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Robert Schuman Centre for Advanced Studies  
BORDERLANDS Project

The European Union and Turkey: Transforming the  
European Periphery into European Borderlands

Meltem Muftuler-Bac



European University Institute  
**Robert Schuman Centre for Advanced Studies**  
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Challenging the notion of Fortress Europe, the BORDERLANDS research project investigates relations between the European Union and the states of North Africa and the Mediterranean Middle East (MENA) through the concept of borderlands. This concept emphasises the disaggregation of the triple function of borders demarcating state territory, authority, and national identity inherent in the Westphalian model of statehood. The project explores the complex and differentiated process by which the EU extends its unbundled functional and legal borders and exports its rules and practices to MENA states, thereby transforming that area into borderlands. They are connected to the European core through various border regimes, governance patterns, and the selective outsourcing of some EU border control duties.

The overarching questions informing this research is whether, first, the borderland policies of the EU, described by some as a neo-medieval empire, is a functional consequence of the specific integration model pursued inside the EU, a matter of foreign policy choice or a local manifestation of a broader global phenomenon. Second, the project addresses the political and socio-economic implications of these processes for the 'borderlands', along with the questions of power dynamics and complex interdependence in EU-MENA relations.

Funded by the European Research Council (ERC) within the 7<sup>th</sup> Framework Programme, the BORDERLANDS project is hosted at the Robert Schuman Centre for Advanced Studies, European University Institute, and directed by Professor Raffaella A. Del Sarto.

For more information: <http://borderlands-project.eu/Home.aspx>



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## **Abstract**

Turkey has always been one of the key players in the EU's periphery, in terms of its economic capabilities, geographical position and political significance. While the EU's stance towards Turkey has been ambivalent over recent decades, Turkey, nonetheless, plays an important role both regionally and globally: one that the EU cannot overlook. This paper looks at the evolution of the EU's role in transforming Turkey into a European borderland with rule and norm transfers in multiple areas. It then proceeds to an analysis of the shifting dynamics of dependence and the resulting lack of a power asymmetry between the EU and Turkey, as factors that limited this rule transfer, especially after 2008. To do so, the paper analyses the historical evolution of this relationship, the EU's role in Turkish political reforms, and the degree to which the EU's role altered within the confines of the accession process. The paper addresses first the EU's rule transfer to Turkey in political terms, and identifies the significant blocs in that process with regards to the declining attractiveness of the EU as an economic magnet. Second, the paper analyses the economic aspects of the EU's rule transfer within the confines of the Turkish-EU association and the shifting dynamics of dependence. The paper provides empirical proof with regards to Turkish adaptation to the EU's technical rules as part and parcel of the accession process. It takes note of the limits of the EU's power to transfer its rules to its periphery, when there is no major asymmetry of power, as in the Turkish case, and when the credibility of the accession process is low. While the changing asymmetries of economic and military power and shifting dynamics of dependence feature in the paper as the main factors limiting the EU's capacity for rule and norm transfer to Turkey, it is, nonetheless, important to note that the EU influenced significant political and economic transformation in the country. The paper, then, investigates the expansion of the EU's functional, political and legal rules to Turkey on the one hand, and uncovers the role that power dynamics might play in Turkish adaptation to these norms on the other. As a result, this analysis of Turkish-EU relations provides a glimpse into the EU's role in its periphery, and its ability to transform the periphery into a European borderland by means of the export of its rules and norms.

## **Keywords:**

Turkey, EU borderlands, the EU accession process, EU norms





## Introduction\*

The European Union is increasingly conceptualized as an empire (Del Sarto, 2015; Zielonka, 2006; Gravier, 2009) with fuzzy borders and the capacity to export its rules, norms and practices to the parties in its periphery. Its relations with the countries in its periphery have evolved from extending its economic, technical rules, to the diffusion of its political and social norms (Lavenex and Schimmelfennig, 2011; Börzel and Risse, 2000; Sjursen, 2002; 2006). The EU's ability to influence its periphery is shaped by the geographical and cultural proximity of this periphery, and as the EU becomes able to export its norms and rules, there is a shift, from periphery to borderland. It needs to be noted here that there are different kinds and degrees of being in the EU's borderlands. While Norway might be a close fit into the European borderlands, Turkey's fit is less straightforward, and the EU's Arab neighbours in the Middle East are even further away.

Turkey has always been one of the key players in the EU's periphery (Muftuler-Bac, 2008), in terms of its economic capabilities, geographic position and political significance. While the EU's stance towards Turkey has been ambivalent over the past decades, Turkey, nonetheless, plays an important role both regionally and globally (Muftuler-Bac, 2014): one that the EU could not overlook. The EU has influenced Turkey, stimulating political changes and acting as an anchor for its transformation, especially in terms of the adoption of the EU political criteria in preparation for Turkey's eventual EU accession (Muftuler-Bac, 2005; Noutcheva and Aydin-Duzgit, 2012). The EU's role as an anchor for Turkey has enabled a transfer of rules and norms from the EU to Turkey, whereby Turkey gradually is being transformed, from the periphery into a European borderland. The export to Turkey of the EU norms and rules as well as "the EU way of doing things" (Del Sarto, 2015:5) is key in this transformation.

A turning point in the EU's ability to transfer its rules and norms further into the Turkish system came in 1999, with the declaration of its candidacy and later on, with the opening of accession negotiations in 2005. While Turkey is still not a full member of the EU, it nonetheless adopts the EU's *acquis* in multiple areas- ranging from freedom of mobility of goods and capital to foreign and security policy. Through the candidacy and the negotiations process, the EU both extended its functional borders and exported some of its rules and practices to Turkey. The EU's rule transfer is particularly visible in the political reforms adopted in Turkey since 2001, in an attempt to fulfil the political aspects of the EU's Copenhagen criteria (Aydin-Duzgit and Gursoy, 2015; Muftuler-Bac, 2005). However, the EU's ability to extend its functional and legal borders to Turkey has presented a mixed picture. What sets the Turkish case apart from the EU's relations with other countries in its periphery are the lack of a power asymmetry, Turkey's inclusion into the European order since 1945, and its accession process. That being said, Turkey emulates some of the EU's rules and uses them to distinguish itself from its Eastern and/or Southern neighbours. Turkey's adoption of EU rules and norms fits the general mould of conditionality (Börzel and Risse, 2000; Schimmelfennig and Sedelmeier, 2005; Schimmelfennig, 2014), as Turkey adjusted to the EU norms in return for material benefits to be reaped. However, as the lure of membership faded, the EU's ability to transfer its rules to Turkey also declined. The slowing down of Turkey's accession negotiations since 2008 limited the EU's ability to transfer its rules to the country. Yet, despite this relative stagnation in the Turkish EU accession process, the EU's role in impacting Turkey's transformation has been profound (Schimmelfennig, 2009; Ozbudun, 2014; Keyman, 2013).

