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Turkey's Reform Effort Reconsidered, 1987-2004

Kivanç Ulusoy



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*For further information:*

Mediterranean Programme  
Robert Schuman Centre for Advanced Studies  
European University Institute  
Via delle Fontanelle, 19  
50016 San Domenico di Fiesole (FI), Italy

Fax: + 39 055 4685 770

E-mail: [MedProgSecretary@iue.it](mailto:MedProgSecretary@iue.it)

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## **Abstract**

This article aims to develop a coherent explanation of the impact of the EU on Turkey's politics between 1987 (the year Turkey applied for EU membership) and 2004, providing a more profound analysis of Turkish political transformation within the framework of its relations with the EU. It integrates Moravcsiks' work on the human rights regime in post-war Europe with Risse's theory on communicative action in world politics to provide an alternative explanatory framework for recent political transformation in Turkey. It will be argued that the main dynamics driving recent democratisation in Turkey were its newfound location within the European human rights regime—a result of having been granted the right to individual petition to the European Court of Human Rights just before its 1987 membership application—and the increasing power of European argument as an alternative way of resolving domestic political conflicts in Turkey.

## **Keywords**

Turkey; conditionality; democratisation; Europeanisation; human rights regime; power of the argument



## **I. Introduction**

The Helsinki Summit of the European Council in 1999 marked a turning point for Turkey in terms of its relationship with European Union (EU). By establishing its candidate status and clarifying a concrete membership perspective, the Helsinki Summit brought Turkey closer to the operational framework of EU policy and placed it within the stream of ‘conditionality-compliance’ principles. Indeed, no one disputes that the political reforms Turkey implemented to meet the Copenhagen criteria gained significant momentum following the Helsinki Summit. However, I would argue that attention to the recent political changes in Turkey overestimates the influence of European conditionality, and seriously undervalues the gradual political transformation that was already taking place in Turkey over the past decades, and the societal pressure behind this transformation. The argument framed by ‘conditionality’ actually explains little about the progressive democratisation of Turkey. It underestimates not only the influence of international political conjunctures on the democratic process, but also the still ambiguous European approach to Turkey. This article aims to develop a much more coherent explanation of the impact of the EU on Turkey’s politics between 1987 (the year Turkey applied for EU membership) and 2004, providing a more profound analysis of Turkish political transformation within the framework of its relations with the EU. It integrates Moravcsik’s work on the human rights regime in post-war Europe with Risse’s theory on communicative action in world politics to provide an alternative explanatory framework for recent political transformation in Turkey. It will be argued that the main dynamics driving recent democratisation in Turkey were its newfound location within the European human rights regime—a result of having been granted the right to individual petition to the European Court of Human Rights just before its 1987 membership application—and the increasing power of European argument as an alternative way of resolving domestic political conflicts in Turkey.

In section II of this article, I briefly examine the political reforms launched between 1999 and 2004 to start accession negotiations with the EU, and evaluate these changes in light of the literature on conditionality and its impact on Turkey, discussing its strong and weak points. In section III I establish the analytical framework of study, drawing on the above-mentioned work of Moravcsik and Risse. Section IV of the article provides an in-depth study of the Turkish case, analysing in particular the inclusion of Turkey in the EU legal-institutional sphere with its membership application and the subsequent gradual political transformation that took place from 1987 to 1999. I shall then provide a brief conclusion.

## **II. Recent Political Reforms in Turkey: Operating Power of ‘Conditionality’**

The issue of Turkey’s membership in the EU has raised a number of critical issues in intense debates on EU enlargement. For example, will the EU be able to handle Turkey as a new member, given the social and economic burdens it already must bear with the inclusion of the Central and Eastern European (CEE) countries? What problems would Turkey as a member state pose in terms of creating a European identity based on social and cultural unity in a greatly diverse Europe, the rule of law, and respect for human rights and democracy? These are troubling questions not only for European political elites, but also for the European public, generally sceptical about EU enlargement. Such qualms became especially evident during the debates on European constitution, and after its rejection in referendums in France and Holland.

Even if one closes an eye to Turkey’s economic backwardness, its domestic political problems, and its sheer size, these same questions seriously challenge the Europe elites, which has been generally positive about Turkish membership. Defending Turkey’s accession is rather difficult to sustain, especially in the short term. While *Pacta sunt servanda*, the traditional diplomatic principle of keeping ones promises, still appears to prevail, the Turks are challenged by having to overcome these

questions without a clear perspective of EU membership. In turn, the EU is also rather strained regarding the Turkish case. After accepting Turkish candidacy in Helsinki in 1999, and promising that it would be judged by the same objective criteria put to other candidates, the EU found it rather difficult to postpone taking a definitive decision on Turkey, which completed the reform packages in a short time and expected to start the accession negotiations in October 2005.<sup>1</sup> Even the Cyprus issue, regarded as one of the most difficult problems to resolve before accession negotiations, ended with a rather interesting outcome. The rejection of the Annan Plan came surprisingly not from the Turkish Cypriots, as was expected, but rather from the Greek Cypriots. The positive stance developed by the present Turkish government for the Plan suggests that the main obstacle in resolving the conflict may not simply be due, as was previously believed, to the uncompromising attitude of Turkey.<sup>2</sup>

Based on the Commission's statement that Turkey sufficiently completed the Copenhagen political criteria, the European Council on 17 December 2004 decided to open accession negotiations with Turkey in October 2005. It is commonly accepted that the recent political reforms were engineered especially with increasing likelihood of EU membership as an attainable option in the near future. Just after the issue of a new reform package on judicial autonomy and civilian control of the military, and the start of implementation of previous reforms, particularly concerning broadcasting in languages other than Turkish, the Turkish Foreign Minister Abdullah Gul stated that Turkey did not want to leave any pretext for the EU to delay the start of the negotiations by the end of 2004.<sup>3</sup>

Turkey's democratisation process took a remarkable turn with the acceptance of Turkey's candidacy at the Helsinki Summit. One problematic, which could be labelled as the anchor/credibility dilemma, concerns the EU's failure as an effective anchor for policy reform, and Turkey's dubious commitment towards Europeanisation. This characterises Turkey-EU relations in several areas, from economic policy to human rights issues, democratisation and the Cyprus issue.<sup>4</sup> While some diagnose its inherent hypocrisy, arising from the prevalence of the security discourse in EU-Turkey relations and Turkey's intention to trade off geo-strategic importance and democratic reforms for EU membership,<sup>5</sup> others regard Turkey-EU relations as a 'never-ending story' because of the EU's scepticism regarding Turkey's cultural identity and its ability to realise the political reforms.<sup>6</sup> What was long lacking in Turkey-EU relations was the establishment of contractual relations based on the effective monitoring both of Turkey's convergence towards EU standards, and the EU's compliance with its own obligations to automatically grant rights or impose sanctions when a candidate country does or does not fulfil its requirements.<sup>7</sup> That is why the basic principle of 'conditionality',<sup>8</sup> drawing the general framework for EU membership, was not operationalised for the Turkish case.

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1 At the time of writing, the EU decided to open the accession negotiations with Turkey on 3 October 2005 after a 36-hour discussion on various dimensions of Turkey's membership to the EU. This positive decision on Turkey's membership dramatically increased the credibility of the EU in this new wave of enlargement. Now, Turkey is expected to complete 35 chapters of accession negotiations and to be open to compromise on various political problems such as the Cyprus conflict, the Armenian problem and other problems concerning its frontiers with Greece.

2 The Annan Plan, created to unify the island before 1 May when the Greek side would become a member of the EU, was submitted to a referendum of the Greek and Turkish Cypriots, the result of which was approval by 64.9% of the Turkish side and blunt rejection by 75.8% of the Greek Cypriots. Until recently Rauf Denktas, the leader of the Turkish Cypriots—and thus representative of Turkey—was regarded as the main obstacle to unification of the island.

3 'AB'ye Bahane Birakmak Istemiyoruz', *Milliyet*, 24 May 2004, p. 1.

