be analyzed. The use of question(s) fits well to the process tracing method which will be used in this study.

The dependent variable of this study is the compliance of non-member state government with the demands of the EU. In order to determine compliance or non compliance, I will assess the “formal” rule adoption as the indicator of the compliance or non compliance. Formal rule adoption implies the transfer of EU rules into national law or the formation of institutions or procedures in line with EU rules.<sup>155</sup> The rhetorical acceptance of a rule by the state actors will not indicate the compliance unless it has been implemented as a law. Moreover, I will not examine the implementation level of the rules adopted according to the EU conditions as an indicator of compliance.

The three values will be used as the measurement of the compliance variable. The high level of compliance describes the compliance to all necessary EU conditions on a specific issue area (human rights, minority rights, civil military relations) by the non-member state government. The low level of compliance describes the non-compliance of the non-member state government with EU conditions on an issue area. The medium level of compliance is partial compliance of a non-member state government with EU

conditions in a specific issue area. It is necessary to create a medium level of compliance because governments can adopt a certain number of EU rules in an issue area even they do not completely satisfy the EU conditions. The level of compliance will be measured according to the EU's own evaluation of Turkey in the Commission reports or in Council decisions. Two questions will be answered for assessing the compliance variable in the Turkish case: "What rules have been adopted to satisfy the EU conditions?" and "How has the EU evaluated Turkey's performance regarding the fulfillment of EU conditions?" With the first question, I will determine what has been done by the non-member state government regarding the EU conditions in the issue area (human rights, minority rights, civil-military relations). The second question is related to how the EU considers the level of compliance in its own reports. By answering these two questions, I can determine the value of the compliance variable.

The independent variables of the external incentives model are the size and credibility of the EU rewards and the size of domestic adoption costs. The size and credibility of the rewards has been characterized as a condition variable in the theoretical model.<sup>156</sup> It has been argued that sizeable and credible EU rewards are necessary but not a sufficient condition of compliance.<sup>157</sup> Even if the size and credibility of EU rewards is high, compliance will depend on the size of adoption costs for the non member state government.<sup>158</sup>

The size and credibility will be considered comparatively according to different institutional ties proposed by the EU. The two values, high and low, are going to be used for the size and credibility of the EU rewards variable. The size and credibility of the rewards will be considered as high if the EU has considered a state as candidate for the

membership and express its commitment to welcome the state, the size and credibility of the rewards will be considered low if the EU refuses to consider a state as a candidate for membership but offers instead other sorts of institutional ties such as association. In this regard, it should be emphasized that membership represents the highest reward that EU can offer in terms of tangible benefits to a state. The two values, high and low, are used for the size and credibility of the rewards variable because the EU is usually clear on its decision about a non-member state. Two questions will be answered for determining the value of the variable: What type of institutional tie does the EU propose to the non-member state? Does the EU give a membership perspective for the non-member state?

The size of the domestic adoption costs variable will be analyzed according to the conceptualization of this variable in the external incentives theoretical model. It has been suggested in the external incentives model that the size of the domestic adoption costs for the non-member state government determines the compliance or non-compliance with EU conditions. In fact, the size of adoption costs will be evaluated at the level of the government. Three values, high, medium, and low, will be used for the size of domestic adoption costs of the government. Domestic adoption costs will be considered low if the adoption of the EU conditions does not engender power costs for the government. This could be so if compliance with EU conditions is not perceived by the government to threaten the integrity and security of the state, undermine the parties' power (in terms of elections) or lead to a breakdown of the government such as a breakdown of the coalition or a loss of parliamentary support. Otherwise, the domestic costs of adoption will be considered as high. The medium value is appropriate when the size of adoption costs is different for governmental actors (no agreement between the coalition partner parties

about the adoption costs of the EU rules). In this case, adoption costs can be considered high by one partner of the coalition and low by the other partner of the coalition, which requires us to locate it between high and low. Two questions will be answered in order to determine the value of adoption costs variable: "What factors can generate costs for the government regarding the conditions set by the EU?" and "How does the government perceive the conditions in terms of potential costs". The first question aims at revealing the source of adoption costs for the government. The second question refers how to the government has considered the costs associated with the conditions.

For the social learning models, the independent variables are legitimacy, identity, and resonance. As to legitimacy of the EU conditions variable, the two values, high and low, will be used. The legitimacy of the EU rules (on human rights, minority rights, and civil-military relation) will be considered high if the conditions demanded by the EU are based on consensually shared and consistently applied rules of the organization. Otherwise if conditions are based on rules neither shared nor met by the members of the organization, the legitimacy of the rules will be considered as low. Two questions will be asked for determining the value of legitimacy variable: "Does the EU has specific rules regarding the issue area concerned (human rights, minority rights, civil-military relations)?" "Do all members accept and implement the rules asked as conditions from the non-member states?"

Identity will be considered at the government level rather than at the level of the population or other social actors. Three values, high, medium and low, will be used for the identity variable. If a government consistently represents itself and its state as European and Western, emphasize its commitment for European values and norms, and

express its willingness to become a part of the EU, the identification of this government with Europe will be regarded as high. Otherwise, if a government questions the European values and norms or their applicability to its state, its identification with Europe will be considered as low. The medium level of identification is related to the case of coalition government, if a coalition partner party has high identification with European values and norms but the other parties of the government are alien to the European values and norms. In this case the identification of the government with Europe will be considered as medium. The evaluation of the identification with Europe variable will be made through three questions: "How does the government perceive the EU and its values and norms?". "Does the government claim the EU membership for Turkey based on collective identity, values and norms?". "Does the government express any concerns about the applicability of European values and norms to Turkey?." These questions will be examined at the level of government and political parties. However, if the government is a coalition government, the questions will be conducted for all political parties that form the government.

The resonance of human rights, minority rights and civilian control over the military norms in Turkey will be examined. Two values, high and low, will be used for the resonance variable. In this regard, if the basic political beliefs, principles, values and past experiences in Turkey, correspond or do not contradict the EU conditions (in the issue areas concerned -human rights, minority rights, civil-military relations) the resonance will be considered high. However, if the core principles, beliefs, values and past experiences in Turkey contradict EU conditions (on the issue area), the resonance will be considered low. Two questions will be answered for the resonance variable.

“What are the past domestic values, norms and practices on the issue area in Turkey?” and “Do the Turkish practices contradict the EU’s norms?”

The values and indicators for the variables have been designed for better assessing these variables in the two time periods in Turkey; from 1999 to 2002, and from 2002 to 2004. It is important to indicate here the applicability of the variables in the time periods. The variables of the external incentives model, the size and credibility of the EU rewards and the size of adoption costs, will be analyzed in the two time periods. I will try to determine if changes in the value of these variables leads to the change of the dependent variables, compliance. The identity variable of the social learning model will be analyzed in all two time periods. The identification of Turkish governments with EU norms and values can vary from one period to another, which can explain the compliance. However problems exist for the two other variables of the social learning model, resonance and legitimacy, in their applicability to the two time periods. First, legitimacy is a variable that refers to the legitimacy of the EU rules. In this regard, the legitimacy of the EU conditions in the issue areas specified does not change according to time periods specified for Turkey. In fact, the legitimacy of EU conditions has a rather constant character. The analysis for the legitimacy variable will be conducted independent of the time periods specified for the Turkish case. Thus, the legitimacy of EU conditions and rules on human rights, minority rights and civil –military relations will be analyzed in the second chapter of this study by encompassing the two time periods.

A similar problem exists for the resonance variable. Resonance as the match of Turkey’s past experiences, norms and values with the EU norms on the issue areas specified, has a constant character. The resonance variable can not be analyzed in the two



time periods because this can lead us to a misleading conclusion. If we analyze resonance in the two time periods, our findings can be misleading in terms of considering change in the value of resonance variable that has been varied with the compliance of Turkey with the EU conditions. In fact, if Turkey has complied with EU conditions in the time periods, this can lead to us to consider resonance of EU conditions in Turkey high. However, resonance is an independent variable, so its value should affect the value of the dependent variable, compliance and not the other way around. We should analyze resonance in Turkey prior to Turkey being subject to EU's conditions. This way is more appropriate to the definition of the resonance variable. In this regard, the resonance will be analyzed in the second chapter of this study covering Turkey's characteristics prior to 1999.

It is important to address here the unit of analysis for the variables of the two theoretical models. The variables of the two theoretical models are based upon different units of analysis. This can be considered as a problem, which I will try to address here. The variables of the social learning model, legitimacy, identity, resonance, are based upon different units of analysis. The unit of analysis for legitimacy is the EU institutional environment, where rules for the EU members have been created. The unit of analysis for the resonance variable is the Turkish state, where the characteristics of the Turkish state in the issue-areas will be analyzed according to their resonance with EU conditions. The unit of analysis for the identity variable is the Turkish government, where its adherence to European values and norms will be analyzed. For the external incentives model, the size and credibility of the EU reward is based upon EU decisions; the EU decides whether or not to consider a non-member state for membership. The unit of analysis for

the size of adoption costs is the Turkish government: in this context, the Turkish governments' evaluation of the costs associated with the conditions will be analyzed. The different units of analysis of these two variables have been indicated in the external incentives theoretical model. However, the two explanatory variables of two models; identity and the size of adoption costs have the same unit of analysis: the Turkish government. The same unit of analysis for the two explanatory variables will facilitate the comparison of the explanation of the two models in explaining the compliance. For the other variables, I will keep the unit of analysis originally described in the theoretical models. I will not change the unit of analysis for the variables originally indicated in the theoretical models because this could endanger the consistency of the theoretical explanation.

In this regard the conceptualization of variables aims to clarify how the variables will be analyzed in the case study chapters. The evaluation of the values of the variables will be conducted through process tracing. Moreover, I will try to determine by process tracing what lead to compliance or non compliance (the outcome) by revealing the causal conditions that lead to the outcome.

### **1.2.2-Research Design: Periodization and Issue Specification**

As mentioned above, the analysis of Turkey will be conducted through three issue areas and two time periods. In this part, I will specify the selection of the issue areas and time periods by revealing the reasons of this selection.

The three issue areas of human rights, civil-military relations and minority rights have been made according to their significance for the EU-Turkey relations and their

resonance with EU democratic conditionality for membership. Additionally, the compliance of Turkey with EU conditions is a very broad and open-ended dependent variable that can weaken the causal explanation of the two models. Analyzed without any issue specification, this can lead to ambiguous evaluation of the dependent variable that can weaken the causal explanation of the two models.

The human rights issue area has been selected because human rights violations in Turkey have constituted the major themes of EU criticism.<sup>159</sup> With human rights, I am concerned with the issues regarding torture and ill-treatment, freedom of expression, freedom of peaceful assembly and association, fundamental political rights and the abolition of death penalty. Civil-military relations are chosen because the role of the military is an issue that the EU is particularly sensitive about and one on which it put a major emphasis in its attempt to monitor Turkey. I am concerned with the role of formal institutions<sup>160</sup> dominated by the military and constitutional rules that are giving the military important duties to preserve certain values.<sup>161</sup> The minority rights issue area was chosen because the EU has insisted on the formal and informal status of minorities in Turkey. By minority rights, I am concerned with issues regarding ethnic minorities such as cultural rights to the Kurdish minority and legal problems associated with the minority rights. By making issue specification, I will be able to assess the variation in some independent variables of the two models according to the issue areas. The independent variables such as domestic costs of adoption for the government, legitimacy, and resonance can have different values in different issue areas. However, the issue specification will help especially in the analysis of compliance by narrowing the analysis of compliance to human rights, minority rights and civil military relations.

I will study the three issue areas specified above through two time periods.<sup>162</sup> In this regard, I will use the method of cross-period analysis, which allows the comparative analysis of sequences of events, processes and outcomes.<sup>163</sup> This method gives an opportunity to examine the impact of over-time change in key explanatory variables on the dependent variable.<sup>164</sup> In this regard, the research design based on periodization is the appropriate way of analyzing the reasons for change in the variables within a case. In this regard, the Turkish case will be examined from 1999 to 2004 through two periods. The first period is going to be from December 1999; where in Helsinki Turkey was accepted as a candidate country, to 2002.<sup>165</sup> This period has been characterized by the Helsinki decision that constitutes a turning point in the relationship. Thus, the EU offered more sizeable and credible incentives with the 1999 Helsinki Decision. The second period is going to be from 2002, when Turkey was granted a conditional opening of accession negotiations in the Copenhagen summit, to 2004.<sup>166</sup> The Copenhagen decision introduced a clear timetable and a firm commitment on the EU's part that substantial progress in terms of satisfying EU conditionality would be rewarded by the opening of accession negotiations. Furthermore, the Justice and Development Party (Adalet ve Kalkinma Partisi-AKP) that demonstrated a high degree of commitment to the goal of EU membership formed a majority government in 2002. In fact, on December 2004, the European Council decided to start accession negotiations with Turkey in 2005 according to a Commission report which indicates that Turkey has sufficiently fulfilled the Copenhagen criteria.<sup>167</sup> Evan Lieberman indicates that periods have to be bounded by important events, changes or turning points that can be conceptualized as markers of variation in potentially important explanatory variable.<sup>168</sup> In this regard, my periodization

of Turkey reform process is marked with differences in the important independent variables of the two models such as the size and credibility of the rewards, the size of domestic costs of adoption, and identity.

By using issue specification and periodization in the Turkish case, I will be able to examine more adequately the explanatory power of the two theoretical models, external incentives and social learning. The use of periodization allows dividing the Turkish case into two sub-cases where we can analyze different values of independent variables. In turn, this increases the number of case studies from one to two to evaluate the adequacy of two theoretical models in responding to the research question. The issue specification will mainly help to analyze the impact of the EU on specific issue areas, by narrowing the area covered by EU democratic conditions. The chapters of this study have been designed according to the analysis of the variables of the theoretical models and time periods specified above. The second chapter (Chapter II) will cover the analysis of the two variables of the social learning model, legitimacy and resonance, for the Turkish case in a way that encompass all time periods because of the concerns expressed here. The third chapter will cover the period from 1999 to 2002. The final chapter will cover the period from 2002 to 2004. In the third and fourth chapters, I will start by giving historical background information about the period to be analyzed and will continue with the analysis of the variables of the two theoretical models.

### **1.3-Endnotes**

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<sup>1</sup> There are two other literatures that are related to the research question of this thesis: democratization and EU's foreign policy. The focus of the democratization literature has been analyzing the different waves of transitions to constitutional democracy in Southern Europe in 1970s, in Latin America in the 1980s and in Eastern Europe in 1990s. In fact, substantial efforts have been made to examine the international dimension

of democratization, by looking how membership to the EU has triggered the democratization in Southern and Eastern Europe. The literature on EU's foreign policy focuses on the aim of the EU's democracy promotion policies and how these policies have developed. It should be noted that this literature is strongly related to the more theoretically developed democratization literature on the international dimension of democratization, though the scope of the literature on the EU's foreign policy has been narrower, concentrating more on the relations of the EU with third countries. However I will not be examining these two literatures on the theoretical review chapter as they do not provide direct answers to the research question at hand. However it is important to indicate that the literature on EU's democratic conditionality has adopted concepts and theoretical approaches from these two literatures for explaining the impact of the EU on non-member states.

<sup>2</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Theorizing EU enlargement: Research Focus, Hypotheses, and The States of Research," *Journal of European Public Policy*, Vol. 9, No. 4, 2002, p. 501.

<sup>3</sup> Ibid., p. 509.

<sup>4</sup> Frank Schimmelfennig, Stefan Engert and Heiko Knobel, "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey," *Journal of Common Market Studies*, Vol. 41, No. 3, 2003, p. 495.

<sup>5</sup> Ibid., p. 501.

<sup>6</sup> Ibid., p. 496.

<sup>7</sup> Idem.,

<sup>8</sup> Ibid. p. 497.

<sup>9</sup> Idem.

<sup>10</sup> Ibid., p. 498.

<sup>11</sup> Ibid., p. 514.

<sup>12</sup> Ibid., p. 497

<sup>13</sup> Idem.

<sup>14</sup> Ibid., p. 498.

<sup>15</sup> Idem.

<sup>16</sup> Ibid., p. 501.

<sup>17</sup> Ibid., p. 514.

<sup>18</sup> Idem.

<sup>19</sup> Ibid., p. 515.

<sup>20</sup> An example of that is the evaluation of compliance of Turkey with EU democratic conditions. Schimmelfennig, Engert and Knobel considered the compliance of Turkey as -/+, meaning that Turkey has partly fulfilled the EU's democratic conditions. In the case study part, they indicate that although Turkey has been reluctant to comply with the conditions from 1999 until 2002, this process has been accelerated since then, by the introduction of reform packages in the line with EU conditions. However the authors do not indicate what lead to that change, factors such as variation in the adoption cost of government or variation in other variables have not been discussed.

<sup>21</sup> Frank Schimmelfennig, "The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis," p. 1.

<sup>22</sup> Ibid., p. 2.

<sup>23</sup> Idem.

<sup>24</sup> There are significant studies in this constructivist framework. See, for instance, Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization*, Vol. 52, No. 4, 1998; Jeffrey T. Checkel, "Why Comply? Social Learning and European Identity Change," *International Organization*, Vol. 55, No. 3, 2001; Thomas Risse, Steve C. Ropp, and Kathryn Sikkink (eds.), *The Power of Human Rights*, (Cambridge: Cambridge University Press, 1999); Frank Schimmelfennig, "Introduction: The Impact of International Organizations on the Central and Eastern European States-Conceptual and Theoretical Issues," in *Norms and Nannies: The Impact of International Organizations on the Central and East European States*, ed. Ronald H. Linden, (New York: Rowman&Littlefield Publishers, 2001).

<sup>25</sup> Jeffrey T. Checkel, "Compliance and Conditionality," *Arena Working Papers 00/18*. Available at [http://www.arena.uio.no/publications/wp00\\_18.htm](http://www.arena.uio.no/publications/wp00_18.htm). (Accessed on 28.06. 2005)

<sup>26</sup> Frank Schimmelfennig, "The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis," p. 3.

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- 27 Idem.  
28 Idem.  
29 Ibid., p.4.  
30 Idem.  
31 Idem.  
32 Ibid., p.5.  
33 Idem.  
34 Idem.  
35 Idem.  
36 Ibid., p. 6.  
37 Idem.  
38 Idem.  
39 Idem.  
40 Ibid., p. 7.  
41 Idem.  
42 Idem.  
43 Idem.  
44 Idem.  
45 Idem.  
46 Idem.  
47 Idem.  
48 Ibid., p. 18.  
49 Idem.  
50 Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," in *The Europeanization of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, (New York: Cornell University Press, 2005), p. 1.  
51 Ibid., p. 7.  
52 Idem.  
53 Although Schimmelfennig and Sedelmeier use the concept of "rule adoption" for characterizing the dependent variable, the meaning of "rule adoption" is parallel to the meaning of "compliance", the dependent variable of the previous study. The authors prefer to use "the rule adoption" in this study instead of compliance because it concretizes their emphasis on the transfer of EU rules into domestic rules.  
54 Ibid. p. 8.  
55 Schimmelfennig and Sedelmeier indicate that by "institutionalization", they mean the exhibit rule conforming patterns of domestic rules and procedures.  
56 Ibid., p. 7.  
57 Ibid., p. 8.  
58 Idem.  
59 Idem.  
60 Idem.  
61 Idem.  
62 Idem.  
63 Ibid., p. 9.  
64 Idem.  
65 Ibid., p.21.  
66 Ibid., p. 22.  
67 Ibid., pp.23-24.  
68 Ibid., p.24.  
69 Frank Schimmelfennig and Ulrich Sedelmeier, "Conclusions: The Impact of the EU on the Accession Countries," in *The Europeanization of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, (New York: Cornell University Press, 2005), p. 210.  
70 Ibid., p. 211.  
71 Idem.  
72 Idem.  
73 Ibid., p. 212.

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<sup>74</sup> Idem.

<sup>75</sup> Idem.

<sup>76</sup> Idem.

<sup>77</sup> Idem.

<sup>78</sup> Ibid., p. 213.

<sup>79</sup> Idem.

<sup>80</sup> Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, "The Impact of EU Political Conditionality," in *The Europeanization of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, (Cornell University Press: New York, 2005), p. 29.

<sup>81</sup> Idem.

<sup>82</sup> Ibid., p. 31.

<sup>83</sup> Ibid., p. 32.

<sup>84</sup> Ibid., p. 33.

<sup>85</sup> Ibid., p. 49.

<sup>86</sup> The credibility variable has been characterized as a condition variable because the impact of the independent variable -the size of the domestic adoption cost- on dependent variable -the rule adoption- depends from the value of the credibility variable.

<sup>87</sup> Ibid., p. 33.

<sup>88</sup> Ibid., p. 34.

<sup>89</sup> Ibid., p. 44.

<sup>90</sup> Idem.

<sup>91</sup> Idem.

<sup>92</sup> Ibid., p. 34.

<sup>93</sup> Ibid., p. 35.

<sup>94</sup> Ibid., p. 34-35.

<sup>95</sup> Ibid., p. 34.

<sup>96</sup> The EU's approach on minority rights relied on principles and processes developed by the Council of Europe and the OSCE. EU has supported the Framework Convention on National Minorities initiated by the Council of Europe, where all member states-including the new ten members- except France, Belgium, Greece and Luxemburg have ratified the Convention. The EU also supported the European Charter for Regional and or Minority Languages prepared by the Council of Europe, which has been less widely accepted by EU member states; France, Belgium, Greece, Ireland, Italy and Luxemburg did not ratify the charter. Moreover, The Amsterdam Treaty of 1997 incorporating the Copenhagen Criteria into the *acquis communautaire*, left out the minority rights clauses. In this regards there exists a weak minority rights regime in the E, which depends mainly from the Convention and Charter prepared by the Council of Europe. Indeed all member states did not ratify the convention and the charter on minority rights.

<sup>97</sup> Ibid., p. 32.

<sup>98</sup> The norm of civilian control over the military has not been institutionalized in the EU. It is not a part of the *acquis communautaire*, or the Treaties of the EU (such as Amsterdam and Maastricht Treaty). However the principle of civilian control over the military has been widely shared by all members of the EU. The Organization for Security and Co-operation in Europe (OSCE) and NATO have more clear rules on the civilian control over the armed forces. For example, OSCE Code of Conduct on Politico-Military Aspects of the Security includes norms and standards that addresses the control of armed forces by the civilians. NATO has developed specific rules regarding the civilian control of the military as part of its enlargements strategy; NATO Partnership for Peace Program with Euro-Atlantic Partnership countries (EAPC) includes democratic control of defence forces as one its five objectives. EU has supported the norm of civilian control over the military through its PHARE and TACIS Democracy programs for the candidate countries. However, EU has not developed a clear and explicit norm on civilian control over the military as part of the *acquis communautaire*.

<sup>99</sup> Ibid., p. 41.

<sup>100</sup> Ibid., p. 32.

<sup>101</sup> Ibid., p. 49.

<sup>102</sup> Ibid., p. 50.

<sup>103</sup> Ibid., p. 32.

<sup>104</sup> Idem.



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- <sup>105</sup> Idem.
- <sup>106</sup> Idem.
- <sup>107</sup> This study is an edited volume by Paul Kubicek, where each case study has been conducted by a different collaborator. Paul Kubicek has presented the theoretical framework of the study in the introductory chapter, and evaluated the results in the conclusion. Paul Kubicek (ed.), *The European Union and Democratization*, (New York:Routledge, 2003)
- <sup>108</sup> Paul Kubicek, "International Norms, the European Union, and Democratization: Tentative Theory and Evidence," in *The European Union and Democratization*, ed. Paul Kubicek, (New York: Routledge, 2003), p. 3.
- <sup>109</sup> Idem.
- <sup>110</sup> Ibid., p. 12.
- <sup>111</sup> Idem.
- <sup>112</sup> Idem.
- <sup>113</sup> Ibid., p. 13.
- <sup>114</sup> Ibid., p. 6.
- <sup>115</sup> Ibid., p. 14.
- <sup>116</sup> Idem.
- <sup>117</sup> Ibid., p. 15.
- <sup>118</sup> Idem.
- <sup>119</sup> Ibid., p. 16.
- <sup>120</sup> Idem.
- <sup>121</sup> Idem.
- <sup>122</sup> Ibid., p. 15.
- <sup>123</sup> Idem.
- <sup>124</sup> Ibid., p. 17.
- <sup>125</sup> Idem.
- <sup>126</sup> Idem.
- <sup>127</sup> Idem.
- <sup>128</sup> Ibid., p. 18.
- <sup>129</sup> Idem.
- <sup>130</sup> Idem.
- <sup>131</sup> Ibid., p. 19.
- <sup>132</sup> Idem.
- <sup>133</sup> Ibid., p. 18.
- <sup>134</sup> Idem.
- <sup>135</sup> Idem.
- <sup>136</sup> Idem.
- <sup>137</sup> Paul Kubicek, "Conclusion: the European Union and Democracy Promotion," p. 210.
- <sup>138</sup> Idem.
- <sup>139</sup> Idem.
- <sup>140</sup> Ibid., p. 211.
- <sup>141</sup> Idem.
- <sup>142</sup> Idem.
- <sup>143</sup> Idem.
- <sup>144</sup> Ibid., p. 210.
- <sup>145</sup> Ibid., p. 211.
- <sup>146</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," p. 20
- <sup>147</sup> Ibid., p. 18.
- <sup>148</sup> Michael Keating, "European Integration and the Nationalities Question," *Politics&Society*, Vol. 32, No.3, September 2004, p. 378.
- <sup>149</sup> Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, "The Impact of EU Political Conditionality," p. 32.
- <sup>150</sup> Ibid., p. 33.

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<sup>151</sup> Frank Schimmelfennig, "The International Promotion of Political Norms in Eastern Europe: a Qualitative Comparative Analysis," p. 18.

<sup>152</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," pp. 9-10.

<sup>153</sup> Ibid., p. 10.

<sup>154</sup> See for instance; Paul Kubicek, "Conclusion: the European Union and Democracy Promotion," p. 210 and Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, "The Impact of EU Political Conditionality," p. 36.

<sup>155</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," p. 8.

<sup>156</sup> Ibid., p. 33.

<sup>157</sup> Ibid., p. 33.

<sup>158</sup> Idem.

<sup>159</sup> Jonathan Sugden, "Leverage in Theory and Practice: Human Rights and Turkey's EU candidacy," in *Turkey and European Integration :Accession Prospects and Issues*, eds. Nergis Canefe and Mehmet Uğur, (New York: Routledge, 2004) p. 241.

<sup>160</sup> The most important institution was the National Security Council, where the military have the ability to control certain political decisions.

<sup>161</sup> Examples of such values are the unitary and secular character of the Turkish Republic and the modernizing reforms of Kemal Atatürk.

