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ANABİLİM DALI  
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**AN EVALUATION OF THE RELATIONS BETWEEN TURKEY AND  
THE EU IN THE CONTEXT OF DEMOCRACY**

Yüksek Lisans Tezi

MIRNA DEMİRBEY

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## ABBREVIATIONS

ECSC	European Coal and Steel Community
EEC	European Economic Community
EC	European Community
EU	European Union
EMU	Economic and Monetary Union
SEA	Single European Act
USSR	Union of Soviet Socialist Republics
TUSIAD	Turkish Industrialist and Businessmen Association
MUSIAD	Independent Industrialist and Businessmen Association
SIAD	Regional and Provincial Industrialist and Businessmen Association
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
OECD	Organization of Economic Cooperation and Development
NATO	North Atlantic Treaty Organization
RTUK	High Audio-Visual Board
NSC	National Security Council
UN	United Nations
GRECO	Group of States against Corruption
DLP	Democratic Left Party
NAP	Nationalist Action Party
MP	Motherland Party
PP	Populist Party
JDP	Justice and Development Party
GNA	Great National Assembly
IISK	Confederation of Turkish Employers
IISS	International Institute for Strategic Studies
FYROM	Former Yugoslav Republic of Macedonia
DCR	Democratic Republic of Congo
CFSP	Common Foreign and Security Policy
PKK	(Kurdish Workers Party)-Terror Organization
IGC	Intergovernmental Conference
SPO	State Planning Organization
NGO	Non-Governmental Organization
CEE	Central and Eastern Europe

## INTRODUCTION

Since its coming into being, democracy has been a highly contested term and it has been important to follow up its implications in order to find a common ground for a general definition of the term. With this respect in this study the term democracy itself and its historical development regarding the countries that have transferred into democratic political state structures all around the world, will be evaluated. Since the focal point of this study is the relationship between the European Union and Turkey, it has been crucial to highlight some of the features and values in terms of democracy that the EU has accepted and in pursuit of.

Regarding the European Union's policy-making structure in terms of its institutions which constitute it, it is valuable to analyse these policy-making procedures. During the analysis of the basic structure of the EU, it has been necessary to highlight the controversial and contested issue that has been raised among the European public, academicians around the world claiming that there is a deficit in the functioning of democracy in the European Union. The EU which incorporates supranational structures, have different characteristics compared to regular international organizations, traditional nation-states. The members of the supranational bodies are required to transfer some of their decision-making powers to those bodies regarding certain matters. However, at this point, there emerges the problem related to the democracy deficit of the EU as a supranational body. This problem intends to question the level of democracy in the EU, in the way in which it is experienced by individual member states today in their internal competence areas.

Democracy is related to the terms like accountability, transparency, and therefore legitimacy, and there are deficiencies in the EU regarding all of these concepts. Most of these deficiencies stem out of the restricted authority of the European Parliament in the decision-making which causes the citizens of the EU member states to criticize legitimacy, transparency and accountability of the decisions taken at the EU level due to extent of representation. In the EU context, policy areas began to increase, thus deepening movement resulted in further integration in terms of political, economical and security matters. This, in turn, caused increase in the powers and competences of the supranational institutions. As a

result their accountability and legitimacy concerned the citizens and member states. EU has the authority to control the social and economic activities within its territories; it makes decisions about the policy areas based on its competence, which are binding over the member states and their citizens. However, the more the EU neglects discussions among citizens of EU member states about the decisions taken on behalf of them; this generates a feeling among citizens of not being integrated in the European decision-making system. Therefore, whether or not this would affect the relations of the EU with its both member and candidate countries hence causing legitimacy problems and distrust among citizens is a problematic issue that needs an answer.

The EU while in some respects resembling a state like system possessing a flag, anthem and a common passport, however lacks a common identity and common interest. This consideration, in turn, produces the discussion concerning the EU's ability to promote democracy through its use of membership conditionality strategy while confronting demands concerning elimination of democracy deficit in the EU. This demand arising from citizens belonging to each member-state emanates the problem of credibility of the EU in its effort to export democracy to its aspirant states. The EU, representing a supranational system of governance has implications that do not correspond to its values, norms and regulations. The lack of democratic political governance on the EU level deprives the system of credibility and support (base) on the eyes of the candidate countries that are willing to join the EU. This causes the need to investigate the constructed relationship between the influence, power of membership conditionality of the EU and the expected policy change regarding the compliance with conditions of the EU presented as a prerequisite for full-membership of the EU as a reward. In this respect, there emerge the matters related to the relationship between the extent of support capacity of the EU and candidate country's level of persuasiveness during the efforts in promotion of policy changes; and cost-benefit calculations of full-membership of the EU in the candidate or aspirant countries.

Another matter that has more or less an impact on the EU's relations with other states in the international system is the Union's role as a civilian power. The civilian power of the EU is a contested issue and is a question that needs an answer in relation to the analysis of the EU's approach to democracy and its implications. The EU has been influential as a

dynamic that lies behind the progress of both economic and socio-political transformation of the Central and Eastern European, Southeast European and Balkan countries into liberal economies and decentralized state structures abiding to democratic values after the dissolution of the USSR and the collapse of communism. However, yet again, the extent of influence that the EU inserts on applicant or candidate countries to promote policy changes for the transition to developed democratic political system is a highly debatable issue. Considering all the academic research made about the reason for the emergence and the purpose for existence in multicultural and multilingual international environment, the EU can not merely be seen as a civilian power employing foreign policy instruments which uses peaceful means such as diplomacy, trade, financial aid, negotiation in order to achieve peaceful ends regarding its effort to promote policy changes.

The EU, although in a limited manner, is a supranational power aiming for unification in the security and defence field; this might not be enough to prove that it has capabilities to emerge as a military power, but there are signs that depict this perception such as its employment of Common Security and Foreign Policy. However, in order to analyze the EU's role and extent of influence in its foreign affairs, it is necessary to construct knowledge about the origins of the EU and its developments, strategies throughout its existence. In fact, both the democratic deficit of the EU and the role of the EU in the international system effect the EU's success in its foreign policy strategies which are aimed for the promotion of peace, security, prosperity, democratic values all around the world. However, as it is going to be examined throughout the study, the absence of a concrete definition of how to promote democracy and policy change and instruments to measure and guide the scope of political change that is aimed to be attained through the efforts of membership conditionality strategy, prevents the EU from achieving its foreign policy goals. In this respect because of a lack of a clear and operational definition and guidance for a successful democratization, the EU loses appeal and in turn, the speed of reform processes in the candidate countries slows down. Therefore, the main argument of this study will be constructed on whether or not the European Union has been a triggering and influential dynamic during the transformation of Turkey and few references to candidate countries socio-political structures through the usage of its membership conditionality strategy as one of its foreign policy instruments.

Regarding the relationship between the EU and Turkey, ever since its relation with the West which could be traced back to the Ottoman Empire, Turkey has been looking up to ‘Westernization’ and ‘Modernization’ in pursuit of Atatürk’s vision of civilization. Though it is a debated issue among scholars, media, academicians, it can be claimed that Turkey with the aim of democratization, has achieved progress through necessary reforms required both by the EU for full-membership of the Union and Turkish elite, intellectuals and public. Here, in this study, the democratization process of Turkey in comparison with some other Central and Eastern European Countries’ socio-political positions will be evaluated. It is highly a controversial issue to discuss the scope and extent of effectiveness of the EU’s conditionality strategy on Turkey and other aspirants while keeping in mind necessary elements of credibility and consistency; and additionally, elements related to prerequisites of a well-functioning democratic political system which are legitimacy, accountability and transparency.

After the 1980s, in respect to Turkey’s political life, through the country’s relations with the European Union and its harmonization process, the European Union as an external factor has been more or less influential in altering Turkey’s political stance. It has accelerated the countries’ reform process through its well-known “stick and carrot” approach represented as its foreign policy instrument. The EU (European Union) through its conditionality policy although there being some reservations, has more or less been proved to be applicable on democratization. Especially, as stated by Tezcan (2005), since the Helsinki Summit 1999 through which Turkey had been recognized as a candidate country by the EU, Turkey has been going through a judicial transformation with respect to amendments in human rights and various legal regulations and articles in the constitution.<sup>1</sup> Therefore, the decision taken in the Helsinki Summit December 9-10, 1999, it can be claimed that the EU has stimulated the adoption of amendments which had been necessary in order to meet the requirements of the Copenhagen Political Criteria. As a result of this the Commission had presented its recommendation on October 6, 2004 which concluded that Turkey has sufficiently met the Copenhagen Political Criteria and has recommended starting accession negotiations with Turkey.

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<sup>1</sup> Ercüment Tezcan, “Helsinki’den 3 Ekim’e: Müzakerelere Giden Sürecin Dünyü, Bugünü, Yarını, Türkiye – Avrupa Birliği İlişkileri”, Avrasya Dosyası, **International Relations and Strategic Research Journal**, Eurasia Strategic Research Center, Vol.11, No.1, 2005, p.15.

In this context EU can be considered as an external dynamic that has been influential on the democratization processes of the recipient/aspirant country; together with the pressures coming from within the domestic environment that first generated the reform process. The EU has applied considerable leverage, because the prize for compliance on the part of applicant states is full membership of the EU. With this respect, this study will shed light on the European Union's role in the international system as a civilian power implying that of a motivating instrument or a mechanism that can foster reforms and restructuring processes in countries that are in relation with the EU through its procedures related to membership conditionality while confronting reactions or support emanating from internal socio-political mechanisms such as civil-society movements and relations. Turkey is one of the countries' that embody public opinion in favour or in opposition to becoming a part of the European Union. The study will be composed of four sections.

In the first chapter, it will start with the definition of the concept of democracy, which will mainly be about the origins and historical development of democracy. This study will concentrate upon an examination of democracy with respect to the universally agreed values, and norms. The analysis of the features of democracy is conceived to be crucial in order to understand and build up knowledge about the EU's approach to democracy regarding its values, regulations which are presented in the Copenhagen political criteria. This introduction is aimed to illustrate the implications and repercussions of promotion of democracy through the relations between the EU and candidate countries in terms of membership conditionality strategy. As discussed above the EU's approach to democracy and its claimed democratic deficit attracts attention of the candidates whom aspire to be part of the EU on condition that fulfil the required EU conditions representing fundamental features of democracy such as accountability, transparency; multi-party system; rule of law; equality before law; respect for and protection of minority rights; human rights; open, free and general elections. In case of a distrust to and criticism of the EU political system, the EU's membership conditionality strategy would be damaged and the EU would lose appeal as a promoter of democracy and policy change.

The second chapter will start with a general examination of the internal structure and functioning of the European Union. Later on, an evaluation that concerns the European Union democratic deficit will be presented. The role of the EU in the international system as a civilian power, its internal structure in relation with its democratic deficit, affect the extent of

influence the EU insterts on the candidates or applicants in order to equip them with its values declared in the Copenhagen political criteria. Therefore, the same chapter will continue to shed light on the role of the EU as an international role-player in the international system with respect to its civilian power. With respect to the first chapter that focuses on the basic features of a democratic political system, the implications of the Copenhagen Summit of 1993 which is accepted to be the Summit entailing the operational features of EU requirements named as the Copenhagen Criteria based on the decision to include the Central and Eastern European Countries in the EU, on condition that these countries meet the Copenhagen Criteria, will be briefly examined. The analysis of the Copenhagen criteria offers the EU's definition of its accepted features of democracy and what the EU expects from the applicants on the way to full-membership of the EU. In fact, the absence of a clear and accepted definition of minority rights in terms of priorities of a well-functioning democracy in the EU, the candidate countries are deprived of a guidance which would help them follow up a clearly defined principles of democracy. Although the accession partnership strategies, regular progress reports presented by the European Commission offer definition and guidance to a certain extent, still appears to be insufficient. This, in turn, would damage appeal and influence of conditional offer as one of the foreign policy instruments of the EU. However, this judgement is a highly controversial one and there is no sufficient evidence to prove that the democratic deficit of the EU affects its relations with the international system regarding its membership conditionality strategy. There is still a need for further elaboration and research on this matter.

The third chapter will assess the relationship between Turkey and the EU with reference to the concept of "Democracy". In this context, a general evaluation of founding characteristics of the Turkish Republic and the transition to a multi-party regime will be made, until the period of the September 12 1980 Coup D'etat. Following the above assessments, the study will highlight the implications of the September 12 1980 Coup D'etat with respect to the military intervention and the reaction of the European Economic Community. The relations between the European Union and Turkey, concerning the outstanding implications both for the future relations of Turkey with the EU and future enlargement process of the EU, the implications of the Luxembourg Summit of 1997, the Helsinki Summit of 1999 and Copenhagen Summit of 2002 will be analysed. In fact, these dates are significant in the sense that they offer incentives and sanctions which are used by

the EU through its membership conditionality strategy in order to promote policy changes in alignment with the EU norms and regulations in the candidate countries.

While keeping in mind the fact that the European Union accepts candidate countries into its body that fulfil the conditions that of which have been operationalised in the declaration titled as the Copenhagen Criteria and proposed in its *acquis communautaire*, the analysis will shed light on whether or not Turkey has fulfilled the political requirements of the Union. This study will commence with an evaluation of the annual progress reports prepared by the European Union Commission and especially the 2005 commission's annual progress report which assesses Turkey's progress in meeting the required political criteria and the constitutional amendments made by the Turkish government in response to the Copenhagen Criteria through the analysis of the harmonization packages and their implementation.

The fourth chapter will mainly be composed of a general discussion of Turkey's recent political and democratic posture including the discussion concerning the extent of influence of the membership conditionality strategy of the EU on country's progress in terms of democracy and the development of the civil-society movement in Turkey with respect to the relationship between the EU effect on improving conditions that contribute in the formation and development of civil-society organizations in the context of promotion of democracy. This study would be constructed under the argument considering the extent of democratization that Turkey has attained and its continuation to realize this democratic political posture in the light of the European Union's conditional membership negotiations. As a result Turkey will be given a chance to be a part of the Union, provided it fulfils the political chapter of *acquis communautaire*. It is a highly controversial issue to make a command on whether or not Turkey would ever be a part of the EU anyway due to concerns related to its demographic, political and economic issues. All in all, instead of offering a concrete anticipation of a definite date for the prospected full-membership of the EU, general approach of the study will try to find out what has happened in Turkey with respect to its political order through the European Union's influence on the country's democratization process.

On the basis of these discussions, the hypothesis is about the effectiveness of membership conditionality in Turkey. Here, in this respect the dependent variable is the expected policy change and extent of reforms undertaken in compliance with the EU standards in a given candidate country during its relationship with the EU, whereas the independent variables are the membership conditionality strategy, democratic deficit, lack of a clear definition of and guidance for fundamental principles of democracy and civilian power of the EU. The effectiveness of membership conditionality will vary with the costs and commitments of governmental actors in target countries; and the scope, sequence of the use of incentives such as financial aid, start date for accession negotiations that the EU (donor) offers and sanctions that it imposes such as suspension of accession negotiations, cut of financial aid to the aspirants or demanders (recipients). However, there appears an asymmetrical relationship between parties when the cost of compliance is higher or vice versa than the reward offered such as full-membership in the EU may either prove the effectiveness or ineffectiveness of the conditionality strategy which employs the insertion of pressure on the recipient (demander) state to meet certain criteria. This thesis has been prepared in order to support the influence of the EU membership conditionality strategy on Turkey's democratization process.

The sources used for research on the issue at hand include; books and articles on democracy, conditionality theory, civilian power of the EU as its foreign policy, democracy deficit of the EU and evaluations of annual regular progress reports presented to candidate countries and Turkey-EU relations; official documents and reports published by Union institutions, NGOs, and the Turkish government; press excerpts, newspaper articles, articles and periodicals on internet. As an indispensable feature of a democratic political system, it is crucial to learn about the perceptions of civil-society organizations about the relationship between the EU and Turkey. With reference to the specific projects offered by the EU through donation programmes being run by civil-society organizations at the end of the study in order to offer a view of a civil-society organization, an interview with a psychologists' association (Professional Organization) will be added. The collection of the data in related issues and the research, and paper work has been prepared between the period of November 2005 until October 2006.

## 1. THE CONCEPT OF DEMOCRACY

It is necessary to offer different point of view and theoretical approaches in order to comprehend what the term 'democracy' means. Nevertheless, it has been difficult to construct a general framework for democracy and its implications throughout the academic studies which focus on the term. As a matter of fact, according to Arblaster (1987), democracy is a concept which has no single agreed meaning. Democracy has had various connotations in its history. Democracy is likely to remain a contestable concept which is conceived as a norm or ideal by which reality is evaluated. In order to build up a contemporary understanding of the term democracy it is necessary to explore and evaluate the history of democracy.<sup>2</sup> Before starting to analyse the approach of the European Union to democracy and its principles, it is necessary to examine the term itself and its historical evolution whilst highlighting some of the political transformations of some countries. As to the study aiming for the evaluation and discussion of Turkey's progress in democratization, it is crucial to set up parameters and measures of the notion of democracy in order to shed light on the relationship between Turkey and the European Union. In this regard, Democracy is an important issue for the EU because it is connected to its internal cohesion and credibility as an international actor. EU has problems in legitimizing itself in the eyes of the European people. Since democracy is one of the most important "European values", the European people do not accept an undemocratic Union nor do the candidate countries. The EU identity should be credible in order to be effective in its foreign policies.

However, before taking a brief look at the functioning of democracy in the EU which possesses distinct features when compared to nation-state political structures, it is crucial to state that the EU as a supranational and intergovernmental body while embodying features of democracy and functioning as a promoter of these values can not precisely be claimed that has less power to use its membership conditionality strategy in order to accelerate compliance with the EU principles of democracy due to its deficiencies in its institutional functioning. In this respect there may result a correlation between democratic deficit of the EU and its degree of influence inserted on the candidate countries waiting in

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<sup>2</sup> Arblaster Anthony, **Democracy**, 2.Edition, Open University Press, 1994, pp.3-7.

the line to be a part of the EU. With respect to this short summary it is necessary to analyze the definitions of democracy discussed by different scholars, academicians, before briefly examining the democratical political structure of the EU and its implications on the candidate countries.

‘Democracy’ is a political term which is a combination of the words, ‘*demos*’ and ‘*kratos*’, a Greek word in origin. The *demos* means “the whole citizen body living in a particular polis, or city-state, but might also be used to mean ‘the mob’ or ‘the rabble’ or ‘the lower orders’ whereas *kratos* means either ‘power’ or ‘rule’”.<sup>3</sup>

“Democracy is a form of government under which the power to alter laws and structures of government lies, ultimately, with the citizenship. Under such a system, legislative decisions are made by the people themselves or by representatives who act by the consent of the people, as enforced by election and the rule of law”.<sup>4</sup>

According to Arblaster, “democracy is a political method for organizing public life that reflects the concerns and articulates the interests of the demos in the actual process of government”. Arblaster categorizes the properties of democracy into three essential principles; institutional control, representation, civic inclusion.<sup>5</sup> People are expected to possess the ultimate political authority as the power implying the idea of popular sovereignty. As for Arblaster, democracy is not only restricted to a governmental system regarding its political features, but also it can be applied to a whole society. In order to claim that a political system or a regime applies the principles of democracy, it is necessary to elaborate the implications of the political system that represents the will of its people as demos. In fact, it is the representation of the will of the people that renders the regime or the policy legitimate.<sup>6</sup>

As for Archibugi, “the power of the many and internally the rule of the majority, the demos should belong to some community to acquire an effective participation in decision-making processes or mechanisms such as appointment of government, collection of taxes,

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<sup>3</sup> Ibid. p.13.

<sup>4</sup> *Democracy*, <http://en.wikipedia.org/wiki/Democracy>, (5 July 2005).

<sup>5</sup> Anthony Arblaster, **Democracy**, Open University Press, London, 1987. In Chryssochoou, Dimitris N., “Models of Democracy and the European Polity”, **University of Exeter Working Paper**, no.1/2001, pp.35-38.

<sup>6</sup> Arblaster, pp.8-9.

and organization of education, social security and health system”.<sup>7</sup> Until now considering above statements drawn from Arblsater and Archibugi, the term democracy embodies an important characteristic which is legitimacy. The existence of a legitimate political system or a government appointed by an effective participation of a community that present the rule of the majority as stated by Archibugi can be claimed the most crucial aspect of the well-functioning of decision-making process in a democratic political system.

Holmes examines the characteristics of which a democracy should employ as regular elections, political pluralism, and the competitive election of ruling elites and secret elections. Moreover, add to these characteristics the division of powers forming the formal ruling part of the political system as legislative, executive, judicial arms and a system of checks and balances. As to the pluralistic approach, in a democracy the education and mass media exercise free discussion of the regime, system; society and the state accepts different beliefs; respect for minority rights; the rule of law; and a political culture that encourages active political participation.<sup>8</sup>

As for Basu democracy is, “the equality of each citizen; the right to elect rulers and to participate in the formation of decisions regarding daily life and well functioning of political, legislative institutions.”<sup>9</sup>

According to Laffan (1999), democracy is “a set of ideals about the exercise of political authority and a set of institutions/processes to organize government. In the contemporary world democracy is practiced through representative institutions whereby the people elect politicians in competitive elections to represent them in parliamentary institutions”.<sup>10</sup>

According to Kongar, democracy is not only majority governance. Moreover, he interpretes democracy as, ‘a majority governance in which, suggested solutions produced about the country, the minority possess the right and opportunity to become

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<sup>7</sup> Daniele Archibugi, “Demos and Cosmopolis”, **New Left Review**, 2002, p.13

<sup>8</sup> L. Holmes, “The Democratic State or State Democracy?, Problems of Post-Communist Transition”, **EUI Working Papers, Jean Monnet Chair Paper**, no.97/48.

<sup>9</sup> K. Basu, “The Retreat of Global Democracy”, 2001, <http://people.cornell.edu/pages/kb40/Globaldemocracy.PDF> pages:10, (21 March 2003).

<sup>10</sup> Brigid Laffan, “Democracy and The European Union”, In Laura Cram, Desmond Dinan, Neill Nugent, (eds.), **Developments in the European Union**, Macmillan Press, 1999., pp. 330-331.

majority.<sup>11</sup>When considering that democracy contains a consensus, we come up with the result that the ones who have different ideas and suggestions, besides the existing administration, have the right to explain their ideas and diffuse them in majority governance. In this conception, there lie the fundamental rights and freedoms of individuals. He continues to analyse the fact that in democracies there must not be any violence. On the other hand democracy is a mechanism which eliminates, eradicates violence within the power struggle and protects the socio-political structure from violence. A country that is governed with democracy and its values will have compliance between its society and political power.<sup>12</sup>

David (2005) defines the term democracy through five key ideas that of which start with the fact that all members have interests that are affected by collective decisions. Everyone who is eligible to vote by the time they are adult is able to have a say in decisions and the publicly debated decisions will be the ones to be taken. Provided there is no agreed decision, the decisions should be taken through the participation of all members in the voting process. Finally, the last key idea that is attached to democracy is the reflection of equality through the principle of “one person, one vote, and one value”.<sup>13</sup> He continues to extend the above definition by adding that in a representative democracy, public office stays open to all, election is applied for selection of office holders, the freedom of expression is realized, media and access to official information is maintained, independence of judges whom will enforce rights is preserved, and direct vote on constitutional change is attained.<sup>14</sup>As of the definition for representative democracy it can be stated that, the representative democracy is a limited and indirect form of democracy in which the act of voting, referendums, mass meetings refer to the functions of democratic popular participation. Through the act of voting, the people of the nation (public) are involved in decision making and the public select the representatives whom act on their behalf.<sup>15</sup>

Arguing that democracy signifies a political system, separate and apart from the economic and social systems, Diamond, Linz & Lipset set up three essential conditions for the existence of democracy as a system of governments. Their understanding allows us to

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<sup>11</sup> Emre Kongar, **Demokrasi ve Kültür**, Remzi Publishing, 2004, pp. 12-15.

<sup>12</sup> Ibid. p.15.

<sup>13</sup> David Beetham, **Democracy, A Beginners Guide**, Oneworld Publications, 2005, p.3.

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

<sup>15</sup> Andrew Heywood, **Politics, Democracy**, Palgrave Foundation, 2.Edition, 1997, pp. 69-78

perceive democracy as a multi-dimensional phenomenon and gives an analytical working definition of democracy as listed below;

a) Meaningful and extensive *political competition* among individuals and parties or other organizations for all effective positions of government power through regular, free and fair elections that exclude the use of force.

b) A highly inclusive level of *political participation* in the selection of leaders and policies, such that no major social group is prevented from exercising the rights of citizenship.

c) A level of *civil and political liberties* – freedom of thought and expression, freedom of the press, freedom of assembly etc. – secured through political equality under a rule of law, sufficient to ensure that citizens can develop and advocate their views and interests and contest policies and offices vigorously and autonomously.<sup>16</sup>

The above definition of democracy provides us with several dimensions in order to understand what the term ‘democracy’ means and implies and that a polity can function well in one dimension and malfunction in other.

For the term democracy, Heywood has developed a definition, “Democracy means the rule by the people and the government by the people through which people govern themselves implying that people participate and contribute in the decisions regarding their living conditions and lives of their society”.<sup>17</sup> According to the study by Heywood, liberal democracy embodies an indirect and representative form of democracy. In this context, a political party gains political office in the regular elections on the basis of political equality which is the equal distribution of political power and influence through the competition of the political parties and reflects its electoral choices. The liberal-democratic theory implies the right to vote, the right to take part in elections.

As one of the main features of the concept of democracy political pluralism plays an important role in this circumstance. There is tolerance towards different ideas and to the rival political parties and movements. There is a wide range of interest groups who have the

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<sup>16</sup> Larry Diamond Juan J. Linz & Seymour Marchin Lipset, (eds.), “Politics in Developing Countries: Comparing Experiences with Democracy”, London, Lynne Rienner Publishers, 1995, pp. 6-7.

<sup>17</sup> Heywood, pp.69-78

right and freedom of association in a functional free-market economy.<sup>18</sup>In this context, democracies are composed of various institutions, political parties, organizations and associations. This type of structure so defined as pluralism. In a multi-party system, every political party performs so that their interests and distinctive opinions are realized. In this condition, the public uses its choice in favour of the political party with which it identifies itself. The result assures the participation of the public in the administration. According to Sofuoğlu, the existence of the majority of political parties is the criteria indicating that the regime is democratic.<sup>19</sup>

Pluralism, thus considered as one of the main elements for the existence of a functioning democracy, is based on the existence of party competition where there is diversity in order to protect individual liberty and the promotion of debates, discussions and arguments.<sup>20</sup> As to Dahl, social and organizational pluralism is “the existence in polyarchies<sup>21</sup> of a significant number of social groups and organizations that are relatively autonomous with respect to one another and to the government itself. Whereas parliamentary democracy represents a form of democratic rule that operates through a popularly elected assembly where there exists an indirect relation between the government and the governed. In this view, democracy is interpreted as the presence of the responsible, accountable and representative government within which a variety of political parties compete with one another during the elections on the basis of political equality; in order to represent its nation whilst enabling the freedom of debate, association, and speech.<sup>22</sup>

For Dahl, representation presents the perspective regarding the application of the logic of equality to a large scale of political system. According to Dahl, the change of scale regarding the number of population and its consequences depicting the representative

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<sup>18</sup> Ibid.

<sup>19</sup> Adnan Sofuoğlu, “Siyasal Partiler ve Democracy”, In Yonca Anzerioğlu, Doğaner Yaseminkgöz, Gökğöz Saime Selenga (eds.), **80.yılında Türkiye Cumhuriyeti ve Demokrasi**, Hacettepe University Publishing, 2004, pp.89-93.

<sup>20</sup> Ibid. pp.75.

<sup>21</sup> Dahl, attaches several meanings to the term polyarchy which he describes as a political system similar to representative government. According to Dahl, polyarchy is “a historical outcome of efforts to democratize and liberalize the political institutions of nation states; as a system of political control in which the highest officials in the government of the state are induced to modify their conduct as to win the elections in political competition with other candidates, parties, and groups; as a system of political rights.” In Dahl, R., **Democracy and its Critics**, Yale University Press, New Haven and London.Qtd.,1989., p.219.

<sup>22</sup> Ibid. pp. 69-78.

government, the increase in cleavages and conflicts contributed in the development of political institutions. Dahl uses the term polyarchy for the interpretation of representative democracy as one of a kind of political systems. Dahl states, polyarchy means “a system of political control in which the highest officials in the government of the state are encouraged to modify their conduct so as to win elections in political competition with other candidates, parties and groups.”<sup>23</sup> Dahl, relates polyarchy to democracy in the way that, institutions of polyarchy are necessary to democracy of the modern national state.

As a political order, polyarchy is distinguished by the presence of seven institutions. The first four prerequisites for the establishment of polyarchy are; elected officials, free and fair trial, inclusive suffrage, right to run for office which implies the attachment of the right to run for elective offices to all adults whom comply with the age limit. The other three out of seven are; the freedom of expression, alternative information implying that of the existence and protection of alternative sources of information by law as a right attached to citizens, associated autonomy which implies the right to form independent associations.<sup>24</sup>

According to Aktan (1999), it is not sufficient to describe democracy as free elections. He states that democracy is not about republicanism. Republican governments also implement free elections but this does not give us the right to call them as democracies. He emphasizes the fact that democracy should be recognized as the protection of the rule of law, fundamental human rights and freedom and sovereignty and will of the nation. Aktan does not agree with the accepted start date of the multi-party system and the first free elections in the Turkish Republic, that of which implies the transition date of democracy stating that in order to employ a functioning democracy, fundamental human rights and freedoms including freedom of speech, freedom of belief and conscience should be guaranteed and guarded. He also implies that a democratic regime can not call itself a complete democracy unless it implements liberal economic policies. This involves free investment and enterprise, free ownership and free trade without the intervention and rule of the state in economic policies and activities. On the other hand he takes notice of the fact that like democracies, free market economies do have preconditions and rules that must be

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<sup>23</sup> Robert Dahl, **Democracy and its Critics**, Yale University Press, New Haven and London.Qtd.,1989., pp.218-219.

<sup>24</sup> Ibid.

followed in order to enable their proper functioning. In other words, it is to leave the economy to function through market forces and reducing state intervention in economic policies and activities.<sup>25</sup> Democracy is a way of political administration and liberalism is an economic regime model. In order to establish a well-ordered society it is necessary to possess a democratic administrative model based on a liberal market economy. This model is called “Liberal Democracy”.<sup>26</sup>

Following above statements about definition of democracy and its implications in relation with the assessment of the evolution of democracy since its origin, the next part of the study will analyze development of democracy with reference to the waves of democratization.

## 1.1 Origins of Democracy

Dahl states (1989), the first signs of democratic practices were seen in the first half of the fifth century B.C. in Greek city-states where the people participated in law-making and administration.<sup>27</sup> What is meant by the word democracy is that democracy relied on representation.<sup>28</sup> In today’s understanding, it is accepted that democracy started to function after the ancient city-state or *polis* period. The type of governance that ancient Greek city-states had employed is an example for democracy. During this period, because of the low population, direct democracy could be implemented. In this democracy (which had been implemented in Greece in the fifth century B.C.) all the people- other than slaves, and captives and women were allowed to vote and had the right to be elected for governance. This democracy lasted until the ancient city-states were eradicated. By then, democracy had been replaced by aristocracy which relied on the governance of the country by elite persons. Rome was familiar with democracy because of its closeness to Greece. Nevertheless they

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<sup>25</sup>Can C. Aktan, “Demokrasi, Liberalizm ve Sınırlı Devlet”, **Yeni Türkiye Dergisi**, Year.5, No.25 January-February 1999, pp. 142-145.

<sup>26</sup> Ibid.

<sup>27</sup> Dahl, pp.219-222.

<sup>28</sup> As emphasized by President Abraham Lincoln, democracy is not only governance by the people but for the people, meaning the administration conducted in the direction of human needs, choices and the institutions that complies with them. On the other hand throughout the existence of the people this kind of governance has not been existed. Democracy composed of rules in terms of which the society is organized and put into order.

had experienced an oligarchy republic.<sup>29</sup>To the contrary Birch points out that, Greeks only gave us the word democracy but did not provide us with a model. The Greeks did not know what the right of the individual meant which is applied in the form of modern democracy. Instead it was the right of political participation entailing a direct vote which the Greece granted as a right to a small minority of adult inhabitants of the city; unlike the system of representative government that has developed in the West in the past two centuries. Plato and Aristotle (two of the Greek philosophers and historians) depicted Greek democracy as government by the ignorant or government by the poor.<sup>30</sup>

In the modern world, liberals approach to democracy is critical in terms of the threat the term itself implies to individual freedom. The tyranny of the majority and tyranny of public opinion were what mainly concerned them; whereas, in Athens freedom of speech was the main feature of their understanding of democracy and was not perceived as a threat to individual freedom. In fact, the citizens governed themselves through open debate in the assembly and in the council in Athens. Central to Athenian democracy, (the precondition of the establishment of democracy) is the recognition of the equal status of all citizens before the law, which constituted the basis of popular political power.<sup>31</sup>Arblaster (1994) points out the fact that, although the citizens enjoyed political equality, they experienced economic inequality at the same time which still continues today. On the other hand, Arblaster claims that it is not difficult to find vestiges related to the struggle to achieve democracy in the experience of Greek democracy with respect to the comprehension of the concept of democracy in its modern evolution.<sup>32</sup>

Jean-Jacques Rousseau believed in direct self-government in small communities instead of representative government and he did not see the need for the participation of a majority of adults in political decisions. Rousseau's commitment to the idea of civic virtue<sup>33</sup> represents his approach to democratic theory. He was rather concerned with the fact that in

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<sup>29</sup> *Democracy*, <http://www.turkcebilgi.com/Demokrasi.>, (10 February 2006).

<sup>30</sup> Anthony H. Birch, **The Concepts of Theories of Modern Democracy**, Routledge, London, 1993, pp.45-48.

<sup>31</sup> Arblaster, pp. 20-21.

<sup>32</sup> *Ibid.*

<sup>33</sup>As a standard of conduct held up for the discourse of citizenship: Patriotism, unlimited devotion to the welfare and glory of the city, solidarity, look; In Larry Siedentop, **Democracy in Europe**, Penguin Books Press, 2001, p.53.

an ideal polity, an individual personal interest should not interfere in during political affairs and that individuals should commit themselves to the promotion of the communal welfare, which will lead to a general will resulting in consensus.<sup>34</sup> The threats to civic virtue, as described by Siedentop (2001) were, 'luxury' and 'corruption'. This perception was that the growth of luxury led to the corruption of the city and in such a circumstance the citizens were more concerned with luxury than the public well-being. His discourse on citizenship does not contain any principle of justice or of equity implying a lack of moral content in modern terms. In the discourse on citizenship, 'free' meant enjoying the privileges of citizenship such as attendance in public assembly, voting and freedom of speech. Freedom did not mean the enjoyment of the citizenship rights by all members of society in an equal fashion.<sup>35</sup>

As discussed by Dahl (1989), a thousand years later some of the city-states of medieval Italy were transformed into popular governments. At this time, the increase in the number of people caused the public to gather within communities to transfer their authority to the representatives that they had elected instead of using direct power, since direct power had proved to have been ineffectual. This type of democracy called representative democracy, applies in most countries' that are democratically governed.<sup>36</sup> In fact, in the modern period as it is going to be analyzed in the following part, democracy has gained momentum through its evolution at the time when major transformation started.