4 M. Ugur, 1999. *The European Union and Turkey: An Anchor/Credibility Dilemma*. Aldershot: Ashgate.

5 D. Jung, 2001. 'Turkey and Europe: Ongoing Hypocrisy?', Copenhagen: COPRI Working Paper.

6 M. Muftuler-Bac, 1999. 'The Never-Ending Story: Turkey and the European Union', in S. Kedourie (ed.), *Turkey before and after Atatürk: Internal and External Affairs*. London: Frank Cass, pp. 240-258.

7 M. Ugur, 2000. 'Europeanization and Convergence via Incomplete Contracts? The Case of Turkey', *Southern European Society and Politics*, 5(2), pp. 217-242.

The Helsinki Summit confirmed Turkey's candidacy for membership and established an accession partnership between the EU and Turkey with regard to the burden of convergence. Turkey was expected to meet the 1993 Copenhagen criteria for candidate countries' convergence towards EU norms in the economic and political spheres. Furthermore, it was charged with resolving border problems with other candidate countries or EU member states in light of the Charter of United Nations. Where resolution cannot be found, Turkey agreed to bring the issues before the International Court of Justice. Ugur underlines a 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>9</sup>

Attempts to measure the effectiveness of EU conditionality on Turkey have been made through comparisons with Latvia and Slovakia, considered as 'hard cases'.<sup>10</sup> Schimmelfenning, Engert and Knobel diagnose the main conflict in terms of the incongruence between *Kemalism*, defined as the statist and nationalist doctrine of the Turkish state, and European democracy and human rights norms. They state that Turkey has been subject to the same conditionality regime as CEE countries since the recognition of the Turkish candidacy in 1999. Emphasising that EU conditionality targets both basic norms of liberal democracy—particularly the civilian control of military—and the more contested minority rights, they identify the first significant effects of conditionality since Turkey's promotion to candidate status in the legislative package its parliament passed in August 2002. These authors suggest a threefold conclusion on Turkey: first, the concrete membership perspective linked with obtaining candidate status in 1999 was the driving force behind the domestic political process that led to partial compliance in the summer of 2002. Second, the domestic cost of adaptation defines the effectiveness of conditionality in the sense that the recent reforms in Turkey do not directly affect the core of the state power. Third, the timing of the reforms, particularly in 2001 and 2002, demonstrates the political cost-benefit calculation Turkey made with regard to engaging the political reform process. The authors also suggest that the many years of unsuccessful influence by the Council of Europe and the EU to improve the human rights situation in Turkey demonstrate that social pressure and trans-national mobilisation were ineffective.<sup>11</sup>

In the aftermath of the Helsinki Summit of 1999 Turkey faced a radical democratic break under the pressure of completing the political reforms necessary for starting accession negotiations. In 2000 the Commission, in its *Regular Report*, restated Turkey's failure to fulfil the Copenhagen criteria, particularly emphasising its poor respect for human rights and the rights of minorities, the situation of the Kurds and the constitutionally-backed role of the armed forces in political life via the National Security Council.<sup>12</sup> The *Regular Report* was followed by the Commission's Accession Partnership for Turkey, which set out a road map for Turkey's accession, clarifying the short- and medium-term measures that would be considered. This document underlined the immediate priorities drawn by the political and economic aspects of the Copenhagen criteria and emphasised the importance of Turkey's capacity to adopt the *acquis communautaire*.<sup>13</sup>

In response to these developments Turkey issued the *National Programme for the Adaptation of the Acquis* in March 2001, mostly regarded as an unconvincing document as it dealt extensively with

(Contd.) \_\_\_\_\_

8 H. Grabbe, 2001. 'How does Europeanization affect CEE governance? Conditionality, diffusion and diversity', *Journal of European Public Policy*, 8(6), pp. 1013-1031; H. Grabbe, 2002. 'European Union Conditionality and the *Acquis Communautaire*', *International Political Science Review*, 23(3), pp. 249-268.

9 M. Ugur, 2003. 'Testing times in EU-Turkey relations: the road to Copenhagen and beyond', *Journal of Southern Europe and the Balkans*, 5(2), p. 171.

10 F. Schimmelfenning, S. Engert and H. Knobel, 2003. 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey', *Journal of Common Market Studies*, 41(3), pp. 495-518.

11 *Ibid.*, pp.506-509.

12 European Commission, 2000. Regular Report from the Commission on Turkey's Progress towards Accession.

13 European Commission, 2000. Accession Partnership for Turkey.

the technical and legislative aspects of EU practices, but largely downplayed the significance of democracy and human rights and showed little commitment to reforms in the fields of minority rights, fundamental freedoms and the abolition of death penalty.<sup>14</sup> The main reason behind the awkwardness of this document was certainly the precariousness of the coalition government, which was unduly influenced in particular by the uncompromising and nationalist/populist attitudes of one of its partners, the Nationalist Action Party—attitudes shared in some military circles.<sup>15</sup> However, the *National Programme* made one thing certain: adaptation to EU criteria concerns more than single market rules, and affects sectors such as communications, cultural policy, education, law, welfare, security, justice and foreign policy.<sup>16</sup> In the subsequent period, Turkey's challenge was to come to terms with the fact that the EU introduces standards and practices to which members and candidate countries must conform.

The *National Programme* was followed in October 2001 by the first reform package. This comprised 34 amendments to the Constitution in line with the Accession Partnership's quest for short-term measures to strengthen legal and constitutional guarantees for a range of human rights. With regard to freedom of expression, it aimed to provide the guarantees expressed in Article 10 of the European Convention on Human Rights (ECHR), relevant for individuals who had been imprisoned for expressing non-violent opinions. The coalition government, with huge frictions among the parties, initiated the second package of legislative reforms in January 2002. This package brought about a number of small changes to the severely criticised articles of the Turkish Penal Code (Articles 159 and 312) and Article 8 of the Law for the Struggle against Terrorism (No. 3713), which the courts used to restrict freedom of expression. The government's efforts culminated with the radical reforms of August 2002, which included the abolition of the death penalty, extension of the rights over religious property of the non-Muslim minorities (Greeks, Armenians and Jews) and rights of broadcasting in languages other than Turkish—particularly referring to regional dialects and the Kurdish language.<sup>17</sup> Under the stress of these reforms the coalition government collapsed. The Prime Minister, Bulent Ecevit, thus announced a general election for 3 November, three days before the issue of the last reform package.<sup>18</sup>

The elections of November 2002 seriously changed the political landscape by wiping out not only the parties of the coalition government but also the radical parties of the opposition. The newly established Justice and Development Party (AKP) with 363 of the 541 seats and Republican People's Party (CHP), widely known as Ataturk's party, with 178 seats became the major parties of the parliament. The key themes of the election campaign centred on realising the economic reforms proposed by the IMF and on following through on the political reforms necessary for starting accession negotiations with the EU. Unlike their opponents, who frequently resorted to radical positions on these issues, both the AKP and the CHP were successful due to their moderate stance and

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14 C. Rumford, 2002. 'Failing the EU Test? Turkey's National Programme, EU Candidature and the Complexities of Democratic Reform', *Mediterranean Politics*, 17(1), p. 59.

15 Z. Onis, 2003. 'Globalization, Democratization and the Far Right: Turkey's Nationalist Action Party in Critical Perspective', *Democratization*, 10(1), pp. 44-45; For the Nationalist Action Party's reaction to the pressures coming from EU and domestic pro-EU forces, see the monograph written by its head on the eve of November 2002 elections to defend the case of the Party, Devlet Bahçeli, 2002. *Turkey's Membership to the EU and the Nationalist Action Party under the Light of Recent Developments*. Ankara: MHP, [in Turkish].

16 G. Demirok, 2001. *How Could the Relations between Turkey and the European Union be Improved?*, Basel: Europeainstitut der Universitat Basel.

17 The package also lifts certain restrictions on the right to associate and form civic organisations. It imposes stricter penalties for human trafficking and organ smugglers. It tightens regulations governing the police. See P. Tanlak, 2002. *Turkey EU Relations in the Post Helsinki Phase and the EU Harmonization Laws Adopted by the Turkish Grand National Assembly in August 2002*, Sussex European Institute Working Paper No. 55, Brighton.