<sup>162</sup> The period surrounding the introduction of the Customs Union from 1995 to 1996 will not be analyzed in this study for determining the explanatory power of the theoretical models. In fact, the Customs Union represents an association and is a lower institutional tie than the promise of membership. In this regard, the size and credibility of the EU reward, the Customs Union Agreement, was low. The substance of the Customs Union was mainly economic in terms of establishing a tariff-free trade zone between Turkey and the EU as originally stated on the Ankara Agreement. Moreover, the European Council and Commission did not insist on democratic conditions for the introduction of the Customs Union. It was rather the European Parliament (EP) that asked three specific political conditions from Turkey for the endorsement of the Customs Union Agreement. The approval of the Customs Union Agreement has become crucial and the two Turkish governments, DYP-SHP and DYP-CHP, have complied to some extent with these conditions. I will not examine the variables of the external incentives and social learning models in the period surrounding the introduction of Customs Union because the content of the political conditions asked by the EP was very limited and there were not clear monitoring and evaluating efforts on the part of the EU regarding the introduction of these reforms in Turkey.

<sup>163</sup> Evan S. Lieberman, "Causal Inference in Historical Institutional Analysis: A Specification of Periodization Strategies," p. 1016.

<sup>164</sup> Ibid., p. 1017.

<sup>165</sup> E. Fuat Keyman and Ziya Öniş, "Helsinki, Copenhagen and beyond: Challenges to the New Europe and the Turkish State," p. 182.

<sup>166</sup> Ibid., p. 186.

<sup>167</sup> European Council, *Presidency Conclusions of Brussels 16-17 December 2004*, p. 2. Available at [http://europa.eu.int/comm/enlargement/turkey/pdf/presidency\\_conclusions16\\_17\\_12\\_04.pdf](http://europa.eu.int/comm/enlargement/turkey/pdf/presidency_conclusions16_17_12_04.pdf). (Accessed on 7.01.2006).

<sup>168</sup> Evan S. Lieberman, "Causal Inference in Historical Institutional Analysis: A Specification of Periodization Strategies," p. 1017.

## **CHAPTER 2: THE ANALYSIS OF THE LEGITIMACY AND RESONANCE VARIABLES**

The second chapter of this thesis will cover the analysis of the legitimacy and resonance variables of the social learning model. I have presented the problematic character of these two variables in the research design and methodology section. Hence, the analysis of the legitimacy and resonance variables will be done independent of two time periods specified for Turkey. I will examine the legitimacy of the EU conditions in the EU's institutional environment and the resonance of these conditions in Turkey. The analysis of these variables will be done according to three issue areas, namely human rights, minority rights and civil-military relations. The findings of the analysis on the legitimacy and resonance variables will be reflected upon the analysis of the two time periods in the third and fourth chapters.

### **2.1-The Social Learning Model**

#### **2.1.1-Legitimacy of the EU Rules on Human Rights, Minority Rights and Civil-Military Relations**

In this part, I will analyze the legitimacy of the EU rules on human rights, minority rights and civil military relations. Two questions will be answered for determining the value of legitimacy variable: "Does the EU has specific rules regarding the issue area concerned (human rights, minority rights, civil-military relations)?", "Do all members accept and implement the rules asked as conditions from the non-member states?" The legitimacy of the EU rules (on human rights, minority rights, and civil-

military relation) will be considered high if the conditions demanded by the EU are based on consensually shared and consistently applied rules of the organization. Otherwise, if conditions are based on rules neither shared nor met by the members of the organization, the legitimacy of the rules will be considered low. The analysis of the legitimacy variable will be conducted independently of the time periods specified for the Turkish case. This is because the legitimacy of the EU rules does not change according to time periods specified for Turkey.

The human rights regime in the EU has been gradually developed since the late 1980's in the post-Maastricht political order of the EU. I will evaluate here the EU's internal human-rights policy through two questions: "Do the EU has specific rules on human rights?" "Do all members accept and implement the rules asked as conditions from the non-member states?" The EU started to incorporate human rights norms into its main treaties since the Single Act of 1987.<sup>1</sup> The founding Treaty of the European Community, the Rome Treaty, did not refer to human rights, reflecting its origin as a common market.<sup>2</sup> The founding Treaties of the EU, the Treaty of Paris and the Treaty of Rome, did not make any explicit reference to the respect for human rights and the principle of democracy. In fact, until the late 1980s, the human rights regime in Europe depended on The European Convention of Human Rights (ECHR), prepared by the Council of Europe in 1950.<sup>3</sup> All EU member states except France ratified the ECHR before they joined the Community; France did so in 1974.<sup>4</sup> The introduction of the Single Act in 1987 was important in terms of incorporating respect for human rights into the EU's main treaty at that time.<sup>5</sup> The Single Act states that

"Members are determined to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the member states, in the

The human rights regime in the EU has been reinforced by the Treaty on European Union (TEU- also known as the Treaty of Maastricht) in 1993.<sup>7</sup> In fact, many articles of the TEU make direct reference to respect for human rights. For instance Article F of the TEU states “the importance of systems government founded on principles of democracy, respect for fundamental rights, protection of human rights and fundamental freedoms.”<sup>8</sup> The approach of the TEU to the protection of human rights has been strengthened by the Amsterdam Treaty in 1997. The Amsterdam Treaty defines the ECHR as the main source of a definition of human rights.<sup>9</sup> More importantly, article 6 of the Amsterdam Treaty states that “the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.”<sup>10</sup> Furthermore, article 7 of the Amsterdam Treaty establishes an enforcement mechanism for any violation of the founding principles of the EU by member states: “If there is a serious and persistent breach of those principles in any member state, the concerned member states may find certain of its right suspended.”<sup>11</sup> In this regard, since the Single Act of 1988, respect for human rights has been established as one of the main principle of the Union in the treaties of the EU. The TEU and the Amsterdam Treaty strengthened the human rights regime in the EU by making respect for human rights as a founding principle of the Union that was shared by all members. The TEU and the Amsterdam Treaty were signed and accepted by all member states, which increased the legitimacy of the human rights norm in the EU. Apart from these two founding treaties of the Union, the European Court of Justice has incorporated the rights enshrined in the ECHR into the general principles of the

Community law, which has been ratified by all member states.<sup>12</sup> This provides clear enforcement mechanisms and gives the right to complaint against his or her states to the individuals of the member states, alleging violations of the convention. The human rights regime in the EU has been further reinforced by the EU's initiative on the abolition of the death penalty and the eradication of torture.<sup>13</sup> In 1983, a protocol abolishing the death penalty was added to the ECHR.<sup>14</sup> The European Council launched an initiative in 1998 to promote the abolition of the death penalty.<sup>15</sup> By 1999, all EU member states had abolished the death penalty. A similar initiative has been launched to eradicate torture in 1998 through the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment (CPT).<sup>16</sup> All member states have signed and ratified this Convention.<sup>17</sup>

The analysis above reveals that respect for human rights is a highly institutionalized norm in the EU through the main treaties of the Union. Moreover, the European Court of Justice through the ECHR provides a legal mechanism for the protection of human rights in the member states. Furthermore, the respect for human rights principle in the TEU and Amsterdam Treaty have been accepted and shared by all member states. The Copenhagen criteria of 1993 which set the membership conditions for the candidate states included respect for human rights. Regarding the two questions, the EU has clear rules for the protection of human rights indicated in the main treaties and all member states accept and implement these rules. This indicates that the legitimacy of human right conditions is high in the EU institutional environment.

The minority right regime in the EU has been less institutionalized than the human rights regime of the EU.<sup>18</sup> I will evaluate here the EU's internal minority rights

policy through two questions: “Does the EU have specific rules on minority rights?” “Do all members accept and implement the rules asked as conditions from the non-member states?” Since the 1990s, European institutions have gradually and hesitantly been building a minority rights regime.<sup>19</sup> However the protection of minority rights has not been a part of the EU *acquis communautaire*.<sup>20</sup> The EU institutions have referred to legal standards of minority protection that have been established by the Council of Europe, most importantly the Framework Convention on the Protection of National Minorities (FCNM) and the European Charter of Regional and Minority Languages (ECRML).<sup>21</sup> This legal framework of reference to FCNM and ECRML does not provide valid and clear standards in the EU because FCNM has not been ratified by all member states of the Council of Europe, among them five EU member states<sup>22</sup> and ECRML has found even less support among the member states<sup>23</sup> of the EU.<sup>24</sup> Although minority rights were included in these documents of the Council of Europe and referred to in EU institutions, minority rights were not incorporated into the main treaties of the EU. The Article I-3 of the TEU asks for the respect of cultural and linguistic diversity in the EU.<sup>25</sup> The Article III-128 of the TEU states: “The Community shall contribute to the flowering of the cultures of the member-states, while respecting their national and regional diversity.”<sup>26</sup> The Amsterdam Treaty does not mention the protection of minorities as one of the fundamental principles of the Union. However the Amsterdam Treaty has included the nondiscrimination principle by expanding the scope of nondiscrimination to include ethnic and racial discrimination.<sup>27</sup> Article 13 of the Amsterdam Treaty enables “the Community to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”<sup>28</sup> However Guido

Schwellnus indicates that the nondiscrimination and minority rights are two distinct and different norms.<sup>29</sup> Nondiscrimination is a general human rights principle valid for all individuals, whereas minority rights are group specific, which target particular persons or groups.<sup>30</sup> In this regards, the nondiscrimination clauses in the Amsterdam Treaty does not provide a framework for minority rights in the EU.

The analysis above reveals that the minority rights regime in the EU has been weak. The protection of minority rights has not been included into the main treaties of the EU. The EU refers to FCNM and ECRML prepared by the Council of the Europe. However, the FCNM and ECRML are not ratified by all member states of the EU. Regarding the two questions; the EU does not have specific rules regarding the protection of minority rights in the *acquis communautaire*. Furthermore, the FCNM and ECRML have not been ratified by all member states of the EU. However the Copenhagen criteria of 1993 ask from the candidate countries “the protection of minorities”. This indicates that the legitimacy of minority rights condition is low because the EU did not create a standard for the protection of minority rights within the *acquis communautaire* and, the framework and the charter for minority rights protection through FCNM and ECRML have not been ratified by all member states.

The norm of civilian control of the military has a less institutionalized character in the EU than respect for human rights and the protection of minority rights. I will evaluate here the EU’s policy on civilian control on the armed forces through two questions: “Does the EU have specific rules on civilian control over?” “Do all members accept and implement the rules asked as conditions from the non-member states? The norm of civilian control of military is not institutionalized in the *acquis communautaire*. I could



not find any articles in the main treaties of the EU such as the TEU, and Amsterdam Treaty that specifically establish norms and standards for democratic oversight of the military. It is rather the Organization for Security and Cooperation in Europe (OSCE) and NATO that have rather specific standards and norms over the civilian control of the military forces.<sup>31</sup> The OSCE Code of Conduct on Politico-Military Aspects of Security is the most prominent agreement in Europe that includes norms and standards that specifically address the democratic control of the armed forces.<sup>32</sup> The OSCE Code of Conduct on Politico-Military Aspects of Security was agreed to in 1994 and was signed by all members of OSCE.<sup>33</sup> All member states of the EU are also members of the OSCE and they have all signed the Code of Conduct.<sup>34</sup> As for all OSCE agreements, it is a politically binding agreement. It asks from all the signatories to establish democratic decision making mechanism in the area of security and defense.<sup>35</sup> Chapter VII of the OSCE code of conduct includes the following commitment from participating states: “consider democratic political control of military, paramilitary and internal security forces as well as of intelligence services and police to be an indispensable element of stability and security element.”<sup>36</sup> Furthermore, the OSCE Code of conduct asks the participant states to establish legal and constitutional control over the armed forces. It also asks the participant states to establish rules that clearly define the constitutional role of the military and that identify the accountability of the military forces.<sup>37</sup> However, the OSCE document does not go into details on the role of Security Council in the participant states and the executives control over the military forces. The OSCE Code of conduct introduces the norm of civilian control over the military as a general and binding norm but allows different arrangements on the part of the participant states.<sup>38</sup> NATO has also

introduced the norm of civilian control of the military in its Partnership for Peace program with EAPC (Euro-Atlantic Partnership Council) countries.<sup>39</sup> NATO's Partnership for Peace programme with EAPC countries includes "ensuring democratic control of defense forces" as one of its five objectives.<sup>40</sup> Agreements under the Partnership for Peace program with individual countries include standards regarding the development of balanced civil-military relations and legal arrangements for the control of the armed forces. Although the EU did not develop the norm of civilian control over the military in its legal system, it has supported programs to promote transparency and democratic accountability of the military in Central and Eastern European countries through PHARE and TACIS democracy programs.<sup>41</sup> This included projects to promote oversight of the parliaments on the military sphere. However EU did not develop rules and standards for its member states for the civilian control of the military.

The review above indicates that the EU lacks rules that arrange the civilian control of the armed forces. It is rather the OSCE and NATO that have introduced the norms of civilian control of the military in Europe. Although the EU lacks a rule on the civilian control of armed forces, this norm is widely shared by member states of the EU through the OSCE Code of Conduct on Politico-Military Aspects of Security. However there exist different arrangements on the part of the EU member states on how the control of the military has been exercised. Regarding the two questions the EU does have specific rules that arrange the civilian control over the military. However, the EU member states share widely this norm through the OSCE code of conduct and NATO arrangements. In fact, the EU asks from candidate states to introduce the civilian control of the military as revealed in the first Commission report in 1998 on Turkey. The

legitimacy of the civilian control of the military conditions in the EU is low. This is because the EU does not have specific rules arranging the civilian control over the military. However it is important to emphasize that it is a shared norm in the member states of the EU, although different mechanisms and rules exist in the member states.

The analysis of the legitimacy of the EU conditions on human rights, minority rights and civilian control over the military indicates that these conditions have different degree of legitimacy in the EU. The human rights conditions have high legitimacy in the EU's institutional environment through the articles of the TEU and the Treaty of Amsterdam. Moreover, respect for human rights and fundamental freedoms are shared norms among the member states. The protection of minority rights has a rather low legitimacy in the EU. EU does not have clear rules regarding the protection of minority rights. Moreover all member states do not share the same standard that has been set by the FCNM and ECRML. The norm of civilian control over the military has also low legitimacy in the EU's institutional environment. The EU does not have specific rules arranging the civilian control over the military. However it is a shared norm among the member states. According to the social learning model, the different degree of legitimacy for the EU conditions on human rights, minority rights and civilian control over the military should affect the compliance of the non-member states. Since the human rights conditions have high level of legitimacy, the social learning model expects high level of compliance by non member states on the human rights conditions. Since the minority rights and civilian control over the military conditions have a low degree of legitimacy, the social learning model expects low degree of compliance by non member states on these conditions.

### **2.1.2-Resonance of the EU Conditions on Human Rights, Minority Rights and Civil-Military Relations in Turkey**

Resonance refers to the cultural or institutional match of a specific external rule with the already existing domestic values, norms, and practices in a specific issue area.<sup>42</sup> The resonance variable will be analyzed according to three issue areas of this study. Two values, high and low, will be used for the resonance variable. In this regard, if the basic political beliefs, principles, values and past experiences in Turkey, correspond to or do not contradict the EU conditions (in the issue areas concerned -human rights, minority rights, civil-military relations), the resonance will be considered high. However, if the core principles, beliefs, values and past experiences in Turkey contradict with, EU conditions (on the issue area), the resonance will be considered as low. Two questions will be answered for the resonance variable. "What are the past domestic values, norms and practices on the issue area in Turkey?" "Do the Turkey's practices contradict the EU's norms?" The analysis of the resonance variable in Turkey will be done independent of the time periods expressed for Turkey for reasons expressed in Research Design and Methodology part.

Turkey, despite having decades of democratic experience and competitive elections, has a human rights regime that has frequently been the subject of criticism by the EU.<sup>43</sup> The failings on the protection of human rights in Turkey are the result of constitutional constraints as well as informal abuses. In this regard, I will discuss here legal and constitutional restrictions on human rights in Turkey. The informal abuses in Turkey such as torture and ill treatment of persons will be revealed through the evaluation of regional and international organizations. The 1982 Constitution that has

been prepared by a military council after the coup d'etat of 1980 strictly limited individual rights in Turkey.<sup>44</sup> According to Article 13 of the Constitution, "Fundamental rights and freedoms may be restricted by law in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State..".<sup>45</sup> Article 14 extended the same principle by stipulating that "None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the State."<sup>46</sup> These articles have been considered by William Hale as the examples of restrictions on the freedom of restriction in the Constitution.<sup>47</sup> The statutes most frequently used by the courts to restrict freedom of expression were articles 159 and 312 of the Penal Code and Article 8 of the Law for the Struggle against Terrorism of 1991.<sup>48</sup> Article 159 of the Penal Code provided that:

"Those who publicly insult or deride the moral character of Turkishness, the Republic, the Grand National Assembly or the Government, or the Ministries, the military or security forces of the State or the moral character of judiciary, shall be punished by between one and six years of sever imprisonment."<sup>49</sup>

According to Article 312 of the Penal Code, "anyone who openly incites the public hatred and enmity with regard to class, race, religion, religious sect or regional differences shall be punished by between one and three years of imprisonment."<sup>50</sup> Article 8 of the Law for the Struggle against Terrorism of 1991 states that:

"Regardless of with whatever method aim or purpose, written or oral propaganda, together with meetings, demonstrations and marches which have the objective of destroying the indivisible integrity of the State of the Republic of Turkey, with its territory and nation, shall not be carried out."<sup>51</sup>

Another important restriction on fundamental rights and freedoms in Turkey is the "State of Emergency Regime" that has been established in the southern region of Turkey.

The State of Emergency Law exempts judicial review of acts carried out by administrative authorities and security forces.<sup>52</sup> For example, the emergency region Governor has powers to confiscate publications and limit the rights of city council assemblies. Maximum police detention periods can be extended from seven to ten days within declared emergency regions. Thus, the actions based on the State of Emergency Law have resulted in serious human rights violations by security force in the region.<sup>53</sup> Moreover, Turkey has kept the death penalty until 2002 in contradiction with EU practices. The Turkish Penal Code, which dates from 1926, allowed for the death penalty to be applied in certain cases of homicide, beside some felonies against the state, notably in time of war and in cases of those attempting to separate a part of its territory from the Administration of the State.<sup>54</sup> However, death sentences could only be carried out if parliament passed apposite vote to that effect. Since 1984 no such motions have been passed.<sup>55</sup>

Another major criticism against Turkey by the EU is the widespread use of torture and ill treatment of persons. The 1980 coup d'etat by the military led to the suppression of a broad range of civil liberties and rights. Moreover, the use of certain methods such as torture to restore order by the military has led to serious abuses of human rights.<sup>56</sup> After the recivilianisation of the government from 1983, the use of torture diminished, although did not disappear.<sup>57</sup> For example, the report by Helsinki Watch in 1987 (the monitoring group for the Council Europe on human rights) indicated that torture was routinely used in police stations in Turkey.<sup>58</sup> However it is important to indicate here that torture is not institutionalized in Turkey. Such actions violate numerous domestic laws: Article 17 of the Turkish Constitution forbidding torture; Article 135/a of Code of Criminal Procedure

(CMUK), which applies to all detainees, forbidding the use of torture techniques and invalidating testimony or confessions gathered under such conditions.<sup>59</sup> Moreover Turkey recognizes the right of its citizens to make an individual application to the European Commission of Human Rights in 1987.<sup>60</sup> Turkey also signed both the UN and the European Conventions for the prevention of torture. However, the measures for the prevention of the use of torture have not been implemented in Turkey, which leads to serious criticisms. The Ministry of the Interior indicates that 78 individuals died in custody between 1980 and 1985.<sup>61</sup> The report by the European Committee for the Prevention of Torture and Inhuman Degrading Treatment and Punishment in 1999 states that “ a considerable number of Turkish citizens had been subject to various forms of torture and ill-treatment at the hands of police officers.”<sup>62</sup> In 1999, Turkey topped the European Court of Human Rights’ list of thirty seven countries accused of violating human rights.<sup>63</sup> Out of 7771 complaints registered in the court, Turkey received 1191.<sup>64</sup> The complaints specified beating, assault, and torture.

An important point that has to be emphasized is that the most important political reforms in Turkey prior to 1999 have been implemented during the introduction of the Customs Union with the EU in 1995. The EU-Turkey Association Council agreed to finalize the customs union between Turkey and the EU on March 6, 1995.<sup>65</sup> However, the Customs Union Agreement between Turkey and the EU was subject to the assent procedure of the European Parliament (EP) under the Maastricht Treaty, in which the Parliament had a right to approve the agreement or refuse to give its assent.<sup>66</sup> Therefore, the EP made it conditional on Turkey’s progress to align its political and human rights regime with EU standards. To be precise, the EP put forward three specific conditions to

be met by Turkey for its approval of the customs union.<sup>67</sup> First, Turkey had to make constitutional amendments in order to eliminate legal and constitutional restrictions on civil society and political participation, which included freedom of association and the freedom of trade unions.<sup>68</sup> Second, Turkey had to change or abolish Article 8 of the Anti-Terror Law, which forbade the written or verbal propaganda and demonstrations which deemed to violate the political, legal, social, secular and economic order of the country doing a way that impairs the integrity of the Republic of Turkey, its territory and its nation.<sup>69</sup> Finally, the EP asked for the release of DEP (Demokrasi Partisi-Democratic Party) parliamentarians who were jailed on the basis of claims that they supported PKK<sup>70</sup> and were involved in separatist activities.<sup>71</sup> The DEP was the only political party in Turkey with a program on the Kurdish problem.<sup>72</sup>

In response to the demands of the EP, the DYP-SHP coalition government managed to pass 17 constitutional amendments on 17 July 1995, which increased the opportunity for democratic participation, including the lifting of restrictions on associations and trade unions to conduct political activities.<sup>73</sup> The most important amendments repealed the two paragraphs of the preamble of the Constitutions referring to the necessity and legitimacy of the 1980 military intervention and repealed the bans on political activities of trade unions, associations, foundations, cooperatives, and public professional organizations; they allowed political cooperation between political parties and these civil society institutions; they lowered the voting age to eighteen, they increased the number of TGNA members to 550 from 450; they gave Turkish citizens living abroad the right to vote; and they recognized the right to unionize for public employees and allowed university instructors and students to become members of



political parties.<sup>74</sup> In fact, Ozbudun emphasizes that these amendments to the Turkish Constitution have provided greater scope for civil society to participate in political activities, as well as greater safeguards for the rights and guarantees accorded to members of the Turkish Parliament.<sup>75</sup>

Moreover, regarding the EP's second condition, amendments to Article 8 of the Law against Terrorism were introduced by the DYP-CHP coalition in 27 October 1995.<sup>76</sup> The most substantial change introduced in this Article was consideration to judge the intention behind the act.<sup>77</sup> The previous version of the Article 8 automatically condemned any written or spoken propaganda, meeting or demonstration that impaired the integrity of the state, its territory and its nation. With the amendments to Article 8, the prison sentence for separatist propaganda was reduced from between two and five years to between one and three years and might be converted to a fine. The notion of intentionally and explanatory memorandum was introduced, allowing judges to implement the new law in the lights of the European Convention on Human Rights.<sup>78</sup> Furthermore, with these changes on the Article 8 of the Law against Terrorism, 130 people that were under custody and prosecuted according the previous version of Article 8 were released.<sup>79</sup>

In regard to the EP's third condition, to release the DEP representatives who were sentenced on the grounds of their involvement in the PKK activities, the Turkish Appeal Court ruled on the request for a review of the judgement taken by the Ankara Security Court.<sup>80</sup> According to the Turkish Appeal Court ruling announced on 26 October 1995, two of the defendants were released but the other four were sentenced to 15 years in jail.<sup>81</sup> The DYP-CHP coalition government defended itself against the criticism from the

EP on the grounds that those concerned could appeal to the European Court of Human Rights.<sup>82</sup>

Although the EP considered some of these changes inadequate and insufficient, the EP ratified the Customs Union Agreement in December 13, 1995, with a resolution calling on Turkey to take further concrete steps toward democratization and the improvement of human rights and the Kurdish issue.<sup>83</sup> The customs union between Turkey and the EU came into effect on 1 January 1996. In this regard, the reforms introduced by Turkey according to the EP's conditions represent the most important political reforms in Turkey during the 1990's in terms of improving human rights standards. Although these reforms were important in the Turkish context, the EP asked for further democratization reforms. This indicates that the EU still found these reforms insufficient by stressing the shortcomings of the Turkey's human rights regime.

The review above reveals the inadequacies of the human rights regime in Turkey. First of all, several legal restrictions existed on the freedom of expression and freedom of association in Turkey, in contradiction with EU standards. Although Turkey legally condemned the use of torture and the abuses of human rights, Turkey record's on torture and ill-treatment of people has been bad. Regarding the first question: "What are the past domestic values, norms and practices on the issue area in Turkey?", it has been shown that Turkey has constitutional and legal restrictions on the protection of human rights. For the second question, "Do the Turkey's practices contradict the EU's norms?", it has been demonstrated the shortcomings of the human rights regime in Turkey, that has been condemned by different European institutions. In this regard, the resonance of human

rights norms in Turkey is low in terms of legal restrictions on fundamental rights and the abuses of human rights.

The issue of minority rights constitutes a major problem between Turkey and the EU in terms defining which ethnic, racial or religious groups are minorities.<sup>84</sup> Turkey has assigned the minority status to only non-Muslim religious groups; namely Armenian Christians, Orthodox Greeks, and Jews, according to the 1923 Treaty of Lausanne.<sup>85</sup> Minorities other than those mentioned in the 1923 Treaty of Lausanne are not recognized in Turkey as minorities. This constitutes an internal problem in Turkey because of the existence of 10 to 12 million citizens of Kurdish ethnic origin.<sup>86</sup> The 1982 Turkish constitution that was drafted under military supervision after the coup of 1980, adopted the doctrine of the unity and indivisibility of the Turkish state, its territory, and its people.<sup>87</sup> In fact, Feyzi Baban indicates that Turkey has adopted republican version of civic nationalism which emphasize the unity of nation by not allowing cultural diversity.<sup>88</sup> Turkey's approach to the concept of what constitutes a minority has been shaped by the Turkish state doctrine of the indivisibility of the Turkish nation and states.<sup>89</sup> Indeed this doctrine is expressed in Article 10 of the Turkish Constitution: "All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion, sect, or any such consideration."<sup>90</sup> On this ground, Turkey rejects demands for the recognition of minority rights for the Kurds by emphasizing the equality of Turkish citizens under the constitution.<sup>91</sup> Turkey acknowledges the existence of different ethnic groups, including Kurds, but it rejects their legal status as a minority. In this respect, it is important to reveal here some restrictions on the linguistic and cultural rights of the minority groups in

Turkey. According to the Law 2932 that was introduced in 1983, the mother tongue of Turkish citizens is Turkish and the use of the Kurdish language in public is banned.<sup>92</sup> Law 2932 was repealed in 1991 by the ANAP government at that time, thereby legalizing Kurdish speech, song, and music.<sup>93</sup> Moreover, the broadcasting and education in languages other than Turkish were banned in Turkey until the reform package of 2002.<sup>94</sup> The constitution and the political Parties Law proscribe ethnic political parties.<sup>95</sup> In fact, the Constitutional Court has closed several political parties on this ground such as HEP, DEP, HADEP.<sup>96</sup>

The review above of the minority rights practices in Turkey reveals that the resonance of minority rights has been low in Turkey especially since 1980's. Turkey does not recognize the status of minority to ethnic groups other than those specified in the 1923 Lausanne Treaty. Moreover, there existed restrictions on cultural and linguistic rights of ethnic groups in Turkey since the 1980s. Regarding the first question; "What are the past domestic values, norms and practices on the issue area in Turkey?", it has been shown that Turkey did not recognize the minority status to ethnic groups other than those mentioned in the Lausanne Treaty. For the second question, "Do Turkey's practices contradict the EU's norms?", the practices in Turkey have been in contradiction with the EU's norm of the protection of minority rights. This has been expressed in the three EP resolutions of 1988, 1989 and 1996 that called Turkey to recognize the rights of members of the Kurdish minority living in Turkey. The EU Council has been more diplomatic on criticizing Turkey's practices in minority rights. However, it has adopted resolutions that call Turkey to take necessary measures on the protection of minorities. The Commission took a similar stand, which can be noticeable in a number of its reports; all underlying

Turkey should recognize cultural rights for its Kurdish minority. In this regards, the analysis of the resonance of minority rights in Turkey reveal that the resonance of minority rights conditions has been low in Turkey.