## 1.2 Democracy in the Modern Period

As indicated by Dahl (1989), the second major transformation began with the gradual shift in the idea of democracy as perceived by the ancient Greek city-states to the domain of the national state. As a political movement this idea of democracy found its roots in Europe where the conception of nationhood superseded city-states. This transformation had taken place in the seventeenth century. According to Dahl, the change had not been

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<sup>34</sup> Birch, pp.55-65.

<sup>35</sup> Larry Siedentop, **Democracy In Europe**, Penguin Books Press, 2001, pp.53-55.

<sup>36</sup> Dimitris Chrysochoou, "Models of Democracy and the European Polity", <http://www.ex.ac.uk/shipss/politics/research/strategies/civic1-01.pdf> ve Held, David, **Models of Democracy**, London: Oxford, 1998.

made from city-state to national state; the idea of democracy would not have been applicable. The most striking consequence of the transformation was the displacement of the citizen's assembly of ancient democracy by representatives.<sup>37</sup>

In this respect, it would be helpful to highlight the origins of democracy in specific countries through a historical perspective. In the modern sense, it can be said that the practices of democracy go back to the 19th century when a system of representative government had been established involving free competitive elections and votes for the male citizens who were entitled to vote. The United States put these processes into force during the years between 1820 and 1830. The Constitution was taken from the British constitutional system –king, bicameral parliament, prime minister and cabinet- which the American leaders adopted changing the British model to render it fit for their conditions. In Britain from 1832 onwards, a democratization step was taken with respect to the expansion of the suffrage for parliamentary elections and the assurance of fair and free parliamentary elections. Both in Scandinavian countries and in Holland and Belgium this was the case.<sup>38</sup> Whereas in France in 1848 it was adult male suffrage which was practiced, but parliamentary government was not established securely until the time of the Third Republic in 1871.<sup>39</sup> Meanwhile, France, from the revolution in 1789 to the Third Republic in 1871, experienced the expansion of the suffrage accompanied by executive despotism. The political institutions of Canada, Australia, and New Zealand were composed of significant elements of parliamentary government and were shaped by the British and American constitutional systems.<sup>40</sup>

On the one hand, parliamentary government was secure from 1688 onwards in Britain. In fact, it was in Britain where, before the French Revolution, the king had shared its power with the Parliament. However, the revolution emerged in France due to the strong political unity provided by the monarchy. It were the bourgeois and peasants whom revolted against the triangular representative organ constituted up of king, noble and the church. This employed particularly the objective of attainment of participation in decision-making and of equal rights, liberties. As to Sander, most of the events which took place at the half

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<sup>37</sup> Dahl, pp.213-214.

<sup>38</sup> Dahl, p.216.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

of the 18<sup>th</sup> and 19<sup>th</sup> centuries were affected by “liberalism” movement. In this respect, it were the French whom had exported the movements of “fraternity, liberty, equality” all around the world as necessary principles of democracy.<sup>41</sup>

According to Birch (1993), considering the above statements, it can be said that democracy is a fairly new phenomenon in world history, although it is still scattered around the world including 30 democracies out of 180 states that exist. In Europe, these can be listed as follows; Finland, Germany, Holland, Luxemburg, Belgium, France, Austria, Switzerland, Italy, Greece, Spain, and Portugal. In the American Continent, the established democracies are Canada, the USA, Costa Rica, Trinidad and Tobago, and Jamaica. In Asia, the countries considered to practice democracy are Turkey, Israel, India, Sri Lanka, and Japan. In Australasia, there are Australia and New Zealand.<sup>42</sup> According to Birch (1993), the states that employ some of the properties of democracy can be classified as; Malaysia, Zimbabwe, Nicaragua and Cyprus. On the other hand since the dissolution of the USSR and the collapse of the communist rule, the satellite states of the USSR, Baltic Republics, Russia, Ukraine and the former Soviet Republics, and Slovenia have established a democratic structure.<sup>43</sup>

In order to highlight the waves and stages of democracies with regard to countries and continents, Schmidt, in his analysis states that, the first wave of democratization starts in the beginning of the 19th century in America. At the end of this period, more or less 30 democracies had been established. The second wave had started after the end of World War II by the democratization policies of the allied powers in the invaded countries such as Germany, Italy and Japan. This was accelerated after the end of colonialism. The third wave of democratization emanated from the middle of the 1970s. During this period until the first half of the 1990s Southern Europe, Latin America, East Asia, and Eastern Europe altered their political state structures from authoritarian state to democracies. During the 1970s Portugal, Spain and Greece had been democratized. Whereas at the end of the 1970s and outset of the 1980s, Equador in 1979, Peru in 1980, Argentina in 1983, Uruguay in 1983, Brazil in 1985 became the Latin American countries which can be included in the

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<sup>41</sup> Oral Sander, **Siyasi Tarih: İlk Çağdan 1918’e**, 10.Edition, Imge Publishing, April 2002, pp.161-169.

<sup>42</sup> Birch, pp.45-48.

<sup>43</sup> Ibid.

classification of the democratization process. The end of the 1980s and the beginning of the 1990s witnessed the struggle for the establishment of democracy in Central and Eastern European Countries. These countries were Hungary, Czechoslovakia (after the referendum; Czech Republic and Slovakia), Poland, the Democratic German State and the Baltic States were included in the fourth wave of the democratization period.

On the other hand, it is crucial to highlight the fact that as Schmidt points out, the acceptance of democracy does not mean that it has taken root right away; this depends highly on the internal circumstances and that the allies did not or only partially arranged it.<sup>44</sup> In fact, Birch states that it was the French who influenced the growth of democratic institutions and practices throughout most of continental Europe.<sup>45</sup> Nevertheless; as Birch points out, it may not be wrong to state that because of the transatlantic differences, any attempt to generalize about democracy which ignores these differences may inevitably be inadequate.<sup>46</sup>

Schmidt (2002) indicates that there is a high correlation between the socio-economic structures and the military power of the countries and their extent of democratization. Especially in the third wave of the democratization period, West Germany's socio-economic situation can be considered a measure of a high socio-economic developed countries' conversion to democracy from an authoritarian state administration structure.<sup>47</sup> According to Schmidt (in the third wave of the democratization period) there have existed, in reality, relatively poor and comparatively rich states.<sup>48</sup>

For example, in Federal Germany there are several factors that have facilitated the acceptance and establishment of democracy. Schmidt states that, as well as the Western conquering powers' support for democracy, rapid economic development, appropriate internal political features such as weak class-conflict structures, less tension between the cults, welfare state policies of the social-capitalist state and a high social security structure have helped to assure democracy. Schmidt continues to advocate that, without any doubt,

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<sup>44</sup> Manfred G. Schmidt, **Demokrasi Kuramlarına Giriş**, Vadi Publishing, October 2002, pp.296-302.

<sup>45</sup> Birch, p.47.

<sup>46</sup> Ibid.

<sup>47</sup> Schmidt, pp.298-302.

<sup>48</sup> Ibid. pp.302-304.

the foreign aid, the cost-benefit comparison by the public and the clarity of the condition in principle, have been influential in the transition of Eastern and Central European states into democracy and capitalism.<sup>49</sup> In the following chapter, the structure of the EU and its role in the international system will be analyzed in the context of democracy.

This general knowledge would help serve the purpose of this study aimed to find out how and to what extent does the EU affect, -as a power embodying both supranational and intergovernmental features of a political system distinct from that of the nation-states in many respects-, transitions and policy changes in Central and Eastern European countries and –particularly in Turkey- through its membership conditionality strategy.

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<sup>49</sup> Ibid. pp.304-306.

## **2. EUROPEAN UNION AND DEMOCRACY**

Following the various approaches that aim to construct a definition of democracy, it is crucial here in this chapter to analyse the EU's approach to democracy. In fact, it would not be wrong to claim that the significant features of democracy which are accountability, transparency and representation constitute the main concern regarding the well-established democratical political structures among the EU borders, its neighbours and candidate countries. Therefore, in correlation with the argument of the study, there is a high relation between the independent variable democracy and EU's role in promoting democracy, prosperity and peace in the international system. As the study is based on the relations between the EU and Turkey in the context of democracy, before analyzing the relations, it is necessary to highlight what sort of a structure does the EU compose; its features, objectives, values, regulations and expectations and its implications in the international system. As a distinct structure, the EU is composed of different nations, cultures and identities, and this impedes it to practice state like features. Here, it is necessary to keep in mind that the EU has evolved over the time through integration in different policy fields and enlargement through inclusion of candidate countries and that these create repercussions. These implications which are produced through integration and enlargement have effects on the functioning of the EU institutions and perceptions of both the member states and candidate countries. Following chapters will try to evaluate the implications of integration and enlargement that affect the EU membership conditionality strategy claimed as its foreign policy instrument.

According to Dedman (1996) the European Union is a 'supranational institutional structure' to which member states transfer policy decisions that should be followed up by all member states constituting the EU. Through this process, the sovereignties of all member states are gathered within a supranational institutional structure. Besides the aggregation of sovereignties through a supranational institutional structure, this structure will have the legitimacy to adhere to the problems caused by

non-compliance to the rules that of which the supranational institutional structure has imposed equally on each member state and has the right to sanction.<sup>50</sup>

However this may not be the case in the context of allegations related to EU democratic deficit which will be analyzed in this study so as to built up a general knowledge of the matters affecting EU's role in the international system. This is caused mainly because of the dissatisfaction of the member states' citizens with Brussels which is based on the absence of a European Constitution.<sup>51</sup> With respect to the functioning of the EU, the president of the European Commission Romano Prodi indicated in his speech that although through European membership national sovereignty is pooled by a higher authority, the member states eventually will be brought benefit;

“I should also recall that the task of adopting and implementing the *acquis communautaire* is enormous, and has important implications for the legislature of Member States. Community legislation takes precedence over national legislation. The European integration process, which incorporates a growing number of common policies, involves a loss of national autonomy for Member States. But the process of joint decision- and law-making, and the sharing of sovereignty that this implies, brings considerable benefits to Member States by participating in policy fields such as economic integration, foreign and security policy, justice and home affairs.”<sup>52</sup>

The EU operates as a ‘multi-level’ system of governance. As to Müftüler and McLaren (2003), EU policy making has components of both supranationalism and intergovernmentalism. In the intergovernmental level, the relative power of the member states determines which states’ preferences will be reflected in the EU policies. As one of the theoretical perspectives that explain enlargement policy making in the EU, the constructivist school maintains that it is the expansion of the liberal economic community that the EU symbolizes that triggered the EU's enlargement process and pursued this despite the divergent preferences of the member states. This approach

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<sup>50</sup> Martin J. Dedman, **The Origins and Development of the European Union 1945-95; A History of European Integration**, Routledge, 1996, pp.10-12.

<sup>51</sup> Maria (Marijke) Keet, “Democracy in the EU”, Preprint UL perspectives, **Journal of Political Studies**, Vol.II, 2003, pp.3-4.

<sup>52</sup> Romano Prodi, “Turkey in Europe Monitor”, **The Turkish Grand National Assembly**, CEPS, No.1, Ankara, 14 January 2004.

argues that the EU granted candidacy status to applicant countries in order to support the establishment of stable liberal democracy as a basic ideal behind the enlargement.<sup>53</sup>

Filippo (2005) points out Europe's role in the international world by emphasizing the phrase 'superpower in the making' that of which considers the capabilities of Europe with respect to economic and military resources. For instance, the EU comprises the largest single market in the global economy. It has the largest gross national product and is the biggest commercial power and aid donor in the global world with the combination of military resources of the European states that generates an impressive amount of military expenditure.<sup>54</sup>

With respect to Europe's impact on the international system as an institution capable of influencing the various foreign policies of member states, Europe is perceived as a 'civilian power'. This perception is based on the utilisation of non military means in relation to the international system with the support and encouragement of human rights, consolidation of democracy and growth in the economies. This support and encouragement through non-military means is based on the political and economic aspects of persuasion.<sup>55</sup> In order to construct a general knowledge in relation to the formation and functioning of the EU, it is necessary to discuss basic structures and decision-making processes of the Union. It is crucial to highlight fundamental features of the historical evolution of the EU because every treaty of the Union contains decisions regarding different policy fields of the EU such as economic, environmental, political, agricultural, internal and external trade, foreign security and defence policies and these decisions produce implications on the functioning of the EU institutions and this eventually shapes the perceptions of both the member and candidate states regarding what roles they attach to it and their degree of contention about its impositions, conditions and regulations.

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<sup>53</sup> Müftüleri, Meltem,–Bac And Lauren M. McLaren, "Enlargement Preferences and Policy Making in the European Union: Impacts on Turkey", **European Integration**, Vol.25, 2003, pp.17-20.

<sup>54</sup> Andreatta Filippo, "Theory and the European Union's International Relations", In Christopher Hill and Michael Smith, (eds.), **International Relations and the European Union**, The European Union Series, Oxford University Press, 2005, p.35.

<sup>55</sup> Ibid.

## 2.1 Historical Evolution of the European Union

Firstly, it would be helpful to have a quick look at the historical formation and foundation of the Union in terms of treaties and developments. The aim of the formation of the European integration system was to constrain warfare and conflict and establish peaceful relations with the belligerent power, Germany, in the European territories. After the end of the Second World War II in 1945 and the appeasement of the economically and demographically powerful state of Germany, there was a need to reformulate a solution to the German question. The Franco-Germany rapprochement and cooperation resulted in the formation of the European Coal and Steel Community established through the Treaty of Paris of 1951.<sup>56</sup> The French Foreign Minister Robert Schuman's declaration named the Schuman declaration on 9 May 1950 was the first step taken towards the European Union.<sup>57</sup>

As a common market in coal and steel, the European Coal and Security Community (ECSC), was formed to fulfil the gap between economical standards together with the need to create peaceful relations regarding political, security concerns. This was to be attained through an increase in the amount of commerce between these states which in turn would help to reconstruct their war-torn economies.<sup>58</sup> The Human Rights and Fundamental Principles Covenant was signed on November 4, 1950 in Rome which established the fundamental principles of the European Union.<sup>59</sup> Especially after the Schuman Declaration, in order to eliminate any threat to any of the sectors in the economic sphere, it was advocated that the establishment of cooperation in other sectors would generate peaceful relations and stability.<sup>60</sup>

Following the establishment of the European Coal and Steel Community (ECSC), in the Treaty of Rome signed on March 25, 1957-86, a European Economic

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<sup>56</sup> Dedman, pp.6-10, 131.

<sup>57</sup> "Değişim ve Gelişim Sürecinde Avrupa Birliği ve Türkiye", **Arı Hareketi**, Uluslararası İlişkiler Çalışmaları, 4.Edition, Mikado Matbaacılık, December 2003, p.88.

<sup>58</sup> Dedman pp. 6-10, 131.

<sup>59</sup> Dedeoğlu Beril, "Avrupa Birliği Bütünleşme Süreci II: Avrupa Birliği'nin Yakın Geçmişi", In Beril Dedeoğlu (ed.), **Dünden Bugüne Avrupa Birliği**, 1.Edition, Boyut Publishing, October 2003, p.49.

<sup>60</sup> Ibid. p.49.

Community, was formed in order to create a more stable and functional liberal market economy in manufactured goods. This involved a Common Agricultural Policy (CAP) and Euratom- which was a common market in nuclear materials- within the six member states in the EEC namely West Germany, France, Benelux(Belgium, Netherlands and Luxembourg), and), and Italy.<sup>61</sup> These six member states aimed to develop a common market in three fundamental fields; energy, agriculture and transportation. In the Agreement, economic, monetary union, common trade policy, common industry, environment, education, health policies and foreign policy were not stipulated or foreseen. Instead the aim was to build single big market for the members of the Community starting with the agriculture field of the common market.<sup>62</sup> Another reason which lay behind this economic integration was the concerns that members shared regarding the peaceful coexistence with the USSR and Germany.

After the coming into force of the Fusion Agreement of July, 1, 1967, the European Economic Community was replaced by the European Community embodying the three establishments European Coal and Steel Community (ECSC), European Economic Community (EEC), and Euratom.<sup>63</sup> With the establishment of the European Community, besides the European Parliament, one Commission and one Council of Ministers had been introduced.<sup>64</sup> Although there have been crisis situations arising out of issues concerning the transfer of agriculture and customs revenues and common agriculture policies, these have triggered progress in European integration. During the 1970s the European Community stepped forward in two important issues- economic and financial policies. Meanwhile, in 1973, the European Community experienced its first enlargement through the acception of Britain, Denmark and Ireland into the European Community (EC). On the other hand, Norway applied for full-membership; but, was rejected later as a result of its referendum which kept it out of this enlargement process.<sup>65</sup>

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<sup>61</sup> Dedman, pp.91-95.

<sup>62</sup> Dedeoğlu, p.51.

<sup>63</sup> Ibid. p.52.

<sup>64</sup> Avrupa Komisyonu Türkiye Delegasyonu, Avrupa Birliği, AB Tarihi, <http://www.deltur.cec.eu.int> (02 June 2006).

<sup>65</sup> Dedeoğlu, pp.54-55

Later in 1986 the countries Spain and Portugal joined the European Community after their application to the EC in 1977. Greece had joined the EC in 1981 which is a small agricultural state.<sup>66</sup> These enlargements had brought the discussions concerning the deepening and widening issues of the EC, prior related to the acceptance of more countries into the Union's border, whereas the latter implies establishment of more cooperation on other policy fields.<sup>67</sup> So far, EC has witnessed several enlargements and deepening such as ECSC, Euratom that of which depict the established cooperations in policy fields related to industry and energy. During the 1980s the petrol crisis and high unemployment in member state economies, macroeconomic problems such as inflation rendered the EC inadequate in coping with these problems. This was the reason why the Community decided to complete the Single European Act in 1992. During the second enlargement Greece was included in 1981. Spain and Portugal were included in 1986 in the EU although they had originally applied for full-membership in the Community during the 1970s. The reason why these countries (despite their economic and structural shortcomings) applied for full-membership in the EC; is that they wanted to consolidate their democracies and protect their stability. As a result, the number of the members in the community had increased to 12.<sup>68</sup>

Regarding the EU's enlargement process, at the Lizbon Summit on 25-27 June 1992, it was decided that full-membership negotiations with Finland, Sweden, Switzerland, Austria and Norway (who are members of the European Free Trade Association) will start after the coming into force of the Maastricht Treaty. Finland, Sweden, Austria became the new members of the European Union on 1 January 1996.<sup>69</sup> However it was decided that a relationship with Turkey should be established, in accordance with the goals of the Ankara Agreement and with the aim to improve the political dialogue.<sup>70</sup>

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<sup>66</sup> Dedman, pp.125-129.

<sup>67</sup> Dedeođlu, p.56.

<sup>68</sup> "Deđişim ve Gelişim Sürecinde Avrupa Birliđi ve Türkiye", **Arı Hareketi**, Uluslar arası İlişkiler Çalışmaları, Mikado Matbaacılık, December 2003, pp.13-15.

<sup>69</sup> Dedman, pp.125-129.

<sup>70</sup> Oran, Vol.II, pp.330-331.

In relation to the goal of this study, the southern enlargement process of the 1970s and the 1980s and the process of enlargement towards the east during the 1990s are crucial to a proper understanding of recent Turkey–EU relations.<sup>71</sup> This relationship between Turkey and the EU reached a climax during the critical interlude between the EU’s Luxembourg Summit of December 1997 and the Helsinki Summit of December 1999<sup>72</sup>. The development of the relations between Turkey and the EU will be briefly analyzed with respect to the Union’s foreign policies and political structure of Turkey.

Countries on the southern and eastern periphery of Europe could not qualify for full-membership for a long time simply because they failed to satisfy the fundamental political criterion.<sup>73</sup> Following the conclusions of the Luxembourg European Council in December 1997, the Commission reported regularly to the Council and the Parliament on the progress made by the candidate states in preparing for membership.<sup>74</sup> These enlargements resulted in the discussions concerning deepening issues.

In fact, as a response to these discussions related to the deepening issue of the EU, the Single European Act (SEA) was signed on February 17, 1986 stating the Community’s objective of becoming an Economic and Monetary Union (EMU). This was realized in the EU Treaty in 1992, resulting in a Single Market.<sup>75</sup> The coming into force of the Single European Act in 1987 introduced supplements to the Rome Treaty. In this respect, social, monetary, economic, social adaptation, environment policies, and harmony in foreign policy were foreseen together with the completion of the Single Market in 1992 which will enable transition into Economic and Monetary Union.<sup>76</sup> The Single European Act provided for the institutionalization of the cooperation between the European Parliament (EP) and the Council. In this way the influence of the EP in the Community Law had been increased and the democratic shortcomings of the decision-

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<sup>71</sup> Ziya Öniş, “An Awkward Partnership: Turkey’s Relations with the European Union in Comparative-Historical Perspective”, **Journal Of European Integration History**, 2001, Vol.7, No.1, pp.105-110.

<sup>72</sup> Ibid. pp.105-110.

<sup>73</sup> Ibid.

<sup>74</sup> European Commission, Turkey 2005 Progress Report, [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm), Brussels, (9 November 2005).

<sup>75</sup> Baskın Oran, **Türk Dış Politikası; Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar;** Vol.II: 1980-2001, İletişim Publishing, 2003, pp.403-404.

<sup>76</sup> Dedeoğlu, p.56.

making process were tried to be removed. The implications of these democratic shortcomings will be briefly analyzed in the following parts.

In the framework of a system named cooperation, the European Parliament is granted the right to influence the legislation process through “second time evaluation” of the Commission’s recommendation to legislate. Also, the EP was granted the right to support the partnership agreements and enlargement before the decision of the European Council. Qualitative majority vote as a voting system was introduced to be practiced in internal market relations, social politics, and socio-economic harmonization, research and development and environment issues.<sup>77</sup>

On 7 February 1992, the European Community state and government ministers and representatives signed an agreement that would result in the establishment of monetary union between member states. The implication of this agreement was the designation of the foundations to become a political union which encompassed the common policies in terms of foreign policy, security and justice within an internal arena.<sup>78</sup> According to Baskın Oran, the first implication of the agreement regarding the acceptance of new members, the ratification of the EU Parliament became compulsory. The second implication was that, Turkey was called up to join the West European Union, as a “common member”, which had been emerged before the European Communities and had not been a part of the EU legally.<sup>79</sup>

Maastricht Treaty of the European Union entailed the continuation of the Union as a single or common market regarding commercial affairs and its related issues. On January, 1, 1993, the Maastricht Treaty was put into force and decisions were taken regarding the enlargement process in the Copenhagen Summit in the same year. Since 1950s the European Union had wanted to create a common market with an integrated ideology within Europe after the Center and Eastern European countries had succeeded in transferring to market economies and European type parlamentarian democracies. The European Community decided to include these countries that had been claimed to be important in terms of economy, politics, security, history and culture. It had been

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<sup>77</sup> **Ari Hareketi**, pp.22-23.

<sup>78</sup> Oran, Vol.II, pp.410- 412.

<sup>79</sup> Ibid. pp.411-412.

perceived that eventually these countries will serve for their individual and common benefits through the integration process. After the signing of the Maastricht Treaty the European Community had been converted into the European Union (EU) and had proceeded to establish its characteristics for a political union while concerning monetary, economic issues.<sup>80</sup> The Maastricht Treaty encompassing the principles of Economic and Monetary Union has prepared anti-dumping principles, regional policies, employment, stability, growth, energy, competition, communication, common trade, agriculture policies. These are the fields in which the member states take decisions through qualitative majority votes.

Meanwhile, regarding the integration efforts of the EU in order to promote cooperation in more policy areas, May, 1, 1999 was the date during this period when the Amsterdam Treaty had put into force which conveyed the arrangement of the articulation of Roma Treaty, Single European Act and Maastricht Treaty.<sup>81</sup> The Amsterdam Treaty had concretized and attached few innovations to the issues which were included in the previous treaty. These were social policy, Common Foreign and Security Policy, environment, racism, fight with the xenophobia, employment and growth pact, rural development, public health and enlargement principles. For example, this treaty has enabled the member countries to be removed from the decision-making mechanisms of the Union. With the Amsterdam Treaty of 1999 the establishment of a Common Security and Defence Policy had been enabled in the framework of a Common Foreign and Security Policy regarding the adoption of a “common strategy”.<sup>82</sup>

In addition to this, the coming into force of the “Euro” in 12 European Union member states (except Britain, Denmark, Sweden) has been one of the most important achievements of the EU. The issues relating to the EU’s internal security, justice and home affairs, legislation procedure, security and foreign affairs have been the issues that the European Convention is concerned with, which serve to determine the role of the EU in the international system. The European Convention was activated on March, 1, 2002 and a Constitutional Agreement has been introduced with respect to its aim in

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<sup>80</sup> European Commission, Turkey 2005 Progress Report.

<sup>81</sup> Dedeoğlu, p.60.

<sup>82</sup> Ibid.

determining the future of the European Union. The Convention resolution has introduced a decision in 2004 Intergovernmental Conference and has presented it to the European Parliament. The European Parliament has accepted the convention resolution and as a result a national voting process has started.<sup>83</sup>

After the assessment of some crucial aspects of historical evolution of the European Union embodying both the intergovernmental and supranational institutional structure, the study will continue to evaluate the decision-making mechanisms and enlargement process with respect to the relationship of the EU with applicant countries regarding the role of it in the international arena. The presentation of these analyses is important in the sense that, decision-making structure of the EU and its intergovernmental and supranational character pose challenges to the degree of influence EU's ability to promote democracy, peace and prosperity. However, the role of the EU as a promoter of democratic values serves for its legitimacy on the eyes of the candidate countries. As a result, on the one hand, it is not clear to claim that the institutional structure and level of political participation in the EU decision-making procedures affect the degree of influence that the EU can exert on the aspirants in order to stimulate compliance with the EU norms. On the other hand, both the member states and candidate countries' citizens fear the probable repercussions of the EU enlargement and the shape that the EU institutional structure would take regarding the decision taken on behalf of them.

In fact, the EU is a diverse political system of governance composed up of distinct national identities, interests, internal affairs and political systems which pose a great deal of ambiguity regarding the absence of a clear model for system of governance to export to candidate countries. This, in turn, results in the loss of trust and appeal to the incentive of full-membership of the EU. As in the following chapters it will be briefly discussed, the degree of efficiency of membership conditionality strategy of the EU in its efforts to stimulate compliance of the candidate countries with the EU conditions outlined in the Copenhagen political criteria is related more or less to the model of system of governance of the EU regarding its institutional structure. In relation

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<sup>83</sup> Dedeoğlu, pp.61-62.

to this approach, the discourse of a democratic deficit in the EU based on its problems regarding accountability, transparency and legitimacy will be analyzed in the following chapters.

## **2.2 Decision-Making Process and Co-decision Procedure in the EU**

Integration as in the European Union example is an integration process which is aimed for the designation of a common future for member states in certain geography who share similar or rival socio-economic structures while utilizing mutual economic and historical interdependencies, common values and expectations.<sup>84</sup> This process initialized through a founding agreement and has a formal institutionalized structure in compliance with the requirements of the cooperation. When the cooperation, moves ahead to integration, regarding other stages, there are new agreements, institutions, and supportive structures being formed that correspond to every stage.<sup>85</sup>

Before examining the European Union's approach to democracy and its democratic deficit, it would be beneficial to understand what the Union is and how decisions are taken by it on behalf of the nation-states that compose the Union, but through their consent regarding the extent of the right to say. The EU's decision-making process in general and the co-decision procedure in particular involve three main institutions. These institutions are the European Parliament (EP), the Council of European Union and the European Commission.<sup>86</sup> The European Court of Justice and the European Court of Auditors are the other institutions forming the EU. The European Court of Justice upholds the rule of European Law, and the European Court of Auditors checks the financing of the Union's activities.<sup>87</sup>

The other bodies of the EU that have specialised roles are the European Economic and Social Committee which represents civil-society, employee and

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<sup>84</sup> Ibid. p.17.

<sup>85</sup> Ibid.

<sup>86</sup> *European Union Institutions and Other Bodies*, [http://europa.eu/institutions/index\\_en.htm](http://europa.eu/institutions/index_en.htm) (21 May 2006).

<sup>87</sup> Ibid.

employers, the Committee of the Regions which represents regional and local authorities. In addition to these functional institutions of the EU, there are the European Investment Bank which finances EU investment projects, and helps small businesses via the European Investment Fund, and the European Central Bank which is responsible for European monetary policy. One of the other remaining EU institutions is the European Ombudsman which investigates complaints about maladministration by EU institutions and bodies. The European Data Protection Supervisor safeguards the privacy of people's personal data, the Office for Official Publications of the European Communities publishes information about the EU, the European Personnel Selection Office recruits staff for the EU institutions and other bodies and finally the European Administrative School Task provides training in specific areas for members of the EU.<sup>88</sup> The European Parliament represents the EU citizens and is directly elected by them.<sup>89</sup>

As to the European Commission, it is responsible for taking proposals but not taking decisions; whereas, the European Parliament is not a legislature, but a consultant and has some "codecision" rights. Political decisions within member states are taken collectively by them within the Council of Ministers.<sup>90</sup> The European Council of Ministers is the important decision making body in EU, it establishes the policies and coordination and without the approval of the Council no EU body of current law can be put into force. The European Council is composed of the member states' government representatives and has indirect legitimacy. The Council works behind closed doors, therefore the public is not informed about the discussions taking place in the decision-making process.<sup>91</sup> This, in turn, explains the reason behind the dissatisfaction of the EU member states' citizens with Brussels. The European Council is one of the governmental bodies of the Union which represents the individual member-states; whereas the third governmental organ of the Union which is the European Commission seeks to uphold the interests of the Union as a whole. These institutions work together in order to implement the decision-making process and the co-decision procedure of the

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<sup>88</sup> Ibid.

<sup>89</sup> Devrim Kodakçı, "Genişleme, AB'de Demokrasi Eksikliği ve Çözüm Önerileri", **AB Genel Sekreterliği**, May 2004, Ankara, p.74.

<sup>90</sup> Dedman, pp.10-15.

<sup>91</sup> Kodakçı, p.74-75.

Union by producing the policies and laws that apply throughout the EU. In principle, the Commission proposes new laws; the Parliament and Council adopt them.<sup>92</sup>

In recent debates, the Council of Ministers has been regarded as performing unaccountable as a collective entity and the use of qualified majority vote in the Council decisions meant that the member states have to abide by the laws that they do not present consent.<sup>93</sup> In this respect, the European Union Constitutional Agreement presents an innovation related to the decision-making mechanism in the European Council as the main decision-making organ. This innovation is the introduction of sufficient unanimity vote procedure for more than half of the member states representing 60 % of the total population of the Union.<sup>94</sup>

As one of the other institutions of the European Union, the European Parliament represents the public, whereas the Council of Ministers represents the member states. The European Parliament is the only legitimate institution and has limited control over the work of Commission and participates in the decision-making process. In general, the amendment in the European Union Constitution proposes that the European Parliament has the authority to control the Commission.<sup>95</sup> This, in turn, would help solve the problem of representation and legitimacy, however, in an institutional manner. As in the following chapters it will be analyzed, in order to close the gap between the citizens and the EU organs which will promote satisfaction and consent of citizens residing inside the EU borders, there is more to be done besides these institutional contributions. Regarding the power of the European Commission, it has the authority to start the legislative process and execution.<sup>96</sup> On the other hand although the European Commission has the roles of initiation of policy and law making, it has no direct democratic mandate.<sup>97</sup>

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<sup>92</sup> *European Union Institutions and Other Bodies*, [http://europa.eu/institutions/index\\_en.htm](http://europa.eu/institutions/index_en.htm) (21 May 2006).

<sup>93</sup> Laffan, pp.335-337.

<sup>94</sup> Kodakçı, p.133.

<sup>95</sup> *Ibid.*, pp.72-75.

<sup>96</sup> *Ibid.*

<sup>97</sup> Laffan, p.335

As for the National Parliaments, they are essential legislative state apparatuses in member countries and select the executive organ within their members which has immediate authority to control the government. The European Parliament and the National Parliaments are distinct in the way that they do not have sufficient knowledge about events occurring on the national and union. The reason for this is that the members of the national parliaments work in the European Parliament at the same time and this, in turn, affect the policy choices which are interfered with national values, perceptions and lack of a clear knowledge of EU policies of these representatives of both national and union. The Convention presented a draft treaty to the meeting of the European States and heads of government Council on the 20th June 2003 in Thessaloniki. According to Kodakçı, this is a historical opportunity to build up the grounds for a democratic EU.<sup>98</sup>

The European Parliament has been elected by the European citizens since 1979. However, the European Parliament has no authority to control the activities of the Council of Ministers. It has four main responsibilities, one of which is the proposal of law and the others are to carry out budget control with the council of ministers, political control and the election of the Head of the Commission. The distribution of the members is determined according to the amount of population. The members represent (through their inclusion in the political groups), certain political tendencies. In the European Parliament there are 732 members representing 25 member states. The authorities and tasks are different from those of the national parliaments. For example, legislative authority can be used in certain aspects when becoming a partner with the Council. This is the reason why their decisions do not have the same power as the decisions taken by the national parliaments. The European Parliament's main responsibilities are to investigate the Commission's recommendations, to participate in various matters of the legislation process with the Council, to use its authority to control through its formal and informal questions which are to be delivered to the Council and Commission. Moreover, the approval of the yearly budget and the control of its implementation are the two other responsibilities of the European Union Parliament as

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<sup>98</sup> Kodakçı, p.72.

has been discussed above.<sup>99</sup> Also, the ratification of the annual budget and its control during its implementation are included in the tasks of the Parliament.<sup>100</sup>

The European Union (EU) draft constitution is heading in the direction of a federal super state through its common representation of other states, and with its proposals for common citizenship and fundamental rights, common defence issues for the European Union.<sup>101</sup> It is emphasized in the treaty on which the European Union was founded that, the Union, symbolizes the view in which individualism and individual rights and freedoms are accepted as fundamental values.<sup>102</sup> The treaty continues to state that any European State which respects these principles may apply to become a member of the Union (article 49).

After the examination of the EU internal structure, in order to shed light on the functioning and basic features of democratic deficit of the EU, it is crucial to examine the policy-making procedures and processes of the EU. The most highly developed and longest-established form of the EU policy process in the international system is that of Community policy-making which deals with the negotiation and conclusion of international agreements.<sup>103</sup> Smith (1996), in his analysis of the ways in which the international connections affect policy-making in the EU, evaluates the policy-making procedures of the EU by starting with the agendas on which the EU's activities are focused. Trade and commercial relations has the longest-established agenda for action at the European level. Throughout its evolution the EU established a series of international trade and aid agreements which will be analysed in the following chapters. During the 1990s, as stated by Smith, the EU has constructed a trade and aid agenda

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<sup>99</sup> “Avrupa Birliđi; AB'nin A-B-C'si; Kurumlar”, **Milliyet**, 25 December 2006, p.8.

<sup>100</sup> Ibid. pp.8-10.

<sup>101</sup> Ibid. p.10.

<sup>102</sup> The Article 6 of the common principles of the Amsterdam Treaty on which the EU was founded emphasizes that the Union is built upon the common principles as, the respect to freedom, democracy, human rights and fundamental freedoms and the rule of law. [http://europa.eu.int/eur-lex/en/treaties/dat/12002/M/pdf/12002M\\_EN.pdf](http://europa.eu.int/eur-lex/en/treaties/dat/12002/M/pdf/12002M_EN.pdf).