18 W. Hale, 2003. 'Human Rights, the European Union and the Turkish Accession Process', in A. Carkoglu and B. Rubin (eds.), *Turkey and the European Union: Domestic Politics, Economic Integration and International Dynamics*. London: Frank Cass, pp. 107-126.

open support of the economic and political reforms required by the IMF and EU.<sup>19</sup> The elections dramatically demonstrated how boundaries between foreign policy and domestic politics become blurred under the influence of global economic realities (symbolised by the IMF) and within the regional political framework defined by the EU.

In October 2002 the Commission issued its regular report on Turkey. Praising the reforms made after the issue of the regular report in 2001, and particularly underlining the significance of the reforms made in August 2002, the report stated that Turkey still didn't fully meet the Copenhagen criteria.<sup>20</sup> However, within less than a month's time following the report, the political landscape of Turkey was deeply transformed as a result of the 3 November elections. After decades of coalition governments Turkey had a single party government formed by the AKP Party, showing a great determination to accelerate the pace of reform. The Copenhagen European Council in December acknowledged the significance of recent reforms and supported the new government's determination to take further steps on this path.<sup>21</sup>

The new government, with strong international support, quickly adopted four major packages on political reform from January to June 2003, bringing far-reaching changes to the political system and taking important steps to ensure their effective implementation. Some of the major political reforms accepted in these packages included: changing the anti-terror law used to restrict freedom of thought and expression; paving the way for private schools to teach Kurdish and private television and radio stations to broadcast other languages commonly used in Turkey; removing the National Security Council's executive powers and turning it into an advisory council; increasing parliamentary control over the defence budget; lifting the state of emergency in the southeast; granting partial amnesty to Kurdish militants; and, finally, improving the rights of non-Muslim minorities.

During this period, relations with the EU gained clear momentum with the meeting of the *Association Council* in April, the acceptance of revised *Accession Partnership* in May, and revisions to the *National Programme* in July. In its regular report on Turkey, the European Commission celebrated the government's aim of streamlining the functioning of the public administration with a view to promote a more transparent management of human resources in the public service, which would serve to strengthen the fight against corruption.<sup>22</sup> It also noted that some of the reforms carried particular political significance in the Turkish context, and that many priorities under the political criteria in the revised *Accession Partnership* had been addressed. However, though mentioning the government's good intentions to ensure the implementation of reforms through the establishment of a reform monitoring group, the report noted that implementation had actually so far been uneven, particularly because of the executive and judicial bodies' narrow definition of scope, which hindered the attainment of the original objectives.<sup>23</sup>

Therefore, in 2004 Turkey was expected to demonstrate that the reforms had been implemented. During the following months the European pressures obtained its first results with the start of broadcasting in Kurdish. Then, the Kurdish deputies—Leyla Zana and his associates—were released from prison and the rights of non-Muslim minorities were widely expanded. The President Ahmet Nejdet Sezer accepted a new reform package that extended freedom of expression, and established the independence of the judiciary and civilian control of the military. As stated above, these reforms were all passed so that the EU would not have any pretext for postponing the start of accession negotiations.

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19 Z. Onis and E.F. Keyman, 2003. 'Turkey at the Polls: A New Path Emerges', *Journal of Democracy*, 14(2), pp. 95-107 and M. Heper, 2003. 'The Victory of the Justice and Development Party in Turkey', *Mediterranean Politics*, 8(1), pp. 127-134.

20 European Commission, 2002. Regular Report on Turkey's Progress towards Accession, pp. 15-44.

21 European Council, 2002. *Presidency Conclusions*, Copenhagen.

22 European Commission, 2003. Regular Report on Turkey's Progress towards Accession, pp. 12-43.

23 *Ibid.*, p. 43.

After the Commission's report in 2003, Turkey undertook serious measures to ensure the proper implementation of these reforms with a zero tolerance policy in the fight against torture and ill-treatment of prisoners, and stronger commitment to the implementation of provisions relating to the freedom of expression, freedom of religion, women's rights, trade union rights and minority rights over the last twelve months.<sup>24</sup>

In its 2004 *Communication to the Council and the European Parliament*, the Commission finally expressed its opinion on Turkey, stating that the country had sufficiently fulfilled the political criteria. The Commission recommended the opening of accession negotiations but also underlined that 'the irreversibility of the reforms process, its implementation in particular with regard to fundamental freedoms, will need to be confirmed over a long period of time.'<sup>25</sup> In this paper the Commission concluded that regardless of its outcome the negotiation process is essential to reinforce and guide further reforms in Turkey, particularly in relation to the 'continued fulfilment of the Copenhagen political criteria'. It further emphasised that the relations between the EU and Turkey must ensure that Turkey remains fully anchored in European structures.<sup>26</sup> With respect to the Commission's report and advice, the European Council decided to open the accession negotiations with Turkey on 17 December 2004.

The recent structural changes in Turkish politics, as verified in the European Commission's regular reports on Turkey, are actually a result of the mobilisation of sub-national ethnic and religious groups in Turkey at the European level. This situation is particularly evident in statements in the Commission's last regular report on Turkey regarding legal personality, property rights and internal management of the non-Muslim religious communities, the status of Alevis and the broadcasting of Kurdish and other languages. The EU challenges the centrality of the nation-state and creates an institutional basis at which sub-national ethnic and religious groups in Turkey aim to put their political demands and even establish linkages in Brussels.

When examining the progress of the recent political reforms in Turkey, particularly with respect to the timing after the acceptance of the Turkish candidacy at the Helsinki Summit in 1999 and its increasing pace in the last two years, it can be clearly seen that EU conditionality as a strategy of 'reinforcement by reward' operates, as is claimed by Schimmelfinng and others. However, their conclusion that societal influence and transnational mobilisation were ineffective, and that the low domestic political cost of compliance was what really mattered (since so far significant change has been reserved for issues that do not directly affect the core of state power)<sup>27</sup> seems rather misleading and more importantly unfair towards these groundbreaking reforms. Furthermore, although the impact of EU conditionality—with the expectation of EU membership in the foreseeable future—cannot be negated with regard to recent political changes, it would be an exaggeration to accuse Turkey of being a 'reluctant democratizer *par excellence*'<sup>28</sup> or to argue that the EU is engaged in 'social engineering' and 'transforming society' in Turkey<sup>29</sup>

In more recent research, it seems that Ugur provides a wider framework of analysis for the recent Turkish democratisation under the European influence. Claiming that Turkey's democratisation

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24 Commission of the European Communities, 2004. *Regular Report on Turkey's Progress towards Accession*. Brussels: SEC 1201. See particularly pp. 16-18 and 29-44.

25 European Commission, 2004. *Communication from the Commission to the Council and the European Parliament*. Brussels: COM, 6 October, (656 final), p. 9.

26 *Ibid.*, p. 10.

27 F. Schimmelfinng et al., 2003. 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey', *Journal of Common Market Studies*, 41(3), p. 509.

28 T.W Smith, 2003. 'The Politics of Conditionality: The European Union and Human Rights Reforms in Turkey', in P.J. Kubicek (eds.) *The European Union and Democratization*. London: Routledge, pp. 127-128.

29 G. Dorransoro, 2004. 'The EU and Turkey: Between Geopolitics and Social Engineering' in R. Dannreuther (ed.), *European Union Foreign and Security Policy: Towards a Neighborhood Strategy*. London: Routledge, pp. 58-59.

reform output in 2000, 2001 and 2002 has been the highest since 1970, he states that after Helsinki the EU provided an external anchor in three ways: first by tying the hands of the government by reducing the scope for discretion and policy reversals; second by enabling the governments to engage in externalisation justifying the reform process as a requirement imposed by external constraints; and third by allowing both the government and the pro-reform societal groups to legitimise the democratisation reforms.<sup>30</sup> Ugur seems conscious of the significance of the recent political reforms and the societal demands and pressure behind them.