The role of military in Turkey has been the object of major criticism from the EU regarding the lack of democratic control over the institution. The military has always had a close relationship with politics in Turkish history.<sup>97</sup> In the last four decades the military has intervened four times to bring about governmental change: twice directly in 1960 and 1980; twice indirectly in 1971 and 1997. Since 1961 the military has given constitutional property to its impact on government and policy making through the development of the National Security Council.<sup>98</sup> The NSC is formally an advisory body which is chaired by the president of the republic, and was until the constitutional amendments package of October 2001 prescribing a civilian majority, made up equally of civilian and military figures.<sup>99</sup> Article 118 of the Turkish Constitution states the duty of the NSC as to submit its views on “the formulation, establishment and implementation of national security policy”.<sup>100</sup> The Act of the National Security Council and National Security Council General Secretariat dated December 9, 1983 (No. 2945) defines national security as the “protection and maintenance of the state’s constitutional order, national presence, integrity, its political, social, cultural and economic interests on an international level and contractual law against any kind of internal and foreign threat.”<sup>101</sup> In this context, the NSC’s agenda includes any matter that is perceived as relevant to national security. The NSC advises the Council of Ministers of its views on the determination and implementation of national security policy as well as required coordination.

In practice, the military's impact on government has been much greater. NSC provided to the military an institution through which it can influence policy matters.<sup>102</sup> The NSC gives recommendations on a great variety of policies to the governments.<sup>103</sup> It is important to reveal here the indirect intervention of the military into RP-DYP coalition government in 1997 for illustrating the role of the military in Turkish politics.<sup>104</sup> Reacting to the policies which it regarded as fundamentalist demands and moves by the RP, which was a partner of the coalition government, the General Staff presented to the government on February 28, 1997 meeting of the NSC eighteen measures designed to curb the power of Islamic movement.<sup>105</sup> Necmettin Erbakan, the prime minister and the leader of the RP, stalled the implementation of these measures.<sup>106</sup> In response, the military triggered a wave of public protests against the coalition that finally led to Erbakan's resignation.

Another area of criticism regarding the role of military in politics is the status of the chief of general staff under the prime minister. According to the 1961 Constitution, which was enacted after the coup d'état on May 27, 1960, the chief of the general staff was defined as the commander of the armed forces and therefore was made responsible to the prime minister.<sup>107</sup> This status constitutes a contradiction to the Western practices of civilian control of military, where the general staff is responsible to the minister of defense.<sup>108</sup> Another area of overlapping civilian and military authority is the judiciary, especially the state security courts and the military courts of the state of emergency authority.<sup>109</sup> In both types of court the military enjoys a considerable influence through military judges who, although formally independent, are part of the military hierarchy.<sup>110</sup>

With the NSC and its position within the branches of judiciary that deal with internal security issues, as well as the independence of the General Staff from the Ministry of Defense, the military has a unique role in Turkey. Regarding the first question; “What are the past domestic values, norms and practices on the issue area in Turkey?”, it has been explained here that the military has enjoyed a special status in the Turkish political system through the NSC. For the second question, “Do the Turkey’s practices contradict the EU’s norms?”, the practices in Turkey on civilian control over military have been in contradiction with EU member countries standards. In this regard, the analysis of civil military relations indicates that the resonance of civilian control over the military norm is low in Turkey.

The above analysis of the resonance of human rights, minority rights and civilian control over the military norms in Turkey indicates us the shortcomings of Turkey regarding these three norms, especially legal and constitutional restrictions. In this regard, the resonance of these three norms in Turkey has been low in contradiction with EU standards.

## **2.2-The Evaluation of the Values of the Legitimacy and Resonance Variables**

<b>Table 2.1. The Social Learning Model- Values of the Legitimacy and Resonance Variables</b>			
<b>Issue Area</b>	<b>Human Right Norms</b>	<b>Minority Right Norms</b>	<b>Norms of Civilian Control Over the Military</b>
<b>Resonance</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>
<b>Legitimacy</b>	<b>High</b>	<b>Low</b>	<b>Low</b>

Table 2.1 indicates the findings of this chapter on the values of the legitimacy and resonance variables. It has been determined that the legitimacy of the EU conditions on

minority rights and civilian control over the military have been low in the EU's institutional environment. On the contrary, the EU's conditions on human rights have a high legitimacy. According to social learning model, the non-member states would comply with conditions that have high legitimacy in the EU's institutional environment. In this regard, the values of the legitimacy variable indicate that we should expect high level of compliance of Turkey regarding the human rights conditions and low level compliance of Turkey with the minority rights and civilian control over the military conditions.

The resonance of human rights, minority rights and civilian control over the military norms in Turkey has been determined as low in the analysis above. According to the social learning model, as the resonance of these norms has been low, it is expected to observe a low level of compliance of Turkey regarding the human rights, minority rights and civilian control over the military conditions. The findings of this chapter on the legitimacy and resonance variables will be reflected upon the analysis of the two time periods and the evaluation of the two theoretical models.

### **2.3-Endnotes**

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<sup>1</sup> Karen E. Smith, *European Foreign Policy in a Changing World*, (Malden: Blackwell Publishing, 2003), p. 98.

<sup>2</sup> Idem.

<sup>3</sup> Ibid., p. 99.

<sup>4</sup> Idem.

<sup>5</sup> Ibid., p. 11.

<sup>6</sup> The preamble of the Single European Act, 1987. Available at <http://europa.eu.int/abc/obj/treaties/en/entr14a.htm#42>, (Accessed on 30, 09, 2005).

<sup>7</sup> Ian Manners, "Normative Power Europe: A contradiction in Terms?," *Journal of Common Market Studies*, Vo. 40, No. 2, June 2002, p. 241.

<sup>8</sup> Karen E. Smith, *European Foreign Policy in a Changing World*, p. 100.

<sup>9</sup> Idem.

<sup>10</sup> Idem.

<sup>11</sup> Idem.



- <sup>12</sup> Ian Manners, "Normative Power Europe: A contradiction in Terms?," 246.
- <sup>13</sup> Karen E. Smith, *European Foreign Policy in a Changing World*, p. 108.
- <sup>14</sup> Idem.
- <sup>15</sup> Idem.
- <sup>16</sup> Idem.
- <sup>17</sup> Idem.
- <sup>18</sup> Martin Brusis, "The European Union and Interethnic Power –sharing Arrangements in the Accession Countries," *Journal of Ethnopolitics and Minority Issues in Europe*, Vol. 1., No. 1, 2003, p.2.
- <sup>19</sup> Michael Keating, "European Integration and the Nationalities Question," *Politics&Society*, Vol. 32, No.3, 2004, p. 378.
- <sup>20</sup> Guido Schwellnus, "The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland," in *The Europeanization of Central and Eastern Europe*, eds. Frank Schimmelfennig and Ulrich Sedelmeier, (New York: Cornell University Press, 2005), p. 56.
- <sup>21</sup> Martin Brusis, "The European Union and Interethnic Power –sharing Arrangements in the Accession Countries," p. 3.
- <sup>22</sup> Belgium, France, Greece, Luxembourg and have not ratified FCNM, and France has not even signed it Netherlands has ratified it in 01.06 2005. Available at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=8&DF=26/11/2005&CL=ENG>. (Acceded on 30.08.2005).
- <sup>23</sup> France, Belgium, Greece, Ireland, Italy, Portugal, and Luxemburg did not ratify the ECRML. Available at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=148&CM=8&DF=26/11/2005&CL=EN>, (Acceded on 30.08.2005).
- <sup>24</sup> Martin Brusis, "The European Union and Interethnic Power –sharing Arrangements in the Accession Countries," p. 3
- <sup>25</sup> Karen E. Smith, *European Foreign Policy in a Changing World*, p. 109.
- <sup>26</sup> Idem.
- <sup>27</sup> Guido Schwellnus, "The Adoption of Nondiscrimination and Minority Protection Rules in Romania, Hungary, and Poland," p. 55.
- <sup>28</sup> Idem.
- <sup>29</sup> Ibid., p. 54.
- <sup>30</sup> Idem.
- <sup>31</sup> Owen Green, "International Standards and Obligations: Norms and Criteria for DCAF in the EU, OSCE and OECD Areas," Conference Paper prepared for the Workshop "Criteria for Success and Failure in Security Sector Reform", held on 5-7 September 2002 in Geneva, Geneva Center For the Democratic Control of Armed Forces (DCAF), p. 3. Available at [http://www.dcaf.ch/\\_docs/sourcebk\\_ssr/Greene.pdf](http://www.dcaf.ch/_docs/sourcebk_ssr/Greene.pdf). (Accessed on 30.08.2005).
- <sup>32</sup> Ibid., p. 8.
- <sup>33</sup> Ibid., p. 11.
- <sup>34</sup> The Organization for Security and Co-operation in Europe, Participant States. Available at <http://www.osce.org/about/13131.html>. (Accessed on 30.08.2005).
- <sup>35</sup> Owen Green, "International Standards and Obligations: Norms and Criteria for DCAF in the EU, OSCE and OECD Areas," p. 12.
- <sup>36</sup> Idem.
- <sup>37</sup> Ibid., p. 13.
- <sup>38</sup> Idem.
- <sup>39</sup> Idem.
- <sup>40</sup> Ibid., p. 14.
- <sup>41</sup> Ibid. p. 16.
- <sup>42</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," p. 20.
- <sup>43</sup> Philip Robins, *Suits and Uniforms: Turkish Foreign Policy Since The Cold War*, (Seattle: University of Washington Press, 2003), p. 37.
- <sup>44</sup> William Hale, "Human Rights, The European Union and the Turkish Accession Process," in *Turkey and The European Union: Domestic Politics, Economic Integration and International Dynamics*, eds. Ali Carkoglu and Barry Rubin, (London: Frank Cass, 2003, p. 110.

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- <sup>45</sup> Idem.
- <sup>46</sup> Ibid., p. 111.
- <sup>47</sup> Idem.
- <sup>48</sup> Idem.
- <sup>49</sup> Idem.
- <sup>50</sup> Ibid., p. 112.
- <sup>51</sup> Idem.
- <sup>52</sup> Heinz Kramer, *A Changing Turkey: The Challenge to Europe and the United States*, (Washington: Brookings Institution Press, 2000), p. 35.
- <sup>53</sup> Idem.
- <sup>54</sup> William Hale, "Human Rights, The European Union and the Turkish Accession Process," p. 118.
- <sup>55</sup> Idem.
- <sup>56</sup> Philip Robins, *Suits and Uniforms: Turkish Foreign Policy Since The Cold War*, p. 35.
- <sup>57</sup> Idem.
- <sup>58</sup> Ibid., p. 36.
- <sup>59</sup> Ibid., p. 37.
- <sup>60</sup> Idem.
- <sup>61</sup> Ibid. p. 36.
- <sup>62</sup> Harun Arıkan, *Turkey and the EU: An awkward candidate for EU membership?*, p. 112.
- <sup>63</sup> Amikam Nachmani, *Turkey: Facing A New Millennium: Coping with Intervened Conflicts*, (New York: Manchester University Press, 2003), p. 152.
- <sup>64</sup> Idem.
- <sup>65</sup> Harun Arıkan, *Turkey and the EU: An awkward candidate for EU membership?*, p. 67.
- <sup>66</sup> Ibid., p. 129.
- <sup>67</sup> Ibid., p. 130.
- <sup>68</sup> Idem.
- <sup>69</sup> Idem.
- <sup>70</sup> PKK (Partiya Karkeren Kurdistan- Kurdistan Workers party) is a terrorist organization in quest of Kurdish independence. It has launched the campaign of violence in 1984 and operated on the South and East regions of Turkey.
- <sup>71</sup> Idem.
- <sup>72</sup> Feroz Ahmad, *Turkey: The Quest for Identity*, (Oxford: Oneworld Publications, 2003), p. 165.
- <sup>73</sup> Ergun Ozbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, (London: Lynne Rienner Publishers, 2000), p. 65.
- <sup>74</sup> Idem.
- <sup>75</sup> Idem.
- <sup>76</sup> Ergun Ozbudun, "Democratization in the Middle East, Turkey: How Far from Consolidation?," p. 134.
- <sup>77</sup> Idem.
- <sup>78</sup> Idem.
- <sup>79</sup> Harun Arıkan, *Turkey and the EU: An awkward candidate for EU membership?*, p. 131.
- <sup>80</sup> Idem.
- <sup>81</sup> Idem.
- <sup>82</sup> Idem.
- <sup>83</sup> Ibid., p. 131.
- <sup>84</sup> Heinz Kramer, *A Changing Turkey: The Challenge to Europe and the United States*, p. 40.
- <sup>85</sup> Idem.
- <sup>86</sup> Henri J. Barkey and Graham E. Fuller, *Turkey's Kurdish Question*, (Lanham: Rowman & Littlefield Publishers, 1998), p. 62.
- <sup>87</sup> Feyzi Baban, "Community, Citizenship and Identity in Turkey," in *Citizenship in a Global World: European Questions and Turkish Experiences*, eds. Fuat Keyman and Ahmet Icduygu, (New York: Routledge, 2005), p. 54
- <sup>88</sup> Idem.
- <sup>89</sup> Idem.
- <sup>90</sup> William Hale, "Human Rights, The European Union and the Turkish Accession Process," p. 117.
- <sup>91</sup> Idem.

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- <sup>92</sup> Idem.  
<sup>93</sup> Idem.  
<sup>94</sup> Idem.  
<sup>95</sup> Ergun Ozbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, p. 143.  
<sup>96</sup> Ibid., p. 144.  
<sup>97</sup> Nilufer Narli, "Civil-Military Relations in Turkey", *Turkish Studies*, Vol. 1, No.1, 2000, p. 108.  
<sup>98</sup> Aylin Guney and Petek Karatekelioglu, "Turkey's EU Candidacy and Civil-Military Relations in Turkey," *Armed Forces & Society*, Vol. 31, No. 3, Spring 2005, p. 440.  
<sup>99</sup> Ibid., p. 445.  
<sup>100</sup> Ibid., p. 446.  
<sup>101</sup> Idem.  
<sup>102</sup> Philip Robins, *Suits and Uniforms: Turkish Foreign Policy Since The Cold War*, p. 76.  
<sup>103</sup> Idem.  
<sup>104</sup> Heinz Kramer, *A Changing Turkey: The Challenge to Europe and the United States*, p. 30.  
<sup>105</sup> Idem.  
<sup>106</sup> Idem.  
<sup>107</sup> Aylin Guney and Petek Karatekelioglu, "Turkey's EU Candidacy and Civil-Military Relations in Turkey," p. 444.  
<sup>108</sup> Idem.  
<sup>109</sup> Heinz Kramer, *A Changing Turkey: The Challenge to Europe and the United States*, p. 34.  
<sup>110</sup> Ibid., p. 34.

## **CHAPTER 3: TURKEY AND EU RELATIONS BETWEEN 1999 AND 2002:**

### **VARIABLE ANALYSIS**

The third chapter of this study will cover the period from April 1999 to November 2002 in Turkey-EU relations. This period was marked by the 1999 Helsinki EU Council decision of granting candidate state status to Turkey for EU membership.<sup>1</sup> In December 11 1999, the EU Council declared that Turkey would be part of the enlargement process along with other candidate countries, and that it would be subject to the Copenhagen criteria for the opening of Accession negotiations.<sup>2</sup> The Helsinki summit overcame the long lasting ambiguity over Turkey's EU membership bid. Moreover it started a new period where Turkey needs to undertake crucial reforms to fulfill the Copenhagen criteria.

In this chapter, I will start by giving historical background information covering the period between 1999 and 2002 regarding Turkey-EU relations and Turkish domestic politics. I will clarify the conditions specifically required by the EU from Turkey regarding human rights, minority rights and civil-military relations as materialized in the Accession Partnership document prepared by the EU Commission. In the second part of this chapter, I will analyze the identity variable of the social learning model for the period from 1999 to 2002. As indicated earlier, the two other variables of the social learning model, legitimacy and resonance, have been analyzed in the second chapter in a way that covers all time periods. In the third part of this chapter, I will analyze the variables of the external incentives model, the size and the credibility of EU rewards and the size of adoption costs. At the end of the chapter, I will evaluate the compliance of Turkey, the

dependent variable of this study, by reviewing the findings of this analysis for the time period 1999 - 2002.

### **3.1-Turkey-EU Relations and Domestic Politics in the Post-Helsinki Era**

The decision of the European Council to accept Turkey officially as a candidate country at its Helsinki summit of December 1999 represented a turning point in Turkey-EU relations. The Helsinki summit of the European Council declared that "Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to other candidates."<sup>3</sup> Following the decision at the Helsinki summit, the EU commission issued its Accession Partnership Document in November 2000, highlighting in more detail the political reforms that Turkey would have to implement before accession negotiations could start.<sup>4</sup> Therefore, the broad political conditions of the Copenhagen criteria were clarified in this document to specific political reforms considering the deficiencies of Turkey. The framework regulation designed to furnish the legal basis for Accession Partnership was adopted by the General Affairs Council on February 26, 2001.<sup>5</sup> The Accession Partnership was formally approved by the Council on February 26, 2001. With the adoption of these two documents, an important legal procedure concerning Turkey's accession strategy was finalized.

<b>Table 3.1 Result of the 1999 General Election<sup>6</sup></b>			
	Number of votes	Number of Seats	Percentage of Votes
ANAP	4,122,929	86	12.69
DSP	6,919,670	136	21.29
MHP	5,606,583	129	17.25

In domestic politics, following the elections of April 1999, a coalition government of DSP-ANAP-MHP was established.<sup>7</sup> The 1999 elections could be considered as a victory for the DSP, a nationalist-left party, which had become the biggest party in power.<sup>8</sup> The MHP, which had an ultra-nationalist tradition, also increased its votes significantly, becoming the second largest party in the parliament.<sup>9</sup> ANAP, a center-right liberal party, became the minor partner of the coalition government.<sup>10</sup> The coalition partners had diverging ideological standings regarding the abolition of death penalty, EU reforms and privatization. The effectiveness of this government was nonetheless impaired by disputes between the coalition partners, notably between Bulent Ecevit's DSP and Mesut Yilmaz's ANAP on the one side and the nationalist MHP led by Devlet Bahceli on the other side.<sup>11</sup> The DSP-ANAP-MHP coalition ruled until November 2002 when there were early elections.<sup>12</sup> The DSP-ANAP-MHP coalition government also experienced one of the biggest economic crisis in Turkey's history in 2001.<sup>13</sup> When a political rift between President Ahmet Necdet Sezer and Prime Minister Bulent Ecevit (DSP) in a meeting of the National Security Council on February 19, 2001 happened in the media, the financial markets collapsed.<sup>14</sup> The government abandoned the exchange rate disinflation programme and introduced a free floating exchange rate policy.<sup>15</sup> During January-October 2001, the value of the US dollar increased 135 per cent.<sup>16</sup> Kemal Dervis of the World Bank was invited to Turkey as the Minister of Economy, to find a remedy to this deep-running crisis.<sup>17</sup> On May 2001, a new stabilization programme was established.

A critical development in this period was the capture of the PKK leader, Abdullah Ocalan, and the end of PKK terrorism. The leader of the PKK, Abdullah Ocalan, was

captured by a Turkish security team in Kenya in February 1999.<sup>18</sup> He was brought back to Turkey, where he was placed on trial before a State Security Court on May 1999. The Court sentenced him to death under Article 125 of the Turkish Penal Code, which makes it an offence to attempt to remove any part of Turkish territory from the control of the state and he was found guilty of causing the death of 35.000 people.<sup>19</sup> With the Ocalan death sentence, the death penalty in Turkey became a major issue between EU and Turkey. During and after his trial, Ocalan moderated his views, advocating greater democratization and pluralism in Turkey as solution to the Kurdish problem rather than secessionism or a federal solution.<sup>20</sup> In August 1999, he called for an end to the use of violence by the PKK and urged his militants to turn themselves to Turkish authorities.<sup>21</sup> With the capture of Ocalan and the end of the PKK violence, a new period started in Turkey where more moderate views on the Kurdish problem could be discussed.

As mentioned above, the Accession Partnership document for Turkey outlined the priorities on which Turkey was required to focus in order to be considered for accession, thereby providing a detailed road map for taking the necessary short and medium term measures. Thus, it is important to discuss for this analysis which measures the Accession Partnership document insisted on human rights, minority rights and civil-military relations. The Document divided the required reforms into those which Turkey would be required to take in the short term (until the end of 2001) and the medium term (no deadline was specified).<sup>22</sup> Regarding human rights, the Accession Partnership document stipulated that the government should “strengthen legal and constitutional guarantees for the right to freedom of expression as well as freedom of association and peaceful assembly” in short term.<sup>23</sup> In medium term, it would need to “guarantee the enjoyment by

all individuals, without any discrimination of all human rights and fundamental freedoms”<sup>24</sup> As a short-term measure, the government should “undertake all necessary measures to reinforce the fight against torture”.<sup>25</sup> In the longer term, Turkey was required to abolish the death penalty entirely and sign and ratify Protocol 6 of the European Convention on Human Rights.<sup>26</sup>

The issue of minority rights has been referred to as cultural rights in the context of Turkey’s candidacy to the EU. In the 2001 Accession Partnership document, the European Commission referred to the minority rights condition as “ensuring cultural diversity and guarantee cultural rights for all citizens irrespective of their origin.”<sup>27</sup> Kemal Kirisci indicates that the Commission has chosen to refer to minority rights as cultural rights for not leading to a complicated discussion with Turkey on the definition of minorities.<sup>28</sup> On minority rights, in the short term Turkey was required to “remove any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting” (allow broadcasting in Kurdish). In the medium term, Turkey needed to “ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin.”<sup>29</sup> Moreover, the legal provisions that limit the enjoyment of these rights, including in the field of education, should also be abolished.

Regarding civil-military relations, the Accession Partnership document required in the medium term to enact constitutional and legal changes to reduce the role of the military.<sup>30</sup> The document required from Turkey in short term, to limit the influence of the NSC in the Turkish political system. Furthermore it insisted that in medium term “the State of Emergency regime in the south eastern provinces should be withdrawn.”<sup>31</sup>



In response to the Accession Partnership document, the DSP-ANAP-MHP coalition government presented a National Programme for Adoption of the *Acquis* (NPAA) in March 2001 where it explained how Turkey intended to meet the objectives of the Accession Partnership.

### **3.2-The Social Learning Model**

The analysis of the legitimacy of EU conditions on human rights, minority rights and civilian control over the military indicates that these conditions have different degree of legitimacy in the EU. The human rights conditions have high legitimacy in the EU's institutional environment. On the contrary, the protection of minority rights and the civilian control over the military conditions have low legitimacy in the EU. Moreover, the resonance of human rights, minority rights and civilian control over the military norms in Turkey was low.

#### **3.2.1-Identification of the DSP-ANAP-MHP Coalition Government**

For the period between 1999 and 2002, the DSP-ANAP-MHP coalition government will constitute the subject of analysis for the Turkish government. The identity variable is considered at the government level rather than in the population or through other social actors in this study. Three values (high, medium, low) will be used for the identity variable. The analysis of these two governments will be conducted through three questions. "How does the government perceive the EU and its values and norms?" "Does the government claim the EU membership for Turkey based on collective

identity, values and norms?”. “Does the government express any concerns about the applicability of European values and norms in Turkey?”

“How does the government perceive the EU and its values and norms?” The DSP-ANAP-MHP coalition government has expressed a general commitment for Turkey’s EU membership.<sup>32</sup> In the coalition program, it is indicated that; “[T]he membership of Turkey to the EU is a right that arose from the history, geography and agreements. The government will work for the goal of membership with same rights and status of other member states. Turkey, while trying to be a part of the European integration process, will protect its national rights and interests. In this perspective, our government will observe each opportunity that could deepen our relations with the EU.”<sup>33</sup> This statement in the DSP-ANAP-MHP coalition program indicates that the goal of membership has been expressed as a general goal. However, the government program has been accepted on May 28, 1999, before the Helsinki decision of the Council. Moreover, three coalition partners had different stances regarding the EU membership and the reforms for fulfilling the Copenhagen criteria. In fact, the debate after the Helsinki decision in the government was not so much about whether the country should join to the EU, but more about the actual terms of accession.

The major party of the coalition, DSP, and its leader, Bulent Ecevit, had rather skeptical views about Turkey’s membership before the Helsinki decision of the Council.<sup>34</sup> Ecevit had long supported the notion of developing closer ties with countries from surrounding regions rather than pursuing membership in the EU.<sup>35</sup> However with the Helsinki process, Ecevit, as the Prime Minister of the DSP-ANAP-MHP coalition government, changed his previous views and became a vocal advocate of joining the EU

and making the necessary reforms.<sup>36</sup> On June 6, 2000, Ecevit stated that “[W]e can fulfill the Copenhagen Criteria in one or two years.”<sup>37</sup> Moreover, Ecevit favored the widening of human rights in Turkey and strengthening the democracy. Ecevit was also in favor of abolishing the death penalty, even before the reform process has started.<sup>38</sup> However, Ecevit and the DSP had more nationalist views about giving cultural rights to the Kurdish population and on the Cyprus issue.<sup>39</sup> Ecevit staked out a calibrated position on the Kurdish issue, maintaining that the basic problem is with “the feudal social and economic structure” in the Kurdish populated southeastern regions of Turkey.