This paper looks at the evolution of the EU's role in transforming Turkey into a European borderland with rule and norm transfers in multiple areas, and then proceeds to an analysis of the

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shifting dynamics of dependence and the resulting lack of a power asymmetry between the EU and Turkey, as factors that limited this rule transfer, especially after 2008. The analysis of Turkish relations with the EU, both in terms of their underlying dynamics and the impact the EU had on Turkish transformation, constitutes the empirical part of the paper. To do so, the paper analyses the historical evolution of this relationship, the EU's role in Turkish political reforms, and the degree to which this role altered within the confines of the accession process. The paper addresses first the EU's rule transfer to Turkey in political terms, and identifies the significant blocs in that process with regards to the declining attractiveness of the EU as an economic magnet. Second, the paper analyses the economic aspects of the EU's rule transfer within the confines of the Turkish-EU association and the shifting dynamics of dependence. The paper provides empirical proof with regards to the Turkish adaptation to the EU's technical rules as part and parcel of the accession process. The paper takes note of the limits of the EU's power to transfer its rules to its periphery, when there is no major asymmetry of power, as in the Turkish case, and when the credibility of the accession process is low.

While the changing asymmetries of economic and military power and shifting dynamics of dependence feature in the paper as the main factors limiting the EU's capacity for rule and norm transfer to Turkey, it is, nonetheless, important to note that the EU influenced political and economic transformation in the country. This is how the paper investigates the expansion of the EU's functional, political and legal rules to Turkey on the one hand, and uncovers the role that power dynamics might play in the Turkish adoption of these norms on the other. As a result, this analysis of Turkish-EU relations provides a glimpse into the EU's role in its periphery, and its ability to transform the periphery into a European borderland by means of the export of its rules and norms.

## **The European Union and Transfer of its Rules to Turkey**

When Turkey's accession negotiations with the European Union began in 2005, it looked as if Turkey had finally entered a seemingly irreversible road to democratic consolidation. Both internal developments in Turkey and its accession process to the EU at the time pointed towards a democratic Turkey closely integrated into the European order, in line with the general expectations in the conditionality literature. The European Union's political conditionality is an important factor in inducing political change in the acceding countries (Preston, 1995; Schimmelfennig and Sedelmeier, 2005; Risse, 2010). The EU's role in promoting these values and democratic principles in its external environment is explored by Lavenex and Schimmelfennig (2009: 791) as "the extension of the EU's internal rules and policies going beyond formal membership", combined with an ability to transform a non-member country's implementation of European values. This is perceived as the EU's transformative power (Börzel and Risse, 2000). The EU's ability to transfer its rules depends on its governance modes (Schimmelfennig and Sedelmeier, 2005), and this poses the question as to what kind of governance modes are most effective in this rule transfer. The implicit promise of membership in the future in return for meeting the EU political norms might be sufficient on its own for fostering political reforms, or alternatively the EU might need to compensate the acceding countries for the political costs to be incurred as a result of these changes, via its technical and financial assistance. A significant component of the EU's rule transfer could be measured through the degree of institutionalization of the rules in the periphery, specifically with the restructuring of domestic institutions (Schimmelfennig, 2009). This seems to be precisely what happened in Turkey.

Turkey's relations with the European Union have a long, deeply ingrained history dating back to the European institutional restructuring after World War II. Turkey became one of the first countries in South East Europe- the other was Greece- to become an associate member of the then European Economic Community. The economic, political and military ties between the EU and Turkey increased exponentially and in a parallel fashion to the systemic fluctuations, over time. Turkey's integration into the European order goes beyond its relations with the EU, as it is one of the founding members of the Council of Europe, OEEC, and a NATO member since 1952. Its associate membership in the EEC since 1963 has integrated Turkey into the European market, and the

realization of a customs union for industrial products between the EU and Turkey in 1995 meant that Turkey also adopted some of the EU rules with regards to the internal market. The institutional ties with the European order helped Turkish integration into this order politically, economically and militarily (Muftuler-Bac, 2008).

In 1963, Turkey signed the Ankara Treaty with the European Economic Community, and this set the basis of Turkish eligibility for EU membership. The Ankara Treaty gave Turkey the position of associate membership- similar to Greece's Athens Treaty- and specified the necessary steps for economic integration between Turkey and the EEC. The Treaty also included a clause, Article 80, indicating that when both parties were ready to fulfil the obligations for membership, Turkey would join the EEC. This meant that Turkey would prepare for membership in the Community by slowly adapting its rules and *acquis* with regards to trade related matters. While this was a positive beginning and the legal basis for Turkey's eligibility for EU accession in the later decades, the Association Agreement did not function as expected. It was only at the end of the 1980s that Turkey began to adopt the EEC's trade rules for the preparation of its application for full membership in 1987. However, the European integration process took a different turn, and Turkey at the end of the 1980s was too poor, too backward and too large to be incorporated as a full member. Instead, the newly emerging European Union implemented all the key aspects of the 1963 Ankara Treaty, and on the basis of that treaty signed a Customs Union Agreement for industrial products with Turkey in 1995. Turkey was shocked to find itself sidelined by the EU, when the EU launched its most ambitious enlargement process in 1997 (Schimmelfennig, 2001). As the EU expanded to include almost all the Central and Eastern European countries, Turkey struggled to keep itself included in this process. In 1999, Turkey was elevated to candidate country status as it speeded up its adoption of the EU's political norms. The Turkish transfer of rules from the EU, especially in political matters under the 1993 Copenhagen criteria, finally culminated with the opening of accession negotiations in 2005. Yet, Turkey still confronted a key question in terms of its inclusion into the European order, and despite the ongoing accession negotiations, whether it would eventually accede to the EU was a big 'if'. This brings to the forefront the question of the role of political rules in shaping the borders of Europe. It is through its close integration into the EU that Turkey underwent a transformation process, changing its place in the European periphery into one of European borderland. The political transformation process underway since 1998 plays a particularly important role here.

Ever since the Turkish application for full membership in 1987, the European Union/then Community has emphasized the importance of conforming to European political criteria (Muftuler-Bac, 2005; Noutcheva and Aydin, 2012). While such criteria were vaguely defined at the time, they nonetheless played an important role in the formulation of the European Commission's Opinion/Avis on Turkey in 1989.<sup>1</sup> The European Commission stressed the legal eligibility for Turkey based on the 1963 Ankara Treaty, but pointed out that Turkey was far from meeting the EC's accession criteria. Specifically, the Turkish political situation made its EC membership unlikely, as there were multiple restrictions on freedoms of expression, speech and association, minority rights were not at European standards, and rule of law and respect for human rights were problematic. The European Commission also emphasized the continuing role of the military in civilian politics, the problems with regards to the 1982 Constitution and the continuing emergency rule in certain parts of the country. Thus, as early as 1989, with the Commission Opinion on its application, the Turkish government received a clear road map from the European Commission as to what kind of obstacles to its accession remained in the political field, and what needed to be done. It needs to be noted here that it was largely for the EU membership application that in 1987, the Turkish government lifted the political restrictions on political parties and individuals that had been in place since the 1980 military take-over. Similarly, emergency rule was lifted progressively over the whole country.