<sup>103</sup> Michael Smith, “The EU as an International Actor”, In Jeremy, J., Richardson (eds.), **European Union Power and Policy-Making, European Public Policy**, 1.Edition, Routledge, London and New York, 1996, p.257.

that is concerned with the development and stabilisation needs of the former Soviet bloc including that of both Central and Eastern Europe and the Soviet Union itself.<sup>104</sup>

In fact, this is the point where there emerges a need to evaluate the relationship between the policies of the EU and the extent of response by the candidate countries to these policies while taking into consideration the role of the EU in international system and its competencies.

### **2.3 European Union Democratic Deficit**

With respect to the analysis of the relations between Turkey and the EU in the context of democracy, it is not quite difficult to find reminiscent issues prompting out of the discussion of the contested term of democracy regarding its well functioning. In this regard, on the one hand the EU would lose part of its authority and leverage if it were not democratic, since democracy is one of the most important international principles supported by the EU. This would provide the EU with a more legitimate position in the eyes of the third countries. Additionally, legitimacy serves for the internal coherence in the Union and in turn, citizens would insert more support on the decisions taken by a legitimate polity. In fact, internal coherence renders the Union stronger as an international actor in the international system. On the other hand, the existence of a democratic deficit in the EU would damage the European external policy based on promoting democratic governance.

The general definition of democratic deficit is the problem encountered in the implementation of democracy in a political system. This problem can be related to the institutional structure, lack of sufficient participation of the public in the system, lack of transparency and accountability on behalf of the governing elite; or, lack of demos which would represent the common will of the people. In this regard, Chrysochoou defines democracy as:

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<sup>104</sup> Ibid. pp.252-253.

... a method of organizing public life that allows the concerns and interests of citizens to be articulated within the government. Democracy's defining properties are its institutional controls, the peaceful resolution of conflicts in society, meaningful legislative representation, as well as civic inclusion, and political participation.<sup>105</sup>

Based on this definition, it can be claimed that democratic deficit appears if and when any of above properties of democracy are violated. The fact that a political system is democratic does not necessarily mean that it is legitimate as well. For legitimacy to be maintained there should be wide "societal acceptance of the system".<sup>106</sup>

With respect to the EU's role in the international system as an intergovernmental and supranational polity/power, Thomassen and Schmitt (2004) discuss the view regarding the legitimacy principle of the European Union. This view had been developed by Scharpf (1999) who emphasizes the out-put oriented rather than in-put oriented legitimisation of the EU policies that refers to government by the people rather than government for the people. In terms of input-oriented legitimacy, political choices are legitimate as long as they represent and reflect the "will of the people" that constitute a community.<sup>107</sup>

European Union concerning its purpose of existence, it is far too clear to comprehend that its precise responsibility is to comply with its members whom are its citizens and respond to their concerns, expectations and problems. The EU as a supranational institutional structure holds a power far greater than its member nation states. It exerts its authority in the cases of cross-border problem solving, addressing its people's needs in order to take on necessary policies effectively and democratically through legitimate governmental procedures and processes.<sup>108</sup> Within this supranational structure, decision-making has been delegated to these bodies and member states that are no longer able to make legislation on their own. The fact that these supranational

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<sup>105</sup>Dimitris Chrysoschoou, "EU Democracy and Democratic Deficit", In M. Cini (ed.), **European Union Politics**, Oxford University Press, New York, 2003, p.336.

<sup>106</sup> J. Weiler, "The Transformation of Europe", **Yale Journal**, Vol.100, 1991, p.79.

<sup>107</sup> Fritz W. Scharpf, **Governing in Europe; Effective and Democratic?**, Oxford: Oxford University Press, 1999.

<sup>108</sup> Jacques Thomassen and Hermann Schmitt, "Democracy and Legitimacy in the European Union", pages:35, [www.mzes.uni-mannheim.de/publications/papers/schmitt\\_26\\_1\\_04.pdf](http://www.mzes.uni-mannheim.de/publications/papers/schmitt_26_1_04.pdf) (22.05.2005), pp.15-27.

bodies are not always as transparent and accountable as the decision making bodies in member states, led the way to the increase in democratic deficiency of the European Union. The lack of transparency and accountability threatens its legitimacy and the validity of the decisions made in the Union. Thomassen and Schmitt express their doubts about the democratic quality of a democracy which is only based on government for the people.<sup>109</sup> The argument focuses on the perception that democratic political system at the European level requires a “thick collective identity” and criticizes the concept that the democratic quality, depends only on government for the people. It also depends on the fact that if political decisions are taken at the European level, the EU should use its power to apply the democratic principles which its member states can adopt.

Scharpf argues that the distance between the citizens of the member states and their representatives appears to be increasing. However, considering input-oriented democracy -through which decisions are taken by majority rule- it is pointed out that majority rule will function properly as long as a “thick collective identity” is maintained and sustained which implies embodiment of a common history, language, culture, and ethnicity.<sup>110</sup> Nevertheless, besides the acceptance of common European values; it should be kept in mind that the EU is composed of various cultures, languages, ethnicities which mean that it is not possible to accept the existence of a collective identity. This is why according to Scharpf, an in-put oriented democracy of the EU government, which is granted majority rule, can not be applied in the case of an absence of a collective identity. As to the federalist view, the legitimacy of the integration and ultimately the establishment of a federal European state are guaranteed by the existence of a European public that has a collective identity and a European Parliament.<sup>111</sup> This collective identity requires European-wide political communication and opinion formation facilitated by European political parties, associations and media. Whereas, out-put oriented democracy derives its legitimacy from its ability to provide its people with

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<sup>109</sup> Thomassen and Schmitt, pp.15-27.

<sup>110</sup> Ibid. pp.25-30

<sup>111</sup> Rıdvan Karluk, **Avrupa Birliđi ve Türkiye**, Beta Publishing, İstanbul, 2002, p.89.

collective solutions to their existing problems at European level, reflecting its interest based and common understanding rather than identity based acknowledgment <sup>112</sup>

The debate concerning democracy and the legitimacy of the EC/EU agenda, increased in the 1990s. This was generated mainly from the debate in academic literature about a crisis of representation in Europe and a growing distrust of public institutions at the national level. The reflection group -which prepared the way for the 1996 Intergovernmental Conference (IGC) on Treaty reform-, acknowledged that the Union would have to become more transparent and closer to its citizens in order to overcome their alienation from the Union.<sup>113</sup>

As stated by Sanlı (2005), in the beginning of the 21st century, the EU, claimed as representing the hope for democracy and at the same time assumed itself as the guarantor of national democracies, has a democratic deficit.<sup>114</sup>

Laffan (1999) identifies six different aspects of this democratic deficit. These are:- constitutional, institutional, process, public opinion, political community and scale. Here, in this study, the basic perspectives of these approaches will be analyzed. Starting with the constitutional aspect (with respect to the identification of the democratic deficit of the EU) the treaties which have been ratified by the member states according to domestic constitutional provisions, lack the direct consent of citizens at the national level. Secondly, the European Union's institutional design does not employ a traditional separation of powers between legislative, executive and judicial branches of the government. Thus, the citizens lack a clearly defined centre of political authority, implying that of a question of who governs in the Union. As to the process approach, the governance in the European Union is inaccessible which produces problems in accountability. The growth of committees, and working groups of the Commission services and the Council have led to a perception that administrative, technical and expert knowledge entail a privilege shared by the committees regarding their pivotal

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<sup>112</sup> Thomassen and Schmitt, pp.28-35.

<sup>113</sup> Laffan, pp.334-335.

<sup>114</sup> Sanlı Leyla, **Avrupa Birliđi ve Demokrasi Açıđı**, Alan Publishing, 1.Edition, October 2005, p.42.

role in agenda-setting and decision-making above the political power of ministerial level.<sup>115</sup>

With respect to the public opinion aspect, the individual Europeans are not seen as citizens but instead appear to have been engaged in the system as consumers or workers. They criticize the European Union as functioning in a remote manner from Europe's peoples. During 1997, the countries Sweden, Germany, Belgium, Finland, Denmark, and the Netherlands, reflected their dissatisfaction with the EU's approach to democracy. Also, Sweden, the UK, and Denmark were not the only ones in which almost half of public opinion reflected discontent with their countries' membership in 1997.<sup>116</sup>

In relation to the political community aspect; it assumes that the EU can not be a political community in the way that national democracies are; with respect to the absence of European political parties and European-wide media which provide discussions at a national level. In order to enhance its identity the EU needs to create a European identity similar to the national identities which emerged with the sharing of a common identity and solidarity arising inside the borders of the nation-state; realized through nationalism, which will contribute in the Europeanization<sup>117</sup> of politics.<sup>118</sup> Mainly because of its scale and institutional structure, the Union is deficient in terms of accountability in decision-making and participation; posing a democratic deficit with respect to its governance.<sup>119</sup> On the other hand Laffan above all analysis concludes that the EU is not undemocratic. He emphasizes that, the more the EU pursues its

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<sup>115</sup> Laffan, pp.337-339.

<sup>116</sup> Ibid. pp.340-342.

<sup>117</sup> "Europeanization is a process of structural change closely identified with the term "Europe" and its attributes in general. Minimally, Europeanization involves a response to the policies of the EU, stretching both across existing member states and those wishing to join in the future". For further information look in Kevin Featherstone, "Introduction: In the Name of "Europe". In Featherstone, Kevin – Radaelli, Claudio (eds.), **The Politics of Europeanization: Theory and Analysis**, New York: Oxford University Press, 2003, pp.3-4. Note that in this study, mainly the term conditionality will be used instead of Europeanization based on the conviction that Europeanization takes part through conditionality.

<sup>118</sup> Ibid. pp.342-344.

<sup>119</sup> Ibid. pp.344-345.

politization, the more it will provide enhanced representation and opposition against the projects of the Union in the political arena.<sup>120</sup>

With respect to the above deficiencies relating to European Union democracy; the Maastricht Treaty of January,1, 1993 introduced its goal of democratization relating to the functioning of the European Union. The Treaty arrived at decisions which were related to the right to complain to the Parliament and the establishment of investigation committees.<sup>121</sup>With the Maastricht Treaty of November 1993, the authority of the European Parliament was extended. In some instances, the European Parliament (EP) has been granted the right to take decisions with the Council. Also, the EP, on some occasions, has the right to depict favourable opinion.<sup>122</sup>

In the EU context, strengthening of the powers of the European Parliament in the legislative process can make a political system more legitimate from an institutional (and formal) perspective, since it would involve public participation. According to Weiler, as prerequisites of a well-functioning EU democratic order, formal legitimacy should be accompanied by social legitimacy. In this respect the European public assumes that the EU in general “displays a commitment and actively guarantees values that are part of the general culture such as justice, freedom and general welfare”.<sup>123</sup>

There have been several amendments in the institutional decision-making processes of the Union itself, through the introduction of the new European Convention. Although some of the member countries of the Union have not ratified the new EU constitution such as Holland and France, through their vetoing of the referendum that was held throughout their boundaries. In order to understand the extent of democracy that the EU employs, it is crucial to highlight these amendments. The main reason behind the EU’s formulating the constitution is far beyond the member states and their institutions and that it finds its existence with respect to the need for a legitimacy approach based on “Europeanization” and “European Citizenship”.<sup>124</sup> According to Habermas, the need for

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<sup>120</sup> Ibid. pp.345-348.

<sup>121</sup> Füsün Türkmen, “Avrupa Birliđi ve İnsan Hakları”, In Beril Dedeođlu (ed.), **Dünden Bugüne Avrupa Birliđi**, Boyut Publishing, 1.Edition, October 2003, p.148.

<sup>122</sup> Arı Hareketi, pp.24-25.

<sup>123</sup> J. Weiler (ed.), **European Constitutionalism Beyond The State**, Cambridge: MIT Press, 2003, p.81.

<sup>124</sup> Ibid. p.77.

a European constitution varies regarding the European identity associated with the Union based on national differences. Therefore it is essential to provide the citizens with the opportunity to have an equal say about the issues that concern them in an equal manner.<sup>125</sup> However, the increase in the number of member states in the EU generates inefficiency in the structure and decision-making mechanisms of the system which in turn results in the loss of trust on the EU.<sup>126</sup> This opportunity to have an equal say lies behind the environment where there exists free political culture. In this environment, interest groups, non-governmental organizations, citizen movements and parties at the level of the European Union and a public integrated among Europe, can create a European public which is above the national public.<sup>127</sup> These were some of the problems addressed in the declaration relating to the Union's future. On December 15, 2001, the Leaken Summit-in a declaration relating to the Union's future- addressed the following problems. The reduction of the judicial apparatus that the Union is using such as; decision, suggestion, common decision, framework decision, instruction, directive, common attitude, more democracy, transparency and efficiency. The gap between the EU and its citizens should to be closed. Transparency and participation should be increased. These would help to to solve the problem of democratic deficiency and consolidate 'European identity', these being held as the main elements of this process.<sup>128</sup>

In this respect, considering the structure and apparatus of a democratic polity, a Constitution is important. A Constitution will establish the skeleton of a democratic government and give it legitimacy for its actions and implementations regarding its principles. The lack of a constitution will disable and hinder the involvement and participation of citizens in state, political and civil structures.<sup>129</sup> A Constitution is the single guarantee of the durability of free institutions. As mentioned previously, first it was the Leaken Declaration on 14-15 December 2001 that introduced a process for the establishment of a constitution of the EU as a democratic society made up of active

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<sup>125</sup> J. Habermas, "Why Does Europe Need A Constitution?", **New Left Review**, (Sept-Oct 2001), p.107.

<sup>126</sup> Ari Hareketi, p.26.

<sup>127</sup> Habermas, p.107.

<sup>128</sup> Sanli, pp.128-130.

<sup>129</sup> Keet, pp.3-14.

citizens.<sup>130</sup> The Leaken Summit declaration was subsequent to the Nice Summit on 7-9 December 2000. The discussed issues such as the Charter of Fundamental rights, enlargement and Turkey's status, security and defence policy, a project for social Europe, innovation and coordination of its economic policies, consumer rights, maritime security, environment, security-justice, freedom and foreign affairs. Whereas, the Leaken Summit of December 2001, declared, a "European Congress" to be established and started to function on March 2002 with the acceptance of the "the Declaration About the Future of Europe" for the determination of the future of Europe anticipated as more democratic and efficient.<sup>131</sup>

According to Sanlı (2005), the Constitutional Agreement, prepared during the Convention congressions, says that, although it foresees several amendments and reforms in the decision-making procedures and institutional structure (when analysed in terms of new regulations and content) the European Union is not becoming a federal structure as anticipated. Instead, the Union has not given up its nation-state approach. Several issues -based on common policies- will continue to be dealt with and issued by national governments. On the other hand Sanlı points out the fact that, the proposed EU convention (although it has not been ratified yet by the members of the Union) preserves a supranational structure through which some of the authorities of the member states are transferred, implying a federalist view.<sup>132</sup> The Constitutional Agreement - while trying to find out a solution for the European Union's democratic legitimacy problem- reflects the effort to establish an efficient institutional structure and policies.<sup>133</sup>

Considering all the above evaluations, the following analysis will highlight the Constitutional Agreement in terms of related topics such as the Commission, the authority of the European Parliament, balance between the institutions, the roles of national parliaments, the efficiency of the decision-making process and the functioning of the institutions. There have been issues raised by the Constitutional Agreement based

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<sup>130</sup> Ibid.

<sup>131</sup> Beril Dedeoğlu, "Avrupa Birliği Bütünleşme Süreci I-II", In Beril Dedeoğlu (ed.), **Dünden Bugüne Avrupa Birliği**, Boyut Press, 1.Edition, October 2003, pp.128-129.

<sup>132</sup> Ibid. pp.130-131.

<sup>133</sup> Ibid. p.131.

on the need to increase the democratic legitimacy of the EU as a precaution which is stipulated to increase the transparency, efficiency of -and regular communication with- the organizations representing the public, civil-society. Transparency implies that the decisions are taken in accordance with the citizens and in an open manner.<sup>134</sup> As it is mentioned earlier there has emerged an issue concerning EU democratic legitimacy and deficit; that of the consolidation of the role of national parliaments and their participation in the European intergration process and the improvement of the cooperation of the European Parliament and national parliaments.<sup>135</sup>

Within the environment where these matters widely voiced, prior to the signing of the European Constitution of October 2004; the Council of European State and heads of governments (December 1997 in Luxembourg Summit) had decided to start the enlargement process for the 12 candidate countries, except Turkey. Although Turkey has the oldest relationship with the EU within the candidate countries, the lack of assignment of membership perspective caused a crisis situation to occur between the bilateral relations. This ambiguous relationship lasted until the Helsinki Summit held in 1999. At the Luxembourg Summit -besides the decision relating to Turkey and candidate countries-, the conventions' main topics on the agenda were the strengthening of the EU Parliament and reorganizing the relationship between the Union and its institutions.<sup>136</sup>

As a supranational cooperation after World War II, the European Union, has been working as if it possesses the role of government, but its structures are not democratic unlike its member states. As a matter of fact after the Maastricht and Amsterdam Treaties, the European Parliament acquired more influence. Citizens of the member states were allowed to exercise their individual rights through their participation in a referendum for joining the EU or not.<sup>137</sup>

As a result of all these concerns related to the need to form a European Constitution which is foreseen to eliminate legitimacy critics against the EU, the leaders of the EU

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<sup>134</sup> Ibid, pp.131-132.

<sup>135</sup> Sanlı, pp.135-136.

<sup>136</sup> Kodakçı, p.53.

<sup>137</sup> "Avrupa Birliği; AB'nin A-B-C'si; Kurumlar", **Milliyet**, p.8.

member states and candidate states signed the European Constitution on October 29, 2004. One of the major novelties that the EU constitution introduces is a new voting system. The new voting system will be based on the double majority voting principle (qualified majority voting) in light of the member states and population. All delicate EU decisions will be adopted by the qualified majority voting principle. The Constitution boosts the power of the European Parliament so that the EU is structured more democratically. Thus, this expands the number of fields where the Parliament will legislate in collaboration with the member states. The EU values have been determined in the Constitution as human dignity, liberty, democracy, equality, the rule of law and respect for human rights.<sup>138</sup>

The EU in recent decades became a new type of political system with its results on democracy and governance in its member states. The formal and informal institutions are; -democracy, rule of law, the welfare state and the relationship between the rulers and ruled which form the governance in a stable institutional context in Western societies. According to Markus Jachtenfuchs, the definition of democracy is as follows;

Democracy is the institutionalization of a set of procedures for the control of governance which guarantees the participation of those who are governed in the adoption of collectively binding decisions”.<sup>139</sup>

Öniş (2003) advocates the conviction that, the EU integration process causes the relocation of authority away from the individual nation-states to the supranational institutions of the EU, those of which concern the individual member nation-states as posing a challenge. On the other hand, Onis continues to state that a decentralization process applies which foresees a relocation of authority towards the local and regional authorities. Onis describes the European Integration process as a kind of a “post-modern state” which employs the “pooling of sovereignty” and “decentralization” while

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<sup>138</sup> Periodical of the Delegation of the European Commission to Turkey, European Commission’s Communication Project, “The EU Constitution Brings Great Novelties, Questions and Answers on the Regular Report, Current News”, No.3, November 2004.

<sup>139</sup> Markus Jachtenfuchs, “Democracy and Governance in the EU”, *European Integration Online Papers*, Vol.1, No.002, 1997, <http://eiop.or.at/eiop/texte/1997-002.a.htm> (2 April 2006), p.6.

presenting its “hallmark” as the unification of the diverse identities and promotion of minority rights.<sup>140</sup>

In this respect it is crucial to examine the two approaches that Chrysochoou (2001) has developed. These approaches discuss the social-psychological and institutional reasons, in examining the reasons that lie beneath the EU’s democratic deficit. In socio-psychological terms, this assumption is based on the representative management style which requires a common identity consciousness. According to Chrysochoou, the EU’s essential problem lies in the inefficient participation of the citizens in the integration process and the absence of the development of a common identity. The institutional approach advocates the fact that, for the better representation of the interests of the member countries’ citizens, the EU should be structured so as to preserve the balance of power. This approach states that there is a problem based on the transfer of authority from the member state institutions to EU institutions.<sup>141</sup> While the system of governance sustains its sphere of influence among its people, these people must have a say in the system and in the courses of any event. On the other hand the EU has a highly decentralized system where decisions are frequently taken by unanimous decision and capacities for implementation and sanctions are weak. Therefore, in such a system, democracy is necessary to increase the system’s stability and problem solving efficiency. Thus, democracy requires a functioning political infrastructure mediating between decision makers and citizens.<sup>142</sup>

However, the member states perform this through political parties and media-based public discourse that of which appears to be absent and the main reason lies behind the democratic deficit problem of the EU. In this respect, a well-developed democracy and pluralism both would favour particular individual interests and the

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<sup>140</sup> Ziya Öniş, “Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era”. In Çarkoğlu Ali, Barry Rubin (eds.), **Turkey and the European Union, Domestic Politics, Economic Integration and International Dynamics**, Frank Cass and Company Limited, 2003, pp.10-12.

<sup>141</sup> Dimitris Chrysochoou, “The Nature of Democracy in the EU and the Limits of Treaty Reform”, **Current Politics and Economics of Europe**, Vol.10, No.3, 2001, pp.245-264.

<sup>142</sup> Jachtenfuchs, pp.10-14.

participation of individuals in governance and civil-societal relations in the EU.<sup>143</sup> As discussed by Dahl, the implementation of the constitutional provisions of the EU is controlled by the politically independent European Court of Justice. On the other hand the EU's employing of a democratic deficit has been a highly contested issue implying that, as Chrysochoou points out, there is a "federal deficit" stemming from the absence of a European Constitution that could guarantee the fundamental rights of the constituent demoi. Therefore ensuring that meaningful legislative representation of, and political responsibility to, the governed will apply in a "bottom-up" process."<sup>144</sup> There stems a need for a European Constitution and European identity which would unify citizens of EU member states and promote their participation in the EU integration and decision-making process while creating a European wide-communication.

As the EU governance is a multilevel system of negotiation and governance and network of various actors, the sovereignty is shared rather than centred at the highest level. In this regard, this system of governance has distinct implications when compared to nation-state political structure. Thus, in this context of analysis, it is not clear if democratic deficit is problem for international actorness. The democratic deficit of the EU is seen as due to the lack of transparency of decision-making and to its intergovernmental structure. This results in deprivation of people from participating in policy-making in the way they are able to do in liberal democracies of nation-states. In this regard, the EU needs its citizen's support and compliance in order to survive and pursue its objectives. For instance, there is a fear among the EU institutional system that citizens will not vote in support of the European Constitution. However, it is difficult to evaluate how the lack of legitimacy affects the position of the EU in the international system. The relationship is vague.

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<sup>143</sup> Ibid.

<sup>144</sup> Dimitris Chrysochoou, **Democracy in the European Union**, Tauris Academic Studies, 1998, p.134.

## 2.4 EU as a Civilian Power

In order to highlight the objective of the Union and how it works since its foundation, it will be necessary to focus on the concept of civilian power. The Civilian Power concept belongs to the idealist approach in international relations and was introduced by François Duchéne in 1972, Director of the International Institute for Strategic Studies (IISS). The idealist approach states that, state preferences are rooted in values and norms. Idealists believe that structural cooperation among states is not only desirable, but also feasible. This cooperation may take the form of negotiating and concluding international treaties. Six characteristics identify 'civilian power'. These are:- monopolizing the use of force by a system of cooperative and collective security; a functioning of the rule of law through international regimes, international organizations and multilateralism; democracy within and between states; non-violent conflict resolution; social justice and sustainable development; and interdependence.<sup>145</sup>

Açıkmeşe (2002), (in order to assess whether or not and to what extent civilian power can be applicable for the European Union) defines civilian power in terms of conceptual analysis as “security” and “defence”. Açıkmeşe (2002) defines security as : - “reducing or eliminating threats regarding military threats, risks and uncertainties in political, economical, environmental activities, whereas the latter term of “defence” is referred as the “use or threatened use of organized military force”.<sup>146</sup> The idea of a common defence policy in Europe was established at the European Defence Community with the Paris Treaty on May 1952. During the cold-war years, the Community operated as a civilian power through its transfer of defence issues to the North Atlantic Treaty Organization (NATO).<sup>147</sup> By the 1960s it was realised by the EU that, unless it had a unified posture, it would not have the chance to impose its influence on the world scene. As a result of these discussions, the EU had thought it necessary to coordinate political and economic aspects of security; that of which will support the Union in its

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<sup>145</sup> François Duchéne, “Europe’s Role in World Peace”, In Richard Mayne (ed.), **Europe tomorrow: sixteen Europeans Look Ahead**, Fontana Press, 1972, pp.32-47.

<sup>146</sup> Sinem Akgül Açıkmeşe, “Has the Period of ‘Civilian Power’ Come To An End?”, **Ankara European Studying Journal**, Vol.2, No.3, Güz/2002, pp.1-2.

<sup>147</sup> Ibid. pp.3-4.

effectiveness in the promotion of European security through economic and political means rather than through a militaristic approach.<sup>148</sup>

According to Smith (1996) from the mid-1970s on, the old “civilian” agenda has transformed itself in terms of interdependence in the international system. In accordance with this internal transformation of the internal agenda of the then European Union, the civilian agenda and the security and peace agendas (which are named under “high politics”) were rendered inseparable by the Community and then by the Union.<sup>149</sup>

It was the Maastricht Treaty that introduced the inclusion of defence and security on Union’s mission which was attached to the Western European Union as being the defence arm of the EU. It had been expected that the EU would establish a common defence policy during the early stages of the 1990s. On the other hand in the post-Cold War era, the aspiration for the establishment of a Common Defence Policy had to take into account European Security and Defence Identity.<sup>150</sup> As a result, the members of the European Community found it necessary to go beyond the intergovernmental cooperation and develop a new mechanism for foreign policy coordination. This change in the European Community’s international role had taken place in the context of an international arena where the members of the European Community acted in close connection regarding the Community’s foreign policy role.<sup>151</sup>

Since the end of the cold war, the European Union (EU) has given assistance and maintained institutional ties with post-cold war Central and Eastern European Countries; conditional on the fulfilment of their democratic and human rights standards.<sup>152</sup> After the collapse of Communism -in the once satellite states,- the Central and Eastern European Countries (CEECs) and their representatives expected that the EU could heal their economic and then political structures. The EU eventually used membership conditionality as its instrument of foreign policy. This aimed to support the reform process through trade concessions, association agreements, and aid, conditional

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<sup>148</sup> Ibid. pp.4-5.

<sup>149</sup> Smith Michael, *Union Power and Policy-Making, European Public Policy*, 1996, p.253.

<sup>150</sup> Açıkmеше, p.5.

<sup>151</sup> Michael Smith, p.251.

<sup>152</sup> Karen.E. Smith, “Western Actors and the Promotion of Democracy”, In Zielonka, J. and Pravda, A. (eds.), 2001, pp.37-40.

on achievement of progress in democracy and the market economy and protection of human rights.<sup>153</sup> Since 1992, the EU has added a ‘human rights clause’ to the cooperation and association agreements, which stipulated that they could be suspended in cases where the Central and Eastern European Countries (CEECs) fail to comply with these standards. At its Copenhagen Summit in June 1993, the European Council operationalized its requirements by emphasizing the “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” as the *sine qua non* political condition of EU accession. Political activists in the target countries evaluate the balance between the costs of the adaptation process the opportunities and rewards that compliance with the European standards will provide. If the balance is positive, they try to meet the requirements that are posed by the Union as a precondition for the start of accession negotiations prior to full membership.<sup>154</sup> Schimmelfennig (2003) has developed two strategies; those which stimulate progress through influence in terms of cost-benefit calculations of the inducements having been proposed on the part of the applicant countries. Schmillfenning focuses on two strategies of “reinforcement by reward” which provide the non-member countries with rewards through social and material influence. The social influence strategy can be realized through the association with international recognition and legitimacy, high status or positive image. Nevertheless, the effectiveness of EU social influence will mainly depend on to what extent non-member actors identify themselves with the EU community. If neither material nor social rewards are sufficient to induce governments to comply (according to the study of Schimmelfennig) conditionality can still work through the transnational channel; that is, via societal actors in non-member countries.<sup>155</sup>

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<sup>153</sup> Conditionality entails the linking, by a state or international organization(in this case the EU), of perceived benefits to another state to the fulfilment of certain conditions and to the overview its policies and to realize this through legal regulations and arrangements when necessary. See Olav Stokke, “Aid and Political Conditionality: Core Issues and State of the Art”, in Olav Stokke, ed., **Aid and Political Conditionality**, London:Frank Cass, 1995.

<sup>154</sup> Frank Schimmelfennig, Stefan Engert, and H. Knobel, “Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey”, **JCMS** 2003, Vol.41, No.3, pp.495–518.

<sup>155</sup> Ibid. pp.495–518.

On the other hand (as Schimmelfennig states) societal actors must be strong enough to influence the policies of governments; provided the material cost and benefit balance of these inducements results are positive through which the conditionality<sup>156</sup> strategy of the Union can effectively function as predicted.<sup>157</sup>

As Smith (2001) pointed out, many within the European Union and Eastern Europe argued that the Union would have to make a promise concerning the eventual full-membership of CEECs in the EU. This promise of the EU was perceived both as a reward and an incentive by the CEECs to sustain their reform process; although they might have to confront difficulties throughout the reform process.<sup>158</sup>

Schmitter (2001) defines a conditional offer of membership underlying the term conditionality as “the use of fulfilment of stipulated political obligations as a prerequisite for obtaining economic aid, debt relief, most favoured nation status, access to subsidized credit, or membership in regional or global organization”.<sup>159</sup>

Angelov (2005) divides conditionality into two phases; “first generation” economic conditionality and “second generation” political conditionality. Angelov states that EU conditionality is much more effective in the way that it possesses the abilities to provoke, guide and sustain system transformation in the countries in need of economic or political support. Angelov continues that, because of the benefits that membership brings to the applicant country; membership perspective and ambition induce compliance of the states applying for membership regarding the requirements of the EU in the context of the “full democratic package”.<sup>160</sup> Angelov points out that during the above statements it has been mentioned that enlargement conditionality is a foreign policy instrument practiced by the Union’s policy-makers through monitoring processes

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<sup>156</sup> Conditionality entails the linking, by a state or international organization(in this case the EU), of perceived benefits to another state to the fulfilment of certain conditions and to the overview its policies and to realize this through legal regulations and arrangements when necessary.

<sup>157</sup> Schimmelfennig, Engert, and Knobel, pp.495–510.

<sup>158</sup> Smith Karen, *Western Actors and the Promotion of Democracy*, pp.34-35.

<sup>159</sup> Philippe Schmitter, **International Context and Consolidation: The International Dimensions of Democratization-Europe and Americas**, Oxford: Oxford University Press, 2001, p.42.

<sup>160</sup> Angel Angelov, “Conditionality and Enlargement: The Case of the European Union”, In Georgy Genov, Julia Zaharieva, Krassimir Y.Nikolov (eds.), **The European Union Candidate Countries’ Perspectives**, Jean Monnet Doctoral Volume, Bulgarian European Studies Association (BECSA), Sofia, 2005, pp.305-308.

during their relationship with the applicant country, which is required to fulfill these conditions as prerequisite for full-membership. Moreover any setback in the fulfillment of the necessary criteria, by the applicant country, may result in a delay in negotiations. It was when the cold-war ended and the democratic transition in Central and Eastern Europe took off that the EU found it necessary to elaborate on the conditions for full-membership. These conditions are called the “Copenhagen Conditions” which will be analysed briefly in the following chapters.<sup>161</sup>

According to Angelov (2005), the well known “carrot and stick” approach shares similarities with the conditionality approach. The international community- the EU-uses carrot and stick to influence the commitment and performance of the aid recipient through various economic and political rewards and sanctions. The former implies the carrot that introduces aid, trade promotion and the latter implies the stick that introduces embargo and rejection or delay of membership when the required preconditions are not fulfilled.<sup>162</sup> As a matter of fact; as stated by Pridham (2002), since the 1997 Treaty of Amsterdam, current member states are subject to a democracy test together with the post-communist applicant states. In case of a lack of an adherence to the conditions and existence of any violations of the EU’s principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, the EU uses its right to suspend the relations with the country causing corruption.<sup>163</sup>

As a result of the study, analysis states that domestic conditions – governmental cost -benefit calculations – have been the most important factors for compliance throughout the studies in each of the countries Slovakia, Turkey, and Latvia. As has been mentioned above, reinforcement by reward works best where the domestic power costs of compliance for the target states’ elites are less or lesser. According to the results gathered through the analysis of the cases concerning these three countries; the

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<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Geoffrey Pridham, “EU Enlargement and Consolidating Democracy in Post-Communist States-Formality and Reality”, *JCMS*, Vol.40, No.3, 2002, p. 957.

reforms in Turkey and Latvia would not have occurred without EU membership conditionality.<sup>164</sup>

The reward-based reinforcement, of the EU has stressed continuously that “the date of negotiations totally depends on the progress achieved in Turkey”. Schimmelfennig arrives at the conclusion, that after many years of unsuccessful social influence of the European Union (EU), the improvement of the human rights conditions in Turkey can be linked with the candidate status that was granted to Turkey at the Helsinki Summit of December 1999. This membership perspective stimulated domestic political progress in Turkey. The extent of this political progress has been apparent in the adoption of reforms which present a partial compliance by the summer of 2002.<sup>165</sup> In the following chapters these reforms will be briefly analysed.

The Common Foreign and Security Policy (CFSP) and the Common Position on the Stability Pact of 17 May 1999, indicated the EU’s commitment to the inclusion of the south-east European countries. This commitment was based on the Amsterdam Treaty and was the fulfilment of the Copenhagen Criteria of 1993. Because of this, during the inter-ethnic violence which erupted in the Former Yugoslav Republic of Macedonia (FYROM) in early 2001, the EU, in cooperation with NATO, initiated efforts to resolve the crisis. From August 2001, a NATO force collected weapons from ethnic Albanian rebels, while the EU imposed pressure on the (FYROM) government to enact reforms which concern the enhancement of Albanian minority rights.<sup>166</sup> In June 2004, the European Council agreed with the Commission’s positive evaluation for the prospected start date for membership negotiations with Croatia in 2005 as one of the applicant countries.<sup>167</sup>

In order to understand to what extent the Union has influenced the progress achieved through its “stick and carrot” strategy -as its foreign policy instrument- applied to the Central and Eastern European Countries; some of these states’ political

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<sup>164</sup> Ibid. pp.510-512.

<sup>165</sup> Ibid. pp.512-518.

<sup>166</sup> Karen E. Smith, “Enlargement and European Order”, In Christopher Hill and Michael Smith, eds., **International Relations and the European Union**, The European Union Series, Oxford University Press, 2005, pp.284-285.

<sup>167</sup> Ibid. p.285.

transformations will be analysed. During this analysis following their separation from the dissolved Soviet Union in the year 1989, a comparison between each other and Turkey will be examined.