The minor partner of the coalition, ANAP and its leader, Mesut Yilmaz was the most vocal supporter of Turkey’s membership to the EU and for the reforms for fulfilling the Copenhagen criteria in the coalition. Yilmaz as the Deputy Prime Minister with the responsibility to coordinate Turkey’s full membership application to the EU stressed on several occasion his support for Turkey’s membership to the EU.<sup>40</sup> More importantly, Yilmaz supported during this period the necessary reforms regarding minority rights, the abolition of death penalty and civilian control over the military.<sup>41</sup> In December 1999, he paid a visit to Diyarbakir, the largest Kurdish populated city in Turkey and implied that Turkey’s membership in the EU was linked to an improvement in the political and economic lot of the Kurds.<sup>42</sup> Yilmaz supported the idea of political reforms to allow broadcasting and education in Kurdish. Moreover, Yilmaz was the only actor in the government who challenged the role of the military. Speaking at the Congress of the ANAP in August 2001, Yilmaz argued that Turkey’s integration into the EU is stalled by the “national security syndrome” that impeded changes in Turkey’s Constitution and other reforms demanded by the EU.<sup>43</sup> According to Yilmaz, the problem was not only

that the “national security” has been conceptualized in a broad manner encompassing different issues; it was also that the “national security” was defined “behind closed doors” in Turkey.<sup>44</sup> Yilmaz criticized prudently the role of the military, especially their role in deciding what constitute a threat to national security.<sup>45</sup>

The MHP’s position on EU membership and on the conditions required by the EU is more complex than the other two political parties of the coalitions. During the 1999 electoral campaign, the MHP’s electoral manifesto read: “The EU agenda has imposed a multitude of conditions on Turkey. Therefore, the present stage of Turkey-EU relations must be revised.”<sup>46</sup> Ziya Onis indicates that during the 1990’s, the MHP remained on the extreme periphery of the political spectrum as being an ultra-nationalist party.<sup>47</sup> Onis emphasizes that with the leadership of Devlet Bahceli, the MHP has transformed to a more nationalist, center-right political party.<sup>48</sup> In fact, the MHP traditionally has been skeptical about EU membership on the grounds of loss of Turkish sovereignty and hence supported closer relations with Turkic states.<sup>49</sup> However, after 1999 elections and with coming to the power with the coalition, the MHP had a vague commitment for Turkey’s membership to the EU.<sup>50</sup> Devlet Bahceli stated on April 27, 1999 :

“We are in favor of opening up to the world by preserving our own national identity. We aim to make Turkey a world state and in doing so starting with our own neighbors and spreading to other countries...We believe, we should avoid making concessions that would hurt the Turkish nation, our national identity for the sake of EU accession.”<sup>51</sup>

The MHP thus considered joining the EU was a potential option open to Turkey. However, MHP opposed the abolition of death penalty and the extension of cultural rights.<sup>52</sup> The MHP and Bahceli were also strongly against broadcasting and education in

Kurdish.<sup>53</sup> Moreover, the MHP were against lifting some restrictions on freedom of expression.

In this regard, the three political parties had different positions regarding the EU membership and the reforms that should be introduced for fulfilling the Copenhagen criteria. DSP and ANAP were in large in favor of introducing the reforms in key issues, especially on extending the human rights and the cultural rights, and abolishing the death penalty. However, MHP opposed certain reforms, especially the ones regarding the cultural rights to Kurdish population and the abolition of the death penalty. After the Accession Partnership document was published by the EU, the DSP-ANAP-MHP government started to prepare the National Programme for Adoption of the *Acquis* (NPAA). Gamze Avci indicates that the NPAA was prepared after long deliberations in the government.<sup>54</sup> Indeed, the NPAA appeared to be a joint declaration by the three coalition partners but also, in a way, manifested all difficulties the coalition partners had faced when trying to agree on sensitive issues.<sup>55</sup>

Table 3.2 A Comparison of the National Program (NP) with the Accession Partnership Document (APD) <sup>56</sup>	
SHORT TERM	
APD	NP
1. Strengthen legal and constitutional guarantees for the right to freedom of expression in line with Article 10 of the European Convention of Human Rights. Address in that context the situation of those persons in prison sentenced for expressing non-violent opinions.	Consistent in the short term.
2. Strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society.	Consistent in the short term.
3. Strengthen legal provisions and undertake all necessary measures to reinforce the fight against torture practices, and ensure compliance with the European Convention for the Prevention of Torture.	Consistent in the short term/medium term.
4. Further align legal procedures concerning pre-trial detention with the provisions of the European Convention on Human Rights and with recommendations of the Committee for the Prevention of Torture.	Consistent in the medium term.

5. Strengthen opportunities for legal redress against all violations of human rights.	Consistent in the medium term.
6. Intensify training on human rights issues for law enforcement officials in mutual cooperation with individual countries and international organizations.	Consistent in the short term.
7. Improve the functioning and efficiency of the judiciary, including the State security court in line with inter-national standards. Strengthen in particular training of judges and prosecutors on European Union legislation, including in the field of human rights.	Consistent in the short term.
8. Maintain the de facto moratorium on capital punishment.	Consistent in the short term.
9. Remove any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting.	Not consistent.
10. Develop a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the south-east, with a view to enhancing economic, social and cultural opportunities for all citizens.	Consistent in the medium term.
<b>MEDIUM TERM</b>	
<b>APD</b>	<b>NP</b>
1. Guarantee full enjoyment by all individuals without any discrimination and irrespective of their language, race, color, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms. Further develop conditions for the enjoyment of freedom of thought, conscience and religion.	Consistent in the short term/medium term.
2. Review of the Turkish Constitution and other relevant legislation with a view to guaranteeing rights and freedoms of all Turkish citizens as set forth in the European Convention for the Protection of Human Rights; ensure the implementation of such legal reforms and conformity with practices in EU Member States.	Consistent in the short term/medium term.
3. Abolish the death penalty, sign and ratify Protocol 6 of the European Convention of Human Rights.	Partly consistent.
4. Ratify the International Covenant on Civil and Political Rights and its optional Protocol and the International Covenant on Economic, Social and Cultural Rights.	Consistent
5. Adjust detention conditions in prisons to bring them into line with the UN Standard Minimum Rules for the Treatment of Prisoners and other international norms.	Consistent in the short term.
6. Align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States.	Consistent in the medium term.
7. Lift the remaining state of emergency in the south- east.	Consistent in the medium term.
8. Ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin. Any legal provisions preventing the enjoyment of these rights should be abolished, including in the field of education.	Not consistent.

In this regard, Table 1 reveals the comparison of Accession Partnership document and NPAA. The NPAA was compatible with the Accession Partnership document on issues regarding the expansion of human rights and fundamental freedoms, the fight against torture, and civilian control over the military. However the NPAA did not insist on extending cultural rights such as broadcasting and education languages other than Turkish. Moreover, the NPAA did not clearly mention the abolition of death penalty. In this regard, the differences between the Accession Partnership document and NPAA indicate us the issues where coalition partners had difficulties to agree upon.

Regarding the second question on identity, the coalition government had a general commitment for Turkey's membership to the EU. As mentioned above, the government program indicated that the government would work for Turkey's membership to the EU.<sup>57</sup> Although the coalition partners had differences regarding the terms of accession to the EU, they expressed a general commitment to Turkey's membership to the Union. However the coalition party leaders had different emphasis regarding the membership to the EU. Prime Minister and leader of DSP, Bulent Ecevit stated after the Helsinki summit in December 11, 1999 that "The Turks have been Europeans for 600 years. But the Turks are not only Europeans. They are also Asian, Caucasian, and Middle Eastern at once. Turkey is a power in the Eastern Mediterranean and the Black Sea Basins and the Balkans."<sup>58</sup> Although Ecevit's statement stresses Turkey's European connections, it also emphasizes Turkey's multiregional context. The Deputy Prime Minister and the leader of MHP, Devlet Bahçeli, indicated that "we want to take part in this union," but in the same speech he also argued that "this participation should be in compliance with the

magnitude, history and potential of our country.”<sup>59</sup> In this regard, MHP and Bahçeli had a more distanced approach regarding the membership to the EU, insisting on protection of national identity and national interests. Although DSP and Ecevit supported the idea of membership, the emphasis was put on the Turkey’s multiregional context. On the other hand ANAP leader, Yılmaz, appeared to be the most vocal actor in the government expressing Turkey’s place in the EU.

“Does the government express any concerns about the applicability of European values and norms in Turkey?” The main issues where the coalition partners could not agree upon were the extension of cultural rights by allowing broadcasting and education in Kurdish and the abolition of death penalty.<sup>60</sup> During the period 1999 - 2002, MHP became the primary source of the nationalist opposition on certain EU related issues. In this regard, the main partner of the coalition, MHP, expressed major concerns for the applicability of these conditions in Turkey.

An important issue of contention for MHP was the abolition of the death penalty, as this had direct implications for the Abdullah Ocalan case. Ocalan, the leader of PKK, was sentenced to death after his capture in 1999 even though Turkey had maintained a moratorium on executions since 1984.<sup>61</sup> MHP was willing to retain the right to order the execution of Ocalan.<sup>62</sup> After the Accession Partnership document was published and the abolition of death sentence was clearly indicated as a condition, MHP tried to block the reform regarding the abolition of death penalty. As a result, the abolition of death penalty was not clearly indicated in the NPAA. However, Prime Minister and DSP leader, Bulent Ecevit was in favor of abolishing the death penalty. In October 2001 Ecevit claimed that;

“I think we acquire momentum on the process of becoming an EU member... We have also taken the necessary steps concerning human rights and democracy. The removal of



the death sentence might create a problem for the MHP. However, the MHP supports Turkish membership in the EU and, thus, it can be more flexible concerning the issue. It is impossible to defend the death sentence while being willing to be an EU member.”<sup>63</sup>

Mesut Yilmaz and ANAP have expressed support for abolishing the death penalty with the DSP's line of argument for the sake of EU accession.<sup>64</sup> In October 2001, an amendment to the Constitution abolished capital punishment except in time of war, under the imminent threat of war and for terrorist crimes.<sup>65</sup> The first two exceptions are permitted under Protocol 6 of the European Convention on Human Rights, but the third one, concerning the terrorist crimes, is not. It is this third exception that MHP insisted on for retaining the right to execute Ocalan. Bahceli stated in December 2000 that Turkey wants to unite with Europe in an honorable and fair way, emphasizing that “there should be no bargaining concerning Ocalan.”<sup>66</sup>

The use of Kurdish in education and broadcasting constitutes another issue where the coalition partners could not agree. MHP opposed education and broadcasting in Kurdish and considered it as a concession to PKK terrorism.<sup>67</sup> The leader of ANAP and Deputy Prime Minister Yilmaz favored the reforms on extending cultural rights. On this discussion between MHP and ANAP about extending cultural rights, Ecevit did not openly express his ideas and stayed neutral.<sup>68</sup> Yilmaz's approach on broadcasting and education in Kurdish was bitterly criticized by the members of the MHP including Deputy Prime Minister Bahceli. A MHP member of the cabinet, Abdullah Cay, even accused Yilmaz of “speaking like the PKK,” adding that Turkey was a unitary state with one flag and one language.<sup>69</sup> Bahceli indicated that allowing teaching, broadcasting or publication in Kurdish would help separatism.<sup>70</sup> Furthermore, Bahceli argued that “most European countries continue to embrace terrorists who are the enemies of Turkey.”<sup>71</sup>

MHP's views on extending cultural rights had led to stalemate in the government and delayed these reforms until August 2002. Moreover, MHP opposed the amendment of article 312 of the Turkish Penal Code, which bans the inciting of hatred on religious or ethnic grounds.<sup>72</sup> Regarding the amendment of article 312 of the Turkish Penal Code, Bahceli argued that the proposed amendments to article 312 would make the article ineffective.<sup>73</sup> He sustained that excusing provocative speech or behavior from penalty could not be resolved with either democracy or freedom of speech.<sup>74</sup>

As revealed above, MHP's approach on these issues led to deadlocks in the government. The reforms regarding the abolition of death penalty and extension of cultural rights could not be passed in Parliament until August 2002 because of MHP's opposition. The debate on early elections overlapped with a final attempt to pass a number of necessary reforms in 2002.<sup>75</sup> As Parliament finally approved elections to be held on November 3, 2002, it also approved on August 3, 2002 a package of reforms including the abolition of death penalty in peacetime and the broadcasting and education in languages other than Turkish.<sup>76</sup> The package was presented by Yilmaz's ANAP and was passed despite the opposition of the MHP, with the support of the DSP, ANAP and opposition parties.<sup>77</sup> In remarks made on August 4, 2002, Bahceli stated that the MHP would appeal to the Constitutional Court in a bid to force Parliament to reverse its decision regarding the death penalty and minority rights.<sup>78</sup> The way that these reforms were implemented reveal that MHP was successful in blocking the reforms on these sensitive issues until the decision of early elections was taken. Although DSP and ANAP were supportive of these reforms, they only brought them to the Parliament when they guaranteed opposition parties' support because of MHP's opposition.

In this regard, the analysis of the DSP-ANAP-MHP government and the responses to three questions suggest that the identification of DSP-ANAP-MHP government with the EU and its values and norms should be considered as medium. This is because the major partner of the coalition, MHP, was critical of some EU's membership conditions. MHP was successful in blocking certain reforms on extending cultural rights and the abolition of the death penalty during the period 1999 - 2002. Frequently, the MHP's attitude led to deadlocks within the coalition. Although DSP and ANAP were committed to the EU membership and supported the reforms necessary for fulfilling the Copenhagen criteria, they did not challenge MHP for not leading to the collapse of the coalition government. The confrontation between MHP and ANAP on extending cultural rights indicates the existence of opposing views in the coalition government. ANAP and DSP was able to pass the necessary reforms on broadcasting and education on languages other than Turkish and the abolition of death penalty in peacetime with the support of opposition parties and despite the opposition of the MHP. In this regard, the identification of DSP-ANAP-MHP government with the EU and its norms and values is considered medium for the time period from 1999 to 2002.

### **3.3-The External Incentives Model**

#### **3.3.1-The Size and Credibility of the EU Rewards**

The size and credibility will be considered comparatively according to different institutional ties proposed by the EU. Two values, high and low, will be used for this variable. In this regard, it should be emphasized that membership represents the highest

reward that EU can offer in terms of tangible benefits to a state. Two questions will be answered for determining the value of the variable: What type of institutional tie does the EU propose to the non-member state? Does EU give a membership perspective for the non-member state?

The first question refers to the EU's offer to Turkey in terms of its membership application and financial assistance generated by the EU to Turkey. The EU's approach about Turkey's membership changed with the Helsinki Council decision in 1999 compared to the previous period between 1995 and 1999 where Turkey's candidacy for membership was rejected. The Helsinki European Council of 1999 stated that

"Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States. Building on the existing European strategy, Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms. This will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9(a)... The European Council asks the Commission to present a single framework for coordinating all sources of European Union financial assistance for pre-accession."<sup>79</sup>

In this regard, Turkey's candidacy for membership was recognized by the Helsinki Council decision. According to external incentives model, the promise of membership constitutes the highest reward that EU can offer to non-member states. In this regard, with the Helsinki decision, EU has offered the highest reward to Turkey.

Another important aspect of the Helsinki decision is the preparation of pre-accession financial assistance for Turkey. With the official acceptance of Turkey as a candidate country at the Helsinki summit in 1999, it was decided that Turkey would benefit from a pre-accession strategy to support Turkey during the accession process<sup>80</sup>.

This pre-accession strategy was prepared in 2001 by the Commission with the Accession Partnership document.<sup>81</sup> However, other than the pre-accession assistance which started in 2001, additional financial measures have been adopted by the EU Commission and Council for Turkey. The EU Council approved an amount of 15 million Euros to Turkey for strengthening the Customs Union on April 10, 2000.<sup>82</sup> Additionally, the Council approved the allocation of 135 million Euros to Turkey for the period 2000-2002 as measures for supporting economic and social development.<sup>83</sup> In the aftermath of the Helsinki Summit, the Commission decided to increase the amount of financial assistance to Turkey under the MEDA Program. The amount designated to Turkey under the MEDA II Program for the period 2000-2006 has increased to 890 million Euros.<sup>84</sup> Furthermore, Turkey had the possibility of benefiting from the European Investment Bank's loans allocated to the Euro-Mediterranean Partnership in an amount of 6.245 billion Euros.<sup>85</sup> The financial assistance to Turkey under the pre-accession framework was envisaged as 177 million Euros on an annual basis for the achievement of legal and institutional arrangements in the accession process.<sup>86</sup> The Commission adopted a framework directive in relation to financial assistance to Turkey, which entered into force in March 2001. Table 2 indicates the amounts of the EU's financial assistance to Turkey designated under different programs. In this regard, the amount of financial assistance by the EU increased substantially in the post-Helsinki period compared to the previous period, 1995 - 1999. In this regard, the high financial assistance by the EU in the post-Helsinki period constituted an important incentive for Turkey to generate reforms that would satisfy the Copenhagen criteria. Moreover, Turkey was included in the list of candidate states that could benefit from PHARE and TACIT programmes, from which non-governmental

organizations can benefit financial according to special projects.<sup>87</sup> In fact, from 2000 to 2002, 26 projects have been supported through PHARE and TACITS programmes in cooperation with governmental and non governmental organizations.<sup>88</sup>

<b>Table 3.3 EU's Financial Assistance to Turkey in Post-Helsinki Period<sup>89</sup></b>			
Title	Amount (m €)	Character	Period
MEDA-II	889	Grants	2000-2006
EUROMED-II	1.470	EIB loan	2000-2006
European Strategy for Turkey	150	Grants	2000-2002
Strengthening and Deepening of Customs Union	450	EIB loan	2000-2004
Pre-accession Facility	8.500	EIB loan	2000-2003
Euro-Med Partnership Facility	1.000	EIB loan	2001-2006

The second question, "Does EU give a membership perspective for the non-member state?", intends to reveal the commitment of the EU towards Turkey. In fact, the 1999 Council's Helsinki decision presented above indicates that the prospect of membership for Turkey was given as the candidacy for membership was recognized by the Council. The Helsinki Council decision emphasized that the opening of accession negotiations was conditional upon the fulfilling of political conditions of the Copenhagen criteria. In Council decisions after Helsinki, the EU Council emphasized the necessity to fulfill the political aspect of the Copenhagen criteria for the opening of the accession negotiations. The Council's decisions after Helsinki were phrased in an encouraging manner the reform process in Turkey. For instance, The Göteborg European Council of 15 and 16 June 2001 concluded that "The decisions in Helsinki have brought Turkey closer to the EU and opened up new prospects for her European aspirations. Good progress has been made in implementing the pre-accession strategy for Turkey, including

an enhanced political dialogue.”<sup>90</sup> The Laeken European Council declared on 15 December 2001 that

“Turkey has made progress towards complying with the political criteria established for accession, in particular through the recent amendment of its constitution. This has brought forward the prospect of the opening of accession negotiations with Turkey. Turkey is encouraged to continue its progress towards complying with both economic and political criteria, notably with regard to human rights.”<sup>91</sup>

The EU acknowledged steps taken towards reforms and indicated that if the progress continued on this path, the accession negotiations would start. Accordingly, in Seville on June 21-22, 2002, the Council reaffirmed that

“The implementation of the required political and economic reforms will bring forward Turkey's prospects of accession in accordance with the same principles and criteria as are applied to the other candidate countries. New decisions could be taken in Copenhagen on the next stage of Turkey's candidature in the light of developments in the situation between the Seville and Copenhagen European Councils, on the basis of the regular report to be submitted by the Commission in October 2002 and in accordance with the Helsinki and Laeken conclusions.”<sup>92</sup>

All these Council decisions after Helsinki indicates that EU has adopted an encouraging approach regarding Turkey's membership. The prospect of membership was recognized in Helsinki and this was further enhanced by following Council's decisions. The Council emphasized that the opening of accession negotiations was conditional upon fulfilling the Copenhagen criteria and that Turkey would be treated according to the same principles and criteria as are applied to the other candidate countries. Moreover, Council welcomed the reforms implemented by Turkey and indicated that as soon as Turkey fulfilled the Copenhagen criteria, the accession negotiations would start. In this regard, the analysis of

Council decisions in the post-Helsinki period indicates that the credibility of EU reward was high.

The analysis above indicates that the size and credibility of the EU rewards were high for the period 1999 - 2002. The size of the EU reward was high because the EU gave candidacy status to Turkey for membership. According to the external incentives model, the promise of membership represents the highest institutional tie and reward that the EU can offer to a non-member state. Moreover, the EU has provided a significant amount of financial assistance in the post-Helsinki period. The credibility of the EU rewards was also high because the European Council reaffirmed its promise of membership to Turkey in subsequent decisions after Helsinki. Moreover, the Council emphasized that Turkey would be treated according to the same criteria applied to other candidate states and that the accession negotiations would start as soon as Turkey complied with the political and economic conditions.

### **3.3.2-The Size of Adoption Costs for the DSP-ANAP-MHP Coalition Government**

According to the external incentives model, the size of the domestic adoption costs for the non-member state government determines compliance or non-compliance with EU conditions.<sup>93</sup> Two questions will be answered in order to determine the value of the size of adoption costs variable: “What factors can generate costs for the government regarding the conditions set by the EU?”, “How does the government perceive the conditions in terms of costs associated with them?”. According to the external incentives model, the size of adoption costs can vary for the different areas of the political



conditionality.<sup>94</sup> In this regard, the costs associated with human rights, minority rights and civilian control over the military conditions can be different for the government.

The most important factor that generated costs regarding human rights and minority rights reforms in Turkey through the 1990's was PKK terrorism. The PKK terrorism and Kurdish separatism has made costly any liberalization on the human rights and minority rights. Kemal Kirisci indicates that the Turkish state has adopted a hard line approach on the Kurdish issue during the 1990's, which was based on military measures for ending PKK terrorism and Kurdish separatism.<sup>95</sup> Zeki Sarigil also indicates that the general tendency of the Turkish state has been the securitization of the Kurdish issue in the 1990's, in which militarist perspective has been the dominant approach.<sup>96</sup>

However, a major development regarding the Kurdish issue occurred in 1999 which had important implications for the costs associated with human rights and minority rights reforms. The leader of the PKK, Abdullah Öcalan, was captured by Turkish security forces in Kenya and brought to Turkey. Since then, the intensity of the armed conflict has declined dramatically. An important factor influencing the Kurdish issue was the discourse adopted by Ocalan during his trial throughout May and June 1999.<sup>97</sup> In his defense statements, he regretted the death and damage caused by the PKK and promised that he would be willing to serve Turkey, if his life were spared.<sup>98</sup> He endorsed greater democratization and pluralism in Turkey as a solution to the Kurdish problem, rather than secessionism or federal solution.<sup>99</sup> In August 1999, he called for an end to the use of violence by the PKK and urged his militants to turn themselves into the Turkish authorities.<sup>100</sup> The PKK's decision to drop its armed struggle has opened the scene for a number of political movements supportive of a moderate Kurdish agenda. For instance,

the mayor of Diyarbakir, Feridun Celik, a member of the HADEP (People's Democracy Party) argued that the violence and separatist agenda of the Kurdish movement damaged the solutions to the Kurdish problem in Turkey and claimed that he is committed to seek a peaceful solution through democratization and pluralism in Turkey.<sup>101</sup> In this regard, the shift in the position of the PKK and the end of armed struggle opened a new era regarding the Kurdish problem. This led to the emergence of a new discourse among the political parties regarding the Kurdish problem in Turkey.<sup>102</sup> Although, this new more liberal approach to the Kurdish problem was not shared by all political parties such as MHP, a number of center right and left political parties have adopted a more moderate approach in this new period with the capture of Ocalan in 1999. It should be also emphasized that certain issues which could not be discussed publicly before 1999, have started to be a part of political discourse in this period.

In this regard, the capture of Ocalan and the end of PKK violence have influenced the costs associated with human rights and minority rights reforms. In the Turkish context, the issue of human rights is very much linked with the treatment of minorities especially with the Kurdish issue.<sup>103</sup> Turkey's human rights record was poor in the 1990s, mostly owing to measures taken to combat PKK terrorism. The most significant of such measures was the state of emergency that extended to cover ten cities; the establishment of the village guards system and the Anti-Terror Law.<sup>104</sup> The capture of Ocalan and the end of PKK violence made unnecessary certain of these measures and the restriction of liberties have slowly started to be lifted. In this regards, the costs associated with human rights reforms have significantly decreased in the period from 1999 to 2002. A manifestation of this decline on the adoption costs of the human rights reforms was the

attitude of the military in this period. In September 1999, the chief of general staff, Huseyin Kivrikoglu, pointed out that there was in Turkey *de facto* broadcasting in Kurdish and it is better that the broadcasting be controlled by state authorities.<sup>105</sup> In December 1999, he also declared that the military did not want to become involved in the decision as to whether or not the execution of Ocalan should be carried out.<sup>106</sup> At its end-of year meeting in 2000, the National Security Council discussed the possibility of lifting the emergency rule on several cities in southeastern regions of Turkey.<sup>107</sup> Another manifestation of the low costs associated with the human rights reform for this period was the approach of political parties and especially the coalition parties regarding the human rights reforms.<sup>108</sup> All political parties in the TGNA supported the 2001 reform package, which covered 34 constitutional amendments regarding the fight against torture and the lifting of restrictions on freedom of expression and freedom of peaceful assembly and association.<sup>109</sup> It should be noted that three coalition partners (DSP, ANAP and MHP) have agreed on this reform package and brought it to the parliament.

The capture of Ocalan and the end of PKK terrorism also had important repercussions for minority rights reforms. As indicated above with the capture of Ocalan and the end of PKK terrorism, a more moderate approach based on giving cultural rights to the Kurdish population has been started to be a part of political agenda and to be discussed among different actors and political parties.<sup>110</sup> Compared to the previous period before 1999, this was a major change in Turkey. The cultural rights of the Kurdish population such as allowing broadcasting and education in Kurdish, also entered into the coalition government agenda, even the major partner of the coalition, MHP, has opposed to such reforms. As the imminent threat of Kurdish separatism and PKK terrorism

disappeared in this period, a more moderate approach regarding minority rights could be adopted by political actors such Mesut Yimaz, the leader of ANAP.<sup>111</sup> In fact, the capture of Ocalan and the end of PKK terrorism lowered the costs associated with minority rights reforms. However, the ideological opposition of the major coalition partner, MHP, to the reforms regarding cultural rights added some additional costs because MHP threatened the two other coalition partners, DSP and ANAP, with quitting the coalition if such reforms regarding cultural and minority were implemented. I will discuss the costs associated with MHP's opposition on this issue in responding to the second question to more clearly assess the size of adoption costs linked with minority rights.