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<sup>1</sup> Commission Opinion on Turkey's Request for Accession to the Community, Sec (89) 2290 Final, Brussels, 20 December 1989.

The EU's political influence over Turkey increased with the ratification of the 1992 Maastricht Treaty. The assent procedure introduced by the Maastricht Treaty required the European Parliament's approval for all the treaties and agreements that are signed with third parties. Turkey was one of the first countries to immediately feel its impact. The 1995 Customs Union Agreement<sup>2</sup> between Turkey and the EU had to be ratified by the EP in order to become operational, and the EP had a series of political reservations. Thus, in 1995, Turkey adopted the most extensive amendments to the 1982 Constitution in order to satisfy the members of the European Parliament, and acquire their assent to the CUA by December. These political changes in response to the EP reservations demonstrated the newly acquired power of the EU over Turkey with regards to rule transfer, and the need for political adaptation in order to reap material economic benefits. Thus, the EP's assent to the CUA in 1995, together with the Turkish political adjustments to the EU concerns, indicated a new pattern in Turkish-EU relations, and also in the EU's ability to transfer its norms to its periphery, transforming it into borderlands.

This pattern became even more pronounced when the EU adopted its 1993 Copenhagen criteria to assess applicant countries for EU accession, one of which was Turkey. In 1997, the European Commission adopted its Agenda 2000, categorizing the 13 applicants to the EU into different camps. The Commission, while noting Turkey's eligibility for EU membership, did not recommend candidacy status for Turkey, since Turkey was not yet meeting the political aspects of the 1993 Copenhagen criteria.<sup>3</sup> The Commission's recommendation was adopted by the European Council at its 1997 Luxembourg summit.<sup>4</sup> As a result, while Turkey was deemed eligible for EU membership, it was not elevated to the status of Candidate Country. The European Commission since 1998 has been evaluating Turkish compliance, by means of its annual Progress Reports, along with other candidate and accession countries in the European periphery. These Progress Reports are important mechanisms for the EU to convey its message to Turkey as to the areas where it expects compliance. Similarly, the Accession Partnership Documents (2001, 2008),<sup>5</sup> the National Programme and the Negotiations Framework (2005) list the areas where further compliance is expected. These documents constitute the main tools for the EU's rule transfer. The European Commission published its first Progress Report on Turkey- along with other candidates- in 1998, in which it listed all the main problems in Turkey's political system, echoing most of the findings of the Commission's 1989 Opinion on Turkey. In its 1998 Progress Report on Turkey, the European Commission deemed Turkey as not meeting the Union's political standards. The main reasons included violation of human, civil and political rights and failure to settle disputes. Specifically, the 1998 Regular Report on Turkey stated:

On the political side, the evaluation highlights certain anomalies in the functioning of the public authorities, persistent human rights violations and major shortcomings in the treatment of minorities. [...]. The process of democratic reform on which Turkey embarked in 1995 must continue (European Commission 1998: 21).

The European Commission was pretty clear in terms of what is expected of Turkey before it could be elevated to candidacy status. This meant that Turkey needed to satisfy the EU's political criteria if it wanted to reap the material benefits of accession. The EU's functional and political rule transfer depended upon the desirability of these material benefits, and at the end of the 1990s and early 2000s, the prospect for EU accession was highly attractive to the Turks. Thus, it is no coincidence that the incentive to adopt the EU's rules was highest in this time period. Turkey engaged in a rigorous

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<sup>2</sup> Turkey's Customs Union Agreement with the European Union, 1995, [http://ec.europa.eu/taxation\\_customs/customs/customs\\_duties/rules\\_origin/customs\\_unions/article\\_414\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_duties/rules_origin/customs_unions/article_414_en.htm)

<sup>3</sup> In 1993, the European Union adopted the Copenhagen criteria to evaluate applicants and assess their ability to fulfill their obligations arising from EU membership, [http://ec.europa.eu/enlargement/policy/glossary/terms/accession-criteria\\_en.htm](http://ec.europa.eu/enlargement/policy/glossary/terms/accession-criteria_en.htm).

<sup>4</sup> Luxembourg Presidency Conclusions, 1997, [http://www.europarl.europa.eu/summits/lux1\\_en.htm](http://www.europarl.europa.eu/summits/lux1_en.htm)

<sup>5</sup> Accession partnership document, 2001, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:e40111&from=EN>

political reform process, starting in 1999 and speeded it up in 2002. In 1999, as a result of the adoption of multiple political reforms, the European Commission recommended Turkey's elevation to candidate country status. Yet, the Commission noted the ongoing problems in the Turkish political system and, as a result, did not recommend the opening of accession negotiations. The 1999 Progress Report stated that:

Recent developments confirm that, although the basic features of a democratic system exist in Turkey, it still does not meet the Copenhagen political criteria. There are serious shortcomings in terms of human rights and protection of minorities. Torture is not systematic but is still widespread and freedom of expression is regularly restricted by the authorities. The National Security Council continues to play a major role in political life. Although there have been some improvements in terms of the independence of the judiciary, the emergency courts system remains in place. In recent months, there have been some more encouraging signs of democratization" (European Commission 1999:15).

However, this recommendation was deemed sufficient, and the 1999 Helsinki Council, acting on it, declared Turkey a 'candidate country destined to join the EU under the same objective criteria as the other candidates'<sup>6</sup>. As a result of its candidacy, Turkey was included in the Community programmes on education and research such as Erasmus and Jean Monnet, as well as civil society initiatives. These increased social, economic and political interactions between the EU and Turkey, resulting from the Turkish candidacy, further facilitated norm and rule transfer from the EU to Turkey. The candidacy and the subsequent political reform process speeded up Turkish adaptation to the EU rules, and also strengthened the hands of the political reformers. The EU's 2001 Accession Partnership Document set the short and long term expectations of the EU about Turkish political changes.<sup>7</sup> The 2002-2005/6 period is especially important in this regard, as this is the period when most of the political changes were adopted in Turkey (Muftuler-Bac, 2005; Aydin-Duzgit and GURSOY, 2015). To reiterate a few of them, the Turkish government revised its Civil Law in 2001, Labour Code in 2003, Penal code in 2005. It removed the death penalty from the Criminal Code in 2002 and amended the 1982 Constitution in order to meet the EU's concerns with regards to civil-military relations. The 2004 Constitutional Amendment is particularly important in that respect, with a change in Article 10, stating that Turkey's international obligations are superior to Turkish law. This was a radical step in transforming the Turkish state's sovereignty in preparation for EU accession, and also a clear example of rule transfer from the EU to Turkey.