Hill's (1990) study highlights the kind of international actor the EU is, by differentiating between the "civilian model" and the "power bloc". Under the civilian model, the EU functions through persuasion and negotiations in its relations with the third countries and on international issues. On the other hand "power bloc" behaviour represents the use of economic power by the EU for its political purposes. The EU uses its economic power to achieve its objectives by utilising both the carrot (offering or granting) and the stick (threatening or inflicting non-violent coercion through force rather than persuasion) approach as its foreign policy instrument applied through its membership conditionality strategy.<sup>168</sup> The EU's enlargement policy involving the inclusion of ten new countries (most of which are in Central and Eastern Europe) has involved the extensive use of carrots and sticks in relations with other European states to encourage reforms, mainly through the application of membership conditionality. This attempt by the EU rendered its soft power of attraction into coercive, though still civilian power. According to Smith (2005), the EU has attempted to spread prosperity, democracy and security to former communist countries of Central, Eastern, and South-eastern Europe through enlargement, which has helped to shape the post-Cold War European order. In this context, the EU has used the promise of enlargement, provided certain conditions are fulfilled, to influence the foreign and domestic policies of the aspirants which will help to encourage political and economic reforms. The achievement of political and economic reforms is considered to be preserving peaceful relations in Europe. As indicated by Smith, the enlargement of the EU can be evaluated by the European Union's foreign policy action.<sup>169</sup> An example of membership conditionality imposed by the EU is the extension of aid (on a conditional basis) first to Poland and Holland, then to other countries by the Community through the Phare

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<sup>168</sup> Christopher Hill, "European Foreign Policy: Power Bloc, Civilian Model-or Flop?", In Reinhardt Rummel (ed.), **The Evolution of an International Actor: Western Europe's New Assertiveness** Boulder:Westview, 1990.

<sup>169</sup> Karen E. Smith, *International Relations and the European Union*, pp.270-272..

programme to help the new democracies implement economic reforms in the late 1989.<sup>170</sup>

It would be highly controversial to state that the EU is a power bloc or a civilian power. As Smith puts it, the EU resembles more a civilian power relying on its underlying objective - the achievement and sustainment of peace and security by institutionalising interdependence among democratic, capitalist states.<sup>171</sup>

The case of enlargement clarifies the concept of civilian power. The EU widens its territory through economic and diplomatic means instead of using military means. In this regard, the civilian power of the EU is highly related to its membership conditionality strategy as a foreign policy instrument. The EU favours persuasive power contradictory to hard, military power through focusing on utilizing economic instruments. The area of CFSP (Common Foreign and Security Policy), the EU executes common policy when there emerges agreed common interest. The EU has a large set of foreign policy instruments from economic means to military forces and the utilization of these instruments offer the EU leverage on the international issues and its relations with the third countries. After the above evaluations of the function of the EU as an international actor; it is now appropriate to emphasize more on the effectiveness of the Union through its usage of conditional membership strategy as its foreign policy instrument.

Pridham stresses that, much of the literature on democratization has found that outsiders have less influence on internal processes of democratization than domestic actors.<sup>172</sup> However, as in several cases, for instance, Romania in 1994 and 1995 had appeared to employ more nationalistic and racist politics. The EU warned the country that unless it changed its posture, its application for membership would not be furthered and eventually Romania complied with EU requests which in turn helped to improve the relations with the EU.<sup>173</sup> In Slovakia, in October 1998, a new coalition government was

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<sup>170</sup> Ibid. p.273.

<sup>171</sup> Karen E. Smith, *Western Actors and the Promotion of Democracy*, pp.38-39.

<sup>172</sup> Geoffrey Pridham (ed.), **Encouraging Democracy: The International Context of Regime Transition in Southern Europe**, Leicester: Leicester University Press, 1991, p.98.

<sup>173</sup> Karen E. Smith, **The Making of EU Foreign Policy: The Case of Eastern Europe**, London: Macmillan Press, 1998, pp.142-143.

formed after the elections. The coalition government's aim was to join both in the EU and NATO and as a result it had made political progress and reforms. Slovakia was rewarded by the Helsinki European Council's decision to open negotiations with the country.<sup>174</sup> However, in the case of the Ukraine (as one of the former Soviet republics which had repeatedly indicated its desire to join the EU) because of its lack of progress on political and economic reforms, the country has created difficulties in its relations with the EU. This worsening of relations between the EU and the former Soviet republics has been the case with Belarus and Moldova. The former has been experiencing authoritarian misrule whereas the latter has paralysed its relations with the EU due to its ethnic conflict.<sup>175</sup>

In the political realm, as Grugel (1999) points out, the Central and Eastern European States are cases where international factors have exerted influence over these states' democratization through the diffusion of social and political western values. These are personal liberty, pluralism, the right to political expression and a market economy.<sup>176</sup> As in the case of Poland a political change started at the beginning of the 1980s which caused the collapse of communism and the emergence of democratic governance and liberal economic systems in ex-communist Eastern European Countries.<sup>177</sup> Checkel (2000) claims that, the demands directed from outside not from within- in all these cases concerning the political (membership) conditionality effect- might be perceived as a political oppression instrument which eventually might confront some opposition from inside more importantly.<sup>178</sup> The case of Turkey will be briefly analysed in the following chapters. This constitutes the main analysis of the study, representing in which the way the EU's membership conditionality approach functions, in view of the Helsinki European Council Conclusion in 1999 which granted Turkey official candidate status. This development set a start date for membership negotiations once the political conditions have been met. This shows the increase in the EU's

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<sup>174</sup> Ibid.

<sup>175</sup> Karen E. Smith, *International Relations and the European Union*, pp.286-287.

<sup>176</sup> Jean Grugel, **Democracy Without Orders: Transnationalisation&Conditionality in New Democracies**, 1.Edition, USA: Routledge, 1999, pp. 90-94.

<sup>177</sup> Ibid. p.93.

<sup>178</sup> Jeffrey T. Checkel, "Compliance and Conditionality", **Arena Working Papers WP 00/18**, Oslo, 2000, pp.3-4.

influence on Turkey.<sup>179</sup> However, concerning the extent the EU's influence; Smith claims that if the EU does not promise further enlargement it would have to bear problems relating to the extent of its influence. Whereas, if it continues its enlargement process, the commitment may lack credibility, as the countries have difficulty in meeting the required membership criteria. In addition to this Smith states that, considering an enlarged EU it is highly controversial to further its enlargement mainly depending on the member states' public opinions.<sup>180</sup>

As a promoter of fundamental human rights, the last indicator of the EU's claim and practice concerning its universal human rights is the Commission message. This message had been given to the European Union Council and European Parliament in May, 8, 2001 which was entitled, "The Role of the EU in the Development of Human Rights and Democratization in the Third Countries". The essential elements of the message were the consistent and continuous nourishment of human rights and democratization policies by EU institutions through political dialogue, trade, and foreign aid. This goal was to be pursued through the framework of the programme named the "European Initiative for Democracy and Human Rights".<sup>181</sup>

Until now, we have analysed the meaning of the term democracy and the evolution of democracy through political transformations in several countries, since its presentation as rational political governance. The political transformations included the assurance of freedom of speech, association, participation in general; free and competitive political party elections, the rule of law and equality before the law all prerequisites of a democratic political administration that is to be maintained and sustained. After the above discussions, the study focused on the European Union as a combination of both the supranational and intergovernmental institutional structures and what the European Union understands by democracy. In some respects it can be said that the Union itself possesses a democratic deficit regarding the extent of participation in the decision-making processes of the Union, as the top ruling authority on behalf of its member states.

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<sup>179</sup> Karen E. Smith, *Western Actors and the Promotion of Democracy*, pp.42-43.

<sup>180</sup> Karen E. Smith, *International Relations and the European Union*, p.286.

<sup>181</sup> Türkmen, p.160.

## 2.5 Copenhagen Summit of 1993 and Expectations of Copenhagen Criteria

The conclusions of Copenhagen Summit of 1993 are necessary to be investigated in order to understand the main requirements of the EU from applicants whom want to be part of the EU. The result of the growing number of applicants applying for full-membership and the relative economic and political shortcomings and inefficiencies have produced additional requirements for membership from the EU.<sup>182</sup> Through this Summit the EU gained the leverage to impose its values in clearer manners and offered measures for guidance of progress made in aspirant countries although these are not sufficient to come up with a clear roadmap of how to democratize political systems and what extent of progress would be counted as sufficient for opening up negotiations or absorbing the aspirant in the EU. This in turn causes an ambiguity on the part of the aspirant and would damage the enthusiasm for accession unless consistent monitoring is offered during the relations. In June 1993, the Copenhagen European Council recognised the right of the countries of Central and Eastern Europe to join the European Union when they have fulfilled three criteria that are called the “Copenhagen Criteria”:

- Economic Criteria: a functioning market economy;
- Political Criteria: stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities;
- Acquis Communautaire: incorporation of the Community acquis: adherence to the various political, economic and monetary aims of the European Union.<sup>183</sup>

The first emphasizes the necessity for a consolidated, well-functioning free market economy which is able to compete with other EU countries and their fixed standards in terms of movement of goods, capital, labour and services. The second involves the

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<sup>182</sup> Karen E. Smith, *International Relations and the European Union*, pp.36-37.

<sup>183</sup> *Milestones in the Integration of Human Rights and Democratic Principles into the Legal Order of the EU*, [http://europa.eu.int/comm/external\\_relations/search/policies.htm](http://europa.eu.int/comm/external_relations/search/policies.htm) (15.01.2006).

establishment of a consolidated democracy, rule of law, a well-established human rights regime including the protection of and respect for the right of minorities, adoption of the *acquis communautaire* and related laws, and regulations.<sup>184</sup> The Copenhagen Summit in 1993 was a turning point in the enlargement process of the EU; because, it not only determined the pre-conditions, and criterias but also operationalized them in a document. For the first time, the EU found the opportunity to direct the collection of necessary pre-conditions towards the applicant countries. In this context, it can be claimed that the Copenhagen Criteria, with respect to the evaluation of the progress of the applicant countries on the way to full- membership, has been a fundamental reference point.<sup>185</sup>

According to Dedeoğlu (2003), these conditions packages act as a precaution to remove Europe's 'widening vs. deepening' debate within the Community.<sup>186</sup> Some policy makers, in France, argued that the Community should enlarge only after it is integrated further implying an establishment of alliances of various policy areas. On the other hand, others notably the United Kingdom (UK) argued that enlargement should take place first. The reason is that further integration would make it more difficult for the CEECs to join in. As a result, because of a lack of a consensus, the European Community was concerned with not whether to enlarge, but when and how.<sup>187</sup> Smith (2005) states that, the membership conditions before the Copenhagen Summit of 1993 had not been stated so explicitly. Meanwhile, membership conditions helped to reassure reluctant member states that enlargement would not destroy the Union. The Copenhagen conditions were aimed at the six applicant countries: - Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia. All ten Central and Eastern European Countries (CEECs) applied for membership between 1994 and 1996. As a response to the southern member states who felt that the 'southern dimension' was not receiving as much attention as the eastern applicant states (during the enlargement

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<sup>184</sup> European Council Presidency Conclusions, **European Council in Copenhagen 21-22 June 1993**, Sn180/1/93 Rev1.

<sup>185</sup> Tolga Bilener, "AB'nin Azınlık Hakları Anlayışı ve AB'ye Bütünleşme Sürecinde Orta ve Doğu Avrupa Ülkeleri", In Beril Dedeoğlu (ed.), **Dünden Bugüne Avrupa Birliği**, 1.Edition, Boyut Publishing, October 2003, p.170.

<sup>186</sup> Dedeoğlu, p.58.

<sup>187</sup> Karen E. Smith, *International Relations and the European Union*, pp.273-275.

process); Malta and the Republic of Cyprus were invited to start membership talks at the Corfu European Council in June 1994.<sup>188</sup>

In the 1995 Madrid Summit and in the 1997 Luxembourg Summit, the Copenhagen criterias were advanced and these criterias were adopted as the attributes that a European country should possess in order to attain acceptance into the EU. There were two fundamental criteria: - political and economic. The political criteria required the attainment of the stability of the institutions which guaranteed democracy, the rule of law, human rights, protection of and respect for minorities.<sup>189</sup> The economic criteria required the capacity of the functional market economy to be able to compete with the market actors in the European Union were pre-conditions for full-membership. Also, the Copenhagen Criteria emphasized that, “Membership, supposes that the candidate, applicant, including its participation in economic and monetary union, will undertake other commitments and obligations”. Thus, the Union aimed for both economic and political integration.

The 1997 Luxembourg Summit stated that “It is necessary to adopt the aquis communautaire in the body of current law but it will not be sufficient unless the implementations of these are efficiently achieved”. The European Commission declared its “Agenda 2000” on July, 16, 1997, pointing out that the macro-economic instability and political conditions in Turkey had precluded its financial cooperation and political dialogues. In addition to this, it was stated that there have been visible shortcomings in terms of democratization, human rights and problems in the Southeast region that required a solution on the EU side.<sup>190</sup> The EU had found the opportunity to define the Copenhagen Criteria in detailed terms, and to strengthen the content through the programme named as the “Agenda 2000-For a More Powerful and More Wide Union”.

With these new definitions the Commission focused especially on political criteria. The programme of Agenda 2000 introduced the alteration of the “Superiority of Law” into “Rule of Law” which has depicted in this respect the importance of

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<sup>188</sup> Ibid. pp.276-278.

<sup>189</sup> Oran, Vol.2, pp.344-348.

<sup>190</sup> Ibid. pp.348-355.

realization of democracy regarding its practice besides a paper work.<sup>191</sup> Through this the European Commission published its opinions on the membership applications and efficiently used membership conditionality to influence applicant countries by criticizing domestic and foreign policy choices of applicant countries besides encouraging them to implement the *acquis*. As discussed during the evaluation of the EU's civilian power, during Meciar's government in Slovakia (1992-1998), the EU issued warnings that Slovakia must meet democratic norms and regulations before its application could provide it with full-membership in the EU. Although the EU's demands were not met with full compliance; still it proved to have contributed to the view that membership conditionality is the EU's most powerful foreign policy instrument.<sup>192</sup>

Alongside this framework, the applicant countries should guarantee political pluralism, hold equal and just elections, obtain the independency of judicial organs and materialize freedom of speech, freedom of religion and protect cultural differences. As for the conditions regarding the protection of and respect for human rights, the EU demands not only the equal treatment of the communities belonging to minority groups; but also, measures to be taken which will enable their integration with the society the communities live in.<sup>193</sup> With this document a decision about Turkey was taken which stated the exclusion of Turkey from the "Agenda 2002".

On the other hand, this report confirmed Turkey's eligibility to become a candidate for the EU. Nevertheless, Turkey was not given any perspective relating to the full membership.<sup>194</sup> In the Agenda 2000, the European Commission recommended that membership negotiations be opened with five countries: the Czech Republic, Estonia, Hungary, Poland and Slovenia. As a result, Turkey was not included in the 2 phase enlargement process of the EU during the 2000s with the other five Central and Eastern European countries.<sup>195</sup> Besides Turkey and the other five CEECs (Slovakia, Malta, Latvia, Lithuania, Cyprus), Slovakia was not included in the membership

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<sup>191</sup> Bilener, p.170.

<sup>192</sup> Karen E. Smith, *International Relations and the European Union*, pp.278-279.

<sup>193</sup> Bilener, p.170.

<sup>194</sup> Oran, pp.331-346

<sup>195</sup> *Ibid.*

negotiations due to the fact that it had not met the political condition. Whereas, in March 1998 after the 1997 Luxembourg European Council's approval of the Commission's recommendation to start membership negotiations; the membership negotiations formally began with Cyprus, the Czech Republic, Estonia, Hungary, Poland, and Slovenia. The accession process provided the EU with the ability to project its influence on applicant countries that aspire to full-membership if they met the membership conditions. However, it was Latvia and Lithuania who proved to have made progress in meeting the membership conditions. In October 1999, the Commission recommended that the EU open negotiations with all of the applicant countries except Turkey. The Commission justified its recommendation by claiming that the six applicant countries had met the political condition for membership.

However, Turkey's exemption from the accession negotiation process was justified on the grounds that it had not met the political conditions. Instead, it was declared that Turkey would conclude an Accession Partnership with the EU.<sup>196</sup> The Helsinki European Council in 1999 approved the Commission's recommendations, and opened negotiations with six countries which were named the 'Helsinki Six'. The reason that lay behind this enlargement was mainly the need to contribute to the security and stability of the European continent. This shows that the implications for European security were determining factors in decisions on the enlargement process. In February 2000, the EU had initialized formal membership negotiations with the 'Helsinki Six'.<sup>197</sup>

It would be valuable here, to highlight the requirements of the Copenhagen Criteria during the harmonization process, in order to assess the approach of the EU with respect to its values, rules and regulations. There should be amendments made to the articles of the constitution restricting freedom of thought and speech, human rights violations should be terminated and the provisions restricting individual immunity and freedom must be lifted from the laws. The establishment of associations and assembly, protest marches, freedom for trade-unionism are in the collective freedoms included under the body of current law, which must render compatible the practices and standards of the regulations of democratic societies. The civil-society organizations

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<sup>196</sup> Karen E. Smith, *International Relations and the European Union*, pp.280-283.

<sup>197</sup> *Ibid.*

must have a constitutional guarantee. Moreover, the election system must become just and the political party regime must be democratized. The independency of the judiciary must be realized and the judiciary must retain the right to control the administration. The articles restricting freedom of communication must be lifted and the independencies of the press and broadcast institutions must be consolidated and punishments for infringements should be reduced.<sup>198</sup>

The EU has associated the term democracy with the rule of law, human rights and respect for minorities, which constitute its operationalised Copenhagen Criteria. Tezcan (2003) emphasizes the term by adding the properties below, necessary for the establishment of democracy:

“political pluralism, the existence of a constitutional guarantee that comprises the freedom of speech and religion, the existence of democratic institutions, independent judiciary, judgement and constitutional institutions that will provide the various state units with opportunity to perform their normal functions, the achievement of free and honest elections enabling the different political parties coming into force and generally recognizing the opposition’s role”<sup>199</sup>.

The rule of law means “the institutionalization of trust of society on the part of justice and the embodiment of the mechanism entailing fundamental law guarantees for the society”. The elements defining human rights are “the participation in the Human Rights Agreement and the acception of individual application to the European Council Human Rights Court”. In this context, the assurance and recognition of fundamental freedoms, the protection of freedom of religion, language, gender, race, speech, broadcast and freedom of association and congregation and the protection of minority rights and equality of individuals before the law are considered as referance points of human rights. Finally, there are two fundamental elements related to the matter of respect for minorities which are the Framework Agreement of the European Council concerning the Protection of National Minorities and the Recommendation resolution of

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<sup>198</sup> Devlet Planlama Teşkilatı, **Türkiye Avrupa Birliği İlişkileri Özel İhtisas Komisyonu Raporu**, Ankara, 2000, p.148.

<sup>199</sup> Ercüment Tezcan, “Türkiye’nin Kopenhag Uyumu Sürecinde Yapılan ve Yapılması Gereken Yasal Değişiklikler Üzerine Bir Değerlendirme”, **The European Research Journal**, Vol.11, No.1-2, 2003, p.61.

1201 accepted by the European Council Parliamentary Assembly in 1993.<sup>200</sup> In order to summarize, every effort of the EU in terms of promotion of democratic values and norms with the aim of institutionalization of peace, security, prosperity, democracy and protection of human rights and fundamental freedoms represent the importance that the EU as a supranational body attaches to democracy and its attributes. Hence, in this respect, the introduction of Copenhagen criteria, participation in human rights agreements, resolutions concerning the protection of and respect for minorities serve for the ambitions of the Union.

Following on from prior analysis, this part of the study will start with the evaluation of Turkey and European Union relations with references to Turkish political system before and after the 1980 Coup D'etat until the Copenhagen Summit of December 2002.

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<sup>200</sup> Ibid.

### **3. RELATIONS BETWEEN TURKEY AND THE EUROPEAN UNION WITH REFERENCE TO THE CONCEPT OF ‘DEMOCRACY’**

#### **3.1 The Period Until the 1980 Coup D’etat**

For the existence of a political democracy, the citizens must not be indifferent and should be willing to participate. With regard to the transition to a political system based on political competition, it is essential to share the feeling of belonging to a national society and experience life at the national level. On the other hand according to Turan, the functioning of political democracy is bound up with discussion and compromise. On one hand, Turan claims that, secularism affects the functioning of political democracy. With respect to this conviction, people who think that their actions affect the government and would cause a change in their environment would become ideal for political participation.

On the other hand, one aspect of secularism is that the legitimacy of power is based on the governed not on God. In this way, criticism of power and control of its actions and amendments will be assured.<sup>201</sup> Politics in the Ottoman period was not an issue concerning the governed. However, in the provinces, there were only two signs related to political life, which were tax and the armed forces. The differentiation between religion and politics was not institutionalized. The political system was based on nation-state comprehension which led to an orientation towards a westernization of political elites.<sup>202</sup>

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<sup>201</sup> İlder Turan, “Türkiye’de Siyasal Kültürün Oluşumu”, In Ersin Kalaycıoğlu, Ali Yaşar Sarıbay (eds.), **Türkiye’de Politik Değişim ve Modernleşme**, Alfa Publishing, January 2000, pp.361-362.

<sup>202</sup> Ibid. p.363.

### 3.1.1. Founding Characteristics of the Turkish Republic

During the end of the 18th and 19th centuries reformist Sultans started to modernize the governmental institutions. In the first place, they built military schools and academies which imitated the West; and, they prepared a constitution in 1876.<sup>203</sup>

Under the 1876 constitution (Kanun-i Esasi), albeit restrictive, the first constitutional period in the Empire was initiated and through this constitution a parliamentary system had been established, which was an important development along the road to the supremacy of law. After an interruption of about 30 years, the second constitutional period declared in 1908 reinstated the parliamentary system on the basis of the amended 1876 Constitution.<sup>204</sup> With this constitution, with respect to the development of democracy in Turkish political life, an administration system -based on representation- was first introduced. Meanwhile, there was not any established party (until the amendments made to the constitution in 1909) through which the first political parties were established and a transition to a party system had been realized.

However, because this study concentrates mainly on the relationship between Turkey and the European Union, it is crucial to continue our analysis with respect to progress made in the Turkish political system, with reference to the founding characteristics of the Turkish Republic.<sup>205</sup> “Secularisation” and “Westernisation” have been the goals of the Turkish modernisation project instigated by the Kemalist political elite.<sup>206</sup> The Kemalist ideology is based on Atatürk’s six principles (in Turkish known as the six arrows, *altı ok*): Republicanism (*Cumhuriyetçilik*), Populism (*Halkçılık*), Secularism (*Laiklik*), Revolutionism (*Devrimcilik*), Nationalism (*Milliyetçilik*), Statism (*Devletçilik*).<sup>207</sup> This modernization project was put into force following the formation of the Republic in 1923. The westernisation ideal, however, has longer and deeper

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<sup>203</sup> Ahmad Feroz, **Modern Türkiye’nin Oluşumu**, 4. Edition, Kaynak Publishing, February 2005, pp.40-55.

<sup>204</sup> *Democracy in Turkey*, <http://www.byegm.gov.tr/yayinlarimiz/NEWSPOT/2000/March/N5.htm> (12.04.2006).

<sup>205</sup> Sofuoğlu, pp.92-93.

<sup>206</sup> Öniş, *An Awkward Partnership: Turkey's Relations With the European Union in Comparative-Historical Perspective*, pp.105-110.

<sup>207</sup> Nasser Momayezi, “Civil-military Relations in Turkey”, **International Journal on World Peace**, Vol.15, Iss. 3, New York: September 1998, pp.19-22.

historical roots in Turkey extending over a period of two centuries; going into the pre-Republican Ottoman era.<sup>208</sup> The 1924 Constitution laid the fundamental principles of the new state replacing the Empire and provided for the continuation of parliamentary governments.<sup>209</sup> Under the new Constitution, the Council of Ministers acquired great freedom of action. The judicial and executive powers were clearly separated.<sup>210</sup> As Feroz Ahmad correctly observes, “Turkey did not rise phoenix-like out of the ashes of the Ottoman Empire. It was ‘made’ in the image of the Kemalist elite who won the national struggle against foreign invaders and the old regime”.<sup>211</sup>

According to Cizre (2004), the Turkish Republic was founded by a civil and military bureaucracy. The Turkish Armed Forces entered the new republic in 1923 with a pervasive sense of its own prerogative to watch over the regime it created. Moreover, it has perpetuated its historical pre-eminence by controlling the fundamentals of the political agenda, while remaining beyond parliamentary control.<sup>212</sup> The founders of the Republic have managed to consolidate modernization through implementation of judicial, cultural, and political reforms. All of these aimed to establish Turkish consciousness and identity. These reforms entailed the secularization of education and the judicial system through the elimination of control on religion and the transfer of political legitimacy to the nation.<sup>213</sup> The founders’ first aim was to establish a systemic political culture which would be determined by the principles of nationalism, populism, secularism, republicanism, statism, and revolutionism, known as six arrows, in order to legitimize the political system.<sup>214</sup>

It was the long held desire of Atatürk and his supporters and companions to contribute to the foundation of the Republic, while envisaging sustainable development

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<sup>208</sup> Ziya Öniş, *An Awkward Partnership: Turkey's Relations With the European Union in Comparative-Historical Perspective*, pp.105-110.

<sup>209</sup> *Democracy in Turkey*, <http://www.byegm.gov.tr/yayinlarimiz/NEWSPOT/2000/March/N5.htm>.

<sup>210</sup> *Ibid.*

<sup>211</sup> Ahmad Feroz, *The Making of Modern Turkey*, London: Routledge, 1993, pp.45-55.

<sup>212</sup> Ümit Cizre, “Problems Of Democratic Governance of Civil-Military Relations In Turkey And EU Enlargement Zone”, *European Journal Of Political Research*, Vol.43, 2004, Bilkent University, Ankara, pp.107-125.

<sup>213</sup> İlder Turan, *Türkiye’de Politik Değişim ve Modernleşme*, Alfa Publishing, January 2000, pp.364-365.

<sup>214</sup> *Ibid.*

and a European country bringing with it the attainment of the membership goal.<sup>215</sup> Atatürk focused on the west as the civilization model for Turkey during the transformation period of the country.<sup>216</sup>

As indicated by Aydın and Keyman (2004), “just as other post-colonial states, the history of the making of modern Turkey have been that of Westernisation, conditioned by ‘the will to (Western) civilization’ ”. In the process of ‘making’, the image of the Kemalist elite was to “reach the contemporary level of civilization” by establishing its political, economic and ideological prerequisites; such as: - the creation of an independent nation-state, the fostering of industrialisation and the construction of a secular and modern national identity.<sup>217</sup>

The Kemalist elite thus accepted the universal validity of Western modernity as the way of building a modern Turkey. In this sense, the making of Turkey was based upon both an independence war against Western imperialism; and, an acceptance of its epistemic and moral dominance.<sup>218</sup> Aydın and Keyman interpret this as the “Project of modernity”. During this time of initialization of the modern nation-state, the Kemalist elite attempted to remove from political discourse the notion of an Islamic state. The existence of which was regarded as the main cause of the perpetuation of backwardness in Turkey. Thus, the foundation of a modern nation-state was seen as the crucial element of the road to civilization.<sup>219</sup> As pointed out by Metin Heper, the main reason behind the foundation of the nation-state was that “the Ottoman state was identified with the personal rule of the sultan, which eventually led to its inability to compete with the European nation-state system. More importantly, the Islamic basis of the Ottoman state was regarded as the primary obstacle to progress in Ottoman society”.<sup>220</sup>

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<sup>215</sup> Flam, Harry. “Turkey and the EU: Politics and Economics of Accession”, **Seminar Paper, No.718**, 2003, Stockholm University, Institute for International Economic Studies. [www.iies.su.se/](http://www.iies.su.se/) (17 March 2005).

<sup>216</sup> Aybey, pp.19-22.

<sup>217</sup> Fuat Keyman and Senem Aydın, “European Integration and the Transformation of Turkish Democracy”, **EU-Turkey Working Paper**, No.2 (August 2004), pp.5-6.

<sup>218</sup> Ibid. p.6.

<sup>219</sup> Ibid. pp.6-7.

<sup>220</sup> Metin Heper, **The State Tradition in Turkey**, North HumberSide: The Eothen Press, 1985, pp.20-32.

Kirişçi (2005) points out the fact that, it is Mustafa Kemal Atatürk, the founder of the modern Turkish Republic in 1923, who pioneered and embarked upon the political transformation of Turkish society into a secular and modern state. Since 1950 this has meant a consolidation of democracy on the basis of European norms.<sup>221</sup> Apart from these advancements regarding the modernization efforts, during the Single Party period Turkey was ruled under statist, nationalist and centralist features of state administrative structure.<sup>222</sup>

After the end of the Single Party political administration of the Turkish Republic, Aybey points out the fact that, the emergence of 1946 multi-party elections had been a turning point in Turkey's modern political and economic development. Turkey's inclusion in the Western camp (as a member of the alliance against communism) coincided with the emergence of the multi-party system in the country. With respect to its alliance with the Western camp, Turkey had joined in various international organizations such as the OECD (Organization of Economic Cooperation and Development) in 1948, the North Atlantic Treaty Organization (NATO), and the Council of Europe in 1949.<sup>223</sup>

### **3.1.2 Transition to Multi-Party Regime (1950-1960)**

After 1945, two crucial transformations occurred, democratization and social mobilization. According to Kalaycıoğlu, Turkey- in order to settle its multi-party democratic regime - has had to work hard together with its political elites and the public.<sup>224</sup>

With the 1950 elections, the competitive system in Turkey gained power through the Democrat Party's attainment of majority. It was the first time that power had

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<sup>221</sup> Kemal Kirişçi, "12-13 December 2002 Copenhagen Summit of the European Council and Turkey", **Turkish Industrialist and Businessmen Association Washington Office** (15 December 2002), pp.3-4.

<sup>222</sup> Ersin Kalaycıoğlu, "1960 Sonrası Türk Politik Hayatına Bir Bakış: Demokrasi Neo-Patrimonyalizm ve İstikrar", In Ersin Kalaycıoğlu, Ali Yaşar Sarıbay (eds.), **Türkiye'de Politik Değişim ve Modernleşme**, Alfa Publishing, (January 2000), p.389.

<sup>223</sup> Aybey, pp.20-21.

<sup>224</sup> Turan, *Türkiye'de Politik Değişim ve Modernleşme*, p.387.

changed elections by peaceful methods.<sup>225</sup> After the emergence of multi-party politics in the Republic, it was the Democrat Party who brought the single-party rule to an end and rendered the society content.<sup>226</sup> According to Mardin, a “center” composed of state bureaucracy and intellectuals, also including military elites, have a monopoly to use physical violence. However, the “periphery” implying that of notables as the description of Mardin for the analysis of the political state structure of Turkey after the construction of the Republic, with its heterogenous structure, is the representative of a different culture indifferent of the center. These statements can spread light on the reasons behind the military interventions that have taken place almost every ten years (three times) in the Turkish political system.<sup>227</sup>

Nevertheless when the Democrat Party started to realise that it had been losing its public allegiance, it did not try to adapt itself to the needs and expectations of the society. Instead, the Democrat Party insisted on policies which produced dissatisfaction amongst society resulting in military intervention in 1960.<sup>228</sup>

After the 27 May 1960 Military Coup D’etat in Turkey; the EEC postponed the dialogue with the country.<sup>229</sup> This was happened just after when Turkey applied to join the EEC in July 1959. This was the application for associate membership.<sup>230</sup> The 1960 coup was aimed at the Democrat Party government, who had been in power for 10 years. Prime Minister Menderes was executed in the aftermath of the coup. His government was accused of mounting authoritarianism, which alienated influential parts of the reformist elite – including a sizable proportion of the officers. The officers kept their promise of returning the power to the civilians, and did so in October 1961. The army changed the Turkish political structure, by legalizing and guaranteeing a more permanent role for the army. The junta made its members into permanent members of

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<sup>225</sup> Ibid. p.370.

<sup>226</sup> İter Turan, “The Turkish Political System: Instability and Hurdles,” In Bertil Duner (ed.), **Turkey: The Road Ahead**, Stockholm: Swedish Institute of International Affairs, 2001, pp.18-22.

<sup>227</sup> Şerif Mardin, “Center-Periphery Relations: A Key to Turkish Politics?”, In Engin Akarlı ve Gabriel Ben Don (ed.), pp.7-32.

<sup>228</sup> Turan, *Turkey: The Road Ahead*, pp.18-20.

<sup>229</sup> Ibid. pp.20-22.

<sup>230</sup> Oran, Vol.II, pp.345-346.

the senate; and Military pressure was secured by the head of the junta becoming the elected president of the new parliament.<sup>231</sup>

Between 1959 and 1963, the negotiations were problematic between the EU and Turkey, due to the political situation regarding the military takeover in May 27, 1960; and, parliamentary politics being suspended. However, in the end, the Ankara Agreement between the EU and Turkey was signed on September 1, 1963. The association agreement came into force as of 1 December 1964 which aimed to establish a Customs Union between the Community and Turkey for the full-membership of the Community. This marked their starting date of official relationship. According to Alibey, the Ankara Agreement is crucial in the way that, it establishes the necessary legal basis for the relationship between Turkey and the EEC. On the other hand, during this relationship, Turkey had to comply with the requirements regarding its economic development in terms of three stages, envisaged as the preparatory, transitional and final periods by the EU. Nevertheless in Turkey, the main opposition to full-membership came from Islamists, Leftists and the State Planning Organization (SPO). However, although the Nationalist Action Party and Leftist Labour Party were against the further integration of Turkey with the EU; the coalition government of the 57th government consisting of the Democratic Left Party (DLP), the Motherland Party (MP), and the Nationalist Action Party (NAP) pursued progress for EU full-membership.<sup>232</sup>

According to Kalaycıoğlu, the 1960s and 1970s were the years in which social mobilization accelerated due to migration from villages to cities. From the 1960s onwards, industrialism continued to accelerate. Both the growing number of people inhabiting the cities and investments made therein; increased the gap between village and city life, causing income inequality and economic imbalance. This period marked the rise of the middle-class in Turkey - businessmen, industrialists and public bureaucracy. Unlike the West, the establishment of bourgeoisie in Turkey had been under the control of the state. Whereas in the West, the bourgeoisie had struggled in

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<sup>231</sup> Momayezi, p.7.

<sup>232</sup> Aybey, pp. 21-23.

order to attain political and socio-economic rights from the Monarchy. Kalaycıoğlu states that, still it appears that politics dominate the economy of Turkey.<sup>233</sup>

Turkey experienced another military intervention on March 12, 1971. On the one hand, during the 1971 Military intervention it was only the Demirel government that resigned. Parliament and other democratic institutions still functioned-as normal.<sup>234</sup> The new government which was formed after the military coup was led by Nihat Erim, and supported the country's aspiration of joining the EEC (European Economic Community). The EEC had decided to continue its relationship with the country by enforcing the Additional Protocol on January 1, 1973; although, it appeared that Turkey was not ready with respect to its economy for the opening of the transition period as the first step for the preparation to be able to sign up the Customs Union.<sup>235</sup>

Besides the shortcomings of Turkish economy during the first half of 1970s, Kalaycıoğlu illustrates the obstacles hindering the establishment of democracy in Turkey during the 1980s. These obstacles are the problems of legitimacy and difficulty faced in losing the elections in the Turkish political system. During the years between 1961 and 1980, when a political party won the election, it dominated economical and political decisions. The 1980s can be described as democracy deprived of "political consensus" (among political elites) concerning political party law, public administration structure, election law, political regime, the independency of the judiciary and its role, and the implementation and protection of human rights and freedoms.<sup>236</sup>

### **3.2 The 1980 Coup D'Etat and After**

As Ahmad (February 2005) puts it, the 1980 Military Coup d'etat for all the Turkish and Foreign observers, paved the way to focus on the role of the military in the political life and history of Turkey. The March 1971 and May 1960 preceding military

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<sup>233</sup> Turan, *Türkiye'de Politik Değişim ve Modernleşme*, pp.391-394.