The analysis of the costs associated with reforms of civil-military relations is more complex than for the other two issue areas. This is because the role of the military in Turkish politics has historical roots since the foundation of the Turkish Republic in 1923.<sup>112</sup> In fact, it is very difficult for politicians in Turkey to openly challenge the role of the military. Aylin Guney and Petek Karatekelioglu indicate that the Kurdish separatism was an important factor that led to a political role for the Turkish military in the 1980s and 1990s.<sup>113</sup> The direct involvement of the armed forces in a sort of guerilla warfare with the PKK since 1984 was a matter of critical debate regarding the Turkish army's role in national politics.<sup>114</sup> In fact, the Turkish military opposed any liberal solution to the Kurdish problem such as granting cultural rights to the Kurdish population during the 1990s. Thus, the Turkish military became a political actor in the discussion on the Kurdish issue. In this regard, the end of PKK terrorism diminished the role of the military on this issue because the security aspect of the problem started to lose importance. However this does not mean that the military left the political scene immediately after

1999. After the arrest of Öcalan in 1999, the decreasing intensity of the armed conflict allowed the military to review its stance over the Kurdish problem.<sup>115</sup> In fact, since the legal amendments regarding the extension of cultural rights are part of the political criteria that Turkey has to fulfill for EU membership, the military's reaction to such amendments became important. While the military stated that it supported Turkey's EU membership, it remained sensitive about certain issues. For instance, in the National Security Document chapter on "Protecting Minority Rights," the NSC claimed acknowledging Kurdish identity and permitting broadcasting in Kurdish would catalyze separatism and thus harm Turkish national unity.<sup>116</sup> In addition, the NSC declared that the authority to restrict human rights should be given to the state in case of emergency.<sup>117</sup> It has been clearly stated by the General Staff that the Turkish military respects and supports Turkey's European orientation. However the military had warned against infringing upon the two "untouchable republican principles" of secularism and unity.<sup>118</sup> For instance, the chief of general staff, Huseyin Kivrikoglu, stated on April 12, 2002 that:

"The armed forces do not even discuss the issue of whether Turkey should enter the EU or not. The membership of the EU will assure so many benefits for Turkey. Turkey wants to increase its welfare, and this could be done much more easily in the EU. Turkish people and the bureaucracy will gain a discipline and dynamism and have to comply with some rules. However, what we say is that the critical position of Turkey, the geo-strategic position of Turkey that always creates problems, should be taken into consideration as the membership efforts are made. Do not ignore the secular character and unitary structure of Turkey. These are the main principles of the Republic of Turkey. Numerous freedoms will be available if Turkey becomes a member of the EU. However, these should not violate democracy and human rights."<sup>119</sup>

Regarding the EU's conditions on civilian control over the military, the role of the National Security Council (NSC) has been the major issue in the EU Commission reports. The 2001 Commission report on Turkey stated that "the NSC's presence put serious limitations upon the functioning of the government" and therefore proposed that Turkey increased the number of civilians on the NSC from five to eight.<sup>120</sup> The military's response to this proposal was quite positive; the chief of general staff, Huseyin Kivrikoglu, stated that "the number of the civilians can even be increased to 100. It does not matter. The NSC takes decisions by consensus under the chairmanship of the President, not by lifting fingers."<sup>121</sup> Aylin Guney and Petek Karatekelioglu indicate that the military has started to modify its strategies and policies to interact more with civilians, to be as transparent as possible, and not to hinder democratic consolidation in Turkey with the process of Turkey's EU candidacy. For instance the Chief of the Genral Staff has prepared the "brainstorming" or "brown-bag" meetings with the members of press on issues arising from Turkey's accession to the EU. Additionally the Office of the Chief of General Staff established an EU Working Group in 2000 to plan the military's actions during the harmonization process with the EU.<sup>122</sup>

All these developments indicate that the costs associated with the reforms of civil military relations have decreased in this period compared to the period before the 1999. Two factors have been important in lowering the costs on this issue. First of all, the military's importance and role have diminished regarding the Kurdish problem with the end of armed guerilla war with PKK. Another important factor was the modification on the military's strategies and policies with the Turkey's membership into the EU.<sup>123</sup> In fact, the military has adopted a positive approach regarding Turkey's membership to the

EU and forced to stay at a distance from political discussions. However, it should be emphasized that reforms regarding civil-military relations have still been costly in this period because of the guardianship role of the military in Turkish politics. Although the military seems to be willing to limit its own power in some areas and allow a degree of civilian control, there are certain spheres that the military seems to consider vitally important for national interests such the unitary and secularist character of the Turkish state. On these matters, the military still continues to exercise important influence on the Turkish politics.

How does the government perceive the conditions in terms of costs? In the period between 1999 and 2002, the coalition partners of the DSP-ANAP-MHP coalition had serious disagreements on certain reforms. In fact, the three coalition partners had different ideological standings on issues such as minority rights. This led to different considerations of costs associated with the reforms on the part of the coalition partners. The most unproblematic area was the human rights reforms.<sup>124</sup> First of all, Bulent Ecevit as the leader of DSP and the Prime Minister has been supportive of widening the human rights and basic freedoms even before the EU conditions.<sup>125</sup> ANAP leader and the Deputy Prime Minister Mesut Yilmaz, has been in favor of reforms on the extending human rights including the abolishment of death penalty. The MHP leader and the Deputy Prime Minister Devlet Bahceli have been supportive of reforms on extending the human rights.<sup>126</sup> At least, Bahceli and MHP did not oppose on extending the basic freedoms. For instance, Bahceli announced a new party program at the Sixth Congress in November 2000, which emphasized the importance of democracy and human rights.<sup>127</sup> The two issues that MHP was reluctant to agree with the two coalition partners were the

abolishment of death penalty and the lifting of some restriction on freedom of expression. However, regarding the abolishment of death penalty, the three coalition partners had reached a compromise solution, where an amendment to the Constitution abolished capital punishment except in time of war, under the imminent threat of war and for terrorist crimes. The “terrorist crimes” exception was imposed by the MHP into the amendment.<sup>128</sup> The MHP’s approach on abolishing the death penalty is related to the execution of Ocalan. One of the MHP’s election pledges in 1999 was that if it came to power, it would ensure the execution of Ocalan.<sup>129</sup> Another issue where MHP expressed concerns about extending human rights was the amendment of article 312 of the Turkish Penal Code, which bans inciting of hatred on religious or ethnic grounds.<sup>130</sup> In fact, the DSP-ANAP-MHP coalition brought 34 Constitutional amendments including the reforms on extending human rights into the parliament on October 2001. The 2001 Constitutional amendments were supported by all political parties in parliament including the three coalition partners. In this regard, the way that the 2001 Constitutional amendments passed in parliament exposed the low costs associated with human rights reforms.

However the reforms regarding the minority rights led to serious debate between the coalition partners. In the Turkish context, minority rights have been presented and debated in form of cultural rights to all Turkish citizens. Yilmaz has been the most vocal actor in the coalition government by supporting the widening of cultural rights to Kurdish population by allowing broadcasting and education in Kurdish.<sup>131</sup> The Prime Minister Ecevit has been more hesitant to express his support for the reforms but the DSP group in parliament has agreed to support legal changes for allowing broadcasting and education in Kurdish.<sup>132</sup> In fact, Ecevit announced in March 1999 a special financial package to



boost the economy of the Kurdish populated provinces of southeastern Turkey<sup>133</sup>. The approach of ANAP and DSP reflects in a way a new approach that started to develop since the capture of Ocalan in 1999, based on more liberal solutions regarding the Kurdish problem. In contrast with the position of ANAP and in a way with the position of DSP, MHP and its leader Bahceli strongly opposed to the reforms on cultural rights. Ideologically, MHP as a nationalist party emphasized the unitary character of Turkish Republic and considered the extending of cultural rights a threat to Turkey's unity.<sup>134</sup> Bahceli stated that allowing teaching, broadcasting or publication in Kurdish would help separatism.<sup>135</sup> MHP member of the cabinet, Abdullah Cay, even accused Yilmaz of "speaking like the PKK". In fact, MHP's strict policy on broadcasting and education in Kurdish has lead to serious impasses in the coalition government. For instance, Yilmaz urged tolerance for demands related to broadcasting and education in Kurdish.<sup>136</sup> However MHP did not compromise in its strict position on extending cultural rights. In fact, MHP has been successful in its strategy because the reforms regarding broadcasting and education in Kurdish did not come into the parliament's agenda until the decision of early elections is taken in August 2002.<sup>137</sup> It is after the decision of early elections that ANAP and DSP brought the reform packages on extending cultural rights to the parliament. In this regard, MHP strict position on the reforms regarding the cultural rights added some additional costs.

Regarding reforms on civil-military relations, DSP-ANAP-MHP had a general consensus on certain reforms that would curb the role of the military. The major reform on civil-military relations was the change on the composition and the role of National Security Council (NSC).<sup>138</sup> Even the military supported increasing the number of

civilians in the NSC.<sup>139</sup> However, the problem arose when the Deputy Prime Minister Yilmaz challenged the role of military in Turkey by criticizing the process through which national security is defined.<sup>140</sup> Speaking at the Congress of the ANAP in August 2001, Yilmaz argued that Turkey's integration into the EU is stalled by the "national security syndrome" that impeded changes in Turkey's Constitution and other reforms demanded by the EU.<sup>141</sup> According to Yilmaz, the problem was not only that the "national security" has been conceptualized in a broad manner encompassing different issues; it was also that the "national security" was defined "behind closed doors" in Turkey.<sup>142</sup> The Turkish General Staff gave a strong reaction to Yilmaz's statement:

"[I]t was more appropriate to discuss issues, which is about the prosperity and happiness of people, on platforms which are not tainted with political interests... If political stability cannot be achieved because of personal ambitions, to blame all of the problems on a 'concept of national security' is unreasonable and unjust."<sup>143</sup>

The reactions of Yilmaz's governmental colleagues from MHP such as National Defense Minister Sabahattin Cakmakoglu and Deputy Prime Minister Devlet Bahceli were also strong.<sup>144</sup> Cakmakoglu, when asked there was a problem in the process through which Turkey's definition of national security is formulated, said "According to my point of view, there is not any problem. National security policy does not consist of personal assessments. It is developed by taking into considerations Turkey's strategic position and its neighbours."<sup>145</sup> Bahceli said this kind of a discussion was a waste of time.<sup>146</sup> As a follow up to Bahceli, MHP deputy leader Ismail Kose said, "Turkey is a single country, with a single official language; with a single flag ... National security cannot be altered. Our policy of security against those who would take up arms against the state in the name of religion or ethnicity will never change."<sup>147</sup> Ecevit criticized Yilmaz's public statement

and mentioned that his coalition partner was aware of the new security policy document, which concentrated on internal threat perceptions.<sup>148</sup> In fact, the discussion surrounding Yilmaz's statement and the reaction of Turkish General Staff reveal that there were costs associated with challenging the guardianship role of the Turkish military against internal threats. The coalition partners and the military had agreed upon changing the role and the composition of the NSC and this was presented as a crucial legal change. However, when Yilmaz challenged Turkish military's role in determining what constitutes an internal threat to national security, its coalition partners did not support his position. Yilmaz's reaction was about the Turkish military's assessment of Kurdish separatism and political Islam as the major threats to national security in the revised National Security Document.<sup>149</sup> The National Security Document has been considered as one of the area where the military can influence the politics in Turkey by labeling the internal threats.<sup>150</sup> However his coalition partners did not share Yilmaz's position and foresaw more limited reforms regarding the role of the military.

The above analysis and the answers to the two questions reveal that the costs associated with human rights, minority rights and civilian control over the military conditions were different in the period between 1999 and 2002. Firstly, the costs associated with human rights conditions were low because of the new process started with the capture of Ocalan and the general consensus among the coalition partners on these reforms. Secondly, the costs associated with minority rights conditions were medium. Although the capture of Ocalan and the end of PKK terrorism lowered the adoption costs for the minority right reforms, MHP's strict position on this issue has added some additional costs. Thirdly, the costs associated with civilian control over the

military reforms were also medium. The capture of Ocalan and the end of PKK led to decreasing role of the military in this period. Moreover, the military revised its position and strategies in the EU membership process such as supporting the reform on the restructuring the role and the composition of the NSC. However, as observed from the reactions to Yilmaz statement, it was costly to challenge publicly the role of the military. The military itself, MHP and to a certain extent DSP wanted to keep the guardianship role of the military, especially in protecting the unitary and secularist character of the Turkish state.

### **3.4-Compliance**

Compliance is the dependent variable of this study. Three values (high, medium and low) will be used as the measurement of the compliance variable. The level of compliance will be measured according the EU's own evaluation of Turkey. In fact, two questions will be answered for assessing the compliance variable in the Turkish case: "What rules have been adopted to satisfy the EU conditions?", "How EU has evaluated Turkey's performance regarding to fulfill the EU conditions?" By answering these two questions, I will determine the compliance of Turkey on the three issue areas in the period between 1999 and 2002.

"What rules have been adopted to satisfy the EU conditions?" Between 1999 and 2002, Turkey made important progress in terms of human rights and democratization. On the issue area of human rights, the reform process started in 1999. The November 1999 amendments to Articles 243 and 245 of the Penal Code increased the length of custodial sentences for those found guilty of torture or mistreatment of detainees.<sup>151</sup> The 1913

Ottoman Civil Servants Law, which was an obstacle to holding security forces responsible for their involvement in human rights violations, was repealed in December 1999.<sup>152</sup> These measures were taken by the DSP-ANAP-MHP coalition government even before the reforms on the National Programme were started to be brought into the parliament. During the plenary session on October 3, 2001 the Turkish Parliament approved 34 of the 37 proposed amendments in the Constitution that aimed to improve democratic standards and extending human rights.<sup>153</sup> From the 34 articles of Constitutional amendments, 24 articles explicitly relates to the protection of fundamental rights.<sup>154</sup> The amendments include improvements in such areas as freedom of thought and expression, freedom of association and press, civic rights, individual liberties and gender equality.<sup>155</sup> The death penalty would be restricted to war crimes and acts of terrorism.<sup>156</sup> In addition, restrictions on fundamental rights, and the length of detainment periods were revisited in an effort to adjust Turkish legislation to fall in line with the relevant provisions of the European Human Rights Convention. A new Civil Code was adopted in 2001 in line with the Constitutional amendments which enhanced the measures on gender equality, the right to freedom of association and peaceful assembly, the protection of the rights of the children.<sup>157</sup>

The reform packages have gained speed in the year of 2002, further enhancing the reforms on the area of human rights. Three sets of reform packages were adopted in February, March and August 2002 as EU harmonization. The Harmonization Laws were meant to translate the Constitutional Amendments into concrete action as part of the process bringing Turkish law into line with the European *acquis*.<sup>158</sup> With the February 2002 first Harmonization package, amendments to the Turkish Penal Code, Anti Terror

Law and Criminal Procedure Code have been made, lifting some restrictions on freedom of expression and making the detainment process more transparent.<sup>159</sup> The March 2002 second Harmonization package arranged the duties of gendarmerie and amended the laws on Press, on Civil servants, on Political Parties, on Associations and on Meetings and Demonstration Marches.<sup>160</sup> The third EU Harmonization package adopted by TGNA in August 2002 encompassed crucial reforms. Among the amendments are the lifting of death penalty and the widening of freedom of expression, association and peaceful assembly by the amendments to the Turkish Penal Code, the Law on Associations, Law on Meetings and Demonstration Marches, Law on Foundations, Law on Duties and Competences of Police and to the Press Act.<sup>161</sup>

In the issue area of minority rights, Turkey made progress in terms of widening cultural rights to Turkish citizens. In the Turkish context, the EU and the Turkish government have referred to minority rights in the framework of cultural rights. In this regard, as part of the package of amendments passed in October 2001, Article 26 and 28 of the Turkish Constitution which forbade the use of “any language prohibited by law” (in effect, Kurdish) and the publication in forbidden languages have been changed, allowing the use of Kurdish publicly.<sup>162</sup> A more dramatic change was made by the August 2002 EU Harmonization Laws. With the amendments to the Act on Establishment of Radio and Television Enterprises and Their Broadcast, legal restrictions on broadcasting in the different languages and dialects used by the Turkish citizens are lifted.<sup>163</sup> Furthermore, the amendments to the Law on Foreign Language Education and Teaching as apart of August 2002 reform package lifted the legal restrictions on the learning of different languages and dialects used by Turkish citizens and provided that

the Ministry of National Education would regulate the learning of these languages and dialects in private courses through a regulation to be issued.<sup>164</sup> In this regard, the August 2002 reform package removed the prohibitions on broadcasting and education in private courses in Kurdish.

Regarding civil-military relations, important reforms were made regarding the Constitutional role and composition of National Security Council (NSC) and the lifting of the state of emergency. First of all, the 1999 amendment of Article 143 of the Constitution removed the military judge from the three-person judicial panel in State Security Courts.<sup>165</sup> Moreover, as part of the package of constitutional amendments of October 2001, the Article 118 of the Constitution which outlines the role and the composition of the NSC was altered.<sup>166</sup> With the amendments to Article 118, the advisory nature of the NSC was enshrined and the number of civilians in the NSC was increased by the addition of the minister of justice into the list of ministers included in NSC.<sup>167</sup> Furthermore, a meeting of the NSC held on May 30, 2002 decided to end the state of emergency regime in the provinces of Hakkari and Tunceli, and to extend it for the last time for four months in the two remaining provinces, Diyarbakir and Sirnak, in which it was applied.<sup>168</sup> As a result, the role of armed forces as rulers in the state of emergency regime in southeastern provinces had ended by the beginning of November 2002.

How has the EU evaluated Turkey's performance regarding the fulfillment of EU conditions? I will answer this question through an analysis of 2001 and 2002 Regular Report of the Commission on Turkey's Progress towards Accession. The Commission's reports are important because the Council decides whether or not to open the Accession

negotiations, and if Turkey fulfills the Copenhagen criteria, according to the Commission recommendation.

The 2001 Report gave an analysis of reforms implemented through the package of 34 Constitutional amendments to the 1982 Constitution on October 2001. The 2001 report indicated the importance of these reforms “The constitutional amendments adopted by the Turkish Parliament on 3 October 2001 are a significant step towards strengthening guarantees in the field of human rights and fundamental freedoms and limiting capital punishment.”<sup>169</sup> On the issue area of human rights the Commission report indicates that “[T]he amendments narrow the grounds for limiting such fundamental freedoms as the freedom of expression and dissemination of thought, freedom of the press and freedom of association.” However the Commission found the measures taken by the Turkish government inadequate on the area of human rights and basic freedoms: “Despite these changes, a number of restrictions on the exercise of fundamental freedoms have remained....”<sup>170</sup> Regarding the widening of cultural rights to Turkish citizens, the 2001 Report stated “The provisions forbidding the use of languages prohibited by law, in Articles 26 and 28, have now been abolished. This could pave the way for the use of languages other than Turkish and is a positive development.”<sup>171</sup> However, the 2001 Report noted the lack of progress on the area of extending cultural rights “There has been no improvement in the real enjoyment of cultural rights for all Turks, irrespective of their ethnic origin.”<sup>172</sup> Regarding the issue area of civil-military relations, the 2001 report still indicated the lack of civilian control of the military: “The basic features of a democratic system exist in Turkey, but a number of fundamental issues, such as civilian control over



the military, remain to be effectively addressed.”<sup>173</sup> Finally, the 2001 report assessed Turkey’s performance on fulfilling the Copenhagen criteria:

- “Despite a number of constitutional, legislative and administrative changes, the actual human rights situation as it affects individuals in Turkey needs improvement. Though it is beginning to make progress in some areas, Turkey does not yet meet the Copenhagen political criteria and is therefore encouraged to intensify and accelerate the process of reform to ensure that human rights and fundamental freedoms are fully protected in law and practice, for all citizens, throughout the country.”<sup>174</sup>

The 2002 Commission Report on Turkey was more positive than the 2001 Report due to reform package adopted by TGNA on August 2002. The 2002 Report noted that

“[T]he reform package adopted by Parliament in August 2002 was particularly far reaching. Among the amendments adopted are the lifting of the death penalty in peace time, the possibility for Radio and TV broadcasting in Kurdish, the widening of freedom of expression and greater freedom for non-Muslim religious minorities.”<sup>175</sup>

In the area of human rights, the 2002 Report indicates that

“[T]he change made to Article 159 of the Turkish Penal Code means that the expression of opinion without the intention of insulting public institutions will no longer face criminal sanction. Changes to Articles 312 of the Penal Code and to the Anti-Terror Law, the Press Law, the Law on Political Parties and the Law on Associations eased certain restrictions on freedom of expression, association, the press and broadcasting... Progress has been made in the area of freedom of association where the law on associations has been modified and some restrictions lifted. Various grounds for banning associations remain, however. The generally restrictive character of the Law on Associations remains, including the prior authorization system.”<sup>176</sup>

The 2002 report acknowledged the reforms taken for extending cultural rights to Turkish citizens, stating that “[A]s part of the August package, broadcasting and education in

languages other than Turkish have now been authorized.”<sup>177</sup> On the issue area of civil military relations, the 2002 Report still found inadequate the reforms:

“The constitutional amendment introducing changes to the composition and role of the National Security Council has been put into practice. Nonetheless, these changes do not appear to have modified the way in which the National Security Council operates in practice.”<sup>178</sup>

The 2002 Report also emphasized the importance of lifting the State of Emergency Regime stating that “[T]he lifting of the state of emergency in two provinces of the South East has led to an improvement in the conditions of daily life there.”<sup>179</sup> The 2002 Report noted the progress that Turkey made in meeting the Copenhagen criteria:

“Overall, Turkey has made noticeable progress towards meeting the Copenhagen political criteria since the Commission issued its report in 1998, and in particular in the course of the last year. The reforms adopted in August 2002 are particularly far-reaching. Taken together, these reforms provide much of the ground work for strengthening democracy and the protection of human rights in Turkey.”<sup>180</sup>

However the 2002 Report indicated that Turkey had not fulfilled the Copenhagen criteria and emphasized Turkey’s shortcomings:

“Nonetheless Turkey does not fully meet the political criteria. First, the reforms contain a number of significant limitations, which are set out in this report, on the full enjoyment of fundamental rights and freedoms. Important restrictions remain, notably, to freedom of expression, including in particular the written press and broadcasting, freedom of peaceful assembly, freedom of association, freedom of religion and the right to legal redress. Secondly, many of the reforms require the adoption of regulations or other administrative measures, which should be in line with European standards...Thirdly, a number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, civilian

control of the military, the situation of persons imprisoned for expressing non-violent opinions, and compliance with the decisions of the European Court of Human Rights.”<sup>181</sup>

In this regard, the 2002 Commission report found inadequate the progress made on the issue areas of human right, minority rights civil-military relations on fulfilling the Copenhagen political criteria.

The analysis above and the answers to the two questions indicate that the compliance of Turkey with the conditions on the three issue areas were medium. Turkey made important progress through 2001 and 2002 with the reform packages as recognized in the 2001 and 2001 Commission Reports. However, Turkey did not comply with the all EU conditions highlighted in the Accession Partnership document. In the area of human rights, the 2002 Commission Report underlined the shortcomings regarding the freedom of expression, association and press. In the area of minority rights, the 2002 Report asked for further regulations on broadcasting and education on other languages than Turkish. In addition, the 2002 Report emphasizes the lack of civilian control of the military despite the measures taken in 2001. In light of the EU’s own evaluation, the compliance of Turkey with EU conditions on the issue areas of human rights, minority rights and civil-military is considered medium.

### **3.5-The Evaluation of Theoretical Models**

<b>Table 3.4 The Social Learning Model- Values of the Variables for the period between 1999 and 2002</b>			
Issue Area	Human Right Norms	Minority Right Norms	Norms of Civilian Control Over the Military
Resonance	Low	Low	Low
Legitimacy	High	Low	Low
Identity	Medium		
Compliance	Medium	Medium	Medium

<b>Table 3.5 The External Incentives Model- Values of the Variables for the period between 1999 to 2002</b>			
Issue Area	Human Right Norms	Minority Right Norms	Norms of Civilian Control Over the Military
The size of Adoption Costs	Low	Medium	Medium
The size and credibility of EU reward	High		
Compliance	Medium	Medium	Medium

I have examined through the chapter the values of the variables of the two theoretical models. The result of the analysis for the period between 1999 and 2002 are in Table 3.4 and Table 3.5. The social learning model emphasizes that the compliance of a non-member state depends from the legitimacy and the resonance of the EU norms on the issue areas and the identification of non-member state government with the EU, its norms and values. The resonance of the EU norms on human rights, minority rights and civilian control over the military has been low in Turkey. The resonance variable has been examined in a way encompassing all three time periods, for better assessing the resonance of these norms prior the impact of the EU on Turkey. The legitimacy of the EU norms on human rights, minority rights and civil military relations has been related to the EU's institutional environment, and the human right norms, minority right norms and civilian control over the military norms had different degree of legitimacy according to the degree of institutionalization of these norms in the EU and to the degree that they are shared by member states. According to the rationale of the resonance variable, as the resonance of the human rights, minority rights and civilian control over the military norms has been low in Turkey, we can expect low level of compliance regarding these

three norms. Moreover, according to the legitimacy variable, as the legitimacy of minority rights norms and civilian control over the military norms have been low, it is expected that the compliance of Turkey would be low on these two norms. Regarding the human right norms, as the legitimacy of human right norms has been high, the legitimacy variable expects high level of compliance regarding the human rights norms in Turkey. However, the compliance of Turkey for the period 1999 to 2002 contradicts the anticipation of the resonance and legitimacy variables. The compliance of Turkey was considered medium for the period 1999 - 2002. Although Turkey introduced important and great number of reforms regarding the three issue areas, she did not comply completely with the political conditions of the Copenhagen criteria in this period. In fact, the level of compliance of Turkey in the period 1999 - 2002 contradicts the predictions of the resonance and the legitimacy variables. First of all, contrary to the resonance variable, Turkey introduced important reforms on the three issue areas. Secondly, contrary to the expectation of legitimacy variable, the compliance of Turkey did not differ according to different issue areas. This means that Turkey did not comply on a higher degree with human right conditions compare to the minority right and civilian control over the military conditions. I have expressed some reservation about the legitimacy and resonance variables in the previous chapters because of their constant character. In fact, the analysis of the period 1999 - 2002 confirms the problems existing with these two variables in explaining the level of compliance.

In fact, I have emphasized that the identity variable can be considered the “explanatory variable” of the social learning model. The analysis of the identification of the DSP-ANAP-MHP government with the EU norms and values revealed that the

identification of this government should be considered as medium. Although DSP and ANAP had high level of identification with EU norms and values, the major partner of the coalition, MHP, was skeptical about the applicability of certain condition in Turkey. Moreover, I have shown in the analysis of the identification of DSP-ANAP-MHP government that MHP was successful on inhibiting the implementation of certain reforms on the three issue areas. In this regard, the medium level of identification of DSP-ANAP-MHP government can explain the medium level of compliance of Turkey in the period 1999 - 2002. It is important to emphasize that in this period, the value of the identification variable correlates with the value of the compliance variable.