I would argue that Turkey is going through an extremely serious and delicate process of democratic transition, and that this transition is actually a political response to economic changes and political problems that were giving rise to violence and social unrest of previous decades. The political reforms, for which the EU provided a significant cushion, were the initial response to these problems, which would have continued had the political regime established in 1980 not taken action. These reforms, however, including the abolition of the death penalty, the recognition of languages other than Turkish, the release of Kurdish deputies and the reform of public administration have had extremely serious repercussions for the conceptualisation of national identity, political community, state structures and governance. In fact the recent reforms seriously challenge the whole political project upon which the Turkish Republic was established in 1923. The following section will deal more in-depth with these aspects of the political reforms in Turkey.

### III. The European Vocation of Turkey: An Alternative Framework of Analysis

The previous section outlined the reform process initiated by the Turkish governments to start accession negotiations with EU and develop a roadmap towards full membership. However, it also emphasised that explaining the recent political changes in Turkey solely in terms of European conditionality seriously undervalue the gradual political transformations that were already underway in the country, and the social pressures motivating them. Furthermore, it contended that explanations based completely on the European perspective are risky, as the democratic process is still extremely vulnerable to international political conjunctures and particularly to the still ambiguous European approach to Turkey—even after the decision taken by the Brussels European Council in December 2004 to start the negotiations in October 2005.

The following pages aim to provide an alternative framework of analysis for the Turkish political transformation of the last two decades. It integrates two explanatory structures: Moravcsik's approach to analysing the human rights regime in post-war Europe, and Risse's work on communicative action in world politics. This new framework will constitute a basis for our major argument that the main dynamic propelling Turkey towards greater democratisation was actually its inclusion in the European human rights regime in 1987, just prior to its EU membership application, when it granted the right for individual petition to European Court of Human Rights.<sup>31</sup> Furthermore, during this same period, we also witnessed the increasing power of European argument as an alternative way of resolving domestic political conflicts in Turkey.<sup>32</sup>

In Risse's work on argument, he claims that the power of better argument operates in international relations through two strategies: 'friendly persuasion' and 'socialising human rights norms into domestic practices'. He further claims that arguing constitutes an essential feature of the negotiation process, and is key for reaching optimal solutions to commonly perceived problems, and for agreeing

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30 M. Ugur, 2003. 'Testing Times in EU-Turkey Relations: the Road to Copenhagen and Beyond', *Journal of Southern Europe and the Balkans*, 5(2), p. 176.

31 A. Moravcsik, 2000. 'The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe' in *International Organization*, 54(2), pp. 217-252.

32 T. Risse, 2000. 'Let's Argue!: Communicative Action in World Politics', *International Organization*, 54(1), pp. 1-39.

on a common normative framework in international relations. The essence of this approach towards a truth seeking discourse lies in the belief that actors are prepared to change their own worldviews, interests and identities.<sup>33</sup> Referring to Jurgen Habermas' notion of communicative action, Risse concentrates on the growing primacy of argumentative power-rationality rather than instrumental rationality—maximising self-interest in international relations—as a result of the institutionalisation of world politics. Using the EU and the transatlantic community as examples, he underlines the possibility of a communicative consensus among the actors and 'common life-world' defined by regulative action, rule-guided behaviour, collective identity and shared values in international relations.<sup>34</sup>

As examples of 'friendly persuasion' within the operating strategy of argumentative rationality in world politics, Risse describes the Soviet Union's (under President Gorbachev) acceptance of German unification within NATO in exchange for limits on Germany's and NATO's military posture in the former East Germany, on the one hand, and the transformation of NATO from an anti-Soviet alliance to a cooperative security institution, on the other.<sup>35</sup> He concludes that the East-West talks, taking place from late 1989 to September 1990, demonstrated that even under conditions of serious uncertainty, parties on both sides were able to construct a true dialogue of mutual persuasion and a reasoned consensus, which led to a negotiated settlement of the post-Cold War security architecture in Europe and German unification within NATO. For the second strategy of 'socialising human rights norms', he looks at how the Indonesian and Moroccan governments were convinced, through the arguing process and under international pressure, to improve their human rights practices so that they could increase their international legitimacy and regain foreign aid.<sup>36</sup> Risse's contention is that a learning and socialisation process takes place through the communications between norm-violating governments and transnational as well as domestic advocacy networks, creating a public discourse affecting the audience composed of Western states, Western publics, international organisations and the society of the target state. Finally, human rights as an indispensable feature of a 'common life-world' of contemporary international relations actually define a 'civilised state'. Acknowledgement of this by the norm-violating country shows that the logic of arguing prevails in international relations.

Moravcsik studies the international mechanisms that seek to enforce human rights, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Inter-American Convention on Human Rights and the UN Covenant on Civil and Political Rights. He states that the distinctive feature of these regimes is their empowerment of individual citizens to challenge the domestic activities of their own government in courts of law. Whether dictatorial or democratic, governments become subject to the judgments of independent courts and commissions for their domestic practices—an event that seriously challenges not only the Westphalian ideal of state sovereignty, but also the liberal ideals of direct democracy and self-determination.<sup>37</sup> The object of Moravcsik's inquiry is: why would any government—democratic or not—accept such normative and institutional constraints on its sovereignty?<sup>38</sup> Analyzing the origins and the development of the human rights regime in post-war Europe around the ECHR, Moravcsik claims that governments accept the 'sovereignty cost' of membership to reduce domestic political uncertainty. States figure that membership in the human rights regime grants greater stability to the domestic political *status quo* against non-democratic threats.<sup>39</sup>

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33 *Ibid.*, p. 2.

34 *Ibid.* pp, 5-19.

35 *Ibid.*, pp. 23-28.

36 *Ibid.* pp, 28-32.

37 *Supra* note 30, at pp. 217-218.

38 *Ibid.*, p. 219.

39 *Ibid.*, p.228.

While this logic of 'lock in' credible domestic policies by international commitment can be generalised to other human rights mechanisms, Moravcsik concentrates on the ECHR, developed by the Council of Europe in Strasbourg and considered as the most advanced international body for enforcing human rights since 1953. Showing that many European governments in the post-war period subsequently incorporated the convention into their domestic laws, Moravcsik particularly underlines the newly established democratic governments' willingness to shoulder the 'sovereignty cost' in order to establish reliable judicial constraints on future undemocratic governments or on democratically elected governments that may seek to subvert democracy from within.<sup>40</sup> He claims that governments accept the constraints international human rights regimes place on their sovereignty not because of coercive politics or socialisation to idealistic norms—as claimed by mainstream international relations theories, but, rather, a 'two-level game' that governments of newly established democracies play to tie the hands of future governments and thereby enhance the credibility of current domestic policies and institutions. In fact, the democratic regimes simply seek to prevent political regression into tyranny in the future.

#### IV. The Case Study: Turkey

Turkey's pursuit of European candidate status during the period of 1987-1999 provides an interesting case study for the above-established analytical framework. Briefly stating, Turkey's vulnerability to the impact of the European human rights regime, together with the growing denationalisation of civil society in the post 1980 period, came just when the 1987 membership application opened the way for the use of European argument as a technique for resolving domestic political conflicts. From the early 1980s until the official acceptance of Turkish candidacy in 1999, the socialisation of the Turkish governing elite with regard to human rights norms was so extensive that, in a speech at the parliamentary meeting organised after Turkey's recognition as a candidate in Helsinki Summit, Prime Minister Bulent Ecevit, a speech stated that 'in fact, the Copenhagen criteria, are the guarantee of the lifestyle that we think that we are worthy of, not an imposition from foreigners on us.'<sup>41</sup>

Ecevit himself was one of the political leaders who had been banned from politics after the military coup of 1980. In fact, the first serious European pressures concerning human rights in Turkey followed the coup. The Council of Europe, the European Community (EC), Amnesty International, trade unions, human rights organisations and individual countries insisted on an immediate restoration of democracy and took a critical stance towards the human rights abuses of the military regime.<sup>42</sup> Turkey's historical commitment to Westernisation and its quest for political, economic and cultural integration into Europe was the key reason pushing the Generals to declare their aim of restoring democracy from the beginning. Although the Generals often interpreted the human rights criticisms as external meddling in their domestic politics, Turkey's membership in European political, economic and defence organisations constituted international institutional constraints on the military regime and obligated it to be more receptive to European criticisms.<sup>43</sup> Despite the European Parliament's (EP) criticisms, the Commission and the Council were actually relatively tolerant of the military regime, explaining Turkey's limited return to democracy.<sup>44</sup>

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40 *Ibid.*, pp. 230-243.