As a result of these sweeping political reforms, the European Commission in 2004 recommended opening accession negotiations with Turkey, stating that Turkey was now *sufficiently* meeting the EU political criteria.<sup>8</sup> The European Council set the date for this as October 3 2005. This is a clear demonstration of the EU's ability to transfer its norms to its periphery: Turkey went through a rapid political transformation along with the EU's demands, in order to reap the material benefits of candidacy and accession. Turkish inclusion into the European order would thus be shaped by the dominant European political rules that it adhered to. It needs to be noted here that the Council of Europe, with its European Convention on Human Rights, shaped the main political rules and norms that the European Union relied upon in its external relations with the third parties in its periphery. Turkey's status as a founding member of the Council of Europe meant of course that there was another mechanism for the transfer of European rules and norms prior to the EU accession process. Yet, it is also important to note that the EU accession process enhanced the Council of Europe's visibility in Turkey, as the European Commission increasingly referred to the ECHR and demanded Turkey's

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<sup>6</sup> Helsinki Presidency conclusions, 1999, [http://www.europarl.europa.eu/summits/hel1\\_en.htm](http://www.europarl.europa.eu/summits/hel1_en.htm)

<sup>7</sup> Accession partnership document, 2001, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:e40111&from=EN>

<sup>8</sup> European Commission Progress Report for Turkey, 2004, [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2004/rr\\_tr\\_2004\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf)

compliance.<sup>9</sup> For example, while Turkey had initially refrained from ratifying Protocol 6 of the ECHR, which lifted the death penalty from the Penal Code, even though the Commission listed that as a key aspect of Turkish adaptation to the political criteria of EU accession, Turkey did amend the Penal Code in 2002, eliminating the death penalty.<sup>10</sup> In other words, the linkage between the Council of Europe and the EU political rules for accession became visible as Turkey got closer to EU membership, and the EU relied on the Council of Europe rules to assess Turkish adoption of its political norms. While the EU's transfer of its political rules to Turkey evolved along with its accession process, it was affected by the shifting dynamics of interdependence between Turkey and the EU, especially after 2008.

A critical development in Turkey's ability to meet the EU's political criteria was the Justice and Development Party's (AKP) coming to power in 2002. The AKP has been re-elected to power three times since then, in 2007, 2011, and 2015. Under AKP rule, especially in the early years from 2002 to 2007, there was an ambitious process of norm adoption and rule transfer from the EU, specifically targeted to meet the political aspects of the EU's Copenhagen criteria. The rule transfer indicated a political transformation in Turkey, slowly changing it from the EU periphery to European borderlands. However, increasingly after 2011, there has been a rapid reversal of the political reforms and a backsliding into authoritarianism in the country (Keyman, 2013; Aydin-Duzgit and Gursoy, 2015; Muftuler-Bac, 2015). The beginning of Turkey's accession negotiations for the EU, in 2005, came at the height of a political reform process that looked very promising. From 2002 to 2008, multiple harmonization packages to EU political rules were adopted. The 1982 Constitution was amended numerous times, and the most important amendments were adopted with the 2010 Constitutional Referendum. The judicial reforms altering the composition of key judicial institutions such as the Constitutional Court and the Supreme Boards of Judges and Prosecutors were key elements of the Constitutional Referendum.

However, increasingly after 2011, there has been a backsliding in Turkey's reforms. The government's ban on social media sites such as Twitter and YouTube in 2014, the crackdown of the Gezi Park protests in 2013, and the prosecution and trials of secularists in two separate cases- Ergenekon and Balyoz- were indicative of a reversal of the Turkish government's commitment to the EU's political rules. This was surprising in a candidate/acceding country. Yet, there was a key factor in the decreasing Turkish commitment to the political reforms: that is the decline in both the credibility and the desirability of the EU's accession process. As the accession process increasingly lost its key attractiveness and the possible material domestic costs of political adaptation increased, Turkey moved away from the EU's political norms (Ozbudun, 2014; Keyman, 2013). However, even though the political situation rapidly changed in Turkey, its primary economic ties with the EU still remained intact. This brings us to the question of the extent to which the EU impacted Turkey, both in its democratic transformation but also in terms of its economic growth and development. The EU's conditionality with regards to Turkey's political reforms, as shown above, was very clear: it could reap the material rewards of its association with the EU- customs union for industrial products, candidacy, opening of accession negotiations and finally full membership- only if and when it met the EU's political criteria. This ultimately meant that Turkey underwent significant changes in recent decades to ultimately meet the EU's accession criteria, as foreseen in the conditionality literature. However, the EU's ability to transfer its rules and norms to Turkey, transforming it from European periphery to European borderlands, rested on the credibility of the accession process (Muftuler-Bac and Cicek, 2015) and on the continuing allure of EU membership. There are significant changes in both, which are explained in the next section.

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<sup>9</sup> European Commission Progress Reports for Turkey, 1998-2015.

<sup>10</sup> Turkish political reforms, Minister of EU Affairs, 2007, <http://www.ab.gov.tr/files/pub/prt.pdf>

## **Shifting Dynamics of interdependence between Turkey and the EU**

The EU's rule transfer is an important part of its influence on third parties; however, the extent to which the EU is able to transfer its rules and norms, and the extent to which third parties in the European periphery, such as Turkey, might adopt these rules rely on a power differential. It is much easier for the EU to transfer and impose its rules, standards and norms on smaller states such as those in Central and Eastern Europe (Börzel and Risse, 2000) or the Western Balkans, than it is on states such as Russia or Turkey. The EU's relations with its periphery rely on distribution or promise of a reward (Schimmelfennig, 2001), and the withholding of rewards, as well as sanctions, in the case of non-compliance with explicit rules (Schimmelfennig and Sedelmeier, 2005). Rewards vary greatly: they could include economic assistance, preferential trade agreements, financial transfers, lifting of protective barriers and even, at the highest level, actual accession to the EU. Similarly, sanctions involve the withholding of such rewards, but also punishment in terms of trade barriers, increased protective measures, and possible embargoes (Damro, 2012; Lavenex and Schimmelfennig, 2009; 2011).

In terms of the shifting dynamics of dependence, the political and economic conditions that have enabled the EU to act as a global leader are fading,<sup>11</sup> although the ability of rising powers to challenge the Western-shaped and -dominated liberal order remains an open question (Hart and Jones, 2010; Howorth, 2010). The rising powers such as China, India, and Brazil, as well as a resurgent Russia, contest the rules that the EU has drawn up. The European economic crisis and the decline in its credibility as a successful economic model have further exacerbated this situation. It is also within this changing international context that the EU's ability to transfer its rules to its periphery might remain limited. The EU's ability to influence Turkey is largely affected by this particular transformation, and by the challenges of defining what 'Europe' stands for. In particular, the changing asymmetries of economic power and the shifting dynamics of dependence between the EU and Turkey limit the EU's capacity as to its rule and norm transfers. Two factors emerge here: Turkish military and economic capabilities- both of which curtail the EU's power in its rule transfer -and the attractiveness of the goal of EU accession. Turkish military ranking matters, as it acts as an intervening variable in shaping the extent to which the EU could influence Turkey. Turkey is militarily the 4<sup>th</sup> most powerful country in the European continent, after the Big Three of the EU, and this acts as a factor limiting the transformative power of the EU. Turkey's military strength, as assessed by its standing army, fire power, conventional weapons, and other tangible elements of capability, puts Turkey, in a ranking of global powers, as 10<sup>th</sup> out of 126 countries in total.