For the external incentives model, the values of the two variables, the size and commitment of EU rewards and the size of adoption costs, at least do not contradict the value of compliance variable. The size and the commitment of the EU rewards have been considered high for the period from 1999 to 2002. According to the external incentives model, the size and the commitment of the EU rewards has been characterized as a condition variable. In this regard, the high value of the size and the commitment of the EU rewards variable indicate to us that the compliance of Turkey would depend from the size of adoption costs associated with EU conditions in the period from 1999 to 2002. In this regard, the size of adoption costs on minority right and civilian control over the military conditions were considered as medium for this period. In fact, the size of adoption costs on minority right and civilian control over the military conditions correlates with the medium value of compliance in the period between 1999 and 2002. However, the size of adoption costs associated with human rights conditions were considered low. Conversely, the compliance of Turkey regarding the human rights

conditions has been medium. The external incentives model expects high level of compliance if the size of adoption costs in an issue area is low. In this regard, for the period 1999 - 2002, the external incentives model fails to explain the level of compliance regarding the human right conditions.

### 3.6-Endnotes

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- <sup>2</sup> Atilla Eralp, "Turkey and the European Union," in *The Future of Turkish Foreign Policy*, eds. Lenore G. Martin and Dimitris Keridis, (London: The MIT Press, 2004), p.79.
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- <sup>4</sup> Chris Rumford, "Failing the EU Test? Turkey's National Programme, EU Candidature and the Complexities of Democratic Reform," *Mediterranean Politics*, Vol. 7, No.1, Spring 2002, p. 52.
- <sup>5</sup> Pinar Tanlak, "Turkey EU Relations in The Post Helsinki Phase and The EU Harmonization Laws Adopted by The Turkish Grand Assembly in August 2002," *Sussex European Institute Working Paper*, No. 55. Available at <http://www.sussex.ac.uk/sei/documents/wp55.pdf>. (Accessed on 22.12.2005).
- <sup>6</sup> Meliha Benli Altunisik and Ozlem Tur, *Turkey: Challenges of Continuity and Change*, (New York: RoutledgeCurzon, 2005), p. 62
- <sup>7</sup> William Hale, *Turkish Foreign Policy: 1774-2000*, p. 241.
- <sup>8</sup> Idem.
- <sup>9</sup> Idem.
- <sup>10</sup> Feroz Ahmad, *Turkey: The Quest for Identity*, p. 174.
- <sup>11</sup> William Hale, *Turkish Foreign Policy: 1774-2000*, p. 339.
- <sup>12</sup> Meliha Benli Altunisik and Ozlem Tur, *Turkey: Challenges of Continuity and Change*, p. 62.
- <sup>13</sup> Ibid., p. 85.
- <sup>14</sup> Idem.
- <sup>15</sup> Idem,
- <sup>16</sup> Ibid., p. 86.
- <sup>17</sup> Idem.
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## **CHAPTER 4: TURKEY AND EU RELATIONS BETWEEN 2002 AND 2004:**

### **VARIABLE ANALYSIS**

The fourth chapter of this study will cover the period between November 2002 and December 2004 in Turkey-EU relations. In this period, the most significant event was the 17 December 2004 EU Council decision of opening accession negotiations with Turkey in October 2005.<sup>1</sup> The opening of accession negotiations represents an important step towards the membership of Turkey to the Union, meaning that Turkey has fulfilled the political conditions of the Copenhagen criteria. In fact, Turkey increased the pace of reforms related to controversial issues in this period under the majority government of Justice and Development Party (*Adalet ve Kalkınma Partisi*- AKP).

In this chapter, I will start by giving historical background information covering the period 2002-2004 regarding Turkey-EU relations and Turkish domestic politics. In the historical background information part, I will present important development in Turkish domestic politics and Turkey-EU relations. In the second part of this chapter, I will analyze the identity variable of the social learning model for the period 2002-2004. As indicated earlier, the two other variables of the social learning model, legitimacy and resonance, have been analyzed in the second chapter in a way that covers all time periods. In the third part of this chapter, I will analyze the variables of the external incentives model, the size and the credibility of EU rewards and the size of adoption costs. At the end of the chapter, I will evaluate the compliance of Turkey, the dependent variable of this study, by reviewing the findings of this analysis for the time period 2002-2004.

#### **4.1-Turkey-EU Relations and Turkish Domestic Politics between 2002 and 2004**

The most important development that marked Turkish domestic politics and Turkey's relation with the EU in this period was the result of the November 2002 general elections. The November 2002 elections are widely referred to as a political earthquake in Turkey.<sup>2</sup> The Justice and Development Party (*Adalet ve Kalkınma Partisi*- AKP) garnered the majority of votes, although it was a newly founded political party.<sup>3</sup> In the elections, only two parties, AKP and CHP, reached the 10 per cent threshold to enter Parliament. With 34.3 percent of the votes, the AKP won 362 seats (which later rose to 365 following repeated elections in the province of Siirt).<sup>4</sup> On the other hand, CHP, the center-left party, won 19.39 per cent of the votes and gained 178 seats. This was Turkey's first two-party Parliament over 50 years.<sup>5</sup> AKP formed the country's first single party government since 1987.<sup>6</sup> The members of the previous coalition government (DSP, ANAP and MHP) had devastating results in the November 2002 elections as none of them could enter the Parliament.<sup>7</sup> The results of the elections have been interpreted as the reaction of the electorate to the 2001 economic crisis and the corruption allegations about the ANAP-DSP-MHP coalition government.<sup>8</sup>

The election victory of AKP raised important questions regarding the political orientation of this party, given the fact that its leadership had past affiliations with pro-Islamist parties in Turkey.<sup>9</sup> In fact, AKP emerged after the closure of the Virtue Party (*Fazilet Partisi*-FP) by the Constitutional Court, which concluded that FP constituted a threat to the secular foundations of the Turkish Republic.<sup>10</sup> The AKP is one of the two parties that succeeded the FP. The moderate reformists of the FP founded AKP in 2001.<sup>11</sup>

On the other hand, the traditional conservative cadre of the FP founded Felicity Party (*Saadet Partisi*-SP).<sup>12</sup> The political parties that are labeled under political Islam in Turkey such as MNP, MSP, RP and FP had anti-Western, anti-EU policy stance.<sup>13</sup> As the main figures of the AKP such as Recep Tayyip Erdogan and Abdullah Gul had been involved in Islamist political parties such as RP and FP, their approach regarding the EU became important with the election victory.<sup>14</sup> However, from the beginning the AKP tried to make it clear that it was not an Islamist party and defined itself as “Conservative Democrat” referring to Christian Democrats in Europe.<sup>15</sup> AKP also declared its support for Turkey’s membership to the EU. Tayyip Erdogan, its leader, could not enter Parliament and become Prime Minister because he had been banned from politics.<sup>16</sup> In 1997, in a public speech in Siirt, Erdogan read a poem- *Our mosques are our barracks, our dome our helmets, The minarets are our bayonets and our believers our soldiers*- after which he was sentenced to ten months of imprisonment and a life-time ban from politics by the National Security Court.<sup>17</sup> Since the Turkish constitution demands that the prime minister must be an elected member of parliament, Erdogan asked Abdullah Gul to form the first AKP government.<sup>18</sup> After coming to power, the AKP government changed the law that banned Erdogan from politics. Erdogan replaced Gul in March 2003, when he was elected as Member of Parliament for the province of Siirt where the elections were renewed for procedural reasons.<sup>19</sup>

Regarding the relationship with the EU, AKP government acted immediately after the elections to secure a date for the opening of accession negotiations.<sup>20</sup> Erdogan and Gul, prior to obtaining a vote of confidence from the newly formed parliament, began a series of visits to European leaders.<sup>21</sup> The Copenhagen Council of 12-13 December 2002

decided that the EU would decide whether or not opening the accession negotiations with Turkey in December 2004 European Council on the basis of a report and a recommendation from the Commission.<sup>22</sup> In this respect, the AKP government increased the pace of reforms in order to fulfill the Copenhagen criteria. The European Commission prepared a new Accession Partnership document in 2003, where the shortcomings of Turkey regarding the political and economic conditions were explained.<sup>23</sup> AKP government prepared a new National Program for the adoption of the *Acquis* in 2003, as a response to the 2003 Accession Partnership Document.<sup>24</sup> The European Council of 17-18 December 2004 decided that Turkey had fulfilled the Copenhagen criteria and the accession negotiations with Turkey would start on December 2005.<sup>25</sup>

#### **4.2-The Social Learning Model**

The analysis of the legitimacy and resonance variables on human rights, minority rights and civil military relations was conducted in the second chapter. The analysis of the EU conditions on human rights, minority rights and civilian control over the military indicates that these conditions have different degree of legitimacy in the EU. The human rights conditions have high legitimacy in the EU's institutional environment. On the contrary, the protection of minority rights and the civilian control over the military conditions have low legitimacy in the EU. Moreover, the resonance of human rights, minority rights and civilian control over the military norms in Turkey was considered low.



#### **4.2.1-Identification of the AKP Government**

For the period 2002-2004, the AKP government will constitute the subject of analysis for the Turkish government. It should be noted that we have two AKP governments in this period, the first one operating from November 18, 2002 to March 14, 2003 under Prime Minister Abdullah Gul.<sup>26</sup> However with the election of Tayyip Erdogan to Parliament in March 2003, a new AKP government was established on March 14, 2003 under the Prime Ministry of Erdogan.<sup>27</sup> Although we have officially two governments, I consider a single one because both of the governments were established by the same political party and pursued similar policies. The analysis of the AKP government will be conducted through three questions “How does the government perceive the EU and its values and norms?”. “Does the government claim the EU membership for Turkey based on collective identity, values and norms?”. “Does the government express any concerns about the applicability of European values and norms in Turkey?”

How does the government perceive the EU and its values and norms? The AKP, which had pro-Islamic roots, was formed only eighteen months before the November 3, 2002 election.<sup>28</sup> In fact, the AKP was established by Recep Tayyip Erdogan, the former Mayor of Istanbul from RP, and a group of “reformists” that were involved with Islamic-rooted FP until its closure by the Constitutional Court.<sup>29</sup> Given the past involvement of the main figures of the AKP with Islamic-rooted political parties, AKP’s political stance and ideology is crucial in terms of understanding its policies towards EU. As indicated earlier, pro-Islamist political parties in Turkey have been known for their anti-Western and anti-EU tendency.<sup>30</sup> Shortly before the establishment of the AKP, Erdogan declared

that Islam would not be a “point of reference” for the party.<sup>31</sup> In January 2004, Erdogan indicated that his party supported a conservative democracy:

“While attaching importance to religion as a social value, we do not think it right to conduct politics through religion to attempt to transform government ideologically using religion... Religion is a sacred and collective value...It should not be made a subject of political partisanship causing divisiveness.”<sup>32</sup>

Regarding the “conservative democracy”, Erhan Dogan indicates that AKP’s conservatism lied in its attitude towards cultural affairs and traditional values. Since its foundation in 2001, Erdogan tried to distance the AKP from political Islam. In this regard, AKP positioned itself as a central right party with a conservative stance regarding culture and traditional values but also strongly endorsing democratic values and liberal economic policies.<sup>33</sup>

In this regard, it should be emphasized that since foundation, AKP has adopted a pro-EU stance regarding the Turkey’s membership to the EU and the reforms necessary for satisfying the Copenhagen criteria. The AKP’s party program indicates the magnitude of the EU for the party:

“Turkey has been in close relation with Europe both geographically and historically. For this reason, relations with European nations shall continue to be at the top of the list in Turkey’s foreign policy agenda. Turkey shall rapidly fulfill its promises in its relations with the European Union and the conditions, which the union demands of other candidate nations as well. Thus, it shall prevent the occupation of the agenda with artificial problems.”<sup>34</sup>

The AKP’s party program commits to the deepening of democracy in Turkey stating that:

“Standards in the area of human rights contained in the international agreements to which Turkey is a party, especially in the Universal Declaration on Human Rights, European Convention on Human Rights, Paris Charter and Helsinki Final Act shall be put

into force... Taking as a basis the principles pertaining to the democratization of the Copenhagen Criteria which constitute the minimum standards to which members of the European Union must conform, amendments which must be made in our national judicial system shall be carried out in the shortest possible time.”<sup>35</sup>

Moreover, in a section on the “East and Southeast” (which refers to the “Kurdish problem” in Turkey) of the party program, it is indicated that “policies recognizing cultural differences within the principle of a democratic state are essential.”<sup>36</sup> Accordingly, the party program advocates that regulations would be made for “cultural activities, including publication and broadcasting in languages other than Turkish.”<sup>37</sup> The AKP party program also insists on the necessity of reforming the role of the military in Turkey:

“The National Security Council, which provides an exchange of views between the Armed Forces and the political powers in the areas of security and defense, shall be restructured in accordance with the standards of the European Union, taking into consideration examples in democratic countries.”<sup>38</sup>

In this regard, the AKP’s party program indicates that the party is committed to the full membership of Turkey to the EU, emphasizing the necessary reforms on most critical areas such as extending human rights and cultural rights and reforming the civil-military relations. In addition to the party’s program, the AKP’s election manifesto stated that “obligations and all other criteria that are also required of other candidates will be met; the political agenda will not be unnecessarily preoccupied with artificial issues.”<sup>39</sup>

The AKP’s pro-EU stance became clearer after the party’s victory at the November 3, 2002 election. Erdogan, the leader of the AKP, in his first message to Turkey after the announcement of the first election results clearly stated his party’s commitment to the EU membership.<sup>40</sup> The AKP victory arrived 38 days before the

Copenhagen summit where a date for the start of accession negotiations with Turkey would be decided by the Council.<sup>41</sup> Once the AKP government had been established in late November, Erdogan started to a series of trips to European capitals in terms of getting support for a date for the start of accession negotiations.<sup>42</sup> It should be emphasized that during these trips, Erdogan did not have an official status in the AKP government. Although the EU Council did not give a date for the start of accession negotiations in the Copenhagen summit of 12-13 December 2002, Erdogan's trips to European capitals indicate the strong attachment of the AKP leader to the EU cause.

After the establishment of the AKP government, the party's insistence on accelerating the reforms and pursuing EU membership became more apparent. The AKP government program stated that "full membership of the EU constitutes the priority of our government in terms of ensuring economic and democratic development."<sup>43</sup> The AKP government program included many references to the EU accession process. In fact, the program emphasized that "Regardless of the full membership condition, support will be given to economic and democratic standards, legal and institutional regulations offered by the EU."<sup>44</sup> Abdullah Gul, as the care-taker Prime-Minister because of the Erdogan's ban from politics, stated the need to replace the Constitution on November 23, 2003 in the TGNA:

"We are going to prepare a new constitution, which will promote freedom and participation to replace the one that is now in force and constrains our country. Our new constitution will have a strong social legacy. It will conform to international standards, first of all those of the EU. Holding individual rights and freedoms as superior principles and being based on pluralist and participatory democracy, it will convey the idea of a state built on democracy and the rule of law."<sup>45</sup>

Although the AKP government did not introduce a new constitution, it introduced more than five hundred reform bills from 2002 to 2004, which changed the restrictive character of the Constitution.<sup>46</sup> Moreover, Gul argued that the reforms were being introduced for the welfare of Turkish citizens after the Copenhagen summit of December 2002:

“Our path, the path of Turkey, is clear. These reform packages are being implemented for the sake of the Turkish people. This is what really matters. Has there not been the issue of Turkish-EU relations, these packages would have been implemented anyway because Turkish people deserve them.”<sup>47</sup>

Moreover, Erdogan proclaimed in a speech on June 7, 2002 that

“We believe that it is insufficient to just be a member of the EU and believe that this process should be accelerated. We foresaw this also during the establishment period of our party. We wrote in our party program that EU membership is the biggest project after the establishment of the Republic, and we believe in that.”<sup>48</sup>

Erdogan referred in many occasions to the deepening of democracy in Turkey through the EU accession process. For instance, Erdogan stated in January 2004 that; “The ideal is not to have a mechanical democracy that is reduced to elections and certain institutions, but an organic democracy that pervades the administrative, social and political fields. We refer to this as “deep democracy”<sup>49</sup> In fact, the AKP government prepared a new National Programme for the Adoption of the *Acquis* in 2003 as a response to the 2003 Accession Partnership document.<sup>50</sup> The 2003 National Program indicates the reforms on the political criteria that would be introduced in nine specific areas, namely freedom of thought and expression, freedom of association and right to peaceful assembly, prevention of torture and maltreatment, human rights training of public officials, functioning and efficiency of the judiciary; prison, detention and custody standards; full enjoyment of all fundamental rights and freedoms, and functioning of the

executive.<sup>51</sup> The reform measures in the National Program on these nine issue areas cover in great extent the conditions specified in the 2003 Accession Partnership document.<sup>52</sup> In this regard, the reforms that were anticipated in the 2003 National Program were compatible with the 2003 Accession Partnership document. Accordingly, this indicates that the AKP government was determined to satisfy the political aspect of the Copenhagen criteria.

Another issue that illustrates the AKP's pro-EU stance is the AKP government's policy towards the Cyprus issue.<sup>53</sup> The EU indirectly related the resolution of the Cyprus problem<sup>54</sup> to the membership of Turkey.<sup>55</sup> In fact, a plan was proposed by UN Secretary General Kofi Annan for the resolution of the Cyprus issue regarding the reunification of the divided island nation of Cyprus between Turkish and Greek communities as the United Cyprus Republic.<sup>56</sup> According to Erhan Dogan, the AKP government's stance on Annan plan was reformist and constructive.<sup>57</sup> The AKP government was involved in drafting the plan and has tried to convince Rauf Denktas, President of the Turkish Republic of Northern Cyprus (TRNC), to discuss and accept the Annan plan.<sup>58</sup> The efforts of the AKP government get results when a referendum was held on the plan in Northern Cyprus, which collected 65 percent approval.<sup>59</sup> Although the plan was rejected by the Greek Cypriots and never materialized, it showed the AKP government's commitment to the EU membership by trying to resolve the long lasting Cyprus problem. Given the fact that the previous DSP-ANAP-MHP government did not support the Annan plan and adopted an uncompromising stance regarding the Cyprus issue, the AKP government policy stance on the Cyprus issue illustrates the AKP government's determination for Turkey's membership to the EU.

“Does the government claim the EU membership for Turkey based on collective identity, values and norms?”. The AKP government has expressed strong commitment for Turkey’s membership to the EU. As indicated above, the AKP’s party program and its election manifesto clearly revealed the AKP’s strong commitment for EU membership. In addition to the strong commitment for the EU membership, Erdogan made it clear that the EU represents a union of political values for its government.<sup>60</sup> Erdogan, in a speech at Oxford University in May 2004, stated that as “a European,” he understands “Europeanness to mean politics commanded by values.”<sup>61</sup> In the same speech, he referred to Europe as a “union of values”, emphasizing that he aims to make “European values Ankara’s values.”<sup>62</sup> Erdogan also indicated that European values such as the rule of law and democracy are not culturally, geographically or historically rooted but have become the property of the “Civilized World.”<sup>63</sup> In this regard, Erdogan implied that Turkey is embracing all European values.<sup>64</sup> The speech of Erdogan in Oxford is unique in terms of the emphasis put on European values. Erdogan argued that Turkey is willing to become a member of the Union because Turkey shares the same European values.<sup>65</sup> In this regard, the strong commitment of the AKP government for Turkey’s membership and Erdogan’s emphasis on European values indicates that the AKP government claimed EU membership based on shared values.

“Does the government express any concerns about the applicability of European values and norms in Turkey?” It should be emphasized that the AKP government introduced crucial reforms on very sensitive issues in Turkey between 2002 and 2004. For instance, the AKP adopted a very liberal approach regarding the extension of cultural rights to all Turkish citizens. William Hale emphasizes that the AKP embraced the

concept of multiculturalism within Turkey with a strong emphasis to the rights of the Turkish citizens in a pluralist society.<sup>66</sup> In fact, AKP's commitment to multiculturalism was put into practice by instituting provisions for Kurdish language education and broadcasting in May 2004.<sup>67</sup> Moreover, the AKP government was willing to introduce the reforms on curbing the role of the military in the Turkish political system.<sup>68</sup>

Moreover, this commitment on curbing the role of the military according to western standards has been materialized in reform packages where several important reforms such as the removal of the representatives of the National Security Council (NSC) from the Supervision Board of Cinema, Video and Music and the civilianization of the secretary general of NSC have been implemented.<sup>69</sup> Furthermore, the AKP government also pursued a "zero tolerance policy" against torture and ill treatment while expanding the scope of retrial arrangements.<sup>70</sup> Overall the AKP government passed seven major political reform packages between 2002 and 2004, introducing changes to different areas of legislation. In this regard, I have not found any evidences that the AKP government questioned the applicability of the EU conditions in this period. The only issue that created a tension between the EU and the AKP government was the government's attempt to criminalize adultery.<sup>71</sup> Tayyip Erdogan and the Minister of Justice, Cemil Cicek, proposed in August 2004 that the new version of the Penal Code should also contain a clause making adultery a crime. Erdogan argued that "the family is a sacred institution for us," implying that the law was necessary to protect family values.<sup>72</sup> However, this proposition regarding the criminalization of adultery received strong criticisms from the EU. The European Commissioner for Enlargement, Gunther Verheugen, strongly attacked the proposal on the ground that it was against EU



legislation.<sup>73</sup> The proposed clause was dropped after Erdogan visited Verheugen in Brussels on September 23, 2004.<sup>74</sup> Hale indicates that the proposed clause on the criminalization of adultery reveals the conservative stance of the AKP on traditional values.<sup>75</sup> However, the issue of adultery was not transformed into a political crisis with the EU, as the AKP government decided to drop the proposal.

In this regard, the analysis of the AKP government and the responses to the three questions suggest that the identification of the AKP government with the EU and its values and norms is high. The AKP as a party developed a pro-EU stance from its foundation as manifested in the party program. Moreover, after the election victory, the main figures of the AKP such as Erdogan and Gul indicated their strong commitment for pushing the reforms to satisfy the Copenhagen criteria. Moreover, the AKP government introduced seven reform packages covering the most contested issues such as extending cultural rights and curbing the role of the military. In addition to, the discourse of AKP leader Erdogan emphasized on shared values with Europe, implying that Turkey would be part of the EU due shared values and norms. Moreover, the fact that the AKP government did not challenge the applicability of EU conditions in Turkey suggests the strong identification of the AKP government with European values.

#### **4.3-The External Incentives Model**

##### **4.3.1-The Size and Credibility of the EU Rewards**

Size and credibility will be considered comparatively to different institutional ties proposed by the EU. The two values, high and low, are going to be used for the size and

credibility of EU rewards variable. In this regard, it should be emphasized that membership represents the highest reward the EU can offer in terms of tangible benefits to a state. Two questions will be answered for determining the value of the variable: What type of institutional tie does the EU propose to the non-member state? Does EU give a membership perspective for the non-member state?

The first question refers to the EU's offer to Turkey in terms of its membership application. As revealed in the previous chapter, the European Council at the Helsinki Summit on December 1999 gave the candidate status to Turkey for membership to the EU.<sup>76</sup> In this regard, the institutional tie that was proposed by the EU was the candidacy for membership, which constitutes the highest reward that EU can offer to a non-member state. In the period 2002-2004, the EU's approach to Turkey did not change in terms of giving the prospect of membership to Turkey. However, the most crucial step in the process of membership for Turkey was the opening of accession negotiations in the period between 2002 and 2004. In this regard, the Copenhagen summit of December 12 and 13, 2002, was crucial for the newly established AKP government. The significance of the Copenhagen decision emerged from the fact that if Turkey could not get a date for the start of accession negotiations until the 2004 enlargement where ten new countries would join the EU, Turkey's accession talks could be delayed indefinitely.<sup>77</sup> The concern was that Turkey would need to convince twenty five members, including Cyprus, if the EU Council postponed the decision of giving a date for the opening of accession negotiations after the enlargement of the Union to twenty-five members.<sup>78</sup>

In the Copenhagen summit of December 12 and 13 2002, the EU Council stated:

"The Union acknowledges the determination of the new Turkish government to take further steps on the path of reform and urges in particular the government to address

swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation but also in particular with regard to implementation... The Union encourages Turkey to pursue energetically its reform process. If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.”<sup>79</sup>

In this regard, the European Council did not give a date for the opening of accession negotiations for Turkey; instead it affirmed that the EU would decide on the date of opening the accession negotiations in 2004 according to a Commission report. The Copenhagen Council decision created disappointment in the AKP government. After the Copenhagen Council decision, Gul as the Prime Minister, stated: “We have done what we were supposed to do...but it seems this negotiations date will come at a later date than we expected, namely, at the end of 2004.”<sup>80</sup> Although the Copenhagen decision did not give a date for the opening of accession negotiations, it encouraged the new AKP government to implement the necessary reforms to satisfy the Copenhagen criteria. Thus the prospect of membership was still given in the Copenhagen decision, although the need to accelerate the reform process was emphasized. Another important aspect of the Copenhagen decision was on the financial assistance provided to Turkey. The European Council at the Copenhagen summit stated that “The Union will significantly increase its pre-accession financial assistance for Turkey. This assistance will from 2004 be financed under the budget heading pre-accession expenditure.”<sup>81</sup> According to the Council decision to increase the financial assistance, the EU provided 144 million Euros of funds to Turkey in 2003.<sup>82</sup> The EU Commission declared in the 2003 Accession Partnership document that the amount of financial assistance to Turkey would be substantially

increased in the period from 2004 to 2006.<sup>83</sup> In fact, the EU commission decided that the EU would provide to Turkey, 250 million Euros in 2004, 300 million Euros in 2005 and 500 million Euros in 2006.<sup>84</sup> Although Turkey could not get a date for the start of accession negotiations, it received an increasing amount of financial assistance from 2002. Moreover, the EU funded 24 projects in 2003 and 31 projects in 2004.<sup>85</sup> The number of projects increased substantially compared to the previous period where 26 projects were supported by the EU from 2000 to 2002.<sup>86</sup> In this regard, the increased amount of financial assistance indicates the commitment on the part of the EU to the membership of Turkey.