41 *Turkish Grand National Assembly*, Parliamentary Debates, 14 December 1999.

42 I.D. Dagi, 1996. 'Democratic Transition in Turkey, 1980-1983: The Impact of European Diplomacy' in S. Kedourie (ed.), *Turkey: Identity, Democracy and Politics*. London: Frank Cass, pp. 123-140.

43 Interview with Ilter Turkmen (ex-Ambassador) (10 June 2002, Istanbul). For the European diplomatic pressures on the military regime in Turkey, see the memoirs of the Turkish permanent representative at the Council of Europe, S. Gunver, 1989. *Kizgin Dam Uzerinde Diplomasi: Avrupalı Olmanın Bedeli*, Istanbul: Milliyet Yayınları.

44 M. Ugur, 1999. *The European Union and Turkey: An Anchor/Credibility Dilemma*. Aldershot: Ashgate, p.225.

The rise of the EC's critical stance towards the human rights situation in Turkey and its displeasure concerning the country's disputes with Greece corresponded with Turkey's declaration that it intended to apply for membership in February 1986. This decision also increased European public interest in Turkey's domestic politics, leading to greater public scrutiny of human rights problems there. Turkey's aspiration for membership provided an opportunity for the EC, particularly for the EP, to increase its influence on specific political and legal reforms regarding human rights and democratisation. Just after Turkey's application for membership, the EP issued several resolutions on Turkey specifying that Turkey's policy towards the Armenians and Kurds, that its disagreements with Greece and Cyprus, and that its lack of parliamentary democracy and poor record on human rights were unavoidable barriers to Turkey's accession to the EC. The EP first addressed Armenian issue in 1987,<sup>45</sup> and subsequently brought the Cyprus issue to the agenda on 20 May 1988, emphasising that it was one of the most serious obstacles to the progress of relations between the EC and Turkey.<sup>46</sup> This was followed by another resolution on 'The Situation of the Kurds in Turkey' on 9 April 1992.<sup>47</sup> The cumulative effect of these resolutions was that the governing elite began to suspect the EC's final intentions, and the Turkish public began to criticise the EC in general, citing its lack of good faith towards Turkey and its secret aim to disintegrate the country.<sup>48</sup>

On the eve of the membership application and even after the negative verdict of the Commission on 17 December 1989,<sup>49</sup> Turkey made several improvements in the area of human rights.<sup>50</sup> Between September 1988 and the Spring of 1991, the EP delegation to the Joint Parliamentary Committee raised a number of further human rights issues and compared Turkey's performance with specific targets such as the abolition of Articles 141, 142 and 163 of the Turkish penal code, which prevented the organisation of communist or religious parties; the commutation of the death penalty into life sentences; restoration of full trade union and association rights; amnesty for prisoners with long sentences; and the amendment of the procedural code for criminal offences, which encouraged torture in police stations.<sup>51</sup> The EC not only began to raise more political issues but also wanted Turkey to bring its human rights regime in line with European norms. For the Commission, Turkey's application could not be seriously considered until there was a full restoration of institutional democracy. A few

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45 European Parliament, 1987. 'Resolution on Political Solution to the Armenian Question', *Official Journal of the European Communities*, C190, Brussels.

46 European Parliament, 1988. Resolution on 20 May, pp. 205-207. The main reason of the cancellation of the Association Council was Cyprus issue. When the Community tried to link Turkey-EC relations with Cyprus issue in Luxembourg Association Council in 1988, the Foreign Minister Mesut Yılmaz left the meetings and the government stated that it would not accept the linkage between Turkey-EC relations and Cyprus issue. See M. A. Birand, 2000. *Türkiye'nin Avrupa Macerası (1959-1999)*. Istanbul, p. 479.

47 Official Journal of the European Communities, No C 125, 18 May 1992, pp. 218-219.

48 Interview with Gunduz Aktan (ex-Ambassador, well-known columnist) (18 April 2002, Ankara).

49 Bulletin of the European Communities, 12-1989, p. 88.

50 Some of the reforms include repealing the 1964 decree that had frozen the assets of the Greek minority in Turkey since the first Cyprus crisis of 1963; amendment of electoral law that had banned Turkish citizens from voting on the grounds that they failed to vote in the constitutional referendum of 1982; ratifying the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment of Punishment; signing the European Convention on the Prevention of Torture in January 1988 which provides for the investigation complaints about torture by independent experts and allowed for visits to prisons as well as police stations. Finally, a parliamentary committee was established within the national assembly to monitor developments in the field of human rights.

51 In response to the charges coming from Europe and with the expectation of the improvement of the relations with the EC, Turkey introduced a number of improvements in 1991, which included reducing the number of criminal offences punishable with capital punishment from 29 offences to 13; granting permission to use the Kurdish language in publications from February 1991 onwards; nullifying Articles 141, 142 and 163 of the penal code on 12 April 1991; commuting death sentences to 20 years and life sentences to 15 years, also in April 1991; and providing for the early conditional release of a large number of political prisoners on 16 July 1991. In addition, the new government formed after the elections of October 1991 included in its program a catalogue of targeted improvements in the area of human rights.

months later in its 5 February 1990 decision on Turkey, the Council of Ministers underlined the same issues accepted by the Commission.<sup>52</sup>

Turkey did improve her legal system towards convergence with European standards. The most important legal reform, which seriously challenged the traditional understanding of sovereignty in Turkey, was granting Turkish citizens the right of individual petition before the ECHR. Turkey granted this right in January 1988, just two months before the membership application, for a period of three years.<sup>53</sup> It was again renewed just two months before the Commission's opinion on the membership application was made public. The significance of this decision, as claimed by Moravcsik, was its 'self-binding' nature and the 'sovereignty cost' that it brings to the government of a country.<sup>54</sup> With this decision Turkey actually agreed to be bound by European legal structure and Turkish politics became subject to the European institutional and structural challenge. As a result of this decision, together with denationalisation of civil society in the post-1980 period,<sup>55</sup> the traditional distinction between Turkish domestic politics and foreign policy became unsustainable.

The Cyprus issue, occupying a central place in Turkey-EC relations after Turkey's membership application—especially due to the efforts of EP<sup>56</sup>—also fits into the novel analytical framework discussed above. The situation was further complicated after the membership application of the Republic of Cyprus to the EU on 4 July 1990, since the conflict on the island fell under European jurisprudence. As diagnosed by Moravcsik, particularly with reference to the ECHR ruling in the *Loizidou v. Turkey* case of 1995 over property in Kyrenia, Turkey's decision to grant the right of individual petition immediately paved the way for legal questioning of Turkish presence in Cyprus since the convention was 'a constitutional document of European public order' as cited in the legal document of the case.<sup>57</sup>

In addition to the Cyprus issue, the Kurdish question was also brought to the forefront as a result of Turkey's agreement to grant citizens the right of individual petition before the ECHR. The Kurdish question became a major point of contention in EC-Turkey relations in post 1980 period until today especially because of its growing denationalisation with networks in most of the European countries, including a parliament in exile, media, financial contributions to guerilla movement in Turkey from the Kurds living in European countries, drugs traffic, activities of cultural institutes and the alleged support of some European politicians.<sup>58</sup> The Kurdish question is actually no longer just Turkey's

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52 Bulletin of the European Communities, 1990. 1/2, p. 78.