<sup>234</sup> Ibid. p.298.

<sup>235</sup> Aybey, pp.22-23.

<sup>236</sup> Ibid. p.407.

interventions also attracted attention. It was seen that there existed an open intervention model which had been implemented every 10 years.<sup>237</sup>

On the other hand, the “post-modern” military intervention of 28 February 1997 in Turkey (in order to topple the Islamist Welfare Party-True Path Party (TPP) coalition) produced concerns on the side of the EU regarding the role of the military in Turkish politics.<sup>238</sup> Özbudun (2000) emphasizes and identifies the role of the military, the disinstitutionalization, volatility of the party system and the constitutional dilemmas posed by Kurdish separatism and the pervasive lack of accountability as weaknesses of Turkish democracy. The external environment, interplay of domestic politics and external forces are neglected in the study. The significance, in this context, is the EU’s role in Turkey’s democratization process. The impact of the EU on Turkish politics is evident since the attainment of candidate status at the Helsinki Summit in December 1999. An example, a controversial issue that has been discussed by the Turkish state and society is the cultural rights of the Kurds. The Kurdish concern with cultural rights has been influenced by the powerful impetus generated from the probable EU membership. Özbudun analyses the fact that, political Islam in Turkey has evidently gained a moderate aspect through the adoption of a pro-European stance which illustrates the impact of the EU on Turkey’s domestic politics.<sup>239</sup>

With respect to Turkey’s case in its relation with the EU, Özbudun in his study neglects the socio-economic and structural processes in the Turkish democratization process; and, assumes that the evident effect of Turkey’s deficiencies in terms of democracy lies in the activities of the leaders of political parties.<sup>240</sup>

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<sup>237</sup> Feroz, *Modern Türkiye’nin Oluşumu*, pp.8-11.

<sup>238</sup> Ahmet Sezen, “Democratization in Turkey: Copenhagen Criteria for EU Membership and Reflections on Turkish Foreign Policy”, **Annual Conference of the International Studies Association in New Orleans**, Louisiana, March 2002, p.12.

<sup>239</sup> Ergun Özbudun, **Contemporay Turkish Politics: Challenges to Democratic Consolidation**, Boulder, Co:Lynne Rienner Publishers, 2000, pp.38-40.

<sup>240</sup> Ibid. pp.40-43.

### 3.2.1 The Military Administration and Reaction of The European Economic Community (1980-1985)

Turkish democracy during the period between 1980 and 1990 faced two fundamental challenges which were Kurdish separatism and political Islam. They appeared to pose serious threats to the territorial integrity and the secular character of the Kemalist state.<sup>241</sup> Turkish military structure has placed far greater emphasis on its self-appointed role as guardian of the basic principles of the Turkish state. While the military's overseer role, by definition, requires that it remains the pre-eminent source of authority in Turkey, the underlying implication of the EU's entry criteria is that the military structure must be subordinate to democratic control.<sup>242</sup> In the annual reports of the European Commission on Turkey, certain institutional areas of civil-military relations are specifically marked out as requiring reform. The European Commission's report published in November 2001 states that; "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>243</sup>

Considering civil-military relations in Turkey throughout Turkish history, it would not be an exaggeration to state that, with regard to domestic and external issues, the civil-military relations are incompatible with the principles necessary for a democratic governance to be maintained and sustained. In the study by Özbudun and Yazıcı, what causes this, can be depicted as the historical role of the Turkish armed forces in the establishment of the Republic; and, most importantly the military interventions which were made three times in the past. Moreover, besides their interventionist policies in politics, the 1961 Constitution was designed right after the 27 May 1960 military intervention, through their guidance.<sup>244</sup>

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<sup>241</sup> Öniş, *An Awkward Partnership: Turkey's Relations with the European Union in Comparative-Historical Perspective*, pp.114-115.

<sup>242</sup> Cizre, pp.107-125.

<sup>243</sup> Ibid. pp.107-125.

<sup>244</sup> Ergun Özbudun and Serap Yazıcı, "Democratization Reforms in Turkey (1993-2004)", **Tesev Publications**, September 2004 [http://www.tesev.org.tr/projeler/proje\\_demokratiklesme\\_ozet.php](http://www.tesev.org.tr/projeler/proje_demokratiklesme_ozet.php) (22 December 2005), pp. 25-30.

The Military had gained privileges through the amendments to the constitution in 1971, and 1973. These amendments were adopted after the military intervention on 12 March 1971.<sup>245</sup> After the 12 March memorandum, there was no suspension of the relationship between the EEC and Turkey. This was due to the fact that, the intervention was not made as a direct military coup. Furthermore, in place of the former Demirel government, a civilian Nihat Erim government was established which passed the Additional Protocol on to the Turkish Grand National Assembly (TGNA). In this way, it showed that it attached importance to the relationship with the Community. During this period, the conditions depicting disrespect for human rights caused the Community to react to these conditions.<sup>246</sup>

Before examining the relationship between the European Union and Turkey concerning the civil-military relations during the harmonization process; it would be appropriate to analyse the 1980 military takeover and its implications.

The European Economic Community had learned the 12 September 1980 Military intervention in Turkish government by the time it had occurred. Its reaction against this military coup'detat had not been as severe as had been expected by the Turkish side. The National Security Council (NSC) (after its seizure of power) demonstrated that it intended to eventually return power to democratically elected civilian authorities. According to Ergun Özbudun, the NSC's aim was to restructure and revitalize Turkish democracy in order to prevent the recurrence of participation through a popular referendum. The Constitution assigned the Office of the presidency with effective autonomous powers. It provided limited opportunities for political participation, enhanced the role of the National Security Council in national decision-making; and, brought stricter limitations to the expression of ethnicity and religiously-based political preferences. The creation of a military leadership based its legitimacy on a legal and institutional framework based upon the perception of protection against dangers and threats.<sup>247</sup> When the National Security Council decided to dissolve all

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<sup>245</sup> Ibid. pp.30-33.

<sup>246</sup> Oran, Vol.I, p.847.

<sup>247</sup> Turan, *Turkey: The Road Ahead*, pp.18-22.

political parties on October 15, 1981, the EU decided to delay the Fourth Financial Protocol which concerned with direct economic aid to Turkey.<sup>248</sup>

The law on political parties allowed the National Security Council to realize its right to veto the founding members of new political parties. Only three parties could contest the Turkish Great National Assembly (TGNA) when the elections were held on 6 November 1983: - the Motherland Party (MP), the Populist Party (PP) and the Nationalist Democratic Party (NDP). The MP won the elections with 45.2 % of the total valid votes cast. According to Özbudun, the election reflected the support of a majority of Turkish voters for rapid normalization and civilization procedures. Eventually, the members of the National Security Council resigned their military posts and became members of the new Presidential Council; and, the MP was invited by the President to form the government.<sup>249</sup> During these developments, the European Commission declared that it was concerned. It was therefore, monitoring the developments in Turkey (with whom it has historical relations and a common interest), in the hope that she will soon attain respect for human rights and would reestablish democratical institutions.<sup>250</sup>

The relations between Turkey and the European Economic Community (EEC) continued on the basis of the Ankara Agreement. This latter was based on the Roma Agreement of 1958, which is the constitution of the EEC. The Roma Agreement implied that, a country (in order to become a full member of the EEC) should be governed democratically and maintains its respect for human rights. This is the main reason upon which the EEC based its right to intervene in the internal affairs and developments of Turkey. The European Commission gave time to the Turkish military governors and demonstrated on their part that they would not freeze or suspend the agreement. As a justification, they declared that Turkey had given them a guarantee to establish democracy and maintain respect for human rights. It also pointed out that

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<sup>248</sup> Aybey, p.25.

<sup>249</sup> Ergun Özbudun, "Perspectives on Democracy in Turkey", **Turkish Political Science Association**, Ankara, 1998, pp.25-26.

<sup>250</sup> Mehmet Ali Birand , **31 Temmuz 1959'dan 17 Aralık 2004'e Türkiye'nin Büyük Avrupa Kavgası**, Doğan Publishing, (January 2005), p.296-298.

Turkey was committed to the protection and fair-treatment of political parties and politicians who were under custody.<sup>251</sup>

On the other hand on September, 17, 1980, then European Parliament stated matters to be monitored and evaluated. The Turkish public should be given the right to enjoy and benefit from political freedoms and freedom regarding the establishment of trade-unions. Unless democratic practices will continue, this will put Turkey into a position of violating the agreements, democratic principles and the respect for human rights which are seen as precondition for the dialogue to continue between a European Country and Turkey.<sup>252</sup> Nevertheless, during 1982, when Ecevit was sentenced regarding his demonstrations in a journal which was seen by the European side as an obstacle for the democratical transformation, EEC Commission implied its intention to suspend the relations with Turkey. The EEC Commission also implied (in individual conversations) that community financial aid would be adversely affected in the case of any violation of democratic principles and agreements. Turkey received (her first) serious European pressures for human rights after the 1980 coup d'etat. This pressure came from the Council of Europe, the European Community (EC), and Amnesty International, trade unions, and human rights organizations. Also, individual countries insisted on an immediate restoration of democracy and criticized Turkey's violation of human rights with respect to its military regime.<sup>253</sup> In Turkey, however, there was a strong belief that she was pursuing her return to democracy through the realization of a referendum on its constitution and through the working of the Consultant Assembly. Europe was determined not to revitalise relations, unless Turkey met the requirements of the EEC.<sup>254</sup> After becoming a Union, when it started to emphasize historical and ideological matters, the EU started to consider whether or not Turkey could follow Europe's ambitions and attain a European identity. Also, whether or not, Turkey is included in Europe's borders. During this phase, the EU stressed more the values of democracy and economic liberalism. Nevertheless, most nations of the EU considered

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<sup>251</sup> Ibid. pp.299-300.

<sup>252</sup> Ibid.

<sup>253</sup> İhsan Dagi Duran, "Democratic Transition in Turkey, 1980-1983: The Impact of European Diplomacy" in S. Kedourie (ed.), **Turkey: Identity, Democracy and Politics**, London: Frank Cass, 1996, pp.123-140.

<sup>254</sup> Birand, pp. 308-311.

Turkey as not belonging to the EU. Western countries international relations focus was on the human rights issues during 1990s. This was during the time when Turkey's human rights violations existed.<sup>255</sup> Since then (and especially through the amendments made in the constitution) the military has been to a certain extent deprived of privileges with respect to the democratisation and civilianisation reforms adopted under the influence of the EU. Thus, it can be claimed that, major political decisions in both domestic and external affairs, are now taken by civilians in line with democratic principles.<sup>256</sup>

Moravcsik (2000) underlines that the main dynamic behind the democratization was actually the inclusion of Turkey to the human rights regime in Europe just before the initiation of membership application in 1987. During the second half of 1980s Turkey was granted the right for individual petition to European Court of Human Rights.<sup>257</sup> Moravcsik concentrates on ECHR (the European Convention for the Protection of Human Rights and Fundamental Freedoms); he comments on this Convention. The "newly established democratic governments' willingness is to carry on the 'sovereignty cost' to establish reliable judicial constraints on future undemocratic governments or on democratically elected governments that may seek to subvert democracy from within."<sup>258</sup> Furthermore, political and economic instability, struggle with the PKK (terror organization) that Turkey had experienced since the first half of the 1980s affected Turkey-EU relations more than before. But, Turkey and the EU perceived their relations in different perspectives concerning Turkey's urge for strengthening the relations in order to become a full member of the EU. The EU nevertheless, did not seem to be as enthusiastic as the Turkish side in adopting full membership perspective and continued Customs Union in terms of a partnership relation framework.<sup>259</sup> Baskin Oran states that there was a continuous tension between Turkey and the EU during the years between 1990 and 2000.<sup>260</sup> The 1990s saw military

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<sup>255</sup> Öniş, *An Awkward Partnership: Turkey's Relations With the European Union in Comparative-Historical Perspective*, pp.105-110.

<sup>256</sup> Özbudun, pp.30-33.

<sup>257</sup> Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe" in **International Organization**, Vol.54, No.2, 2000, pp.217-252.

<sup>258</sup> Ibid. p.230-243.

<sup>259</sup> Oran, Vol.I, pp.850-852.

<sup>260</sup> Ibid. p.852.

influence in Turkish politics during which there appeared militant secessionist movements and threats originating from religious fundamentalism. In fact, The Turkish ruling elite saw these demands for democratization and reform (coming from the EU) as threats to the unitary and secular character of the Turkish state.<sup>261</sup>

Cizre states that the military initiates and exerts pressure on the political class in Turkey, the public and the judiciary to ban political parties when it deems they operate against the founding principles of the Turkish Republic.<sup>262</sup> Cizre concludes that the reason for the TAF's (Turkish Armed Forces) self-perpetuating importance can be traced not to its guardian role, but to the more subtle form of governance of civil-military relations in Turkey. The power that the TAF has successfully developed with the Turkish public in obtaining approval is performed through seemingly non-repressive methods. The TAF is careful not to give up any signs of relinquishing its guardianship role, even after the 1999 Helsinki Summit's conclusion regarding the approval of Turkey's candidacy.<sup>263</sup>

During the second half of the 1980s, Turkey was establishing and implementing economic reforms, which entailed liberal policies and the normalization of the political situation in the country. Because of this, Turkey had been able to restore its relationship with the EEC.<sup>264</sup>

After the military intervention of September 12, 1980, most political parties and interest groups shared the conviction that Turkey's European Community (EC) membership would eventually provide the country with the stabilization and protection of democracy.<sup>265</sup> . April 14, 1987 Turkey applied for full-membership to the European Community. Turkey's application to the EC was declined. Turkey had signed the Association Agreement with the EEC and perceived this relationship to be a crucial step

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<sup>261</sup> Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era".In Çarkoğlu Ali, Barry Rubin, (eds.), **Turkey and the European Union**, Domestic Politics, Economic Integration and International Dynamics, Frank Cass and Company Ltd., 2003, pp.24-25.

<sup>262</sup> Cizre, pp.8-15.

<sup>263</sup> Ibid. 8-19.

<sup>264</sup> Ali Aybey, "Turkey and the European Union Relations: A Historical Assessment", **Ankara European Studying Journal**, Vol.4, No.1, Güz/2004, pp.24-25.

<sup>265</sup> Zuhale Gündüz Yeşilyurt, "Turkey's Approach Towards The EU, Views From Within", **Journal Of International Affairs**, Vol:8, No:3, September-November 2003, p.105.

for its full membership aims. On the one hand, the Commission had demonstrated that Turkey had important shortcomings in terms of democracy and human rights. As it had also not overcome its macroeconomic imbalances, this meant that Turkey was not ready for membership in the short run; but, was a country possessing eligibility for membership.<sup>266</sup> On the other hand, the Commission's response to the Turkish application was that the EU was in the process of trying to integrate its three new member states. In addition to this, the Commission pointed out that it was trying to complete common market developments; and, that it could not consider new applications from any candidate during this period.<sup>267</sup> Turkey was very much frustrated and disappointed with the fact that she was not included in the enlargement strategy and schedule of the Union.<sup>268</sup>

The European Commission's report on Turkey's application for full-membership underlined the fact that the Turkish economy was not ready for an immediate entry into the Union, while stating that the economy was "insufficiently developed to compete with the Community's emerging single market".<sup>269</sup> However, Turkey had been the first country to conclude a Customs Union with the European Community (EC) without its inclusion in the EU as a full-member.<sup>270</sup> Nevertheless, Turkey's application was decisively declined by the European Council on the grounds that Turkey had failed to satisfy both basic economic and political criteria for full-membership. It was also indicated that, in any event, another phase of enlargement would not be considered at until least 1993.<sup>271</sup> Instead, the European Commission proposed a recommendation. The recommendation was to reactivate and deepen the Customs Union which had been on the agenda ever since the very first agreement of 1963.<sup>272</sup>

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<sup>266</sup> Oran, Vol.II., pp.345-346.

<sup>267</sup> Müftüler Meltem-Bac And Lauren M. McLaren, pp.20-22.

<sup>268</sup> Aybey, pp.27-28.

<sup>269</sup> Ibid. p.29.

<sup>270</sup> Ibid. p.30.

<sup>271</sup> On the arguments leading to a rejection of Turkey's application in 1987 both on economic and political grounds see Commission of The European Communities, *Commission Opinion on Turkey's Request for Accession to the Community*, Brussels, 20 December 1989, available at <http://www.mfa.gov.tr/grupa/ad/adab/opinion.htm>(25.01.2001)

<sup>272</sup> Fulya Kip Barnard, "Soğuk Savaş ve Sonrasında Türkiye-AB İlişkileri", In Cem Karadeli (ed.), **Soğuk Savaş Sonrasında Avrupa ve Türkiye**, 1.Edition, Ayraç Publishing, Ankara, 2003, pp.234-236.

In relation to this development, in June 1990, the European Commission had presented the “Matutes Package”, which contained measures on trade relations, economic and industrial cooperation, financial aid and political dialogue.<sup>273</sup> The European Parliament which had been monitoring the political developments in Turkey since the 1980 Coup d’etat; and, had declared its report towards Turkey about the country’s human rights conditions, democratization and Kurdish problem. This declaration had activated Turkish side to take into consideration its developments in human rights. Moreover, the Parliament threatened Turkey that, unless the precautions were taken by the Turkish government, they would block the Customs Union. As a result of all these developments the European Parliament had accepted the Customs Union agreement for ratification on December 13, 1995. A pre-condition had been added regarding the observation and assessment of human rights developments in the country.<sup>274</sup> Immediately after the coming into force of the Customs Union Agreement on 01 January 1996, Turkey was expecting that it would be declared as a candidate for membership.<sup>275</sup>

In fact, at the European Council of April 29, 1997, the EU had confirmed Turkey’s eligibility for membership and requested a report from the European Commission including an assessment of Turkey’s socio-economic and political situation. This report was to provide the Council with recommendations in order to deepen relations with Turkey and the EU.<sup>276</sup>

### **3.2.2 Luxembourg Summit of 1997**

1997 Luxembourg Summit states that, the start of negotiations with applicant countries does not mean that they will complete the negotiations synchronously; and, that accession depends on the EU’s capacity to absorb new members into its boundaries.

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<sup>273</sup> Sanem Baykal and Tuğrul Arat, “AB’yle İlişkiler” In Baskın Oran, (ed.), **Türk Dış Politikası, Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar**, Vol.2, İletişim Publishing, İstanbul, 2002, p.327.

<sup>274</sup> Barnard, pp.234-235..

<sup>275</sup> Ibid. p.236.

<sup>276</sup> Ibid. pp.28-29.

Consequently, this condition was not only created for Turkey but also for other candidate countries.<sup>277</sup> However, regarding the illiberal political regime and shortcomings in the economy; Turkey's application was declined in the European Commission report in 1997. The Report stated that Turkey was not ready for full-membership in the few years time. Instead, Turkey was only given the chance, if they met the Copenhagen Political Criteria, for an assessment of its record in late 2004 and start of accession negotiations without any delay.<sup>278</sup> The European Council of Luxembourg on December 13, 1997 decided to propose Turkey "a special 'European Strategy' which will be continued with a later membership" including the applicant country in a distinct category.<sup>279</sup> These declarations had taken place when conflict between Turkey and Greece had arisen, due to a dispute concerning the islet of Kardak in the Aegean Sea.<sup>280</sup> The commission repeated Turkey's possibility for candidate membership, but did not give Turkey an Accession Partnership Strategy document as had been given to other candidate countries in the enlargement process. Turkey considered this decision to be unjust and discriminatory. As a result, Turkey decided to freeze its political relationship with the European Union. Barnard states that the Luxembourg summit is a turning point in the relationship between Turkey and the EU.<sup>281</sup>

It is necessary here to evaluate the progress reports of the EU Commission since the year 1998. These regular reports (of the European Commission) evaluate the progress and advancements of candidate countries, regarding full membership status. The Commission reports demonstrate any problem areas, and shortcomings. Also, the progress made through reforms, regulations, and the promotion of democratic practices; norms that are given in the harmonization packages of the applicant country.

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<sup>277</sup> Burak Erdenir, **Avrupa Kimliği, Pan-Milliyetçilikten Post Milliyetçiliğe**, Ümit Publishing, 1.Edition, Ankara 2005, p.251.

<sup>278</sup> Ersin Kalaycıoğlu, "The Political Criteria: Fair or Strict Conditionality?", Conference on **Turkey, the EU and the 2004 milestone: Is this time for real?**, Oxford: University of Oxford, 14 -15 March 2003, pp.4-5.

<sup>279</sup> Aybey, p.29.

<sup>280</sup> Ibid. p.28.

<sup>281</sup> Barnard, p.235.

These reports are evaluated by the Council of Ministers or divine heads of states who-in turn- will decide on the future position of the applicant country as an EU member in the second phase. In the EU Commission's progress report of 1998, Turkey's status and condition was evaluated in terms of the Copenhagen Criteria; namely democracy, human rights and the protection of the minorities. In terms of a political framework, there were deficiencies regarding the functions of public authorities, the continuation of human rights abuses and violations, and the maltreatment of minorities. Concern over the lack of civil control of the military (which increases the NSC's influence in political life) was stated in the Commission report of 1998. A non-militaristic civilian solution for the situation in the South-East was deemed necessary, in the declaration. As a matter of fact, most of the civil and political rights' violations (that are monitored in the country) are related to this matter. In an indirect way, Turkey was being called upon to contribute to the resolution of its conflictual relations between its neighbours through international law and peaceful manners.<sup>282</sup> It has also been stated that Turkey should be determined in its struggle against human rights violations.<sup>283</sup> Turkey, it was said, has the necessary properties of a democratical system, but she has not met the Copenhagen political criteria regarding the existence of prevalent torture, the restriction of freedom of speech by responsible offices. However, although there has been some progress in the independency of the judiciary, the emergency court system had prevailed. The report also had pointed out some of the advancements in terms of democracy; whilst trusting that this positive atmosphere would continue.<sup>284</sup>

In conclusion, the 1999 progress report illustrated the serious deficiencies related to the protection of human rights in Turkey by indicating that torture does not remain systematic but continues to be prevalent, freedom of speech has been restricted by the

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<sup>282</sup> Oran, Vol.II, pp.349-350.

<sup>283</sup> Abdullah Özkan, **Küreselleşme ve Avrupa Birliği ile Bütünleşme Sürecinde Türkiye**, Tasam Publishing, 1.Edition, 2004, p.91.

<sup>284</sup> Ibid. pp.350-351

authorities, the precautions taken for the independency of the judiciary are insufficient, the National Security Council prevails and still plays a role in political life.<sup>285</sup>

### 3.2.3 Helsinki Summit of December 1999 and EU Requirements

With the announcement of Turkey's candidacy as of December 1999 European Union's Summit in Helsinki; Turkey was declared to be addressing the implementation of a pre-accession strategy as were other candidate countries.<sup>286</sup> The 1999 Helsinki summit states that Turkey is "destined to join the Union on the basis of the same criteria as applied to other candidate states". Under the section on "Framework for Negotiations" the European Council declared that the "objective of negotiations is accession". Yet, it went on to qualify this objective by adding that these "negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand". Kirişçi, in his study, claims that such a statement (in the paragraphs of the declaration) not only lead many in Turkey to believe that the EU is not genuine; but that it also wants to keep the door open for a "special-enhanced relationship" falling short of full-membership.<sup>287</sup> Ugur (2003) underlines the fact that, "the offer made at Helsinki was front-loaded in terms of conditions/obligations (reforms and peaceful resolution of disputes) and back-loaded in terms of the rewards (the start of accession negotiations)."<sup>288</sup>

Before Turkey's accession to the EU, Turkey had been required to fulfil the political criteria as a pre-requisite for opening up accession negotiations with respect to its 'Framework Regulation'. Preparation of a National Programme was also required by the EU with respect to the publication of the Accession Partnership document which the EU Commission had prepared for Turkey.<sup>289</sup> After the approval of the Accession

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<sup>285</sup> Devlet Planlama Teşkilatı, **Türkiye Avrupa Birliği İlişkileri Özel İhtisas Komisyonu Raporu**, Ankara, 2000, p.141.

<sup>286</sup> Aylin Güney, "The Future Of Turkey In The European Union", Department Of Political Science, Ankara: Bilkent University, Article in Press, Published by Elsevier Ltd, 2004, p.3-5.

<sup>287</sup> Kirişçi, *12-13 December 2002 Copenhagen Summit of the European Council and Turkey*, pp.9.

<sup>288</sup> Mehmet Ugur, "Testing times in EU-Turkey relations: the road to Copenhagen and Beyond", **Journal of Southern Europe and the Balkans**, Vol.5, No.2, 2003, p. 171.

<sup>289</sup> Güney, pp.3-5.

Partnership by the EU Council of Ministers on 8 March 2001, the Turkish Government announced its own 'National Programme for the Adoption of the EU Acquis' on 19 March 2001 and submitted it to the European Commission. The National Programme included short and medium term priorities regarding the Copenhagen political criteria as indicated in the Accession Partnership.<sup>290</sup> The commitments in the National Programme and the "political criteria" chapter must correspond to the EU's expectations and requirements from Turkey.

EU conditionality targets both the basic norms of liberal democracy -particularly the civilian control of the military-, and the more contested minority rights; Schimmelfennig, Engert and Knobel (2003) claim that since Turkey received candidate status at the Helsinki Summit of December 1999 it has been EU membership conditionality that has influenced the legislative package passed by the Turkish parliament in January and August 2002 including the introduction of new civil code. It introduced significant changes in the area of gender equality, and the protection of children and vulnerable persons<sup>291</sup> and the abolition of the death penalty and the right of broadcasting in languages other than Turkish.<sup>292</sup> As stated by Kubicek, "if before there had been half-hearted reform efforts and only superficial debate on what EU membership would mean, the 1999 Helsinki decision would provide an "irreversible impetus" to the reform process".<sup>293</sup> As a result of the conclusions at the Helsinki Meeting of the EU Council in 1999, Turkey adopted technical and administrative aspects of EU trade policy regarding the enhancement of a Customs Union; and, attained candidate status for full-membership. Although Turkey had signed the Accession Partnership with the EU, it had not received a timetable for accession as had other Eastern and Central European Countries.<sup>294</sup> The decision for Turkey's candidacy

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<sup>290</sup> Ibid, pp.5-10.

<sup>291</sup> Senem Aydın and E. Fuat Keyman, "European Integration and Transfer of Turkish Democracy", Centre for European Policy Studies, **EU-Turkey Working Papers**, No.2 (August 2004).

<sup>292</sup> Schimmelfennig, Engert, and Knobel, pp.495-518.

<sup>293</sup> Paul Kubicek, The European Union and Democratization 'From Below' in Turkey". In **European Union Studies Association (EUSA)**, Biennial Conference 2005 (9th), pages:28, Austin, Texas, [http://aei.pitt.edu/3018/02/kubicek-austin\\_paper.doc](http://aei.pitt.edu/3018/02/kubicek-austin_paper.doc) (10 March 2005), p.10.

<sup>294</sup> Flam, pp.2-5.

meant that Turkey will be treated equally with the other candidate countries and will be applied the pre-accession strategy.<sup>295</sup>

The EU Commission's 2000 Progress Report included the evaluation of developments in Turkey during its candidacy process.<sup>296</sup> In 2000 the Commission, in its Regular Report on Turkey, stated again that Turkey had still not fulfilled the Copenhagen criteria with a particular emphasis on inadequate respect for human rights, the rights of minorities, the situation of the Kurds and the constitutionally backed role played by the armed forces in political life via the National Security Council.<sup>297</sup> Others were the shortcomings, regarding the slowness of institutional reforms, the problems being experienced in the judiciary, corruption, and conditions in Turkey's jails.<sup>298</sup>

The Roman Catholics, the Conservatives of Europe and V. Giscard d'Estaing protested against Turkey's candidate status in 2002. Their concern relate to the geographical distance from the territories of Europe; and, its high and relatively poor and weighted Muslim population. These concerns still exist today. After Turkey's long years of coalition government, finally, on the 3<sup>rd</sup> November 2002, elections resulted in a single party government formed by the Justice and Development Party (JDP).<sup>299</sup> JDP, a center-right political party, came to power through an open and just election.<sup>300</sup> JDP government and the opposition party (Republican Party) in the Turkish Parliament have been willing to receive a start date for accession negotiations with the EU that will eventually end up with full-membership. This Islamist rooted party in power, hoped to stabilize the country's political regime and structure by making progress, advancements, and reforms to create a more consolidated democracy in Turkey.<sup>301</sup> This government has been pursuing determined policies, with respect to reforms required by the EU. It has introduced four political reform packages. These major reforms include the alteration in the anti-terror law which put restrictions on the freedom of thought and

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<sup>295</sup> Oran, Vol.II, pp. 350-353.

<sup>296</sup> European Commission, 2002 Regular Report from the Commission on Turkey's Progress towards Accession, [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm).

<sup>297</sup> Ibid.

<sup>298</sup> Oran, Vol.II, p.360.

<sup>299</sup> European Council 2002 *Presidency Conclusions*, Copenhagen, [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm), (12.05.2006).

<sup>300</sup> Kalaycıoğlu, *The Political Criteria: Fair or Strict Conditionality*, pp.1-5.

<sup>301</sup> Ibid. pp.5-9.

expression; freedom to establish private schools to teach Kurdish; and, broadcasting in Kurdish and other languages commonly used in Turkey through private television and radio stations: It removed the National Security Council's executive powers and changed it into an advisory council. Finally, other reforms included an eradication of the state of emergency in the south-east, and the introduction of rights for non-muslim minorities.<sup>302</sup> Thus, we can concur with Keyman, that,<sup>303</sup>

“Post-Helsinki dynamics clearly facilitated the development of a powerful ‘pro-EU coalition’ in Turkey. This coalition was not only committed to EU membership as a general ideal, but was also prepared to push for the kind of reforms needed to satisfy the conditions specified by the EU.”

In October 2002 the Commission issued its regular progress report on Turkey. Although the Commission welcomed the reforms (made after the issue of the previous regular report in 2001 until mid-September), particularly underlining the significance of the reforms made in August 2002; it still stated that Turkey doesn't fully meet the Copenhagen criteria.<sup>304</sup> The 2002 Regular report states that restrictions imposed on fundamental rights and freedoms have not been lifted. It stressed this deficiency in Turkish democracy.<sup>305</sup> Öniş (2003) claims that, unlike the Customs Union's comments of 1996, the 1999 Helsinki Summit conclusions genuinely proved to be an effective incentive to Turkey's democratization process. This decision of the European Union “as a powerful engine of democratization” is reflected in the increase in the number of reforms which have been undertaken in Turkey since the Helsinki Summit of 1999.<sup>306</sup> As discussed above, the Helsinki Summit of the EU has generated a turning point on the part of the EU. Ever since this period Turkey has been committed to enforce necessary reform in order to receive benefits of the EU which serves as incentives for democratization. This result highly supports the assumption that, the more consistent the

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<sup>302</sup> European Council, 2002 Presidency Conclusions, Copenhagen.

<sup>303</sup> Fuat E. Keyman and Ziya Öniş “Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish State”, In Mehmet Uğur and Nergis Canefe (eds.), **Turkey and European Integration: Accession Prospects and Issues**, London: Routledge, 2004, pp.16-17.

<sup>304</sup> European Commission, 2002 Regular Report on Turkey's Progress towards Accession, pp.15-44.

<sup>305</sup> Abdullah Özkan, **Küreselleşme ve Avrupa Birliği ile Bütünleşme Sürecinde Türkiye**, 1.Edition, Tasam Publishing, 2004, p.91-92.

<sup>306</sup> Öniş, *Turkey and the European Union, Domestic Politics, Economic Integration and International Dynamics*, pp.9-10.

EU renders in its policy applications, the more legitimate and credible it would become on the eyes of its citizens and aspirants.

### **3.2.4 Copenhagen Summit of December 2002**

The period after the Copenhagen Summit has to be analysed on the basis of the requirements of the EU from the applicants and candidates. In the previous chapter the expectations of the Copenhagen criteria and the *acquis communautaire* in terms of democracy were highlighted.

In this chapter, the study will continue to focus on developments in terms of Turkey's (and some of other Eastern and Central European States') candidate statuses after the Copenhagen Summit; with respect to the basic principles and values of the European Union. The study will try to shed light on the requirements of the European Union from the candidates who try to meet these prerequisites to become a part of the Union.

(As discussed in the above chapters) In its Agenda 2000 report (on the enlargement published in July 1997) the European Commission stated that, the realization and assurance of peaceful relations with any neighbour or third country is necessary, before any applicant country can procure accession. This was one of the many pre-conditions that the EU gave applicant countries, as its foreign policy instrument, representing its conditional offer of membership.<sup>307</sup> The Commission's July 1997 Agenda 2000 foresaw the joining of the Central and Eastern European countries and the "Republic of Cyprus" to the EU in the 2000s. This enlargement was scheduled to take place in two waves; the first wave included the integration of Poland, Hungary, Czech Republic, Slovenia, Estonia and the Republic of Cyprus whilst the second wave

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<sup>307</sup> Karen E. Smith, *Western Actors and the Promotion of Democracy*, p.36.

was comprised of Slovakia, Latvia, Lithuania, Bulgaria and Romania. Turkey was not included in any of the enlargement waves.<sup>308</sup>

The European Union Commission, on November 2002 had prepared road maps (feuilles de route) in order to help the countries Bulgaria and Romania along the path to full-membership. These roadmaps had been accepted by the State and Government Presidents on December 2002 at the Copenhagen Summit.<sup>309</sup> At the Copenhagen Summit of 2002, the EU decided to open accession negotiations with Turkey. This was on condition that the country fulfilled the (Copenhagen) political criteria, reinforced the EU's commitments. The Copenhagen summit created a 'sense of certainty' in relations between Turkey and the EU, through the granting of a specific date for the opening up of accession negotiations.<sup>310</sup> However, at the civil and public sphere, what expected of the EU was the granting of a start of accession negotiations. This, in turn, produced critics and discontent among the Turkish public. The Copenhagen European Council concluded that if Bulgaria and Romania complied with the membership criteria, they would be acceded to the European Union in 2007. The Copenhagen European Council 2002 conclusions have been crucial in the sense that it provided the candidate countries with a definite date for accession. Turkey was informed that a decision on opening membership negotiations with the country would be taken by the end of 2004.<sup>311</sup>

On March 2003, the Accession Partnership document was updated. As a response to this, an updated version (of the National Programme) National Programme II was accepted on July 2003 at the Council of Ministers. Finally, during the years between October 2001 and October 2003, Turkey made serious amendments to the 1982 Constitution accepting 7 harmonization packages.<sup>312</sup> These contain various amendments to the laws which will be briefly analysed in the following chapters.

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<sup>308</sup> Ibid.

<sup>309</sup> Tezcan, p.98.

<sup>310</sup> Ziya Öniş and Fuat E. Keyman, "Turkey at the Polls: A New Path Emerges", **Journal of Democracy**, Vol.14, No.2, 2003, pp.95-107.

<sup>311</sup> Karen E. Smith, *International Relations and the European Order*, p.284.