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<sup>11</sup> Their combined share of global wealth has steadily declined from 52 percent in 1990 to 40 percent in 2011.

**Table 1: Turkish military capabilities-Global power index<sup>12</sup>**

Ranking	Country	Power index
1	United States	0.1661
2	Russia	0.1865
3	China	0.2315
4	India	0.2695
5	United Kingdom	0.2743
6	France	0.3065
7	South Korea	0.3098
8	Germany	0.3505
9	Japan	0.3838
<b>10</b>	<b>Turkey</b>	<b>0.4335</b>

While Turkey's current military rank is substantial, it needs to be noted that this is most likely to continue, on the basis of Turkish military spending. Turkey's military spending of 18, 2 billion dollars in 2012 places the country at a rank of 15<sup>th</sup> highest spender globally, in military expenditures. Its relative rank in the global fire power index and sustained military expenditures contributes to Turkey's visible role on the European continent and in regional balances. This is particularly important in the changing regional security environment that the EU finds itself in. As the instability in the Middle East increases, Turkey's possible role as a buffer zone between the Middle East and the EU is also enhanced. Similarly, Turkish economic capabilities: as part of the G-20, the largest 20 economies in the world, Turkey has also economic clout in its relations with the EU.

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<sup>12</sup> Global Firepower calculations, 2015. [http://www.globalfirepower.com/country-military-strength-detail.asp?country\\_id=Turkey](http://www.globalfirepower.com/country-military-strength-detail.asp?country_id=Turkey).



**Table 2: Gross Domestic Product (GDP)- G20 <sup>13</sup>**

<b>Ranking</b>	<b>Country</b>	<b>GDP (Billion \$)</b>
1	United States	18,125
2	China	11,212
3	Japan	4,210
4	Germany	3,413
5	United Kingdom	2,853
6	France	2,470
7	India	2,308
8	Brazil	1,904
9	Italy	1,843
10	Canada	1,615
11	South Korea	1,435
12	Australia	1,252
13	Mexico	1,232
14	Spain	1,230
15	Russia	1,176
16	Indonesia	896
17	<b>Turkey</b>	<b>753</b>
18	Netherlands	749
19	Switzerland	688
20	Saudi Arabia	649

These two rankings- military and economic capabilities- indicate the relative power Turkey possesses in relation to the EU. While it is not necessarily a great power, it still has a high ranking in global politics, making it an important partner for the EU. This sets Turkey apart from other countries in the EU's periphery or its previous neighbours in Central and Eastern Europe. In other words, precisely because of this power differential, the EU's transfer of rules to Turkey is not as straightforward as in the other countries in the EU's periphery. Russia might be seen as a similar case, but Turkish relations with the EU are dramatically different from Russia's, as an integral part of the European economic,

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<sup>13</sup> IMF World Economic outlook 2015, <http://knoema.com/IMFWEO2015Apr/imf-world-economic-outlook-weo-april-2015>.

political and military order since 1945. Since EU accession, while an important goal for Turkish foreign policy, is not the only possible source of relative power for Turkey, the EU's ability to impose some of its rules is limited. One must note here that the increased economic and political interactions between Turkey and the EU, within the institutional setting they share, leads to a diffusion of norms. This norm diffusion cannot be compared to one that happens between unequal partners, such as the EU and the Western Balkans. But having said this, the long association between Turkey and the EU ever since 1963 has enabled rule transfer in multiple different areas.

Turkey already differed from other countries in the EU's periphery also negotiating for accession, in terms of its adoption of the EU *acquis*. To be specific, in certain areas of the EU legislation, from economic integration to external relations and European foreign policy, Turkey already met some of the EU *acquis*. For example, when the customs union became fully operational in 1996, this marked Turkey as apart from all other countries in the EU's periphery, as it became the first and the only country to realize a customs union prior to accession. The customs union between Turkey and the EU meant that Turkey would adopt the EU's trade rules, its common external tariff for trade with third parties, and harmonize its own economic rules and regulations to the EU *acquis*. Yet, the CUA does not include agricultural products nor does it have any clauses for services: it is solely for industrial products. The CUA also stands as more or less the first attempt by the EU to share some of its legal norms on trade with a non-member country. To be specific, Turkey adopted the EU's CET for industrial products- with few exceptions- and the industrial components for some agricultural products. Turkey and the EU aimed at the elimination of all customs duties, quotas and surcharges on the industrial products originating in each other's markets. From 1996 onwards, Turkey's trade volume with the EU increased, and the expansion of trade necessitated Turkey's adaptation to the EU's industrial and technical standards. It is only after 2008, with the European economic crisis, that Turkey began to diversify its external trade. A look at Turkish trade with the EU since 2005 could better illustrate the close association between Turkey and the EU, especially with regards to economic integration.

**Table 3: Turkey's Trade volume with the EU 2005-2014 (thousand dollars)<sup>14</sup>**

	EXPORTS		IMPORTS	
	Total	EU 28	Total	EU 28
<b>2005</b>	73,476,408	41,532,953	116,774,151	52,781,362
<b>2006</b>	85,534,676	48,148,628	139,576,174	59,447,587
<b>2007</b>	107,271,750	60,754,022	170,062,715	68,472,309
<b>2008</b>	132,027,196	63,719,097	201,963,574	74,513,444
<b>2009</b>	102,142,613	47,228,119	140,928,421	56,616,302
<b>2010</b>	113,883,219	52,934,452	185,544,332	72,391,053
<b>2011</b>	134,906,869	62,589,257	240,841,676	91,439,406
<b>2012</b>	152,461,737	59,398,377	236,545,141	87,657,462
<b>2013</b>	151,802,637	63,039,810	251,661,250	92,457,992
<b>2014</b>	157,610,158	68,514,370	242,177,117	88,783,651

The role of the EU in Turkish foreign trade could be further seen in the following figures for Turkish imports and exports.