53 I. Cameron, 1988. 'Turkey and Article 25 of Human Rights' *International Law and Comparative Law Quarterly*, 37.

54 See Moravcsik, *supra* note 30, at p. 220.

55 For the concept of 'societal denationalization', denoting the extension of social spaces through a dense network of transactions beyond national borders and without being necessarily global, see M. Zurn, 'Democratic Governance beyond the Nation-state: The EU and other International Institutions' *European Journal of International Relations*, 6(2), pp. 183-221; M. Zurn, 2002. 'Societal Denationalization and Positive Governance' in M. Hougard and R. Higgot, *Towards a Global Polity*. London: Routledge, pp. 78-103. Within this framework, the democratic governance of denationalised society underlines the essence of international institutionalisation.

56 The EP actively pursued the Cyprus issue and was able to situate it to the European political agenda as an immediate concern in relations with Turkey. See P. Green and R. Collins, 2003. *Embracing Cyprus: The Path to Unity in the New Europe*. New York: I.B. Tauris, pp. 27-41.

57 See Moravcsik, I note 30 at p. 218. The ECHR ruled in the *Loizidou* case (*Loizidou v. Turkey*, 310 ECHR, ser.A, 1995) over property in Kyrenia that the Turkish government was accountable for the physical and psychological deprivation involved. In a report on the recent EU-UN initiative on a settlement in Cyprus, William Wallace underlines that the decisions by the European Court of Justice and ECHR on trade between northern Cyprus and the EU and on the restitution of property in northern Cyprus respectively (and the possible accumulation of comparable cases awaiting adjudication) make a political resolution urgent. W. Wallace, 2002. *Reconciliation in Cyprus: the Window of Opportunity*, Mediterranean Programme Report, Florence: RSCAS, pp. 4-10.

58 M. Van Bruinessen, 1998. 'Shifting National and Ethnic Identities. The Kurds in Turkey and the European Diaspora', *Journal of Muslim Minority Affairs*, 18(1), pp. 39-52. M. Van Bruinessen, 2000. *Transnational Aspects of the Kurdish*

problem. It is also Europe's problem. This is evident in the increasing number of the individual applications to the ECHR originating from southeastern Turkey even before legal channels within the country have been exhausted.<sup>59</sup> As observed by an eminent Turkish professor of international law, some cases demonstrate that the impact of ECHR on the Turkish political and legal system is such that no part of the Turkish state organisation or law, including the constitution, is exempt from European supervision.<sup>60</sup> Claiming its decisions might lead to the erosion of the Turkish constitution to the extent that the latter is not in accord with the ECHR judgments, he goes so far as to state that the human rights regime turns to be a new capitulatory regime in Turkey.<sup>61</sup>

In addition to the long-term democratising effects of granting the right of individual petition to the ECHR, the membership application also initiated a new era in Turkish politics. Taken as an unexpected move both inside and outside of Turkey, the membership application engineered by the Motherland Party, led by Turgut Ozal, was a strategic move to consolidate the newly established democracy in the aftermath of the 1980 military coup.<sup>62</sup> The parliamentary deliberations in Turkey on the eve of the application and in its aftermath gave crucial clues regarding this conclusion. On the day of the membership application the government put forward the economic benefits of membership in parliamentary debates. Debates, however, soon shifted to the political progress that Turkey would have to make before membership could be taken up. This was the major reason why the opposition parties warmly celebrated the government's initiative.<sup>63</sup>

The Motherland Party played a key role in uniting all the parties behind the initiative. The most significant factor behind the parties' support, however, was the coup of 12 September 1980. This coup had seriously damaged Turkish politics, and left the nation feeling isolated from Europe during the period from 1980 to 1987.<sup>64</sup> Immediately after the negative response of the Commission, some deputies such as Irfan Demiralp from the True Path Party, criticised the government, arguing that the application was simply made for domestic political purposes, propaganda and political calculations before the November 1987 elections. The opposition parties generally shared the ideas on democratisation underlined in the European response, and accepted the political and economic conditions as the immediate task that the government had hitherto ignored but in the end came to table with the EC decision on Turkey.<sup>65</sup>

When the Council accepted the Commission's decision on Turkey, parliamentary debates reflected furious reactions from all the parties. The strongest objections regarded two particular points of the EC's decision: the resolution of the Cyprus issue as a precondition for membership and the recognition of minorities other than those mentioned in the Lozan Treaty.<sup>66</sup> Kamran Inan, then the State Minister, also argued that recent developments in Europe, particularly the Single European Act and German unification, created a situation that would keep Turkish membership off the European agenda for a

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Question, Florence: RSCAS, pp. 27-28; A.J.Lyon and E.M. Ucarer, 2001. 'Mobilizing ethnic conflict: Kurdish separatism in Germany and the PKK', *Ethnic and Racial Studies*, 24(6), pp. 925-948.

59 Functioning as a court of first instance with respect to an increasing number of cases on the grounds that the local remedies in the southeast are not effective, the ECHR seems to have formed an *a priori* opinion of Turkish culpability since instead of requiring the plaintiffs to prove their allegations against the government, it invites the Turkish government to prove its innocence.

60 A. Gunduz, 2001. 'Human Rights and Turkey's Future in Europe', *Orbis*, 45(1), pp. 18-20.

61 A. Gunduz, 1998. 'Insan Haklari Derken Yeni Bir Kapitulasyonlar Rejimine Dogru mu Gidiyoruz?', *Marmara Journal of European Studies*, 6(1), pp. 77-82.

62 Interview with Ozdem Sanberk (ex-Ambassador), (5 April 2002, Istanbul). See also Ozal's account of the membership application, T. Ozal, 1988. *La Turquie en Europe*. Paris: Plon, pp. 221-234.

63 Turkish Great National Assembly, *Parliamentary Debates*, 14 April 1987.

64 H. Yalcinsoy and A. Asirim, 2000. *Turkiye'deki Siyasi Partilerin Avrupa Birligi'ne Bakisi*. Ankara: SUDE, p.166.

65 Turkish Great National Assembly, *Parliamentary Debates*, 22 December 1989.

66 Turkish Grand National Assembly, *Parliamentary Debates*, 30 December 1990.

significant period.<sup>67</sup> However, Turkey was already 'locked in' to the economic and political targets underlined in the European response to the Turkish application. The Customs Union and the promotion of human rights and democratisation became the major topics of the Turkish economic and political agenda in the aftermath of the membership application.<sup>68</sup>

The membership application highlighted two major issues occupying the political agenda in post-1980 Turkey. The first one is the issue of cultural identity. How does one reply to the challenging question of where Turkey belongs? Europe? Asia? The Middle East? As early as 1983 the State Planning Organisation had issued a report entitled 'Report on National Culture', outlining the main ideological tendency projected in the post-1980 period as the 'Turkish-Islamic Synthesis'.<sup>69</sup> This cultural policy was actually engineered by the military regime to resolve the identity crisis that appeared to cleave Turkish society and spur inter-communal clashes and anarchy in the 1970s, and that made the eventual 1980 military coup to restore political order inevitable.<sup>70</sup>

Deringil claims that Ozal's so called 'new vision' in Turkish foreign policy, which defines Turkey as a Muslim member of the European Club, an economic and political leader in the Middle East, and a leader of the Turkic people in the disintegrating Soviet Union, illustrates the recurring identity crisis that Turkey has had since the fall of the Empire—particularly in times of economic, social and political strife.<sup>71</sup> The membership application to the EC had also a certain cultural dimension to secure the secular character of the regime and consolidate the fragile democracy. This decision was backed by the Foreign Ministry, which was annoyed by the Islamisation of society, and by big business, which resented the Islamic capital of Anatolia and unstable middle-eastern markets. Finally, the newly established democracy in Turkey also witnessed the crucial role that the EC had played in the consolidation of democratic regimes in Greece, Portugal and Spain.<sup>72</sup>

The second major issue that the membership application highlighted was the growing voice of the private sector in political matters such as state reforms and democratisation in the post-1980 period. In addition to a new political system with a new constitution, the military regime introduced a new economic system radically different from the previous one, which had been based on a closed model of import substitution industrialisation. The new system was based on export orientation, and was encouraged by the Istanbul business community, which strongly pressed for the opening of the economy during the late 1970s.<sup>73</sup> The membership application by the Ozal government was actually a

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67 Interview with Kamran Inan (ex-Diplomat and ex-Deputy) (12 April 2002, Ankara). In his intervention on the same day Kamran Inan also diagnoses that German President Weizsaecker's support the membership projections of Hungary, Czechoslovakia and Poland, and England's encouragement of EFTA countries' membership brings a serious challenge to possible Turkish membership in the short term.