<sup>312</sup> In order to fulfil Copenhagen Political Criteria, the necessary judicial amendments must be adopted systematically. In the case of any judgement that is inharmonious with the criteria related to whichever field of the legal body of current law, all of these should be altered with a legal arrangement to that field. (Tezcan, p.100).

## **4. INFLUENCE OF THE CONDITIONAL MEMBERSHIP STRATEGY OF EU ON PROGRESS OF TURKEY IN TERMS OF DEMOCRACY**

### **4.1. European Union's Membership Conditionality**

The EU as liberal democratic system of governance generates levels and types of participation, transparency and public accountability. Democracy emphasizes decentralization, checks on power, pluralism, participation, legitimacy, rule of law. In this regard, as a supranational and intergovernmental political system the aim of the EU is to promote principles of democracy in the international system. While keeping in mind that the EU has distinct features when compared to nation-states, third countries which aspire to be a part of the Union are imposed sanctions and offered incentives in order to comply with the EU norms. However, on one hand, in the case of a democratic shortcoming of the EU institutional system, there emerges a question to what extent the EU would maintain its influence on third countries while lacking a single democratic model of governance encapsulating and uniting divergent national identities and political system within the borders of the EU. On the other hand, the requirements of the EU from the candidate countries regarding values of democracy which are accepted as viable and necessary by the international arena, the justification put forward by the aspirants that accuse the EU of lacking a clear definition and guidance for democracy promotion as one of its foreign policies can not precisely be considered as source of disobedience of the aspirants to the EU norms and alienation from the political issues.

However, as it would be discussed, the degree of power asymmetry is in favour of the EU which in turn, increases its leverage, manoeuvre capabilities, extent of influence on aspirants compliance with the conditions. Although, as discussed above, democratic deficit of the EU and its role in the international system affects the extent of influence the Union might insert, because the outcome of cost-benefit calculations of these candidate countries is in favour of benefits. As a result, the candidate country can not resist any imposition of sanction or more condition because the ultimate aim is to

participate in promotion of democracy. In following part of the study this perception will be briefly analyzed.

The determining factors in the relations between Turkey and the European Union during the 1990s are, end of the Cold war and progress made regarding European integration. The disintegration of the Soviet Union and the collapse of the Berlin Wall, gave way to changes in perceptions and policies in terms of politics, economy and security in all parts of the world, especially in Europe. As Angelov states, with the end of the cold war and emergence of political concerns related to the development of Western style of democracy and market economy generated development aid which became conditional on free elections and open markets. This, in turn, resulted in the introduction of the political conditionality. This type of conditionality granted development aid to the recipient countries on condition that they implemented political reforms.<sup>313</sup> In this context of analysis, there is necessity to discuss the features of the EU in general, as we have already deliberated these features briefly in the previous chapters. It is difficult to arrive to a conclusion about the role of the EU in the international system because of differing views of scholars, academicians and public about the competences of this political system. There are allegations about what the EU should be like in order to develop a more democratic political system. There are propositions being offered through theories related to federalism, confederalism etc. In respect to this, because of the purpose of this study, the research will not be scattered to these theories related to integration. Rather a general evaluation will be made of the extent to which the EU is an international motivating actor in pursuit of promotion of democracy and policy change in aspirant countries such as the Turkey, Central and Eastern European, Southeast European countries.

With respect to the discussion on the role of the EU in international system, there are evident reasons that impede the EU to become a military power although there

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<sup>313</sup> Angel Angelov, "Conditionality and Enlargement: The Case of the European Union", In Georgy Genov, Julia Zaharieva, Krassimir Y.Nikolov (eds.), **The European Union Candidate Countries' Perspectives**, Jean Monnet Doctoral Volume, Bulgarian European Studies Association (BECSA), Sofia, 2005, pp.305-306.

are clear signs showing that the Union moves towards a military power combined with its attributes attached to its civilian power. These reasons are related to the general consensus and identity problems which stem from weak and inconsistent institutions, the absence of rules, a distinct authority, and an outside threat instigating the need solidarity. These obstacles need to be breached in order to find a common ground in the foreign politics of the EU.<sup>314</sup>

In fact, as a sign of a humanitarian intervention associated with the attributes of military power, the peacekeeping force sent to Congo, the creation of an EU Rapid Reaction Force, doctrines on a common defence policy and talks on a common defence budget would lead one to think that the EU has left its civilian power approach, that was so idealized after the world wars, to take its place as a military actor to be reckoned with. The EU, in the case of the DRC (Democratic Republic of Congo) intervention, deemed it necessary to use military means and strategies in order to pursue the civilian goals of peace, stability and safety for the people of Congo and the world altogether.<sup>315</sup> It is, yet not again easy to identify the EU with solely military power, because it still employs features of civilian power as it has been discussed in the prior chapters.

In relation to the role of the EU in international system, according to Grabbe (2001), the Central Eastern European States transformed their political and economic structures and were receptive enough to adapt to the conditions of the EU which were presented at the same time during their search for new political structures and regulation. This meant that the EU policies met with less institutional resistance.<sup>316</sup> Jan Zielonka addresses the question of whether or not the new candidate states that are willing to join the EU, would enhance or pervert democracy. He asks the question that “Should new members embrace or resist the European “democratic” governance?” Zielonka classifies implications of joining the EU. Firstly, after the admission of new

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<sup>314</sup> Madeleine Dölling, “A Civilian Power Europe? A Discussion on How Europe as an International Actor can be Understood”, **Lunds Universitet Statsvetenskapliga Institutionen**, pages:25, 2003, pp.12-22.

<sup>315</sup> Ibid.

<sup>316</sup> Heather Grabbe, “How does Europeanization Affect CEE governance? Conditionality, Diffusion and Diversity”, **Journal of European Public Policy**, Routledge, Taylor and Francis Group, (December 2001).

member states in the Union, democratic decision-making within the EU will have to accommodate a more diversified set of interests and cultural orientations. Secondly, the EU's membership will complicate the structure of democratic decision-making by making it more multi-layered and multi-centred.<sup>317</sup> The danger for democracy in the enlarged Union is that only the top layer of central state officials will have become 'Europeanized', while the public remains excluded from European integration – reducing the prospects for a pan-European *demos* to emerge and exacerbating the democratic deficit.<sup>318</sup>

Zielonka (2005) compares the difference between the governmental structures of the EU and nation state. The EU as a political system has its own administrative and bureaucratic structures independent but also interdependent of those of the national governments. The EU has a supranational character; has its own executive, legislative and judicial structure to run the system, member states governments, national bureaucracies, national and EU political parties and has its own treaties which define its scope of functioning, and civil-society organizations.<sup>319</sup> Authority in the European Union is shared and dispersed among various governmental centres. Central and Eastern European countries as new member states resist the shift of power to European centre. In fact, they showed their discontent by rejecting the draft European Constitution. They did not prefer the European Commission to be more effective by stating that each member state would continue to have its own commissioner with the right to vote. They insisted in the system of a rotating presidency which will allow the main centre of governance in the EU to move from one European capital to another in a regular basis thus preventing the emergence of a single European centre in Brussels.<sup>320</sup>

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<sup>317</sup> Jan Zielonka, "The Quality of Democracy after Joining the European Union", Paper Prepared for the 4th General Assembly of the Club de Madrid in Prague, pages:22, University of Oxford (November 2005), pp.8-18.

<sup>318</sup> Grabbe, *How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity*, pp.113-131.

<sup>319</sup> Ibid.

<sup>320</sup> Zielonka, pp.16-22

New member states fear that, if the European centre which is in Brussels would have more power, it would ignore various local concerns. However, because the new member states are different in some cases from the old-member states, solutions imposed by a strong European centre would not be aware of the differences and would lack the ability to respond the expectations of the new member states.<sup>321</sup> This kind of a political system depicting more like a supranational body, would suffer democratic deficit, as long as it continues to ignore its constituents interests whilst lacking the promotion of democratic participation of citizens of member states in the decision-making processes of the institutions and agencies of the Union. This in the long-run would produce the disillusionment in politics and in turn, this would affect the efficiency of the EU's membership conditionality strategy.

With respect to the EU's efficiency of membership conditionality strategy, according to Grabbe, the result in changes in policy areas depends on the domestic political context. The EU's most powerful conditionality tool is access to different stages in the accession process, particularly achieving candidate status and starting negotiations. Grabbe points out that there are other benefits such as aid; trade can be used to promote domestic policy changes. She continues to state that, although these tools of conditionality can function as a motivating factor/dynamic in the promotion of policy changes in the applicant countries, they have not directly resulted in progress towards membership. In fact, it was the Luxembourg Summit in 1997; Turkey was not granted candidacy status on the grounds that Turkey had not fulfilled the democracy and human rights conditions for accession as prerequisite for starting negotiations.

According to Grabbe, the EU had developed an explicit linkage between benefit and specific tasks for applicants which contributed to the use of conditionality.<sup>322</sup> This development can be investigated in the relations between the EU and Bulgaria and Romania in the sense that in Bulgaria the EU imposed specific tasks on nuclear power,

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<sup>321</sup> Ibid.

<sup>322</sup> Heather Grabbe, "Europeanization Goes East: Power and Uncertainty in the EU Accession Process", **The Politics of Europeanization** (eds.), Kevin Featherstone and Claudio M. Radaelli, Oxford University Press, 2003, pp.315-316.

whereas the Commission imposed specific tasks for Romania on economic reform and state orphanages.<sup>323</sup> Grabbe points out that, the EU in terms of its membership conditionality tools, lacks the stick, but employs the carrot in the sense that it grants rewards in the case of compliance with the EU regulation. However, if the applicant country fails to internalise the community rules, the EU does not impose a sanction or a punishment beyond withholding the reward.<sup>324</sup> In this respect one must refer to the role of the EU in the international system and its both civilian and military capabilities. She continues to state that, the EU embodies a level of uncertainty about the policy agenda that the applicant countries should undertake. This is evident in the case of political conditions for membership, where the candidates are expected to comply with the EU political criteria such as the rule of law, human rights, respect for and protection of minorities. Whereas the EU lacks responsibility for any of these conditions which means that the EU lacks a single model containing a definition of its political values to export to CEE. Also in the case of the CEEs candidacy between the 1993 and 1998, the EU lacked a proper definition representing the hierarchy of tasks which are the conditions for the EU accession and it was unclear to what extent the compliance with the norms and regulations would prove to be sufficient in the start of the accession process.<sup>325</sup>

As stated by Grabbe, the EU became the most important source of trade, aid, finance, investment and security during the CEE countries' candidacies and accession negotiations. This inclination of post-communist states for the EU accession gave the EU broad latitude and leverage to influence the political and economic development of these countries. For Grabbe, identification with Europe (civilization) that embodies values, standards of political behaviour, and socio-economic organization has instigated reform in CEE countries. The prospect of EU membership reinforced the enthusiasm for political reforms. However, for Grabbe, the EU's influence has been limited by two main factors; a lack of clear democratic standards as it has been mentioned above, and problems with democracy within these EU's institutions. The EU's basic tools for

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<sup>323</sup> Ibid.

<sup>324</sup> Ibid. p.317.

<sup>325</sup> Ibid. pp.318-319.

promoting transformation and policy changes were the membership conditions formulated at Copenhagen in 1993.<sup>326</sup>

For Grabbe, however, the EU does not possess formal legislation that incorporates these principles. The legislative text that constitutes the *acquis communautaire*, does not offer enough guidance on how to guarantee democracy, ensure rule of law, protect human rights, or respect minorities. An open security institute report has demonstrated that there is no EU standard for minority rights protection. Until 1997, the EU did not have formal assessment of candidate countries when the Commission published annual regular progress report containing evaluation of improvements made by the CEE countries. Grabbe states “the precise meaning of ‘the stability of institutions guaranteeing democracy’ remains unclear to this day.” Grabbe states that it is necessary for the EU to develop a “core *acquis*” which would serve for the guidance of the reform process of the applicants.<sup>327</sup> For Grabbe, it were Turkey and Slovakia who were granted a clear definition of democracy and Turkey was not accepted as a candidate until 1999. The Commission stated that unless Turkey and other candidates met the conditions for membership, would not begin negotiations. Grabbe states that, it was the 2000 Regular report which indicated the deficiencies of Turkey’s democracy and discussed issues concerning civilian control of the military, freedom of expression for minorities, and the death penalty.<sup>328</sup>

In this respect, it is not easy on the side of the EU; to export a single model of governance due to diverse models of governance in member states constitutes another aspect for measurement of the EU’s membership conditionality as foreign policy tool. Moreover, since the introduction of new policy areas such as single European market, single currency, justice and home affairs, the EU produced new accession conditions presented as compulsory to comply with. However, these new conditions complicate the

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<sup>326</sup> Heather Grabbe, “EU Expansion and Democracy”, *Journal of Politics and Diplomacy*, pages:7, <http://journal.georgetown.edu/Issues/sf04/P&D%20Grabbe.pdf> (26.09.2006), pp.1-5.

<sup>327</sup> Heather Grabbe, “The Process of EU Accession: What Will it Bring to Southeast Europe”, *Global Development, Network Southeast Europe*, pages:13, [http://www.wiiw.ac.at/balkan/files/GDN\\_EU\\_Grabbe\\_EUaccessionprocess.pdf](http://www.wiiw.ac.at/balkan/files/GDN_EU_Grabbe_EUaccessionprocess.pdf) (26.09.2006).

<sup>328</sup> Grabbe, *EU Expansion and Democracy*, pp.5-7.

relations between the EU and applicants. During the previous enlargements, the slow adaptations by poorer countries like Greece caused the establishment of tighter conditions for the CEE countries.<sup>329</sup> It can be claimed that this learned lesson from previous enlargements, resulted in scrutiny and detailed screening processes practiced by the EU during the CEE countries candidacies.

The other limitation on the EU's ability to act as a force for democratization is related to its own democratic deficiencies as a political institution. The applicant countries have to comply with the EU standards, and enforce legislation which is contingent on a powerful executive branch. In fact, both the EU and CEE policy-making is under the control of the executive which reduces the role of the parliament in preparing for accession. This process can erode public support in integration. Therefore, as to Grabbe, negotiations conducted between executive bodies which lacks policy options and debate over alternative solutions do not promote democracy in either the EU or candidate countries.<sup>330</sup>

Grabbe points out that the conditions of the EU require more of a technical compliance with the EU legislation rather than broader democratic reform. This, in turn, limits the EU's ability to prevent the undemocratic practices. The main reason for this is the EU's deprivation of clearly articulated agenda for democratization and indicators for measurement of the quality of democracy. Grabbe states "the EU accession policy discourages democratic accountability and transparency". She continues to point out that with the inclusion of new members in the EU, the EU's ability to influence policy making will be limited.<sup>331</sup>

Grabbe conceives EU accession as a motivation to continue undertaking required reforms. The prospect of EU membership serves as an anchor to undertake reforms. The aspiration to join the EU is a powerful incentive for undertaking reforms. The European Commission through its declaration of annual regular progress reports

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<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

carries out consistent external pressure on aspirants which as a result serves for the credibility of the Union. This in turn helps to ensure continuity of compliance with the EU standards and norms. The credible prospect of membership is supported by benefits, such as additional aid, trade access, most favoured nation status and political support, granted depending on the progress in reform. Grabbe claims that in the case of absence or a withdrawal of a prospect of EU membership, the applicant state would confront difficulties coping with the domestic opposition to reforms.<sup>332</sup>

All in all, the “carrot and stick” approach or the positive conditionality implying offer of “carrot” through encouragement of peaceful transformation of social, political and economic system, whereas as tool of negative conditionality, “stick” employs sanctions including denial of membership, aid and start of negotiations or suspension of accession negotiations produce power asymmetry. This existence of power asymmetry strengthens the bargaining power of the EU, in the cases in which the applicant country is willing to be part of the Union no matter what; and eventually the aspirant would not have the power to object whatever imposed on it such as sanctions or new conditions.<sup>333</sup> Here, this power asymmetry is significant in our understanding of Turkey’s case and position during its relations with the EU. In the following parts of this study, this issue would be examined through the evaluation of Turkey’s case.

## **4.2. An Evaluation of Turkey’s Progress in Democracy**

With respect to the EU’s influence on Turkey’s democratization process (through EU’s political (membership) conditionality strategy), it is necessary to look at the gradual development and progress made by the domestic authorities, in historical order. A military coup on 12 September 1980 triggered the European Union to take a step forward in forcing and inducing Turkey to form its democratic political structure and values. EU membership conditionality forced Turkey to change its military-led political administration. Membership conditionality included the promise of opening up

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<sup>332</sup> Grabbe, *The Process of EU Accession: What Will it Bring to Southeast Europe*, pp.8-13.

<sup>333</sup> Angelov, pp.308-309.

accession negotiations; on condition that Turkey complied with the norms of the EU.<sup>334</sup> The applicant country's acceptance of the reform process is necessary for the opening up of accession negotiations. The incentives and pressures of EU actors are crucial to Turkey's meeting of the EU Copenhagen political criteria; and, her speed in implementing the necessary political reforms.

According to Juan and Stepan (1996), - civil, political society and the rule of law- are also necessary for the consolidation of democracy.<sup>335</sup> Democracy depends on other factors in order to function besides the acquisition of the people's vote. These are basic civil freedoms: - freedom of speech, freedom of association and organization, the rule of law, respect for human rights, assurance of measures of accountability, existence of a well functioning civil society; and, a restrained military and popular support for democratic values and institutions as emphasized in the Copenhagen Political Criteria. Kubicek (2001) analyzes the problems which the Turkish political system and culture has been confronting in terms of democratization since the 1990s. There is the problem related to Kurdish insurgency and how this has been dealt with, that resulted in human rights violations during the first half of 1980.<sup>336</sup> Turkey forbade discussion of Kurdish concerns under Article 312 of the Penal Code; and, criminalized speech that provoked ethnic or religious enmity. Following the imprisonment of the PKK terror organization leader, Abdullah Öcalan, in early 1999; there were concerns about the use of the Kurdish language in public institutions and in education or on special courses. These concerns were considered as crucial for the assurance of cultural rights as endorsed in the EU membership criteria.<sup>337</sup>

The second problem for Turkey (relating to its political system) has been the powerful role of the military in politics. The military had taken over power after it had overthrown three governments during military coups in 1960, 1971, and 1980. The military, functioning as a guarantor of security, democratic stability and territorial

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<sup>334</sup> Linz, Juan and Alfred Stepan, **Problems of Democratic Transition and Consolidation: Southern Europe, South Africa and Post Communist Europe**, London, Johns Hopkins University Press, 1996, pp.89-121.

<sup>335</sup> Ibid. pp.89-121.

<sup>336</sup> Paul Kubicek, "The Earthquake, Europe and Prospects for Political Change in Turkey," **Middle East Review of International Affairs**, Vol.5, No.2, (June 2001), pp.1-3.

<sup>337</sup> Ibid.

integrity, considers Islamists and Kurds as threats to all of the fundamental virtues of the country. Today, the military still has a veto power on political matters and decisions; therefore, civilian politicians lack control over the military. In addition to the problems related to Turkish political system mentioned above, Kubicek (2001) points out the existing limits on political competition in Turkey. He states that, by law, Turkey does not avoid the political party formulations based on class, region, ethnicity or religion. An example of this regulation is, the Refah Party (Welfare Party/WP) who was victorious in the 1995 elections; yet was not allowed to play a role in the political system.<sup>338</sup>

Another shortcoming in Turkey's democratic politic system is that the country employs strong state tradition which can be traced both to the legacy of the Ottoman Empire and Atatürk's leadership and causes concerns in civil-society. Kubicek (2001) states that in Turkey, "state corporatism" was the norm which represents the various state guidances and establishments".<sup>339</sup> He goes further to state that these features of Turkey's political system have been permanent. On the other hand, above all these shortcomings, the EU's decision to grant a candidate status for Turkey in 1999 Helsinki Summit as well as to grant a start date for accession negotiations for October, 3, 2005 on December 17, 2004, both have instigated Turkey to be determined to pursue progress and reforms in terms of political, social, economical matters regarding the fulfilment of the Copenhagen Criteria of 1993 in order to join the EU. The EU is acting as an agent for a long lasting and real democratic consolidation in Turkey, through its membership conditionality strategy. After the approval of the Accession Partnership Document on 4th December 2000 by the EU Council of Ministers, Turkey had to start taking steps towards full-membership and present its National Programme to the EU. This contains the liabilities for structural change, the harmonization of the current law with the EU acquis, in respect to how and within how much time it should meet the requirements of EU membership, which it has committed to undertake.<sup>340</sup> It contained 6 topics: - An

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<sup>338</sup> Ibid. pp. 4-5.

<sup>339</sup> Ibid. p. 5.

<sup>340</sup> Ziya Öniş, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era". In Ali Çarkoğlu, Barry Rubin (eds.), **Turkey and the European Union Domestic Politics, Economic Integration and International Dynamics**, Franc Cass and Company Ltd, 2003, pp.12-13.

Introduction, Political Criteria, Economic Criteria, The Capacity to Assume the Obligations for Membership, Administrative Capacity for the Adoption of the Acquis, and a Global Financial Assessment of the Reforms. In the “Introduction” part of the document it is stated that, full-membership of the EU, “(...)” is a important stage that straightens our Republic’s founding philosophy and Atatürk’s view of the future(...)”,<sup>341</sup>

Since the 1997 Luxembourg Summit, European Commission started to report its evaluation of regular progress made by the candidate countries of Central and Eastern Europe. In the case of Turkey who was not granted candidacy in the Luxembourg Summit of 1997 has been reported in regular basis. In analyzing the opinions and assessments of the 1998 Progress report (which was the first to start the preparation of the evaluations of candidate countries), it was stated that the result of the evaluation in terms of political aspect, entail that there are some disorder related to the function of public authorities. It points out that, human rights violations are still occurring. The lack of civilian control over the military is a source of concern. This is reflected in the role of the military in political life through the National Security Council. It also stated that the struggle against human rights violations should be resolute.<sup>342</sup>

In order to analyse Turkey’s progress (with respect to its commitment in meeting the requirements of the EU), it is crucial to assess the role of the Turkish Grand National Assembly (TGNA) in terms of its amendments to the articles of the Constitution. The TGNA amended 34 of the 177 permanent and 16 temporary articles of the constitution and legalised them in October 2001. Comprehensive progress and advancements have been made in order to liberalize democracy in Turkey in the years 2001 and 2002. These were related to the principles of freedom of thought, expression, and freedom of association, an associability which included the civil servants, promotion of gender equality, fair trial, introduction of the application of the death sentence exceptional, change in the composition of the National Security Court, and the

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<sup>341</sup> Oran, Vol.II, pp.363-365.

<sup>342</sup> Devlet Planlama Teşkilatı, **Türkiye Avrupa Birliği İlişkileri Özel İhtisas Komisyonu Raporu**, Ankara, 2000, p.141.

promotion of socio-economic rights.<sup>343</sup> These Constitutional Amendments were followed by “Harmonization Laws”, to enact and initialize the implementation of these changes. Öniş (2003) describes the period following 2000, as a “profound and momentous” alteration in Turkish history. He states that, without the powerful EU anchor, these improvements may not have been attained. This implies that the EU has become a highly influential external actor in shaping the structure of applicant countries during their relations with it.<sup>344</sup>

The 2001 Regular Report on Turkey and enlargement strategy document for the thirteen candidate countries on 13 November 2001 included Turkey’s progress regarding political criteria and its adoption, as well as implementation of the necessary structural reforms and advances on alignment. Turkey’s amendment of the 34 articles of the constitution, supported by all the political parties represented in the Grand National Assembly of Turkey (TGNA), was considered to be extremely important in her progress towards her accession negotiations. However, more importantly, although progress has been made still, in certain matters and articles such as human rights, reduction of the pre-detention period; the Copenhagen criteria have not been fulfilled. The inadequacies which the report details are related to human rights issues and democracy. It mentioned a series of deficiencies that needed to be corrected. On the other hand, Turkey’s request to begin the screening process had not been accepted in the 2001 Regular Report and instead of this request, an analytical examination of the *aquis* had been proposed.<sup>345</sup>

It would be valuable here, to assess some of the amendments made to the 1982 Turkish Constitution and other substantive changes in the ordinary laws in Turkey between the years 1993-2004. Those connected with the fundamental civil rights and liberties, political rights, and the rule of law. Previously, we have analysed civil-military relations in Turkey before and after the 1980 Military Coup’detat, regarding military

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<sup>343</sup> Kalaycıoğlu Ersin, “The Political Criteria: Fair on Strict Conditionality”, The Conference on “Turkey, the EU and the 2004 Milestone: Is This Time for Real?”, 14 March 2003, Oxford University, p. 25., available <http://www.orinst.ox.ac.uk/nme/nesp/euconference.htm>, 20.06.2006.

<sup>344</sup> Öniş, *Turkey and the European Union Domestic Politics, Economic Integration and International Dynamics*, p.13.

<sup>345</sup> Volkan Bozkır, “2001 Regular Report and Turkey-EU Relations in the Aftermath of the Leaken Summit”, **A Publication of Marmara University European Community Institute**, İstanbul, 2002, pp.213-216.

intervention in political life and its implications for the well-being of the political culture of the country in general.<sup>346</sup> We will continue our analysis regarding the “harmonization laws” that were passed in 2002 and 2003 through seven reform “packages”. The incentive behind all these advancements in the Turkish socio-political system is a longing for full membership of the EU. This was to be attained through meeting the required criteria of the conditional offer of the EU, as the Union’s foreign policy instrument. This has been discussed in previous chapters.<sup>347</sup>

The Turkish Parliament convened on October 3, 2001 to vote on the most comprehensive package of amendments made since the 1982 Constitution which we have discussed above. These amendments revealed a change in approach in line with the priorities of the 2001 National Programme for the Adoption of the Acquis (NPAA); those restrictions made on the fundamental rights and liberties regarding an emphasis on the protection of these rights, liberties and the protection of minority rights. These amendments included the freedom of thought and expression, the prevention of torture, the strengthening of democracy and civilian authority, the inviolability of the domicile, freedom of communication, freedom of residence and movement, the freedom of association and gender equality.<sup>348</sup> In the aftermath of the Leaken Summit of December 2001 the relationship between Turkey and the EU resulted in important decisions on Turkey. The first signal of the opening of accession negotiations (within the enlargement process), was when the EU gave Turkey a clear perspective for the prospected start date of these negotiations.<sup>349</sup>

Following the 2001 regular progress report, in August 2002, amendments to the constitution were advanced. The death penalty was abolished in times of peace and would not be applied to those whom found guilty of terrorist activity,<sup>350</sup> assured legal

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<sup>346</sup> Ergun Özbudun and Serap Yazıcı, pp.9-10.

<sup>347</sup> Ibid. p.10.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> Öniş, *Turkey and the European Union Domestic Politics, Economic Integration and International Dynamics*, p.14.

grounds for non-muslim religious endowments to purchase real estate and property and established the right to broadcast in non-Turkish languages and dialects.<sup>351</sup>

Regarding, these amendments to the Constitution, Turkey has gained success in meeting the political criteria since the Helsinki Summit of 1999. In addition to the Copenhagen political criteria, Turkey had been required to adopt the EU norms regarding the death penalty and individual and cultural rights. Harmonization packages had and are being submitted to the Parliament. In addition, implementation of constitutional amendments needs to be upheld continuously.<sup>352</sup> Single-party rule by the JDP (Justice and Development Party), following their electoral victory in the November 2002 elections; was very effective in changing the domestic sphere through the deepening of the reform process that had been initiated by the previous coalition government.<sup>353</sup>

In December 2002 the EU acknowledged the massive reforms in Turkey. However, it requested the European Commission to monitor closely and assess the adoption of the remaining reforms; and, advise the Council on whether or not accession talks with Turkey could start “without delay in 2005”.<sup>354</sup> The Progress Report of 2002, (about Turkey as a candidate country heading for full-membership) stated, that Turkey did not fulfil political and human rights, the freedom of association criteria. Also, she had deficiencies in the implementation of reforms enacted for membership. However, Turkey had made several constitutional changes and progress regarding the political criteria laid down by the EU Council in Copenhagen in 1993.<sup>355</sup> The report suggested

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<sup>351</sup> Kalaycıoğlu, “The Political Criteria: Fair on Strict Conditionality”, The Conference on “Turkey, the EU and the 2004 milestone: Is This Time for Real?”, pp.9-10.

<sup>352</sup> Bozkır, pp.214-216.

<sup>353</sup> Michael Emerson, Sanem Aydın, Noutcheva, Tocci, Vahl & Youngs (eds.), “The Reluctant Deputante, The European Union as Promoter of Democracy in its Neighbourhood”, **Centre for European Policy Studies**, No:223, (July 2005), pages:44, p.19.

<sup>354</sup> Kemal Kirişçi, “Assessing the 16-17 December 2004 European Council Decision on Turkey: Is it a Historic Decision?.”, **Turkish Industrialist and Businessmen Association Washington Office**, <http://www.tusiad.us/Content/uploaded/TURKEY-EU-RELATIONS-KIRISCI17DEC-FINAL.PDF> (12.05.2006), pp.5-9.

<sup>355</sup> Flam Harry, *Turkey and the EU: Politics and Economics of Accession*, pp.3-8.

that Turkey to make the military subordinate to its elected politicians, extend cultural rights to Kurds and other minorities and respect to human rights.<sup>356</sup>

The Copenhagen Summit of the European Council in 2002 said that Turkey's credentials would be thoroughly assessed and a clear decision would be taken in December 2004. The summit was thought to have positive implications that of the certainty of an EU-Turkish relationship, by giving a specific date for the beginning of accession negotiations.<sup>357</sup> Even though 2004 was a conditional date, it was nevertheless a significant step forward; as "it provided Turkey with the prospect that full EU membership is a real possibility".<sup>358</sup> However, the 2002 EU Commission's latest progress report also declared that Turkey does not fulfil the political and human rights criteria for membership as laid down by the EU Council in Copenhagen in 1993.<sup>359</sup>

However, following the 2002 Regular progress report of the European Commission, the 2003 Progress Report for Turkey reflects a more positive assessment compared to the previous ones. The report focuses more on the progress achieved in the fields of democracy and human rights. The establishment of the Reform Monitoring Committee, the government's zero tolerance of torture, the reforms regarding the structure of the National Security Council, the abolition of the state of emergency in the South-East and positive developments in Greek-Turkish relationship have all been specifically praised by the Commission.<sup>360</sup> However, the Report also has a long list of shortcomings regarding the political criteria. The implementation of reform packages and the progress that they should entail is one of the most crucial shortcomings. Broadcasting in languages other than Turkish and the acquisition of property by the foundations of religious minorities are two of the main obstacles with respect to meeting the conditions declared by the European Union.<sup>361</sup>

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<sup>356</sup> Ibid.

<sup>357</sup> Ziya Öniş and E. Fuat Keyman, "Turkey at the Polls: A New Path Emerges", *Journal of Democracy*, Vol.14, No.2, 2003, pp. 95-107.

<sup>358</sup> Keyman and Öniş, *Helsinki, Copenhagen and Beyond: Challenges to the New Europe and the Turkish State*, pp.23-28.

<sup>359</sup> Flam, p.5-8.

<sup>360</sup> Senem Aydın, "Progress Report on Turkey-Problems and Prospects", *Centre for European Policy Studies*, [http://www.ceps.be/Article.php?article\\_id=134&](http://www.ceps.be/Article.php?article_id=134&) (12.04.2006).

<sup>361</sup> Ibid.

Regarding civilian-military relations, the Report criticizes the continuing influence of the military on politics; and, problems were evident in the civilian control of military expenditure. With respect to human rights and the protection of minorities, there are problems pertaining to the implementation of the European Court of Human Rights decisions. These had resulted from impediments in the fight against torture, the state of prisons, limitations on the freedom of expression, legal bans on the training of clergy of religious minorities, problems in the granting of the right to fair trial; and, restrictive provisions on the right to establish associations. These are the areas on which Turkey needs to focus. She needs to work (in coherence with the *acquis communautaire*) on the implementation of reforms. The Report concludes, “on the basis of the political situation in the country, Turkey still does not fully comply with the Copenhagen political criteria, despite all the reforms that it has made”.<sup>362</sup> The initialization of the permission of broadcasting and education in mother-tongues of minorities and the liberalization of laws restricting freedom of speech and association are indicatives of major progress made in these fields<sup>363</sup>

Öniş (2003) states the highly controversial and debatable issue is education in the mother-tongue. The extension of the cultural rights of “minority groups” makes it necessary to find common-ground regarding the differing approaches of the EU and Turkey to this issue. Whereas the EU promotes minority rights; Turkey has been opposed to any alterations regarding the concerns of ultra-nationalists.<sup>364</sup> Öniş (2004) says it was the Nationalist Action Party (NAP) who were opposed to the major political reforms; those necessary to meet the requirements of the EU in the post-1999 era as a member of the coalition government.<sup>365</sup>

With respect to the shortcomings related to establishment and participation of political parties in politics, there were two democratization packages of January 2003 introduced which brought into being the further liberalization of the Political Parties Law. These democratization packages strengthened the deterrence against torture and

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<sup>362</sup> Ibid.

<sup>363</sup> Öniş, *Turkey and the European Union Domestic Politics, Economic Integration and International Dynamics*, p.14.

<sup>364</sup> Ibid. pp.14-15.

<sup>365</sup> Ibid. p.14.

mistreatment, and further expanded the freedom of the press. In addition to these, the procedures for setting up associations were eased; and, the restrictions that applied to the acquisition of property by non-Muslim community foundations were abolished.<sup>366</sup> This fourth harmonization package brought significant changes to the freedom of association and amended the Penal code, the Law on State Security Courts, and the Law on the Use of the Right for Petition. Thus, the fifth harmonization package of February 2003 included provisions for retrial and the freedom of association. The six harmonization package of July, 2003 included the expansion of the freedom of expression, religious freedom, and to life and retrial. This sixth reform package abolished Article 8 of the Anti-Terror Law (thus further expanding the freedom of speech). An additional amendment expanded broadcasting rights in Kurdish. These reforms strengthened civilian control over the military. They introduced additional measures to strengthen the fight against torture; and the practise of fundamental freedoms. Finally, the seventh harmonization package which came into force on August, 2003; expanded on freedom of expression, cultural rights, civil-military relations, the rights of children, and the efficient functioning of the executive.<sup>367</sup>

In May 2004, another set of amendments to the constitution was approved. Some involved the harmonization of the constitution with the previous democratisation packages. More significant amendments regarding the further development of civilian rule in Turkish politics, reform in the judiciary and freedom of the press were also passed by parliament. The May 2004 constitutional reforms revised Article 90 of the Constitution and accepted the primacy of international and European human rights conventions concerning fundamental rights embodied in domestic legislation.<sup>368</sup> The May 2004 amendments represent a broad range of amendments to the constitution including a crucial change in the protection of human rights. This related to the strengthening of civilian control of the National Security Council; and, it had altered the duties, functioning and composition of the National Security Council as it has been

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<sup>366</sup>Keyman and Aydın, *European Integration and Transfer of Turkish Democracy*, p.18.

<sup>367</sup> Aybey, p.35.