The Brussels Council decision ended the ambiguity about the opening of accession negotiations and further strengthened the prospect of membership given to Turkey. The EU Council summit in Brussels held on December 16-17 2004 stated:

“The European Council welcomed the adoption of the six pieces of legislation identified by the Commission. It decided that, in the light of the above and of the Commission report and recommendation, Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations provided that it brings into force these specific pieces of legislation. It invited the Commission to present to the Council a proposal for a framework for negotiations with Turkey, on the basis set out in paragraph 23. It requested the Council to agree on that framework with a view to opening negotiations on 3 October 2005.”<sup>87</sup>

The opening of accession of negotiations meant that Turkey would need to adopt the EU *Acquis Communautaire*, which was divided in thirty-five chapters based on specific issue areas. In this regard, the opening of accession negotiations constitutes the last step in the membership process of a candidate country. As the EU Council decided to start the

accession negotiations in 2005, this further enhanced the commitment on the part of the EU to Turkey's membership to the Union.

Regarding the second question, the European Council conclusions in the period 2002-2004 reveal that the EU gave Turkey a membership perspective. The Copenhagen European Council of December 12 and 13, 2002 stated:

"Council recalls its decision in 1999 in Helsinki that Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states. It strongly welcomes the important steps taken by Turkey towards meeting the Copenhagen criteria, in particular through the recent legislative packages and the subsequent implementation measures which cover a large number of key priorities specified in the Accession Partnership."<sup>88</sup>

Although the Council decided to postpone the decision of opening of accession negotiation to 2004, it still insisted that Turkey was in the process of becoming member.

Accordingly, in Thessaloniki on June 19-20, 2003, the Council reaffirmed that:

"European Council welcomes the commitment of the Turkish government to carry forward the reform process, in particular the remaining legislative work by the end of 2003, and supports its on-going efforts to fulfill the Copenhagen political criteria for opening accession negotiations with the Union. Taking into account progress achieved, significant further efforts to this end are still required."<sup>89</sup>

Moreover the Brussels European Council of 12 December 2003 stated that:

"The European Council encourages Turkey to build on the substantial progress achieved so far in its preparations for launching accession negotiations and underlines its commitment to working towards full implementation of the pre-accession strategy with Turkey, including the revised Accession Partnership, in view of the decision to be taken by the European Council in December 2004 on the basis of the report and recommendations of the Commission."<sup>90</sup>

In this regard, the European Council conclusions prior the 2004 Brussels decision reveal that the EU encouraged the Turkish government to accelerate the reform process in order to satisfy the Copenhagen criteria. The Council decided in Brussels at December 2004 that "Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations..."<sup>91</sup> In this regard, the EU Council affirmed that the accession negotiation would start in October 2005.

The above analysis indicates that the size and credibility of the EU rewards was high for the period 2002-2004. The size of the EU reward was high because the EU reaffirmed that Turkey was a candidate country destined to join the Union. In the Council decisions discussed above, Turkey was encouraged to continue the reforms in order to satisfy the Copenhagen criteria. According to the external incentives model, the promise of membership represents the highest institutional tie and reward that EU can offer to a non-member state. Moreover, the EU increased the amount of financial assistance in the period 2002-2004. The credibility of the EU rewards was also high because the European Council decided in 2004 to open the accession negotiations according to a Commission report as promised in the 2002 Copenhagen summit. In this regard, the size and the commitment of the EU rewards was high for the period 2002-2004.

#### **4.3.2-The Size of Adoption Costs**

According to the external incentives model, the size of the domestic adoption costs for the non-member state government determines compliance or non-compliance with EU conditions.<sup>92</sup> The size of adoptions costs will be evaluated at the level of the government. The three values (high, medium and low) will be used for the size of

domestic adoption costs of the government. Two questions will be answered in order to determine the value of the size of adoption costs variable: "What factors can generate costs for the government regarding the conditions set by the EU?" "How does the government perceive the conditions in terms of costs associated with them?". According to the external incentives model, the size of adoption costs can vary for the different areas of the political conditionality.<sup>93</sup> In this regard, the costs associated with human rights, minority rights and civilian control over the military conditions can be different for the government.

What factors can generate costs for the government regarding the conditions set by the EU? In the Turkish context, the most important factor that made costly the reforms on human rights and minority rights was PKK terrorism.<sup>94</sup> As revealed in the previous chapter, PKK terrorism ended in 1999 with the capture of Abdullah Ocalan, the leader of PKK. Turkey's human rights record was poor in the 1990s, mostly owing to measures taken to combat PKK terrorism.<sup>95</sup> The end of PKK terrorism opened a new period in Turkey where a more moderate approach regarding the Kurdish issue started to emerge in the discourse of most center-right and center-left political parties. The situation that started with the end of PKK terrorism in 1999 continued in the period 2002-2004. PKK terrorism did not revitalize in the period 2002-2004.<sup>96</sup> As PKK terrorism was an important factor in creating costs on the reforms regarding the human rights, the end of PKK terrorism since 1999 lowered the costs associated with these reforms. The low cost associated with the human right reforms also characterized the period 2002-2004. There were not any other factors that could add costs to the reforms on extending the human rights and lifting the restrictions on fundamental rights in the period between 2002 and

2004. In this regard, the cost associated with human right reforms was low in this period. This was manifested by the several reforms that were introduced by the AKP government in this period.<sup>97</sup> Since its election in November 2002, the AKP government passed several reforms in the TGNA regarding the freedom of expression and thought, freedom of association, freedom of peaceful assembly and the prevention of torture. Moreover the AKP government declared in 2003 “there will be no instances of torture, no misbehaving of policemen and no violations of human rights” in Turkey.<sup>98</sup> Thus the determination and the commitment of the AKP government in introducing the reforms on human rights confirms the low cost associated with human right reforms in the period from 2002 to 2004.

The issue of minority rights has been referred to as cultural rights in the context of Turkey’s candidacy to the EU. In the 2001 Accession Partnership document, the European Commission referred to the minority rights condition as “ensuring cultural diversity and guarantee cultural rights for all citizens irrespective of their origin.”<sup>99</sup> Kemal Kirschi indicates that the Commission has chosen to refer to minority rights as cultural rights for not leading to a complicated discussion with Turkey on the definition of minorities.<sup>100</sup> The end of PKK terrorism had direct implications on the costs associated with the reforms on cultural rights. It has led to the emergence of a more moderate approach among the political parties where issues such as broadcasting and education in languages other than Turkish have become a part of the political agenda.<sup>101</sup> In fact, the decrease of the costs associated with reforms on the extension of cultural rights with the end of PKK terrorism was still valid for the period 2002-2004. In the period between 2002 and 2004, PKK terrorism did not reemerge, thus the cost associated with reforms on



cultural rights stayed low. An additional factor that added costs for the reforms on extending cultural rights in the period 1999-2002 was the strong opposition of the MHP, the major partner of the DSP-ANAP-MHP coalition government.<sup>102</sup> In fact, the MHP oppose reforms on extending cultural rights, although its coalition partners, DSP and ANAP, have strongly supported such reforms. The MHP opposition has created costs for reforms on cultural rights in the period 1999-2002 because it threatened the DSP-ANAP-MHP government's stability where discussions among coalition partners on this issue have led to serious deadlocks. Considering the MHP's strong opposition to reforms on extending cultural rights, I have considered the costs associated with cultural rights as medium for the period between 1999 and 2002. For the period 2002-2004, the circumstances changed for the majority government of AKP. The constraints faced on extending cultural rights by the previous DSP-ANAP-MHP coalition government did not apply to the AKP government. The AKP government supported in this period the extension of cultural rights to all Turkish citizens.<sup>103</sup> The party program of AKP stressed that "recognizing cultural differences within the principles of a democratic state are essential."<sup>104</sup> Furthermore, the AKP government program states that:

"The cultural differences in the society constitute a source of cultural richness which should help to the functioning of pluralist democracy based on tolerance. Our government believes that the pluralist democracy should allow the expression of differences and their participation to the political processes."<sup>105</sup>

In fact, the AKP government introduced reforms on Kurdish language education and broadcasting in 2004. In this regard, an important factor that added costs to the reforms on cultural rights, namely the opposition of the coalition partner MHP, disappeared in the period 2002-2004. Considering that PKK terrorism has ended since 1999 and that there

were not any factors that threatened the government's stability such as the MHP opposition as in the period 1999-2002, the costs associated with the reforms on cultural rights can be considered low for the period 2002-2004.

The cost associated with the reforms regarding the role of the military in Turkey is an issue-area where it is more difficult to arrive to a direct conclusion. As indicated in the previous chapters, the role of the military in the Turkish political system is a result of historical events since the foundation of the Turkish Republic in 1923.<sup>106</sup> The guardianship role of the military against external and as well as internal threats has been institutionalized into the Turkish Constitutions where the military has been allowed to act as the protector of the main principles of the Turkish Republic, mainly secular and unitary characteristics of the Turkish Republic.<sup>107</sup> The end of PKK terrorism led to a decreasing role of the military in the Turkish political system because the security aspect of the Kurdish issue started to lose its importance after 1999. Moreover, I have indicated in the analysis of the costs for the period 1999 to 2002 that the military started to adopt new strategies to interact more with civilians since the start of the Turkey's membership process to the EU in 1999. However, I have also emphasized that the military still continued to have an influence on Turkish political system, especially on issues regarding the secularist and unitary characters of the Turkish Republic. In light of these factors, I have concluded that the cost associated with reforms on civil military relation was medium for the period 1999-2002. For the period 2002-2004, the new strategies and policies that the military started to adopt in the context of EU membership process became more apparent.<sup>108</sup> In fact, it should be emphasized that the Chief of Staff, namely Hilmi Ozkok, which came to the office in August 2002, had a reformist approach

regarding the role of the military in Turkey.<sup>109</sup> However, his moderate approach towards the AKP government has also received reactions from the ranks of Turkish Armed Forces, including high ranked generals.<sup>110</sup> In this regard, the period between 2002 and 2004 witnessed a debate among the members of the Turkish Armed Forces on what role the military should have in Turkey in the context of EU membership. It is important to emphasize that it is surprising to observe such a debate among the members of the Turkish Armed Forces, which is a very disciplined and hierarchical institution. However the existence of such a debate illustrates that the military has also started to transform itself in the context of EU membership.

As indicated earlier, the military tried to distance itself from the government's policies since 1999, although in some instances it has expressed some concerns regarding the reforms on sensitive issues such as the extension of cultural rights. In fact, it has adopted a new strategy concerning its relation with the governments as not publicly revealing its criticisms on certain reforms and policies. In this context, the General Hilmi Ozkok became chief of general staff in August 2002.<sup>111</sup> This change at the main post in the military played an important role in civil-military relations in Turkey between 2002 and 2004. In fact, Metin Heper indicates that Ozkok has developed a new approach in its relations with the AKP government, where Ozkok tried to reach a compromise solution with the government on issues where there is a disagreement between the government and the military.<sup>112</sup> Heper emphasizes that on several occasions Ozkok tried to convince the AKP leaders rather than enforcing the view of the military.<sup>113</sup> Heper explains that while Ozkok was in office, when there is a disagreement between the military and a certain ministry on policy matters, the Office of Chief of Staff intervened in order to

reach a compromise solution.<sup>114</sup> In fact, Ozkok has defended that the last word should belong to the government on deciding which policies to implement.<sup>115</sup> Since Ozkok is in office, the Turkish military has been reluctant to interfere in politics where the Office of the Chief of Staff shared their reservations with the government and then went along with the latter's policy. This new approach developed in this period was illustrated by the statement made by the Deputy Chief of Staff, General Yasar Buyukanit: "During the deliberations on the last reforms package, we conveyed our views to the government. Some were accepted, others are not. Now that Parliament enacted them into law, it is our duty to comply with them. We only hope that our concerns and worries prove to be groundless."<sup>116</sup> Moreover, Ozkok has questioned the wisdom of military interventions in politics and has praised a more democratic approach:

"The military intervened on May 27 1960 and September 12 1980. Were these interventions successful? No! If they had been successful, politicians who had been banned could not have been able to return to politics. Those who were banned from politics later became even prime ministers and/or the president of the republic. This shows that military interventions are not panacea. From now on we should have greater trust in the people's judgment."<sup>117</sup>

In this regard, it should be emphasized that Ozkok has acted in an accommodating way towards the AKP government. However, this stance was not shared by a number of top ranking general, who preferred that the military tried to influence more decisively government policies. Metin Heper indicates that General Tuncer Kilinc, the Secretary General of National Security Council, General Aytac Yalman, Commander of the Land Forces, General Cumhuri Asparagus, Commander of the Air Force, General Sener Eruygur, Commander of the Gendarmerie, General Cetin Dogan, Commander of the First

Army, and General Hursit Tolon, Commander of the Aegean Army, had strong reservations about the reform packages and were critical of the AKP government.<sup>118</sup> For instance, the Secretary-General of the MGK, General Tuncer Kilinc, stated in August 16 2003 that:

“The changes made in the Act on the Fight against Terrorism would no longer have a deterrence effect on the perpetrators of those crimes; TV broadcasting in Kurdish would incite ethnic separatism; the admitting to Turkey of observers during elections would mean granting capitulations to foreigners.”<sup>119</sup>

Kilinc has expressed earlier at a seminar in March 2002 that Turkey should seek alternatives to the EU:

“Turkey definitively needs to be looking for new opportunities...obviously in Russia and the USA but also if possible with Iran. Turkey has not received the slightest help from the EU. The EU takes an antagonistic view on issues of importance to Turkey.”<sup>120</sup>

Kilinc stated in August 16, 2003 that:

“The reform package has rendered the NSC functionless. Political Islam and ethnic separatism remain to be serious threats. The appointment of a civilian secretary-general to that body would politicize it. One should not have weakened the NSC for the sake of democracy and the EU.”<sup>121</sup>

In another instance, General Aytac Yalman, Commander of the Land Forces, declared in August 30 2003 that “politicians, too, should conform to the EU criteria”.<sup>122</sup>

General Cetin Dogan, Commander of the First Army, harshly criticized the Prime Minister Erdogan, for Erdogan’s “hostile policies and attitudes toward the armed forces”.<sup>123</sup> Chief of Staff General Hilmi Ozkok reacted strongly to the statements of his commanders, stating that

“At this time my co-commanders are disclosing their views on a number of issues. One should take those statements as their personal opinions. I am not saying that my co-

commanders' views are wrong. Nor am I saying that they are right. Let me; however, point out that it would have been better if they had made those views public after they had retired.”<sup>124</sup>

Furthermore, General Ozkok and his then the Deputy Chief of Staff General Buyukanit, expressed great support for Turkey joining the EU as a full member. Ozkok stated in January 2003 that: “the Turkish Armed Forces had played a pioneering role in the modernization of Turkey. Thus, the TSK always favors Turkey’s becoming an EU member.”<sup>125</sup> Buyukanit emphasized in May 30, 2003 that “the Turkish Armed Forces is an unyielding defender of a secular and democratic state. This fundamental stance of the military is in full concert with the EU worldview.”<sup>126</sup> In fact, Ozkok did not oppose to the reform proposals made by the AKP on weakening the role of the military and the National Security Council during the period 2002-2004.

In this regard, it should be emphasized that the Turkish military also started to change its approach towards the civil governments in the period 2002-2004, which was manifested in the views of the Chief of Staff General Hilmi Ozkok. However, this new approach towards government policies was not shared by the all ranks of Turkish Military Forces, manifested in the reservations made by high ranked generals. Moreover, we have also instances in this period where the Turkish military expressed more publicly its concerns regarding some issues related to political Islam. When the AKP government prepared a proposal in May 2004 to allow the graduates of the Prayer Leader and Preacher Schools (Imam Hatip Okullari) to compete equally with the graduates of other high schools for entry to universities, the Office of Chief of General Staff declared that the proposed amendment violated the secular premises of the Republic.<sup>127</sup> The military has also expressed publicly its reservations on the controversial headscarf issue in this

period.<sup>128</sup> In January 2003, Özkök called the AKP government to act in accordance with the decisions of the Constitutional Court and concerning the headscarf issue of whether or not female students should be permitted to wear headscarf in the university classrooms.<sup>129</sup> In this regard, considering all these factors stated above, Ozkok's new approach towards the government, the reservations of the high ranked generals on government's policies, and the expressed sensitivities of the military on issues regarding the secular character of the Turkish state, the cost associated with reforms on civil-military relations would be considered as medium in the period 2002-2004. I will further elaborate this conclusion in responding to the second question of this part while considering the government's evaluation of the costs.

How does the government perceive the conditions in terms of costs associated with them? Regarding the conditions on human rights and cultural rights, the AKP government developed a determined stance to introduce the reforms on these issues in the period between 2002 and 2004. In fact, I could not find any evidence in this period where the AKP government expressed any reservations on these reforms by emphasizing any costs on these reforms. A manifestation of this circumstance is the introduction of seven reform packages from December 2002 to June 2004 where different reforms regarding human rights and minority rights were introduced.<sup>130</sup> As the AKP government had the parliamentary majority, they were able to pass the reforms from the TGNA without any difficulties. Moreover, the AKP government has expressed its commitment to implement these reforms on extending human rights and cultural rights in Turkey. In this regard, the way that the AKP government has acted on the reforms regarding these issues also shows the low costs associated with reforms on human rights and minority rights.

The AKP government has tried to develop a balanced relationship with the military during the period 2002-2004. The AKP government has been determined to introduce the reforms on the area of civil-military relations as indicated in the party program which dates back to 2001.<sup>131</sup> Metin Heper emphasizes that the AKP government has sent messages to the military that the government has the upper hand.<sup>132</sup> For instance, Erdogan, as the Prime Minister, stated that:

“When Turkey started to modernize; the military began to play a role in the polity, which was in line with the relevant provisions of the 1924 Constitution. The military intervened in politics only when there was a political vacuum; the military played a somewhat expanded role because the political will was weak. Today, we have a government that has the support of 66 percent of the electorate. Thus the military would no longer be obliged to intervene in politics”<sup>133</sup>

Abdullah Gul, as the Minister of Foreign Affairs, stated that “The military is sharing its views with the government. The government is discussing the issues and making its own decisions.”<sup>134</sup> Vecdi Diker, Minister of Defense, emphasized that:

“That the military has certain sensitivities should not come as a surprise. On the other hand, there is no reason to expect those sensitivities to cause problems for the government. In line with our state tradition, relations between the government and the military will continue to be harmonious. The military has utmost respect for the laws of our country.”<sup>135</sup>

Similarly, when the Secretary General of the National Security Council (NSC), General Tuncer Kilinc, publicly expressed his dissatisfaction with some provisions in the reform packages, Vice-Chairman of the AKP, Dengir Mir Mehmet Firat, stated that: “The reforms packages may be discussed in the NSC meetings and the Council may make recommendations to the government. However, the Secretary General of the NSC has no



right to criticize those reform packages on his own right.”<sup>136</sup> In this regard, the AKP government introduced several reforms in this period, which reduced the role of the National Security Council and introduced new measures on the budgetary control of defense spending.<sup>137</sup> In fact, the military also did not oppose directly most of the reforms on its role in Turkey, which created also a favorable circumstance for the AKP government pushing these reforms.<sup>138</sup> However, the AKP government pursued a careful policy towards the military, by trying to avoid measures that the military would have strongly opposed.<sup>139</sup> For instance, regarding the arrangements on the use of the headscarf in public places and the graduates of the Prayer Leader and Preacher Schools (Imam Hatip Okullari) to compete equally with the graduates of other high schools for entrance to universities, the AKP government drew back these issues from the government agenda when the military reacted by expressing sensitivities on the secular character of Turkey.<sup>140</sup> Another issue that the AKP government was careful enough not to tackle was the status of the Chief of General Staff under the Prime Minister despite the European Commission’s recommendation emphasizing that the Office of Chief of General Staff should be responsible to the Ministry of Defense not to the Prime Minister.<sup>141</sup> However, the military and especially Chief of Staff, Hilmi Ozkok, was strongly against such arrangement.<sup>142</sup> In fact, the Minister of Defense, Vecdi Gonul, stated in December 2002 that such an arrangement was not on the government agenda.<sup>143</sup> In this regard, the way that the AKP government acted on the issues where the military is sensitive indicates that there are still costs involved regarding the reforms of civil-military relations.

The analysis above of costs associated with human right, minority rights and civilian control over the military reveals that the costs on these three issue areas varied in

the period 2002-2004. The costs associated with human rights and minority right reforms were low in the period from 2002 to 2004. The most important factor that affected the low cost associated on these two issue areas was the end of PKK terrorism. The cost associated with the cultural right reforms has decreased in this period because there was not any obstacle such as the MHP's opposition in the period 2002-2004. The constraints faced on extending cultural rights by the previous government, DSP-ANAP-MHP coalition, did not apply to the AKP government. The costs associated with civil-military relations are medium because there are still costs involved in introducing reforms on the role of military in Turkey during the period 2002-2004. Although the approach of the military towards the government started to change in this period and the Chief of Staff, Hilmi Ozkok, strongly endorsed this approach, there were still sensitivities on the part of the military regarding some issues. Moreover, it became apparent that the new approach that Hilmi Ozkok endorsed was not shared by all the ranks of the military. In this regard, the cost associated with the reforms on civil-military relations is considered medium for the period 2002-2004.

#### **4.4-Compliance**

Compliance is the dependent variable of this study. The three values; high, medium and low, will be used as the measurement of the compliance variable. The level of compliance will be measured according the EU's own evaluation of Turkey. In fact, two questions will be answered for assessing the compliance variable in the Turkish case: "What rules have been adopted to satisfy the EU conditions?" "How EU has evaluated Turkey's performance regarding to fulfill the EU conditions?"

What rules have been adopted to satisfy the EU conditions? From December 2002 to June 2004, the AKP government passed seven reform packages in Parliament. On the issue area of human rights and extending fundamental rights, the AKP government adopted the first two packages, fourth and fifth harmonization packages, immediately after they came to power in December 2002.<sup>144</sup> These two reform packages were directly related to human rights. The fourth reform package was adopted on December 3, 2002 and became operational in January 2003. It contained a number of amendments related to torture and maltreatment, to the Act on Associations and the Turkish Civil Code, to the Act on Press, to the Legislation on Political Parties and Elections, to the act on the Human Rights Investigation Commission.<sup>145</sup> The fifth reform package, which was adopted on December 4, 2002, arranged the retrial of all cases in Turkey according to new arrangements introduced in 2002.<sup>146</sup> The sixth reform package adopted in May 2003, which became operational in July 2003, furthered the August 2002 package by adopting Protocol 6 of the European Convention of Human Rights.<sup>147</sup> It also converted all death sentences to life imprisonment. In January 2004, Turkey signed Protocol 13 to the European Court of Human Rights abolishing the death penalty in all circumstances, including wartime. The AKP government also adopted various Covenants of the U.N. that Turkey had traditionally claimed reservations about.<sup>148</sup> In the summer of 2003, the Turkish Parliament ratified the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, although in the latter case some reservations remained.<sup>149</sup> The AKP government adopted the eighth constitutional reform package to meet the Copenhagen criteria on May 7, 2004.<sup>150</sup> This package made ten major amendments to the Constitution, abolishing the State Security

Courts, giving constitutional security to the freedom of the press, and most importantly, giving priority to international treaties ratified by the Turkish Parliament over the Constitutional Court, Article 90 of the Constitution. This last reform is important in Turkey because it has given the priority to international and EU treaties over the national laws. The ninth reform package, which was introduced by the AKP government, removed the already abolished death penalty from the Turkish Constitution and changed Article 46 of the Penal Code by converting death penalty sentences to prison sentences.<sup>151</sup>

On the issue area of minority rights, the seventh package adopted in July 2003 further amended the broadcasting law to provide for such broadcasting by public and private radio and television stations. The seventh package allowed the teaching of languages other than Turkish in existing private courses.<sup>152</sup> It also ordered that the Council of Ministers alone would regulate and decide which languages are to be thought.<sup>153</sup> Moreover, the Civil Registry Law was amended in July 2003 to permit parents to name their children in Kurdish.<sup>154</sup> In August 2003, the Turkish Parliament adopted a law on Social Reinsertion which provides a partial amnesty and reduction in sentences for persons involved in the activities of PKK.<sup>155</sup> Moreover, the fourth and fifth reform packages which arranged the retrial of cases according to new laws has lead to retrial of DEP parliamentarians who had been in jail since 1994 for supporting terrorism and Kurdish separatism.<sup>156</sup> The European Parliament required from Turkey to release these DEP parliamentarians in order to ratify the Customs Union Agreement. Surprisingly, this issue was resolved after the release of these four DEP parliamentarians in 2004 after the retrial. Furthermore, the sixth reform package also abolished the Article 8 of the Anti-Terror Law which had been used during the 1990's for the imprisonment of

a number of journalists and publishers for crimes against the indivisible unity of the Turkish Republic.<sup>157</sup>

Regarding reforms on civil-military relations, the sixth reform package in July 2003 removed the representative of the National Security Council (NSC) on the Supervision Board of Cinemea, Video and Music.<sup>158</sup> The seventh reform package, which was adopted in August 2003, abolished the executive and supervisory powers of the Secretary-General of the NSC and other provisions which give access of the NSC to any civilian agency were removed.<sup>159</sup> The seventh reform package also arranged that the post of secretary-general no longer confined to a military person and that a civilian could be appointed to this post.<sup>160</sup> The seventh reform package has modified the frequency of NSC meeting from once in month to once every two months. Furthermore, with the seventh reform package, new provisions were adopted for enhancing the transparency of defense expenditures. This reform package allowed the Court of Auditors to audit accounts and transactions of all types of organizations including those concerning the state properties owned by the armed forces.<sup>161</sup> The eight harmonization package of May 2004 abolished the provision allowing for the nomination of a member of the High Audio-Visual Board by the Secretariat General of the NSC.<sup>162</sup>

How has the EU evaluated Turkey's performance regarding the fulfillment of EU conditions? I will answer this question through an analysis of 2004 Regular Report of the Commission on Turkey's Progress towards Accession and 2004 Commission Recommendation to the Council regarding Turkey progress towards accession.

Regarding the reforms on human rights and minority rights, the 2004 Regular report indicates that:

“Political reforms, in line with the priorities in the Accession Partnership, have been introduced by means of a series of constitutional and legislative changes adopted over a period of three years (2001-2004). There have been two major constitutional reforms in 2001 and 2004 and eight legislative packages were adopted by Parliament between February 2002 and July 2004...Concerning the general framework for the respect of human rights and the exercise of fundamental freedoms, Turkey has acceded to most relevant international and European conventions and the principle of the supremacy of these international human rights conventions over domestic law was enshrined in the Constitution. Since 2002 Turkey has increased its efforts to execute decisions of the European Court of Human Rights. Higher judicial bodies such as the Court of Cassation have issued a number of judgments interpreting the reforms in accordance with the standards of the European Court, including in cases related to the use of the Kurdish language, torture and freedom of expression.”<sup>163</sup>

The evaluation in the 2004 Regular Report was positive manner as it gave credits for the reforms introduced from 2001 to 2002.