68 Interview with Ali Bozer (Ex-Minister), (15 May 2002, Ankara).

69 State Planning Organization, 1983. *Report on National Culture*. Ankara: State Planning Organization, [in Turkish]. For the appropriation of Turkish-Islamic Synthesis by a religiously oriented conservative intellectual group, The Intellectuals Heart, see I. Kafesoglu, 1985. *Turkish Islamic Synthesis*. Istanbul: Aydinlar Ocagi Yayinlari [in Turkish].

70 Turkish General Staff, 1981. *The Development of Anarchy and Terror in Turkey and its Prevention by the Security Forces*. Ankara: Turkish General Staff [in Turkish].

71 S. Deringil, 2000. 'Turkish Foreign Policy since Ataturk', in S. Deringil (ed.), *The Ottomans, The Turks and World Power Politics*. Istanbul: ISIS, 248-249.

72 A. Eralp, 1990. 'The Politics of Turkish Development Strategies' in A. Finkel and N. Sirman (ed.), *Turkish State, Turkish Society*. London: Routledge, pp. 250-252.

73 G. Yalman, 2002. 'The Turkish State and Bourgeoisie in Historical Perspective: A Relativist Paradigm or a Panoply of Hegemonic Strategies?', in N. Balkan and S. Savran (eds.), *The Politics of Permanent Crisis: The State, Class and Ideology in Turkey*. New York: Nova Science Publishers; Y. Arat, 1991. 'Politics and Big Business: Janus-faced Link to the State' in M. Heper (ed.), *Strong State and Economic Interest Groups: The Post-1980 Turkish Experience*. Berlin: Walter de Gruyter, pp.135-148.

strategic decision in terms of opening European markets to Turkish exporters.<sup>74</sup> Emphasising Turkey's lateness in recognising its need to position itself in a global economy, divided among the competing economic blocks led by the US, Japan and the EC, Cem Duna, an ex-ambassador and a prominent member of the Istanbul business community, stated that the reason behind the membership application was actually a geographical choice, beyond the export advantages.<sup>75</sup>

The business community also increasingly recognised the need to conform to global norms not only in the economic sense but also in the political sense, by the total restoration of democracy in Turkey. Keyder states that:

The choice in favor of 'globalization' made by a part of the Turkish bourgeoisie also requires an acceptance of norms associated with the West. Indeed, this requirement has been instrumental in creating a divide among the state cadres—the erstwhile defenders of modernization-from-above. Turkey's relations with various international organs in Europe, particularly with the EU, reached a turning point in the 1990s that required a clear enunciation of the goals of Westernization. These were no longer willing to accept excuses about how conditions were not ripe for the implementation of reforms in civil and political rights. It became clear that refusal to institute the legal foundations of individual autonomy would be tantamount to giving up the geo-cultural claim of Europeanness.<sup>76</sup>

When the opening of the economy brought its first serious social and political backlashes and the strife between the military forces and the separatist Kurdish guerrilla forces in the southeast intensified during 1990s, TUSIAD—the leading organisation of big business in Istanbul—emerged as a major pro-democratising force.

TUSIAD first attempt to introduce the idea of consensus in Turkish political culture was during a period of unstable coalition governments, increasing social conflicts and violence in the country.<sup>77</sup> This was followed by arguing the necessity of state reform<sup>78</sup> and decentralisation of government for a more efficient governance to carry out the liberalisation of the economy and institutional rationalisation, considered necessary in increasingly competitive global markets.<sup>79</sup> Finally the report on democratisation, which included a wide range of proposals including constitutional reform, reform of the party system, the nature of the civilian-military relations and the language rights to Kurds, was issued. The report also underlined the significance of Turkey's European perspective and socialisation with basic EU norms in the areas of political and social liberties.<sup>80</sup> As the report was published at a time when the Customs Union with the EU was just established and the full membership was considered as the final step in this line, TUSIAD's support of democracy carried also a certain rationality of reaching the ultimate goals of attaining the benefits of EU membership.<sup>81</sup>

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74 Selim Ilkin notes a close parallelism between the government's decisions and trade sector especially during the period of 1984-1987. See S. Ilkin, 1991. 'Exporters: Favored Dependency' in Heper, *ibid.*, at pp. 89-98.

75 Interview with Cem Duna (ex-Ambassador, well-known businessman) (17 May 2002, Istanbul).

76 See C. Keyder, 1997. 'Whither the Project of Modernity?: Turkey in the 1990s', in S. Bozdoğan and R. Kasaba (eds.), *Rethinking Modernity and National Identity in Turkey*. Washington: University of Washington Press, p. 47.

77 Turkish Industrialists' and Businessmen's Association (TUSIAD), 1992. *Sanayilesmede Yonetim ve Toplumsal Uzlaşma*. Istanbul: TUSIAD; TUSIAD, 1992. *Ulusal Katılım ve Uzlaşma Sempozyumu*. Istanbul: TUSIAD.

78 TUSIAD, 1995. *Optimal State: Towards a New State Model for the 21<sup>st</sup> Century*. Istanbul: TUSIAD.

79 TUSIAD, 1996. *Local Government in Turkey: Problems and Solutions*. Istanbul: TUSIAD.

80 TUSIAD, 1997. *Perspectives on Democratization in Turkey*. Istanbul: TUSIAD. From the mid-1990s onwards there was growing pressure from some other economic associations for the political solutions on the Kurdish question, since the conflict became so serious that none of the organisations with an interest in economic development which could be provided with the domestic stability could stay silent on the question. See Turkish Association of Young Businessman (TUGIAD), 1995. *The Approximations to the major problems of Turkey towards 2000 XII: Human Rights and democratization*. Istanbul: TUGIAD [in Turkish]; Turkish Union of Chambers and Stock Exchanges (TOBB), 1995. *The Eastern Question: Diagnoses, Resolutions*. Ankara: TOBB [in Turkish].

81 Z. Onis and U. Turem, 2001. *Entrepreneurs, Democracy and Citizenship in Turkey*. RSCAS Working Paper.

On the other hand, MUSIAD—the Association of Independent Industrialists and Businessmen—emerged as a competing business organisation to TUSIAD by uniting a large number of enterprises of different sizes from different regions in Turkey.<sup>82</sup> Mainly supported by the Anatolian capital and the religious communities, it also had close ties with political Islam, mainly represented in Turkey by religious parties such as the Welfare Party since the 1980s. In the post-1980 period there was a visible Islamisation of social and economic life, culminating with the rise of the Welfare Party in the political scene.<sup>83</sup> This also was reflected in Turkey-EU relations as Tansu Ciller, Prime Minister during the realisation of the Customs Union, argued to her European counterparts on several occasions that the isolation of Turkey from Europe would lead to the rise of fundamentalism similar to trends in the rest of the Middle East. She underlined that the improvement of the relations with the EC through the Customs Union would bolster the ‘Europeanness’ of Turkey against the challenges coming from the Islamists.<sup>84</sup> In fact the relations with the EC played a crucial role in crystallising the domestic power struggle in Turkey. On the eve of Customs Union the political and economic clashes of the 1990s painfully surfaced in parliamentary debates.

The initial debates on the Customs Union again concentrated on a single problem: whether Turkey's concessions in Cyprus were made solely to enter the Customs Union with the EU.<sup>85</sup> In response to accusations, and calling the Cyprus issue a ‘national cause’, Murat Karayalçin, the Foreign Minister of Social Democrat People's Party (SPP) and True Path Party (TPP) coalition, stated that Turkey would definitively step for unification with the Turkish Republic of Northern Cyprus in case the government of southern Cyprus is taken to the EU. The government's expectations from the Customs Union were high. It was considered not merely as an economic affair but as the final step leading to full membership. It was taken as a sign of deeper political convergence with the EU. However, Bulent Ecevit, leader of the Democratic Left Party, criticised this approach, finding it over-optimistic, as the EU was not bound to anything.