<sup>14</sup> Turkish Statistics Institute. [www.turkstat.gov.tr](http://www.turkstat.gov.tr)

**Figure 1: Turkish Imports 2005-2014**

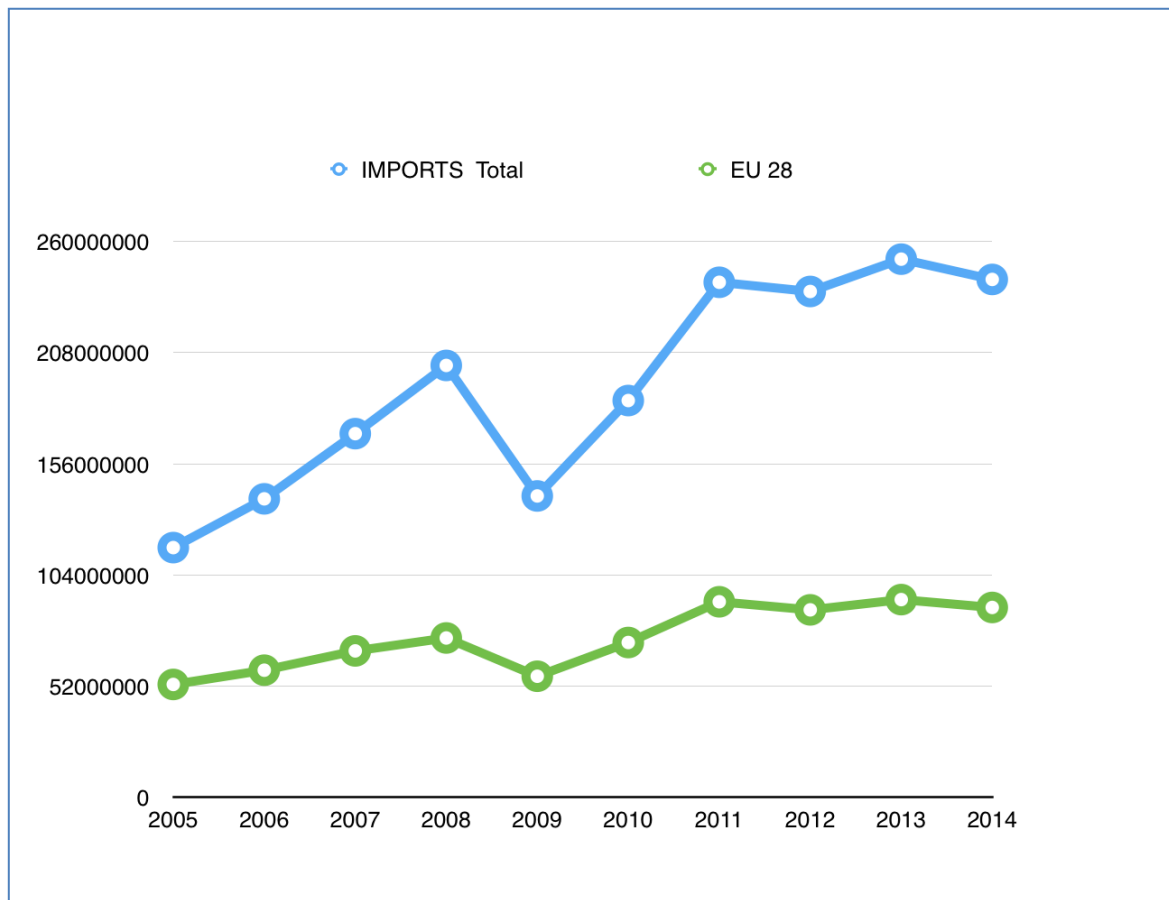


Figure 1 demonstrates a sharp increase in Turkey's imports after 2010 in total, but the EU's share, while also on the rise, remains relatively stable. This is due to the increased energy costs and needs for Turkey, and the increased share of Russian and Iranian energy exports to Turkey. Figure 2 is similar, with a sharp increase in Turkey's exports in total, and that is partly due to the rise of alternative markets, in the Middle East, Asia and the emerging economies.

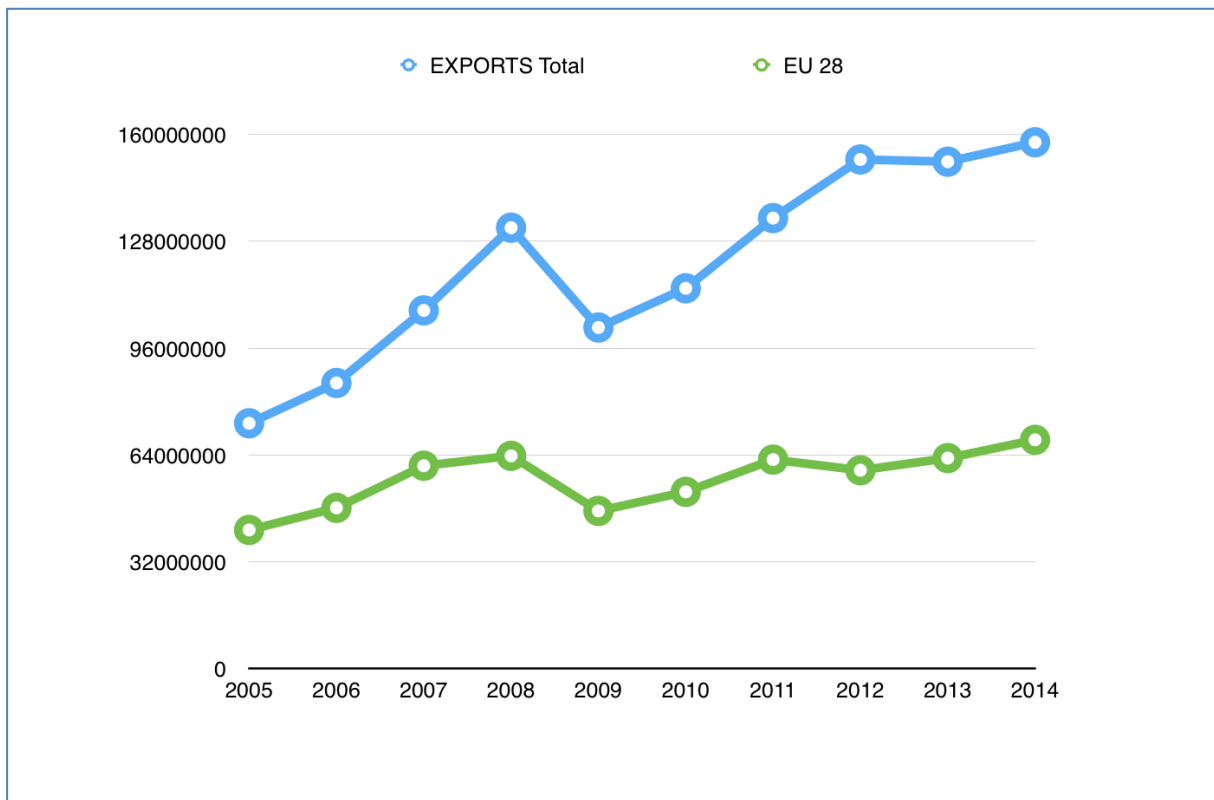
**Figure 2: Turkish Exports 2005-2014**

Table 3 and the figures above demonstrate that the EU is indeed an important trade partner for Turkey. However, Turkey's trade- both imports and exports- has altered over the last 10 years. An important factor here in this change is the rise of new markets for Turkey- both among the newly emerging economies but also in the Turkish immediate neighbourhood. As economic growth slowed down in Europe and demand for products shrank in parallel, Turkey diversified its external markets. Such a diversification matters, as the EU's share in Turkish trade volume declined from around 49% in 2005 to around 39% in 2014. If this trend is to continue, then the EU's economic importance for Turkey's trade will decline even further, eroding both the desire for its accession and the need for rule adaptation. In other words, as the EU's central role as Turkey's key economic partner began to erode with its economic downturn, and the new markets for Turkey gained importance, the EU's ability to impose its norms on Turkey began to change. It needs to be remembered here that the transfer of the EU's rules and norms to Turkey would depend on the economic material benefits expected as a result, and as the EU's economic role for Turkey declined, so did the transfer of these political rules. This provides another explanation for the political changes addressed in the above sections.