<sup>368</sup> Haluk Günuğur, "Reforms in the Turkish Legal System in the Context of the Copenhagen Political Criteria, Europeanization of the South-Eastern Europe, Domestic Impacts of the Accession Process", **Turkish Universities Association for European Community Studies (TUNAECS)**, Publication of Marmara University European Community Institute, No:12, (April 2005), pp.186.

stated above. In relation to fundamental freedoms; State Security Courts have been abolished and replaced with Criminal Courts. The Death Penalty is abolished in all circumstances, gender equality is strengthened, and freedom of expression is widened. In the area of fundamental rights the supremacy of the international treaties over national law (in the case of conflict) is recognized.<sup>369</sup> The new Press Law was adopted in June 2004 and the new Law on Associations in July 2004. These widened the freedom of expression in Turkey.<sup>370</sup> The eighth democratisation package adopted in July 2004 resolved another long criticised issue by repealing the provision that had allowed the nomination of a member of the High Audio-Visual Board (RTUK/HAVB) by the Secretariat-General of the National Security Council.<sup>371</sup> Regarding the sensitive Kurdish issue, the reforms granted ethnic groups-including Kurds-the right to broadcast and teach in their own languages. Recently, languages other than Turkish are allowed to broadcast on radio and television.<sup>372</sup>

All the reforms and amendments to the constitution discussed above indicatives of the repercussions of the relationship between Turkey and the EU. In fact, it can be investigated through the analysis of progress in the reforms concerning the freedom of speech, death penalty, introduction of rights for minorities in terms of broadcasting, education and the right to obtain real-estate and property, gender equality, civilian control of the military regarding the increase in the number of civilian members of the NSC(National Security Council), the repeal of the provision of the nomination of the RTUK by a NSC member, freedom of association regarding the establishment of civil-society organizations, that Turkey has in all respects more or less tried to comply with the EU norms and regulations. However, these did not deem to be sufficient. In this respect, it is necessary to consider the effect of EU membership conditionality strategy on the country's determination to continue its reform process. In certain periods, especially after the obtainment of candidacy status at the Helsinki Summit of 1999, it is clear to comment on the fact that the EU whilst being a credible and consistent anchor to Turkey's reform process, Turkey has shown sufficient enthusiasm to stick to its

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<sup>369</sup> Günuğur, pp.181-186..

<sup>370</sup> Ibid. pp.186-191.

<sup>371</sup> Keyman and Aydın, *European Integration and Transfer of Turkish Democracy*, pp.18-19.

<sup>372</sup> Aybey, pp.36-37.

reform process. Thus, this in turn, subsidizes EU's membership conditionality strategy which is comprised of the offer of candidacy, financial aid, most favoured nation status and finally, full-membership of the EU. With respect to the pace, extent and scope of the reform process of Turkey, it can be claimed that, the rewards offered by the EU may it be aid; candidacy or full-membership encourages the government of the aspirant to be more enthusiastic in its reform process.

However, the EU's consistency in its strategies is evident in its continuation of its relations, monitoring and screening processes, and warnings that of which increases the Union's credibility on the eyes of the aspirants. In fact, as an example to the Union's determination in its conditionality strategy related to its promotion of democracy, another essential demand of the EU was the reduction of the military's role in political life. This demand can be found nearly in each regular progress report of the European Commission. The EU is concerned that the National Security Council has a strong influence on government policy; although, its recommendations are not legally binding.<sup>373</sup> Meanwhile, the NSC considers the importance of the institution in maintaining national security. They are concerned more with the modification of the National Security Council (NSC) by increasing the number of civilians taking part in the NSC; thus, helping the NSC to evolve into a body under the control of civilian authority in compliance with the EU requirements.<sup>374</sup> Thus, in October 2004, the NSC convened under the chairmanship of a new civilian Secretary General, including 7 civilian members and 5 military members. This increased the number of civilian members on the NSC. The Secretary General has no right to vote. The staff of the NSC Secretariat General decreased from 408 to 305 persons. As stipulated in the reforms, the NSC was to meet every two months.<sup>375</sup> Through the adoption of these reforms, the National Security Council became an advisory body having no executive power and containing a salient number of civilians within its body.<sup>376</sup>

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<sup>373</sup> Bertil Duner and Edward Deverell, "Country Cousin: Turkey, the European Union and Human Rights", *Turkish Studies*, Vol.2, No.1, (Spring 2001), Published by Frank Cass, London, pp., 3-5.

<sup>374</sup> Ibid.

<sup>375</sup> Turkey 2005 Progress Report, European Commission, 9 November 2005, Brussels, pp.12-13.

<sup>376</sup> Günuğur, p. 186.

Article 2a of the National Security Council's Law provides a broad definition of national security, which, depending on interpretation, could cover almost any policy field:

“National Security means the protection of the constitutional order of the State, its nation and integrity, all of its interests in the international sphere including political, social, cultural and economic interests, as well as the protection of its constitutional law against all internal and external threats”<sup>377</sup>.

All in all, seven reform packages have been passed through parliament. The reform packages included the improvement of human rights; strengthening of the rule of law; restructuring democratic institutions; extension of freedom of association and the right to assembly; as well as gender equality, child protection and adoption of a new civil code.<sup>378</sup> They contained various amendments to the laws regarding the legal basis for the detention and sentencing of many intellectuals, for expressing their views. Thus, they extended the scope of freedom of thought, expression and freedom of the press. They reinforced measures for the prevention of torture and ill-treatment, introduced stronger deterrents against human rights violations by public personnel and abolished the death penalty. Moreover the restrictions on individual cultural rights were lifted, retrial is made possible in the light of the decisions of the European Court of Human Rights, and the official minorities' right to acquire property of community foundations is recognized. The necessary legal basis was established for the activities of foreign foundations in Turkey. In order to deal with illegal immigration new definitions and measures were introduced.<sup>379</sup> These improvements and high expectations in the south-east and the rest of the country are undoubtedly driven by the prospects of EU membership. There is the recognition that many of the reforms and the pressure for their implementation are actually products of EU pressure.<sup>380</sup>

The European Union will continue to monitor closely the progress of political reforms on the basis of an Accession Partnership, setting out priorities for the reform process. The European Council on December 2004 decided that, considering the

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<sup>377</sup> Turkey 2005 Progress Report, European Commission, 9 November 2005, Brussels., [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm) (12 March 2006), p.14.

<sup>378</sup> Güney, pp.32-39.

<sup>379</sup> Ibid. pp.39-47.

<sup>380</sup> Kirişçi, pp.3-9.

Commission report and recommendation, Turkey had fulfilled the Copenhagen political criteria to open accession negotiations, provided that it implements these specific pieces of legislation.<sup>381</sup> Following the assessment of the statements of regular progress reports presented by the European Commission, the study will continue to shed light on the influence of the EU on the development of civil-society organizations, as well as, the extent of influence of both the EU and civil-society organizations in pursuit of promotion of democracy and policy change regarding demands for policy change emanating from below or being imposed top-down.

### **4.3. The Influence of the EU and Civil-Society Organizations on Turkey's Democratization Process**

As discussed in previous chapters the influence of the EU on Turkey's democratization process is undeniable, so is the role of the civil-society organizations. In the following part of the study the role of civil-society organizations, evolution of civil-society movement in Turkey regarding its obtainment of independence of the state control, and its implications in the domestic efforts that aim to democratize and liberalize the system of governance in line with the conditions outlined by the EU, will be analyzed.

As pointed out by Akman (2005), the 1999 Helsinki Summit has accelerated the reform process in Turkey, marking a turning point. After this date, progress was made, in terms of democratization. The main point of this study is to highlight in what circumstances and to what extent the EU has been an influential dynamic on Turkey's democratization. Thus, it is necessary to evaluate incentives -other than the European Union- that have triggered improvements achieved by the country. Akman argues that all the improvements attained through the harmonization process, should not only be related to the influence of the European Union. Although the reform process and the existence of institutions providing the sustainability of democracy can benefit from the EU process; the consolidation of democracy and the embodiment of democratic rights

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<sup>381</sup>Brussels European Council 16/17 December 2004 Presidency Conclusions, [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm), (1 February 2005), pp 5-8.

and freedoms by the public does not only depend on EU's "head to toe" pressure. The reform process should also be internalized.<sup>382</sup> It should be possible to consider the reform process in terms of the internal motivation element; not just elements necessary for compliance with European Union Criteria. In relation to the internal dynamics which are considered to be influential through the forces 'from below' within Turkey, Keyman and Aydın argue that (contrary to the discourse of the anti-EU forces, who have always argued that more democratization would lead to more political instability in Turkey), these changes have created political stability, and have been supported by a large majority of the Turkish people.<sup>383</sup> Some of the anti-Turkey lobbies in Europe claim that Turkey is not able to meet the Copenhagen political criteria, due to its authoritarian, Kemalist, militaristic and state centric traditions. Despite the false expectations of the anti-Turkey lobbies in Europe, that owing to its authoritarian state structure, both the JDP government and the state elite have initialized a strong political will in the democratization process. This is evident in the political reforms which have been passed through parliament with respect to constitutional amendments.<sup>384</sup> The study by Keyman and Aydın (2004) -in agreement with Pridham (2001) - points out;

"Political modernisation and democratic consolidation together constitute the content of the Copenhagen political criteria. Political modernisation ultimately aims at creating a more liberal, plural and multicultural society. Democratic consolidation entails a transition from formal democracy to substantial democracy, a process that includes procedures (free and recursive elections, a multi-party system and the ability of the opposition parties to criticise the governing party or coalition in a given country) as well as the substantial democratisation of state societal relations through the respect and protection of individual/group rights and freedoms."<sup>385</sup>

It is appropriate to state that the fulfilment of the Copenhagen political criteria will make a positive contribution to a resolution of problems arising from any deficiencies in democracy. This, in turn, whilst referring to statements of Keyman and Aydın, will promote political modernization and consolidation of democracy.

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<sup>382</sup> Sait Akman M, **Türkiye'de Demokratikleşme Sürecinde Avrupa Birliğinin Etkisi, Türkiye Avrupa Birliği İlişkileri, Siyasal, Bölgesel ve Ekonomik Boyutlar**, Seçkin Publishing, Ankara, October, 2005.

<sup>383</sup> Keyman and Aydın, *European Integration and the Transformation of Turkish Democracy*, pp.3-4.

<sup>384</sup> Ibid. p.5.

<sup>385</sup> Geoffrey Pridham, **Dynamics of Democratization: a Comparative Approach**, London; Continuum International Publishing Group, February 2001, p.180.

Throughout the study, the main argument has been: - has the EU, and, to what extent the EU has it influenced the progress of Turkey in its compliance with the Copenhagen political criteria. In this context, Keyman and Aydın state that- in terms of the consolidation and deepening of democracy- :

“these developments have forced political and state elites to come to terms with the fact that democracy is not only a normatively good system of governance, but also constitutes a valuable strategic and political device to enable any country to be strong and stable in its homeland and in international relations”.<sup>386</sup>

It is necessary, however, not to ignore the importance of the role of civil-societies, during Turkey’s harmonization process with the EU. Since 2000, most civil society organizations have made such calls and have supported the reform process. This introduces an appropriate example to support the role of the forces ‘from below’ within Turkey; and their influence in the harmonization process of Turkey with the acquis of the EU. Especially strong economic actors, such as the Turkish Industrialist and Businessmen Association (TUSIAD), the Independent Industrialist and Businessmen Association (MUSIAD) and the Regional and Provincial Industrialist and Businessmen Association (SIAD) have supported Turkey’s entry into the EU. They have initiated lobbying activities for full-membership and supported the achievement of more progress.<sup>387</sup> For example, before 2002 Copenhagen Summit was been, namely “Platform Turkey”, including participants of academicians, farmers, workers, tradesmen, media members, officials, students, artists, industrialists, self-employed people, sportsman, trader, civil-society organizations, merchants, presented a declaration which announced, Turkey’s commitment to its goal of full-membership of the EU, to the politicians and public opinion. It was stated that in case of a lack of a decision given to start accession negotiations with the country in 2002 Copenhagen Summit, public distrust would occur in EU’s sincerity and this, in turn, would cause irrecoverable damage in the relations with the EU and Turkey.<sup>388</sup>

According to Öniş, after the Helsinki Summit of 1999 through which Turkey was granted candidate status; Turkey was given a favourable mix of conditions and

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<sup>386</sup>.Keyman and Aydın, *European Integration and Transfer of Turkish Democracy*, p.11.

<sup>387</sup> Ibid. pp.14-15.

<sup>388</sup> “Sivil Toplum Görevde; AB’nin Kopenhag Zirvesinde Tam Üyelik Müzakerelerini Başlatmak için Ayatкта”, **Radikal**, <http://www.radikal.com.tr/haber.php?haberno=52557> (12.07.2006).

incentives. This approach, by the EU, helped to encourage the pro-EU coalition while the civil-society organizations showed a great deal of enthusiasm for EU full-membership, with regard to the impetus they generated for reforms. The “Movement for Europe 2002” received attention during the summer of 2002.<sup>389</sup> The Chamber of Commerce and Industry and the labor unions in Turkey, had endorsed the Association Agreement. According to Gündüz, the reason behind the endorsement had been the conviction that the business circles shared regarding the positive contribution that full-membership would provide with respect to Westernization, democracy, economic, political and social development.<sup>390</sup> The Confederation of Turkish Employers’ Association (IISK), the chamber of commerce, economic development foundations, and the private business organizations have been supporting the Turkey-EU relations.<sup>391</sup> Turkey’s Employers’ Association considered that European Community membership would provide Turkey with an increase in its industrial prosperity, improvements in the adaptation of Union values and regulations and the consolidation of parliamentary democracy.<sup>392</sup> Political parties, Justice Party and Welfare Party (unlike the Nationalist Action and National Salvation Party) supported Turkey’s EU relationship. This was due to the conviction that membership would generate progress and reform in Turkey.<sup>393</sup> Gündüz claims, that the reason that lies behind this urge of the social democratic and conservative parties to advocate EU membership during the 1980s; was, perception that membership would consolidate democracy and prevent further military intervention.<sup>394</sup>

At the end of the 1990s, the political parties’ perceptions (concerning Turkey and the European Union, since the Helsinki Summit of 1999) have changed in the way that they have taken their part in the pro-EU coalition. The Mother Land Party, which was a minor partner in the coalition government formed after the elections of 1999, was the first party to have initiated this transition. More recently, it has been the Justice and

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<sup>389</sup> Öniş Ziya, “Domestic Politics, Transnational Influences and The Impetus for Reform: The Diverse Paths of Poland and Turkey on The Road to EU Membership”, [www.ziyaonishome.ku.edu.tr](http://www.ziyaonishome.ku.edu.tr) (12.04.2006), pp.25-26.

<sup>390</sup> Gündüz, p.107-119.

<sup>391</sup> Ibid. p.113.

<sup>392</sup> Ibid. p.120.

<sup>393</sup> Ibid. p.112.

<sup>394</sup> Ibid.

Development Party (which won the election of November 2002) which adopted a pro-EU stance on the country's way to full-membership.<sup>395</sup> However, according to Dodd (1990), the basic principles of democracy do not constitute the total picture. In order to assess Turkish democracy other matters should be considered such as Turkish political culture. Dodd claims that, basic attitudes of Turks to society and politics are too undemocratic in character. This presents a drawback to national democracy. Turkish bureaucracy is inclined to accentuate the role of the authoritarian state. This heritage is embedded in Turkish tradition. The range of human and political rights, although mentioned in the Turkish Constitution; are restricted in their operation due to the fact that there is a concern that these rights might be abused.<sup>396</sup>

With respect to the relationship between state and civil society, it is crucial in this study to highlight basic aspects of feminist activists as representatives of civil-society movements. Regarding women in decision-making processes of the government and its relations with the EU in terms of promotion of gender equality, they were the feminist and Islamist women whom tried to promote substantive equality. Women resisted prevailing structures of power regarding the state and society. They opposed to the state enforced interests and state control over the religion and society. Both groups initiated activities which aimed for expansion of the parameters of democratic participation and eradication of the domestic violence against women. These women activists defend the values of liberal individualism against the authoritarian, solidarist communitarianist, collectivist practices of state and its paternalistic relationship with its citizens. Women's political activism began in the mid-1980s, which took its part among debates of individualism, collective social norms and statism. By mid-1980s feminists organized in groups and public protests in metropolises namely Istanbul and Ankara. They were united to resist domestic violence against women.<sup>397</sup>

In April 1990, 14 feminists established a foundation that will serve as a shelter for women exposed to domestic violence. The name of the foundation is "Purple Roof

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<sup>395</sup> Öniş, *Domestic Politics, Transnational Influences and The Impetus for Reform: The Diverse Paths of Poland and Turkey on The Road to EU Membership*, pp.26-28.

<sup>396</sup> Dodd C. H. , **The Crisis of Turkish Democracy**, 2.Edition, Eothen Press, 1990, pp.125-129.

<sup>397</sup> Arat Yeşim, "Feminists, Islamists and Political Change in Turkey", **Political Psychology**, Vol.19, No.1, 1998, pp.116-130.

Women's Shelter". Besides the Purple Roof, there are other official and voluntary associations that provide counselling and shelter services for women such as the "Women's Solidarity Foundation" established in Ankara in 1991 with the initiative of a feminist group and a local municipality. They organize panels, discussions to draw public attention to the issue. Additionally, in this respect, the Islamists women were the ones whom criticized this secular order presenting the control of religion by the state.<sup>398</sup>

With respect to the movements and attempts of civil-society organizations, a representative of the Psychologists' Association has made some comments<sup>399</sup> about recent developments of civil-society movements in Turkey compared with the prior circumstances. Nazım Serin, a specialist psychologist, has pointed out the fact that Turkey has achieved progress, in terms of the extent of freedom of association being granted to the civil-society movements, independent of state control. He states that compared to 1980s circumstances during when civil-society movements were prohibited, today with the influence of the EU harmonization process civil-society organizations have increased in number and started to participate in projects related to their purposes. This, in turn, produced professional labour force which contributed in the employment. He continues to point out that previously there had been public and private sectors and today, with the emergence of civil-society organizations, there emerged third sector namely the civil-society. During the interview, the representative responded to a question regarding the extent of influence of and their relation between the EU by stating that; "the EU provides us with donation programmes which are open for applications of civil-society organizations, we apply to the ones which serve our area of activity and we develop projects in accordance with our goals."<sup>400</sup> This, in turn, contributes to the development of relationship between the civil-society organizations.

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<sup>398</sup> Ibid.

<sup>399</sup> For Further Information See Appendix-I, This particular association has been chosen in order to present an example for the civil-society approach to the relation between the EU and democracy, human rights. This interview contains a EU opening regarding the EU and Turkey relationship and its implications on the efforts of the country to comply with the EU norms and promote civil participation in decision-making structure without the pressures arising from the state control.

<sup>400</sup> For Further Information See Appendix-I.

However, as stated by the representative of psychologists' association, civil-society organizations are barely able to survive and continue their activities due to lack of financial resources, whereas some of the local governments in Europe are obliged to supply financial resources. Instead they use their members' dues. In fact, this situation thus not help to improve the civil-society movement, instead it impedes the institutionalization of civil-society organizations and declines the trust in what they do. This, in turn, obstructs their opportunities to find support.

However, in addition to the relation between civil-societies in Turkey and the EU, it is difficult to underestimate the influence of the European Union on Turkey's democratization as well as internal factors: - the civil-society, political parties and the military.<sup>401</sup> For instance, another issue that has been highly criticized by the Turkish political elite, academicians, civil-societies, and the public, is the election system in Turkey. This criticism can provide us with one another evidence which depicts the role of the civil-society organizations in affecting the change in policy decisions. It has been stated that this election system does not incorporate the complete will of the nation because recent political party functioning represented only 2/3 of the nation. Because of the election system, the government in power has gained 1/3 votes but has excluded 20% of the nation represented by the opposition party. Some of the scientists, academicians and people are calling for early elections and change of the current election system.<sup>402</sup>

Besides all of these criticisms issued by the civil-society organizations, as one of the civil-society organizations, TUSIAD (Turkish Industrialist and Businessmen's Association) has praised Turkey's progress by stating, "the government has shown determination in meeting the EU requirements for full-membership and we have been witnessing the presentation of resolutions for the years of unsolved problems". There have been important steps taken in terms of the improvements of democratic standards with respect to the Copenhagen Political Criteria.<sup>403</sup> Meanwhile TUSIAD criticizes the

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<sup>401</sup> Gergana Noutcheva et al, "Europeanization and Secessionist Conflicts: Concepts and Theories", in Bruno Coppieters et al., **Europeanization and Conflict Resolution: Case Studies from the European Periphery**, Ghent: Academia Press, 2004, p.17.

<sup>402</sup> Ercilasun Mustafa, "AKP Hükümeti ve Türkiye'nin Demokrasi Ayıbı", [http://mywebpages.comcast.net/mercilasun/secim\\_analiz.htm](http://mywebpages.comcast.net/mercilasun/secim_analiz.htm) (12.12.2005).

<sup>403</sup> <http://www.tusiad.org/haberler/konusma/duyuruno773.pdf>, pages:5, (20 December 2005), Ankara.

Election and Political Party Law. It claims that, in order to sustain the stability of her democracy, Turkey should change her election system; and provide the country's political system which evinces coexistence of justice in representation and stability in administration by reducing the 10 % election threshold. This reduction of the rate of the threshold allows the representation of many other political parties who have not passed the threshold. There should be efficient participation in politics in order to promote active election system while concerning the accountability of the representative toward the constituents.<sup>404</sup>

With respect to the progress made by Turkey in adopting the required EU norms, it has been regular annual reports that monitored progress and highlighted the steps taken by the Turkey and other candidate countries to fulfil the Copenhagen and Accession Partnership Criteria, which presented a list of short and medium term recommendations in order to acquire EU membership. Conditionality, through these mechanisms has allowed the EU to provide Turkey with resources, legitimacy and constrain where it perceives as the necessary policy areas that the applicant country is deemed to comply with the EU norms and regulations. Hence, the European Union has influenced the democratization process of candidate countries primarily by empowering reformist elements in their societies and by altering the domestic structure during the accession process.<sup>405</sup> For example, according to the representative of psychologists association located in Istanbul states that, as one of the other 80.000 civil society organizations, the EU provides them with financial resources necessary which, in turn, contributes to their purpose of existence. As a result, today, the EU caused the public and civil sector to cooperate instead of seeing each other as opponents. He says that they are an association in statute based on public interest which they have been granted in 1997 with the decision of Council of Ministers.<sup>406</sup>

The conditionality strategy of the EU as its foreign policy instrument, how and to what extent this strategy proves to be effective and influential is a highly debated question. With respect to the further assessment of the effectiveness, adoption costs of

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<sup>404</sup> Ibid.

<sup>405</sup> Noutcheva, p.17.

<sup>406</sup> For Further Information See Appendix-I.

meeting the *acquis*, Turkey needs to bear the implications of both the accession negotiations and full-membership. These implications are the pooling of sovereignty, decentralization of the state administrative structure and an increase in the recognition of the multiple identities that comprise the defining traits of European integration. These implications are considered to lead to rejection of the conditions.<sup>407</sup> However, as stated by Ismail Cem, “The EU accession process and membership is a valuable exogenous motivation and -a dynamic means-for Turkey to achieve future objectives.”<sup>408</sup> The EU is a force for modernization. The bid for EU membership is only the latest stage in Turkey’s process of modernization, which had been started long before the emergence of Turkey-European Union relations.<sup>409</sup> A credible and consistent policy of conditionality is thus necessary to empower reformist elements in Turkish society. The Prime Minister of Slovakia -Vladimir Mečiar, however, states that the main incentive that the EU may offer via full-membership depends on precise compliance with the criterias through reform. However, compliance with the EU criteria was perceived as threat by the ruling elite (imposing accountability in the case of Mečiar). The only way for the EU to initialize harmonization procedures is through direct democracy promotion and mobilisation efforts directed to the political elite and public. These efforts and the emergence of a centre party with democratic leanings had been the main motivation in the adoption of a reform programme by Slovakia.<sup>410</sup>

In fact, in Turkey’s case, the EU membership conditionality strategy has proved the country’s commitment to full-membership; through her determined efforts to bring it about. Also note her speed in adoption of reforms. In 2003, Tayyip Erdogan’s Government (JDP) proposed two crucial bills that resulted in the advancement of Turkey’s political posture. The ceasefire by Kurdish Guerillas and an ending of fight against it in 1999 (in the south-east region of Turkey) helped the government in its fight against human rights abuses. Their elimination is Turkey’s aim, which also strengthened

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<sup>407</sup> Öniş Ziya, *Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the Post-Helsinki Era*, pp. 9-34.

<sup>408</sup> Ismail Cem, “Turkey-EU Relations After the 2002 Helsinki Summit”, **The European Union- Turkey Beginning of the Common Journey**, Marmara Journal of European Studies, 2002, pp.10-15.

<sup>409</sup> *Ibid.*

<sup>410</sup> Kevin Krause, “The Ambivalent Influence of the European Union on Democratization in Slovakia”, In Paul J. Kubicek (ed.), **The European Union and Democratization**, London: Routledge, 2003, pp.56-86.

her objective (and case) to join in the European Union. The other bill illustrates the marked weakening of power of the generals in Turkish political life. These generals, long thought to be the guardians of the country's secular constitution, had long been accustomed to interfere in Turkish political life which prevented and violated Turkey's aim to be a stable democratic country.<sup>411</sup> Whether the reform process arose from internal pressures generated from within the country's own domestic demand for the consolidation of democracy or through external pressures coming from the EU in order to speed up Turkey's reform process, the reforms were often justified to the public on the grounds that the reforms themselves were more important for the country than eventual EU accession. In fact, in case of rejection by the EU of a full-membership perspective for Turkey; at the December 2004 European Council Summit, Prime Minister Erdoğan frequently stated; that in such a case, Turkey would continue pursuing the path of reform regardless of accession perspectives. He argued that the Copenhagen criteria would then be named the 'Ankara criteria'.<sup>412</sup> The he Prime Minister reflected the shared view of the government that, in case of a suspension of accession talks with the EU, (implying a lack of any membership) the country would still continue unwaveringly with its reform process. This is clear evidence of the existence of internal pressures arising from domestic factors, for the establishment and sustainment of the well-being of the country in terms of democracy; besides external dynamics such as that of the European Union. The Brussels European Council Presidency Conclusions of December, 17, 2004 states that in the case of any serious continual violation of the fundamental principles of the European Union; the membership will be suspended. This suspension will be resulted through the declination by one third of the members and the recommendation of the Commission and with the Council's qualitative majority vote.<sup>413</sup>

The European Commission had given a clear signal to Turkey that, on condition that her political reforms are implemented; accession negotiations would begin in early 2005. On April 2005 in its meeting in Luxembourg, the EU prepared a Common

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<sup>411</sup> "Turkey: A Revolution of Sorts", *The Economist*, www.economist.com, No:8335, August 2003, (12.12.2004).

<sup>412</sup> "Ankara Kriterleri Der, Devam Ederiz" (We Would Continue along the Ankara Criteria), *Milliyet*, 8 November 2004, p.12.

<sup>413</sup> Burak Erdenir, *Avrupa Kimliği, Pan-Milliyetçilikten Post Milliyetçiliğe*, 1.Edition, Ümit Publishing, Ankara, 2005, p.249.

Attitude Document which contained “warnings” before the start of the accession negotiations of October 3, 2005. Additionally, concern over the implementation and realization of political reforms had been voiced. The required conditions were given in this document. These conditions included the granting of more freedom of speech to ethnic groups. The problems faced in implementation process of these reforms were pointed out. The postponement of the Turkish Punishment Law found as a right decision and the document pointed out that excessive use of power by the police should be lessened. The document has emphasized on the concern related to the extension of military intervention, military influence in politics, and the establishment of Community Law. Also concerns related to the opening up of Ruhban School, the implementation of new regulations dealing with prosecutors and lawyers, the policy of zero tolerans on torture were the subjects that were given higher priority during assessments of Turkey’s political status. These were required to be realized at all state levels.<sup>414</sup> Just after this document, the European Council in June 2005, referred to its conclusions on the enlargement of December 2004 and highlighted the need to implement the adopted reforms fully.

On June 2005, the Commission adopted its proposal for a revised Accession Partnership and a communication on the civil-society dialogue between the EU and candidate countries. This communication sets out a general framework on how to create and reinforce links between civil society in the EU and candidate countries. The dialogue specifically focussed on Turkey which helped support current and new member states in the EU, to be aware of Turkey’s socio-political and economical conditions. Also, where it stands in the international environment, whilst trying to eliminate misconceptions and ease concerns throughout Europe. Regarding these developments the European Council on October, 3, 2005 adopted a Negotiating Framework setting out the principles governing the negotiations, followed by the formal opening of accession negotiations with Turkey. October 2005 witnessed the starting of

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<sup>414</sup> Fikret Aydemir, “AB Dışişleri Bakanları, Ara Karne ‘Orta’, Dünya Raporu”, **Sabah Newspaper**, Brüksel, 26 April 2005, p.22.

the screening process concerning the analytical examination of the acquis.<sup>415</sup> During the formal opening of accession negotiations on October 3, 2005, the EU asserted that:<sup>416</sup>

“The advancement of the negotiations will be guided by Turkey’s progress in preparing for accession, within a framework of economic and social convergence. [...] Progress will continue to be closely monitored by the Commission, which is invited to continue to report regularly on it to the Council.”

With the Negotiating Framework, the irreversibility of reforms has been clearly stated in the 6 October 2005 Recommendation report. The European Commission will monitor the progress achieved regarding the complete and efficient implementation of fundamental freedoms and respect to human rights. The Commission will give regular reports, on these matters, to the Council. Parallel to accession negotiations, the Union will establish intense political and civil-society dialogue. The aim of the dialogue is to gather the representatives of government and civil-society organizations in order to strengthen mutual compliance, tolerance and comprehension.<sup>417</sup>

The 2005 European Commission’s Regular Progress Report on Turkey’s Progress towards accession, states that Turkish Parliament has continued its regular legislation. A total of 184 draft laws have been submitted to the Parliament since October 2004. Between October 2004 and June 2005, Parliament has adopted 166 new laws since the previous Regular Report. It is indicated in the 2005 Regular Report that Parliament has adopted several laws which presents supplements and positive implications of the political reform process.<sup>418</sup>

The most important reforms that have been adopted since the year 2004 are in the following fields:

“the Law on the Establishment of Duties and Powers of the Ordinary Courts of First Instance and Regional Courts of Appeal and the Law amending the Code of Civil Procedures (October 2004), the Law on Associations (23

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<sup>415</sup> *Key Events in Turkey-EU Relations*, [http://ec.europa.eu/comm/enlargement/turkey/key\\_events.htm](http://ec.europa.eu/comm/enlargement/turkey/key_events.htm), 15.06.2006.

<sup>416</sup> Turkey 2005 Progress Report, European Commission, [www.ec.europa.eu/comm/enlargement/turkey/index.htm](http://www.ec.europa.eu/comm/enlargement/turkey/index.htm), Brussels, (9 November 2005), p.3-6.

<sup>417</sup> Ercüment Tezcan, “Helsinki’den 3 Ekim’e: Müzakereler Giden Sürecin Dünü, Bugünü, Yarını, Türkiye-Avrupa Birliği İlişkileri”i, **Avrasya Dosyası**, Dört Aylık Uluslar arası İlişkiler ve Stratejik Araştırmalar Dergisi, Vol.11 No.1, ASAM, March 2006.

<sup>418</sup> *Ibid.* pp.6-9.

November 2004), the Law on the Enforcement of Sentences and Security Measures (29 December 2004), the Law amending some of the articles of the New Turkish Penal Code (31 March 2005), the Law on the Implementation of the Code of Criminal Procedure and the Law on Misdemeanours (31 March 2005), the Law Amending the Law on the Enforcement and Implementation Procedure of the Code of Criminal Procedure, the Law amending the Law on the Enforcement and Implementation Procedure of the Turkish Penal Code (18 May 2005), the Law amending the Law on Enforcement of Sentences, the Law amending the Law on Judicial Records, the Law amending the Code of Criminal Procedure (1 June 2005).”<sup>419</sup>

With regard to the adoption of anti-corruption measures, Turkey signed the United Nation’s Convention against corruption and ratified the Council of Europe’s Criminal Law Convention on corruption in 2004. In January 2004, Turkey had become a member of the Group of States against Corruption (GRECO).<sup>420</sup>

Considering all the above reforms, that have been adopted; it is necessary to highlight some aspects of the European Commission’s 2005 Regular Progress Report evaluating Turkey’s progress. This allows that there have been significant legislative progresses achieved in many areas through further reform packages, constitutional changes and the adoption of a new penal code. Yet, on the other hand, the Commission criticized Turkey in terms of insufficient progress made in the implementation of political reforms. Further measures need to be taken in terms of the strengthening and full implementation of provisions relating to fundamental freedoms and the protection of human rights; these include women’s rights, trade union rights, minority rights and problems faced by non-Muslim religious communities.<sup>421</sup>

Concerning civil-military relations, the European Commission states it to be necessary that civilian control of the military must be realized. The fight against corruption should be pursued. The policy of zero tolerance towards torture should be reinforced through determined efforts at all levels of the Turkish state. This progress report, stresses the necessity for normalization of the south-east situation, and the return of displaced persons. Advances must be made in the socio-economic field, concerning regional disparities and the realization of conditions which would provide the Kurdish

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<sup>419</sup> Ibid. pp.8-9.

<sup>420</sup> Günuğur, p.188.

<sup>421</sup> Turkey 2005 Progress Report, European Commission, Brussels, pp.9-10.

people with full practice of their fundamental rights and freedoms.<sup>422</sup> In all regular reports Turkey has been criticized regarding the issue of freedom of expression. This criticism is based on the fact that Turkey has not met the political criteria; and due to Articles 159 and 312 of the Turkish Penal Code and 7 and 8 of the Anti-Terror Law.<sup>423</sup> On November 2005, (the European Commission member responsible for enlargement, Olli Rehn, in the Helsingin Sanomat paper) stated that Turkey should put an end to its violations of freedom of speech. Rehn refers to trials against the author Orhan Pamuk, journalists Hrant Dink, Etyen Mahçupyan, and Burak Bekdil and warns Turkey that these are violations of freedom of speech. They would result in membership negotiations being suspended.<sup>424</sup>

When the European Commission published its 2005 Progress Report on Turkey, the Commission's top representative in Turkey, Ambassador Hansjoerg Kretschmer, said, there were still major areas in which Turkey lags behind European standards; and, that "Turkey today can certainly not be considered as a mature liberal democracy."<sup>425</sup>

It is foreseen by the European Commission that it will take time for all the prior and recent amendments to be fully endorsed by executive and judicial bodies. Moreover, the 2005 Regular Progress Report states that the results indicate that corruption remains a serious problem in Turkey. Due to these shortfall; the 2005 Progress Report of the Commission states that, the political reform process will continue to be investigated and observed.<sup>426</sup>

Following the 2005 regular progress report, the Common Attitude Document presented at the European Council's meeting with Turkey on June 13, 2006, is composed of 19 pages assessing Turkey's progress towards accession negotiations in certain critical topics and key areas. The document states that the reform process has been slowed down and emphasizes the need to accelerate efforts which will ensure the

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<sup>422</sup> Ibid.

<sup>423</sup> "Towards European Union Membership; Political Reforms in Turkey", **Turkish Industrialist and Businessmen Association Publication**, October 2002, pp.29-30.

<sup>424</sup> "AB ve Türkiye'de İfade Özgürlüğü Konuşuldu", **Bia Haber Merkezi**, <http://www.bianet.org/2005/11/25/70686.htm>, 10.06.2006.,p.17.