Regarding the reforms of civil-military relations, the 2004 Report states that:

“On civil-military relations, the government has increasingly asserted its control over the military. In order to enhance budgetary transparency the Court of Auditors was granted permission to audit military and defense expenditures. Extra-budgetary funds have been included in the general budget, allowing for full parliamentary control. In August 2004, for the first time a civilian was appointed Secretary General of the National Security Council. The process of fully aligning civil-military relations with EU practice is underway; nevertheless, the armed forces in Turkey continue to exercise influence through a series of informal mechanisms.”<sup>164</sup>

The 2004 report indicates that civil-military relations have started to be arranged according the EU practices but the Commission emphasizes that the military still exercises informal influence on the politics.

Overall the 2004 Report emphasizes the progress that Turkey made in fulfilling the Copenhagen criteria:

“In conclusion, Turkey has achieved significant legislative progress in many areas, through further reform packages, constitutional changes and the adoption of a new Penal Code, and in particular in those identified as priorities in last year’s report and in the Accession Partnership. Important progress was made in the implementation of political reforms, but these need to be further consolidated and broadened. This applies to the strengthening and full implementation of provisions related to the respect of fundamental freedoms and protection of human rights, including women’s rights, trade union rights, minority rights and problems faced by non-Muslim religious communities. Civilian control over the military needs to be asserted, and law enforcement and judicial practice aligned with the spirit of the reforms...The normalization of the situation in the Southeast should be pursued through the return of displaced persons, a strategy for socio-economic development and the establishment of conditions for the full enjoyment of rights and freedoms by the Kurds. The changes to the Turkish political and legal system over the past years are part of a longer process and it will take time before the spirit of the reforms is fully reflected in the attitudes of executive and judicial bodies, at all levels and throughout the country. A steady determination will be required in order to tackle outstanding challenges and overcome bureaucratic hurdles. Political reform will continue to be closely monitored.”<sup>165</sup>

Similarly to the 2004 Commission Report, the Recommendation of the European Commission on Turkey’s progress towards accession emphasizes that Turkey has fulfilled to a great extent the political conditions of the Copenhagen Criteria:

“Turkey has substantially progressed in its political reform process, in particular by means of far reaching constitutional and legislative changes adopted over the last years, in line with the priorities set out in the Accession Partnership... In view of the overall progress of reforms attained and provided that Turkey brings into force the outstanding

legislation mentioned in paragraph 1, the Commission considers that Turkey sufficiently fulfils the political criteria and recommends that accession negotiations be opened. The irreversibility of the reform process, its implementation in particular with regard to fundamental freedoms, will need to be confirmed over a longer period of time.”<sup>166</sup>

In this regard, although the Commission points out the shortcomings in some areas, it concluded that Turkey sufficiently fulfils the Copenhagen criteria. According to the recommendation of the Commission, the Council concluded in December 16-17, 2004 that the accession negotiations would begin on October 3, 2005.<sup>167</sup>

The above analysis and the answers to the two questions indicate that the compliance of Turkey with the conditions on the three issue areas has been high in the period 2002-2004. Turkey made important progress through 2003 and 2004 with the reform packages as recognized in the 2004 Commission Report. The Commission concluded that Turkey fulfils sufficiently the political criteria, and recommended to the Council the start of the accession negotiations. In fact, this indicates that the AKP government was able to accelerate the reform process and to fulfill the Copenhagen criteria. In this regard, the compliance of Turkey with the EU conditions were high for the period 2002-2004.

#### **4.5-The Evaluation of the Theoretical Models**

<b>Table 4.1 The Social Learning Model- Values of the Variables for the period between 2002 to 2004</b>			
<b>Issue Area</b>	<b>Human Right Norms</b>	<b>Minority Right Norms</b>	<b>Norms of Civilian Control Over the Military</b>
<b>Resonance</b>	Low	Low	Low
<b>Legitimacy</b>	High	Low	Low
<b>Identity</b>	High		
<b>Compliance</b>	High	High	High



<b>Table 4.2 The External Incentives Model-Values of the Variables for the period between 2002 to 2004</b>			
Issue Area	Human Right Norms	Minority Right Norms	Norms of Civilian Control Over the Military
The size of Adoption Costs	Low	Low	Medium
The size and credibility of EU reward	High		
Compliance	High	High	High

I have examined through the chapter the values of the variables of the two theoretical models; the social learning model and the external incentives model. The result of the analysis for the period from 2002 to 2004 is shown in the Table 4.1 and Table 4.2 The social learning model emphasizes that the compliance of a non-member state depends from the legitimacy and the resonance of the EU norms on the issue areas and the identification of non-member state government with the EU, its norms and values. The resonance of the EU norms on human rights, minority rights and civilian control over the military has been low in Turkey. The resonance variable was examined in a way that encompass all three time periods, for better assessing the resonance of these norms prior the impact of the EU on Turkey. The legitimacy of the EU norms on human rights, minority rights and civil military relations was related to the EU's institutional environment, its rules and norms, and to the degree that they were shared by the member states. According to the rationale of the resonance variable, as the resonance of the human rights, minority rights and civilian control over the military norms was low in Turkey, low level of compliance regarding these three norms could be expected. Moreover, according to the legitimacy variable, as the legitimacy of minority rights

norms and civilian control over the military norms have been low, it is expected that the compliance of Turkey would be low on these two norms. Regarding the human right norms, as the legitimacy of human right norms has been high; the legitimacy variable expects high level of compliance regarding the human rights norms in Turkey. However, the compliance of Turkey for the period 2002-2004 contradicts the anticipation of the resonance and legitimacy variables. The compliance of Turkey was considered as high for the period 2002-2004. Contrary to the anticipation of the resonance variable, Turkey introduced important reforms on the three issue areas. Secondly contrary to the expectation of legitimacy variable, the compliance of Turkey did not differ according to different issue areas. This means that Turkey did not comply on a higher degree with human right conditions compare to the minority right and civilian control over the military conditions. I have expressed some reservation about the legitimacy and resonance variables in the previous chapters because of their constant character. In fact, the analysis of the period from 2002-2004 confirms the problems existing with these two variables in explaining the level of compliance.

On the other hand, the identification of the Turkish government with the EU is more accurate for explaining the level of compliance. For the period 2002-2004, the identification of the AKP government was high. In fact, the AKP government introduced several reforms in terms of fulfilling the Copenhagen criteria. In this regard, the high identification of the AKP government with the EU and its norm and values correlates with the high degree of compliance of Turkey in the period 2002-2004.

For the external incentives model, the values of the two variables, the size and commitment of EU rewards and the size of adoption costs, are sufficient for explaining

the degree of compliance of Turkey. For the period 2002-2004, the size and commitment of the EU rewards has been considered high. The costs associated with human right and minority right reforms have been considered as low. The cost associated with civil-military relation reforms is medium because the military was still being influential in some policies in the period 2002-2004. In this regard, only the medium size associated with the reforms on civil-military relation has been contradictory to the high degree of compliance on this issue area. But as the Commission report emphasizes the influence of military has been exercised through informal channel. In terms of legal and institutional arrangements, Turkey has been in line with the European practices. I will further elaborate the explanatory power of these two models in the conclusion chapter by discussing the results of the period from 2002 to 2004.

#### **4.6-Endnotes**

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<sup>1</sup> European Council, *Presidency Conclusions of Brussels 16-17 December 2004*, p. 2. Available at [http://europa.eu.int/comm/enlargement/turkey/pdf/presidency\\_conclusions16\\_17\\_12\\_04.pdf](http://europa.eu.int/comm/enlargement/turkey/pdf/presidency_conclusions16_17_12_04.pdf). (Accessed on 7.01.2006).

<sup>2</sup> Meliha Benli Altunisik and Ozlem Tur, *Turkey: Challenges of Continuity and Change*, p. 64.

<sup>3</sup> Idem.

<sup>4</sup> Idem.

<sup>5</sup> Feroz Ahmad, *Turkey: The Quest for Identity*, p. 180.

<sup>6</sup> Pinar Tank, "Political Islam in Turkey: A State of Controlled Secularity," *Turkish Studies*, Vol. 6, No. 1, March 2005, p. 3.

<sup>7</sup> Meliha Benli Altunisik and Ozlem Tur, *Turkey: Challenges of Continuity and Change*, p. 64.

<sup>8</sup> Idem.

<sup>9</sup> Pinar Tank, "Political Islam in Turkey: A State of Controlled Secularity," p. 4.

<sup>10</sup> Sencer Ayata, "Changes in Domestic Politics and the Foreign Policy Orientation of the AK Party," in *The Future of Turkish Foreign Policy*, eds. Lenore G. Martin and Dimitris Keridis, (London: The MIT Press, 2004), p. 247.

<sup>11</sup> Idem.

<sup>12</sup> Idem.

<sup>13</sup> Idem.

<sup>14</sup> Ziya Onis and E. Fuat Keyman, "A New Path Emerges," p. 19.

<sup>15</sup> Erhan Dogan, "The Historical and Discursive Roots of the Justice and Development Party's EU Stance," *Turkish Studies*, Vol. 6, No. 3, September 2005, p. 429.

<sup>16</sup> Sencer Ayata, "Changes in Domestic Politics and the Foreign Policy Orientation of the AK Party," p. 247.

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- <sup>18</sup> Idem.
- <sup>19</sup> Idem.
- <sup>20</sup> Ziya Onis and E. Fuat Keyman, "A New Path Emerges," *Journal of Democracy*, Vol. 14, No. 2, April 2003, p. 103.
- <sup>21</sup> Idem.
- <sup>22</sup> European Council, *Presidency Conclusions of Copenhagen European Council 12 and 13 December 2002*, p. 5. Available at [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/73842.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/73842.pdf). (Accessed on 7.01.2006).
- <sup>23</sup> European Council, *Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey*, Official Journal of European Communities, L 145/42, 12.6.2003. Available at [http://europa.eu.int/comm/enlargement/turkey/pdf/revised\\_ap\\_en.pdf](http://europa.eu.int/comm/enlargement/turkey/pdf/revised_ap_en.pdf). (Accessed on 12.01.2006)
- <sup>24</sup> Secretariat General for EU Affairs, *National Programme for the Adoption of the Acquis – 2003*, Available at [http://europa.eu.int/comm/enlargement/turkey/npaa\\_2003.htm](http://europa.eu.int/comm/enlargement/turkey/npaa_2003.htm). (Accessed on 21.12.2005)
- <sup>25</sup> European Council, *Presidency Conclusions of Brussels 16-17 December 2004*, p. 2.
- <sup>26</sup> Gul Hukumeti Programi. Available at <http://www.tbmm.gov.tr/hukumetler/hp58.htm>. (Accessed on 8.12.2005)
- <sup>27</sup> Erdogan Hukumeti Programi. Available at <http://www.tbmm.gov.tr/hukumetler/hp59.htm>. (Accessed on 8.12.2005).
- <sup>28</sup> Gamze Avci, "Turkish Political Parties and the EU discourse in the post-Helsinki Period: A case of Europeanization," p. 204.
- <sup>29</sup> Vali Nasr, "The Rise of 'Muslim Democracy'," *Journal of Democracy*, Vol. 16, No.2, April 2005, p. 22.
- <sup>30</sup> Pinar Tank, "Political Islam in Turkey: A State of Controlled Secularity," p. 4.
- <sup>31</sup> William Hale, "Christian Democracy and the AKP: Parallels and Contrasts," *Turkish Studies*, Vol. 6, No. 2, June 2005, p. 293.
- <sup>32</sup> Idem.
- <sup>33</sup> Vali Nasr, "The Rise of 'Muslim Democracy'," p. 23.
- <sup>34</sup> AKP Party Program, Section 6 "Foreign Policy". Available at <http://www.akparti.org.tr>. (Accessed on 15.01.2006).
- <sup>35</sup> Ibid, Section 2.1 "Fundamental Rights and Freedoms".
- <sup>36</sup> Ibid., Section 2.6 "The East and Southeast".
- <sup>37</sup> Idem.
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- <sup>40</sup> Erhan Dogan, "The Historical and Discursive Roots of the Justice and Development Party's EU Stance," p. 422.
- <sup>41</sup> Gamze Avci, "Turkish Political Parties and the EU discourse in the post-Helsinki Period: A case of Europeanization," p. 203.
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- <sup>43</sup> Gul Hukumeti Programi. Available at <http://www.tbmm.gov.tr/hukumetler/hp58.htm>.
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- <sup>53</sup> Leda-Agapi Glyptis, "The cost of Rapprochement: Turkey's Erratic EU Dream as a Clash of Systemic Values," *Turkish Studies*, Vol. 6, No. 3, September 2005, p. 409.
- <sup>54</sup> The "Cyprus Problem" refers to the conflict between Greek Cypriots and Turkish Cypriots over Cyprus. The problem has largely involved Turkey, Greece, Britain, the United Nations and lately the European Union. Since 1974 the island has been divided into the internationally recognised Republic of Cyprus in the south and the Turkish Republic of Northern Cyprus, recognised only by Turkey, in the north.
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- <sup>56</sup> Erhan Dogan, "The Historical and Discursive Roots of the Justice and Development Party's EU Stance," p. 431.
- <sup>57</sup> Idem.
- <sup>58</sup> Idem.
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- <sup>60</sup> Recep Tayyip Erdogan, *Why the EU Needs Turkey*, Keynote Lecture at the South East European Studies Programme, St Antony's College, Oxford 2004. Available at [www.sant.ox.ac.uk/esc/esc-lectures/Erdogan1.pdf](http://www.sant.ox.ac.uk/esc/esc-lectures/Erdogan1.pdf). (Accessed on 10.01.2006).
- <sup>61</sup> Idem.
- <sup>62</sup> Idem.
- <sup>63</sup> Idem.
- <sup>64</sup> Idem.
- <sup>65</sup> Idem.
- <sup>66</sup> William Hale, "Christian Democracy and the AKP: Parallels and Contrasts," p. 305.
- <sup>67</sup> Idem.
- <sup>68</sup> Metin Heper, "The Justice and Development Party Government and the Military in Turkey," *Turkish Studies*, Vol. 6, No. 2, June 2005, p. 223.
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## **Conclusion**

On 3 October 2005, the European Council started the accession negotiations with Turkey after long deliberations among member states about Turkey's place in Europe. A number of member states such as France, Austria and Cyprus Republic have made reservations about the final objective of the accession negotiations with Turkey.<sup>1</sup> These member states insist that the framework of the negotiations should explicitly mention the possibility that the talks could result in "privileged partnership" rather than full membership.<sup>2</sup> Although the negotiating framework did not state the possibility of "privileged partnership", it has insisted that "these negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand."<sup>3</sup> The AKP government has acted strongly against the possibility of "privileged partnership", emphasizing that Turkey has fulfilled its obligations for starting the accession negotiations and should be treated on the basis of the same criteria as applied to other candidate states. In fact, the discussion surrounding the final objective of the accession negotiations has fostered the suspicions whether Turkey would ever become a member when the accession negotiations will be finalized. Although Turkey-EU relations have reached an unprecedented level with the start of accession talks, it seems that the domestic impact of the EU on Turkey would depend on a number of domestic and European level factors.

In my thesis, I tried to determine what could be these factors by focusing on the Turkey-EU relationship from 1999 to 2004. Throughout my thesis, I tried to answer the following question, "Under which conditions has the EU had a positive impact on compliance with liberal democratic norms in Turkey?" I have examined the research question at hand by using two theoretical models, external incentives and social learning,

that are based on rationalist and constructivist theories. Turkey's relation with the EU has greatly influenced its political and economic system in the last decade. The EU anchor has been a major factor in Turkey in terms of generating democratization reforms as revealed in the analysis of the two time periods. However the impact of the EU has not been constant in Turkey, where different factors have shaped the extent of the EU influence. In fact, the two theoretical models, suggest different variables that could determine the extent of the EU's impact. I have studied the variables of the two models in two time periods and in three issue areas for determining which factors are most important to explain the EU's impact. However I could not reach any definitive conclusions about the explanatory power of the two theoretical models. The result of the analysis on the variables of the two theoretical models does not allow us to reach a definitive conclusion. I have ambiguous findings where one model is adequate to explain the degree of compliance in one time period but fails to explain it in another time period. Although my analysis does not validate the explanation of the theoretical models, it exposes their shortcomings while explaining which factors matter in explaining the compliance. I have also observed that some variables of the two theoretical models work better than others in explaining the compliance. In this conclusion chapter, I will first present the results of this thesis by discussing the theoretical models. Then, I will relate the findings of this study to the literature and suggest some important questions arising from my study.

## **The Impact of the EU on Turkey**

The research on the impact of the EU on non member states has been conducted in the literature through two theoretical models: the external incentives and the social learning models. I will discuss here my findings on the two theoretical models in explaining the level of compliance of Turkey. I will start with the variables of the social learning model by discussing their adequacy in explaining the variation of compliance. Then I will discuss my findings on the variables of the external incentives model.

The social learning model emphasizes that the compliance of a non-member state depends from the legitimacy of the EU rules, the resonance of the EU norms in non-member state and the identification of the non-member state government with the EU.<sup>4</sup> The findings of this study show that legitimacy and resonance do not really matter in explaining the compliance. First of all, the legitimacy of EU norms does not really matter for explaining compliance. Legitimate EU rules such as human right conditions did not generate more compliance than the minority right and civilian control over the military conditions, which are not a part of the EU *acquis* and are not generally accepted by the member states. The legitimacy of the EU rules does not explain the level of compliance in any of the issue areas. Moreover, I did not find any evidence that Turkish governments reject compliance with certain EU conditions because they lack legitimacy in the EU's institutional environment.

The resonance variable is also inadequate to explain the compliance of Turkey. In issue areas, resonance was considered low. In this respect, we expect to observe a low level of compliance in all issue areas. The findings of this study contradict the expectation of the resonance variable because the compliance has changed from one

period to another. However resonance may explain the way that reforms regarding the EU was materialized. For instance, the resonance of minority rights in Turkey was low, where only religious minorities were given minority status. Turkey was reluctant to recognize the status of minority rights to ethnic groups such as Kurds through the 1990's. The lack of resonance influenced the way that minority rights have been referred in Turkey-EU relations. In fact, Turkey and the EU have preferred to refer to minority rights as the extension of cultural rights to all Turkish citizens in the Turkish context. In this regard, the lack of resonance has shaped how Turkey has complied with the minority right conditions.

Contrary to the resonance and the legitimacy variables, the identity variable works better for explaining compliance. I do not have contradictory findings in the time periods such as low identity and high compliance or the reverse. Moreover the findings of the time periods indicate that the identification of the Turkish governments has greatly shaped the level of compliance. In the time period from 1999 to 2002, the identification of the DSP-ANAP-MHP coalition government was medium with medium level of compliance. Moreover, the AKP government, which had a high identification with the EU, complied to a great extent with the EU conditions in time period from 2002 to 2004. In this regard, the findings of this study reveal that identity matters in explaining compliance.

The external incentives model emphasizes that the compliance of a non member state with the EU conditions depends from the size and credibility of the EU rewards and the size of governmental adoption costs.<sup>5</sup> According to the external incentives model, the EU should offer credible and sizeable rewards to a non member states in order to orient

them to comply with its conditions.<sup>6</sup> As the external incentives model is based on rationalist theory, the size and credibility of the EU rewards should create enough incentives for non-members to comply with the conditions. However, given high size and credibility of EU rewards, the external incentives model insists that the compliance of a non member will still depend upon the size of governmental adoption costs. In this regard, the size and credibility of the EU rewards variable has been characterized by Schimmelfennig and Sedelmeier as a condition variable.<sup>7</sup> The analysis of the two time periods reveals that the size and credibility of the EU rewards variable is important for explaining compliance. In the two time periods, the size and credibility of the EU rewards does not contradict the level of compliance. In the time period from 1999 to 2002, the size and credibility of the EU rewards was high, whereas Turkey's compliance was medium. In fact, this finding does not contradict the explanation of the size and credibility of the EU rewards. Furthermore, the size and credibility of the EU rewards was high in the time period from 1999 to 2002, where the compliance of Turkey with the EU conditions was high. In this regard, these findings reveal the validity of the size and credibility of the EU rewards in explaining the degree of compliance. Given the fact that Turkish governments introduced breakthrough reforms in these two time periods confirms the importance of this variable. The EU triggered the restructuring of the democratic system in Turkey by offering a strong incentive by the candidacy status.

The other variable of the external incentives model, the size of adoption costs, explains to some extent the level of compliance in some issue areas in the two time periods. However, my findings reveal questions about the validity of the size of adoptions costs variable for explaining the level of compliance. First of all, the size of adoption

costs was adapted to specific issue areas on human rights, minority rights and civil-military relations, where the issue specific costs do not correlate with the level of compliance. The compliance of Turkey on all issue areas was same in all issue areas in all time periods. Thus the Turkish governments did not comply more with the less costly conditions than with the more costly conditions. This could be explained by the linkages among the issue areas in Turkey. In fact, it was observed that human rights issues are greatly related to minority right issues and that civil-military relations shaped the reforms on minority rights. Although I have tried to assess the costs related to specific issue areas, it has been observed that the Turkish governments complied similarly with the conditions in all issue areas. In the two time periods, the costs in the three issue areas decreased significantly with the end of PKK terrorism since 1999. The level of compliance in these two time periods can be explained by the decrease of the costs. However, this did not mean that Turkish governments introduced greater reforms in the less costly areas such as human rights than in the more costly areas in minority rights and civil-military reforms. Moreover, the issue area of civil-military relations and to some extent human rights constitutes problems for the size of adoption costs variable. For instance, although it was still costly to introduce the reforms on the issue area of civil-military relations in the time period from 2002 to 2004, the AKP governments have complied to a great extent with the conditions. Regarding the issue area of human rights, although the cost was low in the period from 1999 to 2002, the DSP-ANAP-MHP coalition government did not comply with all conditions. In this regard, the findings of my study do not orient us to reach a definitive conclusion on the validity of the size of adoptions costs variable.

Overall my findings do not corroborate neither the external incentives model nor the social learning model fully. However, this study reveals which variables of the models work better in explaining the compliance. First of all, the legitimacy and the resonance variables of the social learning model were not relevant in explaining the compliance. On the other hand, the identity variable was relevant in explaining the level of compliance on the two time periods. Secondly, the size and credibility of the external incentives model work well in explaining the compliance, although it does account for the variation of compliance. Thirdly, the size of adoption costs does not fully explain the compliance in all issue areas. A more general observation about the size of adoptions costs is that when it is costly for the governments to comply with the conditions, they are reluctant to comply fully. Ideally, the findings of this study suggest that integrating identity to external incentives model can better explain the compliance. It has been observed that the identification of the government creates a strong motivation for pursuing the membership. In return, this high identification influences the perception of costs for the governments. The governments that have high identification with the EU give more importance to the membership perspective rather the costs associated with the conditions. This observation is valid when the size and credibility of the EU reward is high. In this regard, this study suggests that the inclusion of the identity variable into the external incentives model can explain better the compliance in Turkey since 1999.

### **Contributions to the Literature and Further Questions**

This research and its findings can have relevant contributions for two bodies of literature; Europeanization and democratic transition. I will explain here how one can

relate this study to these literatures. Furthermore, I will present questions arising from this study on the impact of the EU in non-member states.

The democratic transition or democratization literature emphasize that democratic change is the result of mainly domestic factors. In fact, it has been argued that without any domestic demand for democratization from political and societal groups, the external or international factors can not lead to democratization. However, the findings of this study indicate that the transformation of Turkey in the last decade can not be adequately understood without considering the impact of the EU. Moreover, it has been observed that the impact of the EU in terms of generating democratization reforms is of priority in terms of explaining the democratic transformation. It is true that political parties and societal groups such as NGOs created a demand for democratization in Turkey. However, the EU anchor has triggered the reform process by creating incentives for the domestic actors.. In this regard, this study reveals that any study of democratization or democratic transition will fail to explain the transformation of Turkey if it does not take into account the impact of the EU anchor.

Another related literature to this study is on Europeanization. Although this literature has been mainly interested with the impact of the EU on member states, the two theoretical models, have been derived from this literature. My findings reveal that the two models fail to explain adequately the compliance of Turkey. In this regard, my study indicates that there is a need to further develop the theoretical models for explaining the compliance of non-member states with the EU conditions.

Finally this thesis suggests further questions regarding the impact of the EU in Turkey. It has been observed that the EU membership process influenced the strategies



and policies of the political parties in Turkey. This is especially relevant for the AKP which has roots in political Islam. The reforms introduced by the AKP government are actually surprising for many observers. It has been argued that the AKP government used the EU membership process for providing legitimacy in the domestic sphere for its policy choices in Turkey. However, this type of argument has not been studied sufficiently regarding the Turkish case or other candidate states. This leads us questions such as “Do we observe Europeanization of political parties in the candidate states for membership?”, “How the EU membership process influences the strategies and the policies of political parties in the candidate states?” , “What type of mechanism or channel of influence does the EU uses in influencing the political parties in candidate states?”. In this regard, a comparative research across different countries is needed for developing satisfactory answers to these questions.

Another area that needs further research is the role of Non Governmental Organizations (NGOs) and other interest groups in the EU membership process in candidate countries. This research on Turkey did not focus on the role of this type of actors in the EU membership process. However it has been observed that this type of actors has been very active in Turkey since 1999 with the start of candidacy status. Moreover the EU has built substantial relationship with these groups in terms of financial aid and different type of opportunities. Moreover it has been observed that these actors have made public campaigns prior the 2002 August reform package, where the coalition partners of the DSP-ANAP-MHP government could not agree on the content of the reform package. However, it is not clear how far these actors have been able to influence the government policies in this period. This observation on the role of the NGOs and

interest groups requires us to question their role in the Europeanization of candidate states and the impact of the EU on this type of actors: “Do the NGOs and other interest groups have an influence on the government policies in the membership process of the EU”, “What type of influence do they exercise on the governments in term of pushing for reforms”, “How the EU influences the strategies and policy choices of NGOs and interest groups”. These questions are important because it is a contested issue whether the EU can contribute to the domestic change in a candidate country via influencing the NGOs and interest groups.

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<sup>1</sup>BBC News, “Turkey's EU entry talks,” 4 October 2005 . Available at <http://news.bbc.co.uk/1/hi/world/europe/4107919.stm>. (Accessed on 20.01.2006)

<sup>2</sup> Idem.

<sup>3</sup> European Council, *Negotiating Framework for Turkey, 2005*, p. 1. Available at [http://europa.eu.int/comm/enlargement/docs/pdf/st20002\\_en05\\_TR\\_framedoc.pdf](http://europa.eu.int/comm/enlargement/docs/pdf/st20002_en05_TR_framedoc.pdf). (Accessed on 20.01.2006)

<sup>4</sup> Frank Schimmelfennig and Ulrich Sedelmeier, “Introduction: Conceptualizing the Europeanization of Central and Eastern Europe,” p. 18.

<sup>5</sup> Ibid., p. 12.

<sup>6</sup> Ibid., p. 13.

<sup>7</sup> Ibid., p.14.

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