Nonetheless, Turkey is bound by its obligations to the EU's trade rules, both as a result of its customs union for industrial products and the accession negotiations. Beyond the Customs Union for industrial products, it is the accession negotiations process for Turkey that prompted its harmonization of EU rules. To be precise, Turkey adopts the EU's rules and regulations in multiple areas in order to meet the EU's accession criteria, as it is part and parcel of the EU's enlargement process (Muftuler-Bac and Cicek, 2015). This is to a certain extent different than the case of other countries in the EU's periphery. For example, when one looks at Turkish harmonization with the EU *acquis communautaire*, it is possible to see a high degree of compliance in Turkish legislation to the EU rules (European Commission, 2014). The EU's *acquis communautaire* constitutes the basis of the Turkish accession negotiations with the EU. It is divided into 35 chapters. The EU's evaluation of Turkish compliance with the *acquis* is mostly done through the screening analysis, where the EU legislation in the relevant

chapters and the Turkish legislation are compared, and the Screening Report identifies those areas where compliance is high, and those areas where further policy and legal harmonization is expected. The Screening Report forms the very basis of the Commission's Draft Common Position for the chapters to be negotiated. The Progress Reports, the screening process and the DCP, along with the ACP, NP and NF, constitute the main tools and mechanisms whereby the EU's transfer of rules to Turkey occurs. When the Turkish accession negotiations with the EU began in 2005, this also started the official screening process-the analytical examination of Turkish compliance with EU legislation. As the screening reports prepared by the European Commission were approved by the Council of Ministers unanimously, the negotiations process moved forward. In some cases where Turkish compliance was deemed to be high, such as on Science and Research, the Commission's Draft Common Position was adopted with the opening of the chapter and provisionally closed. The following table summarizes the negotiations process between the EU and Turkey as it currently stands in 2015.

**Table 4: Turkish Accession negotiations process 2005-2015<sup>15</sup>**

<b>Chapters opened for negotiations</b>	<b>Screening reports approved-chapter not yet open</b>	<b>Chapters with negotiating positions</b>	<b>Chapters waiting for approval of the Screening report</b>
Chapter 25- Science and Research (June 2006 opened and provisionally closed)	Chapter 1 *-Free Movement of goods	Chapter 26#- Education and culture (May 2006)	Chapter 2-Freedom of movement for Workers
Chapter 20-Industrial and Enterprise policy-March 2007	Chapter 3*-Free movement for services		Chapter 13*-Fisheries
Chapter 18 Statistics-June 2007	Chapter 11 *-Agriculture		Chapter 14*-Transport policy
Chapter 32 Financial Control-June 2007	Chapter 29*-customs Union		Chapter 30*-External relations
Chapter 21- Trans- European Networks –December 2007	Chapter 5- public procurement		Chapter 23#-Judiciary and fundamental rights
Chapter 28. Consumer and Health Protection -December 2007	Chapter 8-competition policy		Chapter 24#-Justice, Freedom and Society
Chapter 6- Company Law-June 2008	Chapter 19-Social policy		Chapter 33-Financial and Budgetary provisions
Chapter 7- Intellectual Property Law-June 2008			Chapter 15#-Energy
Chapter 4- Free movement of capital- December 2008			Chapter 31#- Common Foreign and Security policy

<sup>15</sup> Data compiled by the author based on the Minister of EU Affairs, Turkey documents, <http://www.ab.gov.tr/index.php?p=65&l=2>

Chapter 10-Information Society and Media-December 2008			
Chapter 16- Taxation-June 2009			
Chapter 27-Environment-December 2009			
Chapter 12. Food Safety, Veterinary and Phytosanitary Policy-June 2010			
Chapter 22-Regional Policy-December 2013			
Chapter 17-Economic and Monetary policy-December 2015			

One needs to note here that the chapters marked with \* were suspended with the 2006 European Council decision.<sup>16</sup> The 2006 suspension decision stated that any chapter that related to the 1995 Customs Union Agreement could not be opened unless Turkey implemented the 2005 Additional Protocol, and extended the CUA to the new member states of the EU who joined in 2004. To be precise, Turkey did not implement the 2005 Additional Protocol to Cyprus, as it did not recognize Cyprus. As a result of Turkish non-implementation, 8 chapters as shown above were effectively suspended in 2006. The Council decision also included a provision indicating that no chapter could be provisionally closed unless Turkey implemented the Additional Protocol.<sup>17</sup> Thus, the EU took a multilateral decision to freeze 8 chapters in the negotiations process with Turkey. However, on top of this multilateral decision, Turkey faced individual, bilateral vetoes from 2 member states-France and Cyprus- for the chapters indicated with # in the above table. For example, when the Commission recommended the opening of Chapter 17 in June 2007, France vetoed its opening, arguing that it would prejudice the outcome of negotiations as accession.<sup>18</sup> It was only in December 2015 that France lifted its veto on Chapter 17 as part of a package deal with Turkey, and negotiations commenced in that chapter. All in all, due to multilateral suspension and these bilateral vetoes, the negotiations process moved rather slowly (Muftuler-Bac and Cicek, 2015). Nonetheless, the accession process enhanced Turkey's adoption of the EU's functional and legal norms in multiple areas covered under the EU *acquis*, as part of the Turkish preparation for EU accession.