<sup>425</sup> "Ankara Welcomes tone of EU Reports, Vows More Reforms", **Turkish Daily News**, November 11, 2005, p. 3.

<sup>426</sup> Ibid.

required implementation of these improvements.<sup>427</sup> It also states that although human rights violations have been reduced, the Common Attitude Document declares that the current laws should be implemented; or, new legal regulations need to be enforced.<sup>428</sup> It also stresses the role of the military. The declaration clarifies the accountability and transparency of issues related to security in Turkey; these should be rendered compatible with the implementations and practices of the EU. “Statements made by the military should be related to military issues, and should be made with the government’s authority”. The complete usage of the civilian authority on the formulation and execution of security strategy including the establishment of good relations with neighbours are the demands of the EU. It also demands that military expenses should be held under the control of the Turkish National Assembly. In addition to this, it is stated that judgement (adjudication) of civilians by military courts should be abolished. With respect to the evaluations related to the justice system, it is stated that, with the realization of structural reforms the justice system will be consolidated. The document stresses the crucial role of judges and demands that the judges and lawyers should be educated concerning their adaptation and respect to the international contracts. However, the most important issue that the EU is critical of is freedom expression. It states that trials have taken place based on Article 301; similar articles have been used against people who have only expressed opinions of a non-violent nature. The document continues “if public prosecutors and judges continue to interpret the law in a restricted manner, Turkey should amend these articles in compliance with EU standards.”<sup>429</sup>

The EU thinks that, in the area of freedom of religion, Turkey has not made concrete progress. It insists on the opening of Heybeli Island Clergy School, improvement for Alevis, and representation in religious works and lectures. Reforms have helped to reduce torture and ill-treatment, but have not eradicated them. It has been stated that those responsible should be punished. Regarding freedom to undertake education in the mother tongue; progress has been made. Permission granted to Kurdish broadcasting is praised. However, several restrictions have attracted attention. Indeed,

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<sup>427</sup> “İşte AB Ortak Tutum Belgesi”, **Sabah Newspaper**, 13 June 2006, p.29.

<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

those related to Kurdish education should be abolished.<sup>430</sup> However, a Criminal Court in Diyarbakir ordered the confiscation of a number of music albums in January and February 2005 on the basis of Article 312 of the former Penal Code. It claimed that the Kurdish language lyrics constituted propaganda in support of an illegal organisation.<sup>431</sup> One other concern of the EU has been about the tension in the South-east. The EU condemns the PKK (Terrorist Organization) actions and demands the termination of torture; and that, the security forces must be cautious in the use of force. In all cases, the EU expects Turkey to abide to its commitment regarding good neighbour relations. She should avoid any action which violates peaceful resolutions of border disputes.<sup>432</sup>

As stated by Ozkan (2004), there are obstacles that Turkey has been facing in terms of democratization. The most crucial of which is the bottleneck approach to the functioning of the political system; the lack of complete establishment of rule of law; the deficiencies in freedom of thought and human rights situations and practices; and inequality in terms of income distribution especially regional inequality. All of these hinder the country's democratization.<sup>433</sup>

Considering all the above statements, critiques and assessments; Turkey has realised its long-awaited desire to start accession negotiations with the EU. On June 15/16, 2006 the European Council Presidency Conclusions indicated that it had reviewed progress made in the *acquis* screening; and, welcomes the start of accession negotiations with Turkey at the Luxembourg Summit held by the intergovernmental conference. The monitor of "Science and Technology" topic included in the *acquis*.<sup>434</sup>

The European Council concluded that Turkey is expected to share the values, objectives and legal order set out in the treaties. This can be considered as the achievement of the first step on the way to the attainment of full-membership. The

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<sup>430</sup> Ibid.

<sup>431</sup> European Commission, **Turkey 2005 Progress Report**, Brussels, p. 38.

<sup>432</sup> Ibid.

<sup>433</sup> Abdullah Özkan, **Küreselleşme ve Avrupa Birliği ile Bütünleşme Sürecinde Türkiye**, 1.Edition, Tasam Publishing, , 2004, p.93.

<sup>434</sup> İktisadi Kalkınma Vakfı, Türkiye AB ile Üyelik Müzakerelerine Fiilen Başladı, Türkiye için Evet!, <http://www.ikv.org.tr/haberler2.php?ID=1515>, (24.06.2006).

Council (in its Presidency Conclusions) addressed the necessity to implement the reform process effectively;

“the European Council calls on Turkey to intensify the reform process and to implement it fully and effectively, so as to ensure its irreversibility and sustainability as well as to progress towards the complete fulfilment of the Copenhagen political criteria, including the commitment to good neighbourly relations. In this context, any action which could negatively affect the process of peaceful settlement of disputes should be avoided”.<sup>435</sup>

Today, Turkey has achieved that of which it has been longing for; the opening of accession negotiations with the EU. Therefore, it can be concluded that, the EU not only demands Turkey to fully comply with the EU norms and requirements but also to implement them precisely and effectively which in turn will help the accession negotiations to continue. It is stated by Mehmet Altan (in one of his articles in the Sabah newspaper, just a week after the declaration of the de facto opening of accession negotiations) that “Turkey has overcome a historical turning point in its adventure in becoming worldly.”<sup>436</sup> However, the European Union’s chairman (Austrian prime minister Wolfgang Schüssel, in the Austrian Die Presse Newspaper) pointed out that; “Turkey although the label will be membership, she will be given a distinct status; Turkey will have a different status than that of the other member countries”, “I have a distinct strategy for Turkey”. In his statement he claimed that “Turkey will not have the same status as that of Hungary”. They will try to do the best they can not to allow “automatic passage” for Turkish labour in the Austrian business market. He stated that “Turkey should be tied up with the EU as much as possible”. About Turkey’s full-membership, Schüssel also noted that “At the time of Turkey’s possible membership, Austrians will be the ones who will have the last say on the issue”.<sup>437</sup> This negative attitude does not only belong to the Austrian prime minister. The EU’s new chairman; Finland’s President Tarja Halonen, on June 27, 2006 stated that; “Turkey’s road to the EU, is more stony compared to other candidate countries”. As a response to a question related to Turkey’s relations with the EU, Halonen replied: “The Copenhagen Criteria

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<sup>435</sup>European Council, Presidency Conclusions 15/16 June 2006, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/90111.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/90111.pdf), Brussels (10.07.2006).

<sup>436</sup> Ahmet Altan “Geçen Hafta Bugün...”, , **Sabah Newspaper**, 19 June 2006., p.28.

<sup>437</sup> “Türkiye Üye Olsa Bile Statüsü Başka Olacak”, **Sabah Newspaper**, 20 June 2006., p.30.

are valid for the countries who wish to become members of the EU and therefore these criteria should be sufficient for full-membership. However, Turkey has different problems. This is why Turkey's road to the EU, is more stony compared to others".<sup>438</sup>

There are various approaches of EU member states about Turkey's full-membership which are highly critical and fragmented. This difference in approaches mainly depends on the Union's enlargement and deepening strategies regarding its policy-choices within state-society interaction. Uğur (2000), in his study, analyzes the relationship between the EU's support capacity and Turkey's persuasiveness capability. He claims that the EU's support capacity depends to societal insistence, and the level of transparency and divisibility of political matters. In the case of lack of or limitation to these prerequisites, this would imply that the supranational institutions are restricted in participating in policy-making. In turn, these institutions can not force the member countries to make decisions which would help appeal the EU membership. Because of this impediment Union's support capacity worsens and causes failure of the EU to impose its sanction power. This mainly depends on the EU's capacity to take on commitments in the various fields regarding financial aid, social security and employment rights granted to Turkish workers, human rights. In fact, it is mainly the political matters related to trade contributes to the appeal of the EU's support capacity and its capability to undertake commitment.<sup>439</sup> This approach developed by Uğur employs some similarities with the membership conditionality strategy which was developed and used by International Monetary Fund and World Bank in order to promote economic development and equal distribution of resources in third world countries. This strategy after the 1990s has gained momentum in international relations literature and academic works. As to Uğur, the inefficiency of support capacity of the EU is related to its sectoral, partial and gradual commitments which it undertakes. This, in turn might not appeal Turkey whom often tends to change policies.<sup>440</sup>

However, a very recent development appeared on October 12, 2006 when France, one of the EU member states, approved the proposal of a bill that criminalizes

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<sup>438</sup> "Turkey's Road to the EU is Still Stony", **Sabah Newspaper**, 27 June 2006, p.23.

<sup>439</sup> Mehmet Uğur, **Bir Dayanak/ İnandırıcılık İkilemi**, 1.Edition, Everest Publishing, September 2000, pp.52-55.

<sup>440</sup> Ibid. p.55

denial of an alleged “Armenian Genocide”. This approach of France gains reactions and complains of the Turkish public and government representatives based on the conviction that with the approval of this bill on French National Assembly, French has violated the freedom of speech and European Human Rights Court’s Article 10. The bill is presented by the opposition socialists in the French National Assembly. The bill in order to become a law should pass through the Senate. Turkish civil-society organizations, public, academicians and government representatives state that the passage of this legislation would deteriorate the relationship between the EU and Turkey. A representative of the ruling Union for a Popular Movement (UMP) said “Turkey can not criticize, because Article 301 of Turkish Penal Code, anyway, restricts freedom of speech and that French government should not locate itself in the level of Turkey.”<sup>441</sup> In the European Parliament, Joost Lagendijk, a Dutch member of the Greens, told Internet news portal EUobserver that EU efforts to promote free speech in Turkey are being made “less credible” by the French legislation and warned the EU was “rapidly developing a perception problem in Turkey.”<sup>442</sup> This is a highly controversial issue regarding the relations of Turkey and the EU.

It should be noted that, as a promoter of democracy and human rights across world, the EU, reflects a controversy related to its support in the core principle of democracy which is the freedom of speech. This, in turn, supports Ugur’s claim that is related to the relationship between the extent and scope of incitement it offers and sanctions it imposes. In this respect, France has created an approach that impedes the EU’s effort to increase its support capacity and damages appeal of the EU. The EU and its representatives in order to promote reforms in the member states and acceding countries, has to maintain its credibility in its relations with member and candidate countries. In the absence of a credible and continues conditional membership as a foreign policy instrument of the EU, EU would risk losing its power in promoting its norms and values in the international system. This situation might adversely affect Turkey who is a candidate country, aspiring to become EU member in the foreseeable future. Moreover, with the passage of this legislation, France, as EU member state,

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<sup>441</sup> “Fransa’da Soykırım Yasa Teklifi Kabul Edildi”, **Hurriyet Newspaper**, 12 October 2006, p.30.

<sup>442</sup> “Decision Day in the French Parliament”, *Turkish Daily News*, <http://www.turkishdailynews.com.tr/article.php?enewsid=56508>, (12 October 2006).

would help the advocates of a European democracy deficit to gain more support. Although democratic deficit of the EU is basically related to its institutional structure, there are social concerns that are associated with this matter. These social concerns are based on the lack of a national unity and European-wide communication which stems from diverse national identities, cultures, perceptions, national interests. As a result, there emerge member countries such as France whom do not approve or resist certain decisions about enlargement and integration. In case of an absence of a unified perception and declarations, the EU would inevitably lose credibility and appeal, although the degree of power asymmetry is in favour of the EU. All the developments, progress mentioned arising mainly with the country's bid for full-membership have constituted the main source of the discussion during the study. Concerning the shortcomings of Turkish democracy on her journey to full-membership; Turkey will have to comply with EU standards, norms and regulations in order to continue her accession negotiations. This can be possible, as long as no further obstacle obstructs the country's long-awaited desire to become a full member of the Union. It can be stated that, albeit allegedly, major political reforms have promoted democratization in Turkey. More importantly, the harmonization packages have generated open debate on issues such as the death penalty, cultural rights and civilian-military relations. Therefore it can be advocated that the EU exerts strong influence on the democratization attempts of Turkey.

## CONCLUSION

Understanding the relationship between the EU and the candidate countries or you may call them aspirants, is a highly controversial one. During any evaluation one should keep in mind various matters that affect this relationship. Therefore, throughout the study, the implications of the term democracy and its origins in relation with the political system of the EU and some references to candidate countries are analyzed in order to construct a theoretical framework. With respect to the evolution of the EU through integration and enlargement, the role of the EU in the international system has altered in the sense that today the EU is larger in population and bigger in territory. This together brings the deepening and enlargement issues of the EU in forefront. These issues concerns citizens of EU member states whom fear more enlargement which supposed to necessitate the improvement of multilevel governance due to foreseen increase in the diversity of national interests and cultures. In fact, there is already lack of a national unity in the EU based on the existence of various cultures, history, language. In the case of an absence of a response and public accountability of the EU institutions to European public, the EU confronts the risk of losing its legitimacy on the eyes of its citizens. As legitimacy is a crucial feature of democratic governance and all of the critics related to EU institutional functioning and more significantly the rising concerns based on the functioning of the supranational and intergovernmental system embedded in EU governance, poses deficiency of democracy in the EU.

As it is discussed briefly in this study, this democratic deficit of the EU stems out of the absence of a European-wide political communication and participation in the decision-making mechanisms of the EU such as the limited authority practiced by the European Parliament. Although with the introduction of the increase in the authority of the European Parliament with the co-decision right being granted, there are still restrictions on the authorities of it. Thus, this, in turn, detaches citizens from political issues and produces their alienation from the political system of the EU. This, in turn,

generates discussions on the EU model for democracy. Furthermore, this has repercussions on the capacity of the EU to establish clear definitions and mechanisms for the measurement of the progress achieved during policy changes in candidate countries which is promoted through the positive and negative conditionality strategies applied by the EU. As stated by Grabbe, this is mainly the case for political conditions including the rule of law, human rights, and respect for and protection of minorities.<sup>443</sup> However, introduction of Copenhagen criteria which was formulated for the orientation of Central and Eastern European States while transforming their economic and political systems after the collapse of communist rule, offers a clearer definition of what extent of compliance with the Copenhagen conditions prove to be sufficient for further policy coordination. Also, the Accession Partnerships issued since 1998 formulated requirements that the candidates should implement in order to receive financial aid, date for the start of accession negotiations. Turkey and other Central and Eastern European countries were included in this phase.

Regarding the argument of the study both the EU's role in the international sphere maintained through its enlargement and integration policies as its foreign policy fields and EU democratic deficit poses threats on the efficient functioning of the EU membership conditionality strategy. However, there are advantages that stipulate efficient functioning of the EU membership conditionality that of which is the existence of power asymmetry. As discussed in prior chapters, this proves that the EU has more say in its relations between the candidate countries. The aim of the EU is to strengthen its bargaining power during its insertion of conditions and legitimize its decisions on the eyes of international system while candidate countries have no opportunity to resist the impositions or sanctions. This ultimately increases the extent of influence that the EU can insert during the adaptation processes of the aspirants.

The disintegration of the international system; the European Union becoming a centre of attraction for the once satellite states of the Soviet Block; developments occurring in the Balkans; and, the initiation of the consolidation of “nationalist”

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<sup>443</sup> Grabbe, *The Politics of Europeanization*, pp.318-319.

movements have encouraged the EU to establish a recipe concerning human rights issues. In June 1993, the European Council, at its meeting in Copenhagen, put forward a series of criteria which are known as the “Copenhagen Criteria”. These outline priorities, for Turkey and other candidate countries, to fulfil and adhere to; in order to be allowed to participate as members of the EU. With this respect, the Helsinki Summit of 1999 was a turning point. It adopted the same formal mechanism used for Central and Eastern European countries; whereby, a start date for subject status was given and progress monitored in respect to the Copenhagen criteria. This enabled the EU to prepare Annual Progress Reports in order to closely and continuously monitor progress on the EU criteria.<sup>444</sup> This Helsinki Summit marked the beginning of a pre-accession strategy for Turkey designed to stimulate and support its reform process through financial assistance and other forms of cooperation. The reforms that have so far been undertaken have addressed long-criticised aspects of Turkish democracy; particularly the role of the military in politics, respect for human rights, protection of minorities and reform of the judicial system. Since the Helsinki Summit of 1999, in legislative and institutional terms, a lot has been achieved. Challenges remain, implying that progresses required regarding implementation of the enacted reforms and amendments made to the constitution. As Turkey began to reform internally, the obstacles hindering the relations between Turkey and the EU, (such as human rights, the protection of minorities and the excessive role of the military in political life), began to dissipate. There are serious efforts to improve the lives of minorities in Turkey. Regarding non-Muslim minorities, the remaining problems of property rights for community foundations and religious freedoms are resolvable through the correct and full application of the provisions of the Treaty of Lausanne.<sup>445</sup> The Turkish judiciary, the enabling body of the reform process, has also undergone significant reforms. The most notable of these was the recent abolition of state security courts; that have in the past, dealt with crimes against the state.

The EU has proven to have consolidated its credibility in the case of Turkey through its consistent monitoring and screening processes. This credibility is evident in

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<sup>444</sup> Michael Emerson and others, *The Reluctant Deputante, The European Union as Promoter of Democracy in its Neighbourhood*, p.18.

<sup>445</sup> *Ibid.* p.18.

the amendments made to the constitution of Turkey in October 2001. These constitutional amendments are mainly aimed at shortening pre-trial detention periods; and, limiting the use of the death penalty to times of war or to imminent threat of war, along with terrorist crimes. There were changes made making the prohibition and dissolution of political parties more difficult. Expansion of freedom of association and the strengthening of civil authority in the National Security Council are crucial reforms that have been adopted. Another important amendment was the abolition of Article 15. This had banned the constitutional review of acts passed during the National Security Council regime, established after the 1980 coup d'état. Those acts, many of which contain significant anti-democratic elements, can now be challenged in the Constitutional Court. Despite recent amendments; various provisions in Articles 159, 169, and 312 of the Penal Code and Article 7 of the Anti-Terror Law are widely used for restricting freedom of expression. These notably entail restrictions for 'protecting the basic characteristics of the Republic' and 'safeguarding the indivisible integrity of the State with its territory and nation'. These provisions would be repealed. As a more profound change; Article 28 of the Constitution would be amended. This would guarantee constitutionally the right to express opinions without censorship, give freedom to the press, and the right of individuals to obtain information. Further amendments would be made to the Press Law, revising the level of fines; these tend to be so high that many journalists face imprisonment due to an inability to pay them.<sup>446</sup> Recent constitutional amendments abolished the death penalty (which has been acquired plause from local and international public) and provided women with positive discrimination. Also, in order to increase the efficiency of the application of the European Convention of Human Rights and other international Human Rights agreements; it introduced the opportunity to place the status of international human rights agreements in between constitutional norms and ordinary legislation.

Thus, it can be claimed that the timing of the reform process and the content of the reforms (regarding the amendment of one third of the constitution) are evidence of efficiency of the European Union as a motivating factor in Turkey's democratization process. Nevertheless, regarding the domestic factors including some of the political

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<sup>446</sup> Ibid. p.20.

parties, civil-society organizations do not support the country's bid for EU membership. This is mainly based on fear related to the threat posed by the EU regarding the reforms and membership conditions. However, when compared to pre-1980s, today, civil-society organizations are more independent of state control and are content with the interference of the EU through their announcements of various donation programmes open for the applications of related civil-society organizations. These professional organizations participate in the projects offered by the EU and try to contribute in the societal transformation of the country.

The argument of this study can be supported in the sense that without a strong EU dynamic, recent progress would not have been achieved in Turkey regarding the adoption of reforms at such a rapid pace. The impetus that has been influential in this context comes from the contribution of the EU dynamic in the development of civil-society producing strong societal calls for democratization in Turkey. It is supported that the degree of power asymmetry is higher in favour of the EU in Turkey's case; this is based on the fact that, Turkey has no other option or opportunity to resist the prospect of full-membership of the EU and its conditions for entry. This, in turn, strengthens the hand of the EU and renders it strong, dominant in inserting pressure on Turkey to comply with the EU norms and make concessions. In fact, Turkey, as well as it has been the same case with the Central and Eastern European countries, conceives that the EU full-membership would provide it with democracy, prosperity. This implies that the benefit associated with full-membership is perceived by Turkey higher than the costs of concessions being made through adherence to the EU requirements. This is also another incentive that lies behind the country's commitment to its reform process.

It is important to consider the relationship between international and domestic affairs when building up an analysis regarding an evaluation of the extent of political transformation. While analyzing the relations between Turkey and the European Union; it is crucial to take into account important developments taking place in the European Union; regarding the decisions on enlargement and integration. These developments in the EU influence the future relations of Turkey and the EU. When we examine the most crucial reasons behind the enlargement of the EU, we see that the fundamental ambition

of the EU is to increase the number of regions possessing peace, prosperity and stability and to acquire more influence on world affairs and issues. Remaining motives behind EU enlargement are creating opportunity for economic growth, to expand cultural diversity. It has been stated that Turkey will benefit from full-membership like the new member states of the EU; Central and Eastern European countries. This benefit is assured with respect to the establishment of democratic institutions; respect for minorities within stabilized political environments; an increase in economic growth through economic reforms; better employment opportunities and structural improvements through EU financial aid.<sup>447</sup> Importantly, it has been stated several times by politicians, academicians, the elite and some of the European public, that Turkey's participation in the Union will be an important and long-term strategy of the EU due to her demographic and geographic attributes. Turkey has an appeal for the EU, in terms of the number of its young population compared to other EU member countries. She could provide a counterbalance and possible solution to the problem relating to the ratio of young/old people; at present and in a future European Union.<sup>448</sup>

Therefore it has been necessary to assess Turkey's democratization and the relations between Turkey and the EU in a multi-dimensional manner; whilst taking into account the domestic and international arenas which have an impact on relations between Turkey and the EU. In fact, the EU democratic deficit and absence of a clear definition and measurement mechanism for the guidance of reforms made in the candidate countries appears to continue until a solution besides institutional improvements is introduced to eradicate these shortcomings. In fact, although, regular progress reports and accession negotiations can be counted as exhibiting close relations while guiding the candidate countries and measuring the progress made, this still does not provide the candidate/applicant country with clear definitions and instructions on how to achieve progress and what extent of progress would be perceived as sufficient either to receive financial aid or become a full-member of the EU. It can be claimed that, this will affect the future role of the EU as an anchor for reform and promoter of

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<sup>447</sup> Avrupa Komisyonu Türkiye Delegasyonu, AB Türkiye Görünüm, No:1  
[http://www.deltur.cec.eu.int/webpub/documents/ABTurkiye%20Gorunum\\_WEB.pdf](http://www.deltur.cec.eu.int/webpub/documents/ABTurkiye%20Gorunum_WEB.pdf) (January 2006).

<sup>448</sup> Ibid.

policy change in the international system. However, there is still more research needed to be done in related issues, because preferences of both individuals and states would be shaped in line with the changing conditions in international environment. As for the relations between Turkey and the EU it is difficult to speak of a date for Turkey's full-membership of the EU due to the changing perceptions in line with the international and domestic conditions.

In fact, conditions related to the relationship between Turkey and Greek Cypriot, minority rights, and freedom of speech regarding the article 301 are expected to be revealed as criticisms in the regular progress report of the EU Commission on November 8, 2006.<sup>449</sup> All in all, the EU would not reveal a precise decision about Turkey's full-membership unless Turkey fulfils required conditions, as this has been the case until when Turkey was granted candidacy status which induced the acceleration of reform process and constitutional amendments in Turkey. Provided the EU is consistent in its relations with the country through issuing of regular reports, performing diplomatic dialogue, it would maintain its credibility and legitimacy on the eyes of member and candidate countries. This is related to building relations based on trust regarding publicly accountable, responsible institutions that obey principles of democracy in order to promote the acceleration of necessary policy change and democratization in third countries.

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<sup>449</sup> "AB'den Eleştirisi çok Yaptırım Yok", **Sabah Newspaper**, 28 October 2006, p.22.

## **APPENDIX- I**

### **INTERVIEW**

**Date:** 18.10.2006

**Interviewed:**

Nazım Serin

The Coordinator and Former Affiliate General Secretary

Turkish Psychologists' Association in Istanbul

The Title of the Project Managed and Coordinated by the Association through the application to the EU donation programme: "Cope with Menopause and Andropause" .

The reason for the interview that is held with this specific civil-society organization is that this provides us with a relevant example for the investigation of how and to what extent the development of relationship between the EU and Turkey in the context of democracy and human rights promotion affect Turkey's compliance with the democratic values of the EU.

### **The Role of Civil-Society Organizations in Turkey-EU Relations in the context of Turkish Democracy**

- 1- What are your views about the European Union Harmonization Process? Do you suppose that the EU factor and the harmonization process have influenced Turkey's legal and structural change? If yes, to what extent?**

On the 3rd October 2006, the negotiations started. There is the 1993 Copenhagen Criteria on the agenda. It has been accepted by the EU that there is judicial regulations made; meaning that these were mainly formulated on the paper and the accession negotiations started. This is a stage for Turkey. Regarding the realization of the regulations, it can be said that there was not much effort made by the former governments. There have been transformations, alterations made recently. There is a

strong difference between societal transformation and transformation on the paper. The harmonization process of Turkey is not reflected in the societal life in terms of institutions, regulations and life-style. It can be said that civil-society movements have been improved during the harmonization process. In the name of strengthening civil attempts civil-society is important part of the harmonization process in order to increase societal consciousness and eventually to increase societal welfare. Regarding this process, it can be said that civil-society receives support. This is a financial support!

State Institution had to build relations between civil-society organizations. This was, at first, inexperienced. Before the state institution was like chief (commander); there occurred hierarchical relationship such as protocol. It was seen and recognized that this style would not function and would not be appropriate for civil-society work. This relationship established a base for the reveal of cooperation (collaboration) culture. There is progress made. These works are orientated to specialization. Every civil-society organization started to participate in projects that serve for their foundation objective. This professional labour force caused employment. Before, there was public and private sector. Today, with the development of civil-society organizations there emerged third sector constituted of civil-society organizations. The number of civil-society organization is 80.000. However, it is debatable that all of are active in terms of efficiency. This process compared to 1980s has carried civil-society organizations to a certain point. 1980s is the period when the civil-society was attacked; state of emergency and prohibition. The civil-society understanding before 1980s was more political. It can be said that this understanding was based “on a sleep mode, prohibitive and performed when allowed.” From 1990s and onwards this was broke up; with the influence of EU harmonization process, it entered into a more active stage.

Regarding the civil-society i am content with quality transformation: we can talk about clear specialization, professional work and professional production regarding the civil-society movement. We can talk about more of a mass movement during previous periods. However, it is difficult to see professional specialization; this was a period when they gathered under political, ideological approaches. Today, civil-society organizations gather every ideological sector. It can be said that there is no polarization compared to pre-1980s.

EU's influence has two contributions. Firstly, it has an efficient role in the attainment of financial sources necessary for the development of civil-society organizations. Secondly, the EU serves as a coercive factor for the existence and foundation of civil-society organizations.

Today, we come across with a situation where the public and civil movements started to cooperate instead of seeing each other as opponents. Civil-society organization is a non-governmental organization and it does not serve to the mission of inclusion in the state hierarchy. This does not mean conflicting with governmental policies; if there is civil-society role in the improvement of societal welfare, and then government can support these. Civil-society has the responsibility to fight against anti-democratic movements. Civil-society is there for the development of democracy model.

Democracy can not live without civil-society. Achievement of liberal democracy is the basis of the EU's development of civil-society. It is said to be that, in order to establish a production style and democracy which the EU conceives and is content with, development of and support for civil-society is one of EU's crucial conditions. All of these could not empower civil-society as wanted. Most of them are in need of help and can not survive only with their own capital. Civil-society movement is not an issue related to becoming organized. It is an issue that necessitates sectors under civil-society organizations to adopt this culture and participate actively, and to take every sort of effort. It is an issue related to sensitivity.

Turkish society does not comprehend the importance of civil attempt. There can be diffused formation in Istanbul. However, in Anatolia there is no sufficient level of consciousness built for reaction *vis-a-vis* organizations.

## **2- How did the start of candidacy process at the 1999 Helsinki Summit affect the development of civil-society organizations?**

This is a professional organization aimed for the protection of and looking after professional rights of psychologists. The start of candidacy process at the 1999 Helsinki Summit did not have powerful repercussions on our side. This did not offer declination that can be directly related to professional effort. There did not expose concrete impact. This needed some time. This wave was felt in the civil-society movement after the

candidacy period with the regulations made regarding judiciary and economics. After few years later this affect had been felt. This became clear after the first years of the current government in power. Before the 2002 elections, Turkey was trying to find itself a room in the middle-east and there was the Gulf movement; and that there was not a clear affect at that period. After the beginning of 2000s, the support orientated to this field concretized by societal projects. There appeared efforts for the normalization and improvement of poverty among some parts of the society. This was expressed more in the media through projects made in the written and auditory media in order to announce the public and to provide participation. There is still more to go. Unless there is agitation in political and economical agenda in 10 years period, this movement is expected to develop in a linear course. I believe that this will promote adoption of democracy culture in Turkey and contribute in the realization of legal regulations.

**3- Do you have any projects which you enforce with the EU? If you have, could you explain it briefly?**

Yes, we have. Our first project supported by the EU is named as; “Cope with Menopause and Andropause “. The project is materializing in a year. This includes the supply of education and easy contact with health institutions to the public residing inside Istanbul’s two municipalities which are Eminönü and Beyoğlu. This project has four main activities. First one is to provide the middle-age public with the related features of this topic. Secondly to supply psychological support programmes to those who are in need of. Thirdly, to orientate people to health institutions who are in need of health service. The last one is to support the development of interference capacity of health centres about these matters. Doctors and nurses who work at these institutions are included in these education services. At the end of the project it is aimed to reach to around 8.000 people. With brochure and announcements, it is aimed to reach for 20.000 people. There is also another project prepared and application made by the club (association) to the EU which is called “Violence against Woman.”

EU announces in various matters support programmes. This project is executed with the Health Ministry and with Europe. There are various programmes like these which are announced and the donation programmes are opened for the applications of

the civil-society organizations. Every civil-society organization develops and manages donation programmes which are related to their activity purposes according to their aims. This project of ours is supported by the EU. Previously there was donation programmes supported by UNICEF. The project was devoted to the matter titled as “The development of psychological counselling and guidance services about traumas in schools and protection of children.”

#### **4- Has the EU been a motivating force in your projects and progress?**

Independent of the EU process, the event that triggered attempts of civil-society is the 1999 Marmara earthquake which appeared to be a motivating factor. Without this event, the civil-society movements would not have become like this. It is difficult to make a clear statement. Democracy might have been more deficient. Because there has always been agendas existed to restrict democracy in Turkey. The governors could always find grounds to continue anti-democratic practices by disturbing the public through issues related to Kurdish problem, radical fundamentalist Islam problem, and turban problem. The support for inclusion in the EU stems mainly out of the public aspiration for democracy and welfare. This is understood by the public as a struggle for democracy and development and the partisans of this project believes that unless this process continues, struggle for democracy and development would be interrupted.

I believe, the EU, in order to offer public practices and services aimed at professional field has offered some opportunities. We are in the statute of public benefit. This was achieved through the Council of Ministers in 1997. We can not always find source for this service. In this respect, the EU has broadened our opportunities. The EU’s contribution to the progress besides the dimension of economy is that the EU support for these organizations brings forward some legal regulation which is necessary for the existence of these associations. It can be said that there has emerged more comfortable legal ground for their activities.

What I mean by legal is that until last year, establishment of an association was under the control of a unit named association table under the structure of the police. State controlled civil-society organizations through security powers. When there was general assembly organized, then the government police was in charge. However, the last amendment made to the association law eradicated these matters.

## **5- How do you compare the development of civil-society movement in Turkey with Europe?**

Civil-society is rooted in the West and that this has caused support for civil-society movements. We can say that, civil-society in the West is far better institutionalized and employs powerful sense of trust such as UNICEF, International Red Cross, and International Human Rights Organization and in some respects International Labour Organization.

This deliverance of trust feeling provides powerful support opportunities. Moreover, in some countries in the West, the local administration is obliged to support some of the civil-society organizations, whereas in Turkey civil-societies survive through the membership fees. Sometimes the sources attained through kermises and education programmes serves for the existence of civil-society organizations. Nevertheless, there is small number of civil-society organizations whom receive support from either the public or private sector. Recently in private sector there emerged the social-responsibility concept. There are expectations emerged related to the contribution of big companies to societal welfare and environmental health. Although, this situation occasionally causes civil-society organizations to receive from this share, we are still not in the expected point.

## **6- Where do you think Turkey is located in terms of sexual equality related to human rights in democracy?**

Turkey is not at the desired point compared to the West. Until last two years there were laws against women (which caused mistreatment). The torture directed to women, rape and marriage are matters which are regulated by the laws that represent more of the main dominant perception. These partially removed. This is more of an issue that has roots in education and history besides laws. In this respect, in Turkey, woman is still under oppression, violence and has disadvantage in terms of representation and still stays at the back of the production process. For example, there are customs murders still in continuation which emerges as a problem causing sexual inequality. Therefore, there is more work to be done in this field. There are many things that civil-society movement can do about this issue. Civil-societies have indispensable role in enabling the masses to adopt societal transformation, and in supporting women, and as much as important is

that in transforming the men dominant approach of the men. Communication with these brains is through preparation and implementation of projects. In order to announce projects media should be appealed to this field, and its attention should be attracted and state institutions should be activated.

With the EU's donation programmes, to develop partnerships between civil-society organizations and society-state cooperation, there emerges serious advantage to receive acceptance of project and to run a project with few civil-society organizations rather than on their own.

#### **7- What do you think of the current government's EU policies and to what extent Turkey has achieved progress in democracy?**

There had been serious reaction to the former governments and to the mentality that those governments represented. The masses aspired more for a declination, transformation, alteration in political and economical issues. This aspiration had strengthened the inclination for other alternative governments different from the previous ones. Turkish society is young and dynamic and is in need of change and new declinations. When both the societal dynamics and country sources are taken into consideration, the aspiration and need for change was under pressure. As a reaction to this, JDP (Justice and Development Party) transformed into a mass party in a very short time (in terms of political history). In fact, after its coming into power, either in the EU process or responding to the pressured needs of the society pursued its function for hope. However, as time passed, it was understood that this government did not do anything more beyond supplying benefits related to political system to its partisans. JDP has not found fundamental solutions for Turkey's problems related to economics, human rights and democracy. After four years of its coming to power, there is still unemployment (reaches to 20 million), external deficit, budget deficit, article 301, staffing in education, military influence in politics, problems related to secularism, Cyprus problem are the matters on the agenda in Turkey.

Still it can not be said that corruption which defects society's moral values has been eradicated. Turkey continues to stay at the breaking point on the issues related to Kurdish problem, rising nationalism wave. When looked at this picture, although there

may be some judicial (legal) regulations that the government had made in the EU process, it can not be stated that this has been reflected in the societal welfare in a crucial degree. This picture does not convey anything more than the continuation of power struggle between the supporters of the mentality of the government and the ones who oppose to this mentality.

**8- Do you think that the policies and legal reforms that the current government implements on the road to full-membership of the EU is for promotion of human rights or to assure legitimacy for its sanctioning power?**

I do not think that this is mainly stems from historical origin or a strong belief in democracy. This is more as a result of a search for a ground that would provide it with more latitude expected to emerge from the EU process in order to express itself. For example; there is an expectation of solution of problems related to turban, schools of religion in favour of them. The decision that the European Human Rights Court took about turban and the last developments related to Muslims in France and England, may have caused them to see that the EU's tolerance to these issues are not what they had expected.

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