To illustrate the EU's functional rule transfer to Turkey under the EU *acquis*, a look into the energy chapter would suffice. After 2001, Turkey adopted new legislation on energy that would facilitate its compliance with the EU's functional rules as follows: In 2001, Turkey adopted Electricity Market Law 4628 and Natural Gas Market Law 4646 and established the Energy Market Regulatory Mechanism.<sup>19</sup> In 2005, it adopted Law 5326 for the Utilization of Renewable Energy Resources, and in 2007, a law on the efficiency of energy resources. In 2013, Turkey revised the electricity market law with a new law 6446. In 2015, Turkey adopted a National Renewable Energy Action Plan which was prepared directly in line with the European Union's energy plans for 2020 under the 2009/28/EC

<sup>16</sup> 2006 Council Presidency Conclusions, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/92202.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf)

<sup>17</sup> [http://europa.eu/rapid/press-release\\_PRES-06-352\\_en.htm?locale=en](http://europa.eu/rapid/press-release_PRES-06-352_en.htm?locale=en)

<sup>18</sup> 2007 Council Presidency Conclusions, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/94932.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/94932.pdf)

<sup>19</sup> <http://ec.europa.eu/enlargement/pdf/fiche-projet/turkey/2002/2002-002-555-02.01-energy-market-regulatory-authority.pdf>

directive.<sup>20</sup> It needs to be noted here that while there was a great degree of complementarity between the EU and Turkey, the negotiations on the energy chapter could not move forward. That is because Cyprus vetoed the Screening Report for the Energy chapter in the Council of the EU. This effectively reduces the EU's capacity in its transfer of functional rules. Nonetheless, the EU and Turkey tried to expand their cooperation in this functional field, to get round the Cypriot veto, and in order to do so; they adopted a High Level Energy Dialogue in March 2015, and published a Joint Declaration on Energy on March 17, 2015.<sup>21</sup> The Turkish adoption of the EU rules in the field of energy is a clear illustration of the EU's rule transfer to Turkey in an area covered under the EU *acquis*. However, further transfer of technical rules seems unlikely as this chapter is blocked by Cyprus.

This is also similar to other technical areas covered under the EU *acquis*. The Turkish adaptation to the EU's rules and regulations specifically under the EU *acquis* is motivated by the prospect of Turkey's accession to the EU. But it needs to be noted that the technical and political aspects of Turkey's accession process are intertwined. While Turkey meets the technical aspects for some of the EU *acquis*, it needs to stay on course with its political reforms and adjust to the EU's norms and principles in multiple political arenas. However, there is an increasing moving away from the EU's norms in the field of politics, specifically in the rule of law, since 2011.

To be precise, when the 2008 economic crisis hit the EU, the changing economic dynamics in the EU and the world at large did not directly impact the Turkish economy. While there was some downturn in the Turkish economy as a result of global economic slowing down in 2009, Turkey was able to avoid its serious repercussions by expanding its economic relations with the emerging economies, as well as the Middle East- as Figures 1 and 2 demonstrate. This was coupled with the fact that the EU no longer represented a key economic magnet for Turkey's growth. Parallel to the EU's decline as an economic model, Turkey's economy was on the rise. Even though Turkish economic growth began to slow down in 2012, the EU nonetheless lost its economic allure in Turkish eyes. While its own attractiveness declined, the credibility of the EU process was also taking a nose dive. The suspension of the 8 chapters from negotiations in 2006, the individual member state vetoes by France and Cyprus and the slowing down of the accession negotiations all indicated that Turkey's accession to the EU as a full member was highly improbable. The mixed signals coming from the EU member states' governments led to a decline in the EU's credibility. What this meant was that, increasingly after 2008, the EU's ability to transfer its rules to Turkey was becoming limited, especially in the field of political norms.

A case in point is provided by the opening of Chapters 23 and 24. In 2012, the Commission adopted a change in its enlargement strategy, prioritizing rule of law and judicial reform in the negotiations.<sup>22</sup> This meant that all accession negotiations would commence with these two chapters, enabling rule transfer in the fields of judiciary, justice, freedom and fundamental rights. However, since Cyprus vetoed the opening of these chapters for Turkey, the new strategy could not be implemented in the Turkish case, severely restricting the EU's capacity to transfer its rule to the country. What is more important, such delays and vetoes decrease the EU accession process's credibility in Turkish eyes, and tie the hands of the political reformers.<sup>23</sup> A further complication in this picture was the changing political dynamics in Turkey. The Turkish government seems to have become intolerant to any form of criticism since 2011, and the majority government under the AKP party has begun to suffer from internal and external challenges. As a result, the adoption of political

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<sup>20</sup> [http://www.inforse.org/europe/EU\\_res-directive.htm](http://www.inforse.org/europe/EU_res-directive.htm)

<sup>21</sup> [https://ec.europa.eu/commission/2014-2019/sefcovic/announcements/turkey-eu-high-level-energy-dialogue-eu-turkey-strategic-energy-cooperation\\_en](https://ec.europa.eu/commission/2014-2019/sefcovic/announcements/turkey-eu-high-level-energy-dialogue-eu-turkey-strategic-energy-cooperation_en)

<sup>22</sup> Commission Enlargement Strategy, 2011, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/strategy\\_paper\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf)

<sup>23</sup> This point was emphasized by the author's interviews with the Turkish Ministry of Justice on March 30, 2015.

reforms slowed down and came to a halt in 2013. While internal political struggles are the key reason for this slowing down, it is also the weakening of the EU anchor for Turkish politics that facilitated it.

## **Conclusion**

This paper has argued that in understanding the EU's role in its borderlands, it is imperative to assess the multiple layers of its complex relationship with Turkey. Turkey is one of the key players in the European periphery, closely integrated into Europe, politically, economically and militarily. Therefore, the EU's ability to transform Turkey as part of its periphery to European borderlands depended on the continuation of these ties of association. The Turkish case is also qualitatively different from that of other countries in the EU's periphery, precisely because of a lack of a power differential between the EU and Turkey. Turkey is a large country, located in a key geostrategic position, with significant economic and military capabilities. This power differential impacts the EU's ability to transfer its rule to Turkey, unlike other countries in the EU's periphery.

Having said this, the EU has acted as a significant player for Turkish economic and political transformation through the multiple tools it had at its disposal. The Turkish Association Agreement of 1963, the Customs Union Agreement of 1995, the Turkish candidacy and the opening of accession negotiations in 2005 were the main instruments to this end. Specifically, the customs union agreement, which demanded Turkish adaptation to the EU's functional and technical rules in its internal market, deserves special mention. The accession negotiations, on the other hand, moved alongside the Turkish adaptation to the EU's political rules but also its adoption of the EU's technical criteria. The slowing down of the negotiations process and the individual member states' vetoes on Turkey decreased this rule transfer. The backsliding in Turkish political reforms in an exponential fashion since 2011, and the reversal of some of the political gains adopted as a result of the EU conditionality mattered significantly in assessing the conditions under which the EU was able to transfer its rule to its periphery and turn it into borderlands. This capacity is shaped by two main factors- the EU's own attractiveness and its credibility as a partner. When these two factors decline- as in the Turkish case, its ability to transfer its functional and normative rules is greatly harmed.

In short, Turkey constitutes a unique example of the EU's ability to transfer its rules to its periphery. The general logic of the EU's role in its borderlands applies in the Turkish case, as one can witness significant adaptation to the EU's rules over time in Turkey. There is, however, a qualitative difference between the EU's role in Turkey and in the other countries in the European borderlands. What sets Turkey apart, both empirically and theoretically, rests in its particular capabilities and its close integration with the EU.



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