Three months later, the objections coming from the circles of the Welfare Party concentrated on two major points: the Cyprus issue (and Turkey's sovereignty) and Turkey's identity (and the Welfare Party). Oguzhan Asiltürk, a deputy of the Welfare Party, underlined Turkey's loss of independence by entering into the Customs Union with the EU, which would prevent Turkey from continuing its special relations with the Turkish Republic of Northern Cyprus (TRNC). Necmettin Erbakan, the head of the Welfare Party, vehemently reacted to the realisation of the Customs Union by arguing that the EU was nothing more than a Christian club aimed at suppressing Islam, and that the decision was a step forward towards this aim. He further claimed that the government's decision to enter the Customs Union with the EU was to prevent the Welfare Party from coming to power.<sup>86</sup> Finally, in response to the questions coming from the parliamentarians on the parts of the Customs Union treaty related with human rights and democratisation of Turkey, Erdal İnönü, the head of coalition partner SPP, stated that they were not concessions to the Europeans, but political parties' and voters' desire to have European standards and norms in all areas of life in Turkey.<sup>87</sup>

On 13 December 1995, the Turkish parliament accepted the implementation of the Customs Union from 1 January 1996 onwards. On the same date it decided on the democratic reforms programme. The Turkish Foreign Ministry opposed the ratification of the Customs Union treaty by the EP, stating that

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82 A. Bugra, 1999. *Islam in Economic Organizations*. Istanbul: TESEV.

83 Konrad Adenauer Foundation, 1996. *An Investigation on the Welfare Party*. Ankara: Konrad Adenauer Foundation [in Turkish].

84 M. Eder, 1999. ‘Becoming Western: Turkey and the European Union’, in J. Gruel and W. Hout (eds.), *Regionalism across the North-South Divide: State Strategies and Globalization*. London: Routledge, pp. 79-94; E. Cayhan, 1997. *Türkiye Avrupa Birliği İlişkileri ve Siyasal Partilerin Konuya Bakışı*. Istanbul: Boyut, p.411.

85 Turkish Grand National Assembly: *Parliamentary Debates*, 21 February 1995.

86 Turkish Grand National Assembly: *Parliamentary Debates*, 2 May 1995.

87 Turkish Grand National Assembly: *Parliamentary Debates*, 2 May 1995.

it was a part of the process starting with the Ankara Treaty. However, the EU claimed that prior to 1995 significant changes occurred in the European agenda and the EP should have a word on the relations with Turkey. From the Customs Union decision in March 1995 in the Association Council to its debate in the EP in December 1995, the EP played a key role in EU-Turkey relations by insisting on progress in democracy and human rights.<sup>88</sup> In July 1995 the government issued a package of constitutional reforms, removing text in the preamble of the 1982 constitution, which praised the military coup of 12 September 1980. It also allowed students to become members of political parties, it granted public sector employees the right to collective bargaining—though without granting the right to strike—, it lowered the voting age from 21 to 18 and finally, in October 1995, it amended Article 8 of the Anti-Terror Law.

Just after the initiation of the Customs Union the Turkish political landscape changed again with the establishment of a surprising coalition government between the True Path Party and the Welfare Party. Ciller has argued on various occasions that the Customs Union would be a crucial European support for secularists in Turkey to prevent the rise of Islamic fundamentalism. In fact, the establishment of a coalition government with an allegedly Islamist political party did cause a serious decline of the Turkish government's credibility in European eyes.<sup>89</sup> The 1990s saw a period of political and social fragmentation under ethnic separatism, Islamic fundamentalism and economic crisis, culminating in a questioning of the basic principles upon which Turkey's republican ideals were built.<sup>90</sup> From the early 1990s onwards, the conflict with the Kurdish separatists in the southeast intensified, and human rights violations became even more widespread. There was consequently an unprecedented number of disappearances and extrajudicial executions, which can be substantiated in human rights records from international organisations with first-hand knowledge of the civil war-like situation in the southeast.<sup>91</sup>

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88 In particular, the EP underlined three conditions to be met by Turkey for its admission to the Customs Union: completing constitutional amendments to eliminate legal and constitutional restrictions on civil society and political participation, including freedom of association and the freedom of trade unions; changing or abolishing Article 8 of the Anti-Terror Law which forbade the issue of written or verbal propaganda and demonstrations which had the aim of violating the political, legal, social, secular and economic order of the country so as to impair the integrity of the Republic of Turkey, its territory and its nation; and finally releasing all the DEP representatives in prison. See, European Parliament, 1995. *Resolution on the Draft Agreement of the Customs Union between Turkey and European Union*. DOC.PE 187.047.

89 Arguing that the 1996-1997 coalition government between Erbakan's RP and Ciller's DYP was based on entirely instrumental motives, Heper and Keyman state that 'Erbakan wished to join the government to further legitimise his religiously oriented RP in the eyes of the state elite, and Ciller wanted to avoid legal proceedings because of the allegations of wrongdoing and corruption on her part while Prime Minister.' See, M. Heper and F. Keyman, 1999. 'Double-Faced State: Political Patronage and the Consolidation of Democracy in Turkey' in Sylvia Kedourie (ed.), *Turkey before and after Atatürk: Internal and External Affairs*. London: Frank Cass, pp. 270-271. In fact, this strategy of demonising Islamists to attain advantages from the EU completely collapsed with the rise of AK Party to power, completing a series of reform packages radically democratising Turkey. AK Party's moderate stance provides it with clear legitimacy and credibility in European eyes and challenges the traditional image of the Islamists, projected towards the rest of the world by the ardent secularist sectors in Turkey.

90 Many intellectuals in Turkey took the political crisis of the 1990s as the crisis of Turkey's modernisation project. They considered the main reason behind the crisis of the modernisation project under the stress of globalisation to be the inevitable rise of a multiplicity of political discourses, particularly based on diverse claims of identity in competition with the all-encompassing Turkish national identity. For instance, Kasaba claims that the current struggle in Turkey seems to be between the old-authoritarian-modernisation, paternalistic state, with its crumbling nationalist and populist legitimisation, and a modernist conception of political liberalism and citizenship. See R. Kasaba, 1997. 'Kemalist Certainties and Modern Ambiguities' in S. Bozdogan and R. Kasaba, (eds.), *Rethinking Modernity and National Identity in Turkey*, Washington: Washington University Press, pp. 15-36 and R. Kasaba and S. Bozdogan, 2000. 'Turkey at a Crossroad', *Journal of International Affairs*, 54(1), pp. 1-20.

91 Hasan Cemal gives an excellent journalistic account of the Kurdish problem from a rather impartial perspective enriched by the interviews with security forces and state officers working in the southeast, people of the region and the guerillas. There are two crucial points in Cemal's account particularly important for our study. First of all he stresses the impact of the 1980 military coup and expanding violence throughout the region by the guerrilla warfare, contributing extensively to the exacerbation of the Kurdish problem by terrorising the southeast region. He also underlines the significance of

This situation was exacerbated with the Islamisation of society, economy and the state. This situation derived the military's reaction against the rise of Islamic schools and their activities.<sup>92</sup> The coalition government finally was deposed from office on the advice of the National Security Council, on 28 February 1997.<sup>93</sup> In July 1997 the European Commission published its package entitled 'Agenda 2000: For a Stronger and Wider Union', outlining the recommendations for the EU's financial framework for the period 2000-2006 on the cohesion and structural funds and the Common Agricultural Policy, and on the enlargement strategy. Turkey was not included in this project and its exclusion from the new European enlargement process, which included Malta and Cyprus and the former socialist countries of Central and Eastern Europe, became definitive at the European Council in December 1997.<sup>94</sup>

In Turkey, this event created a nationalist reaction, fuelled by frustrations at being overtaken by some Central and Eastern European states, not to mention Cyprus, as well as a certain fear of isolation from rapidly changing global political and economic relations. The country was further shaken by the devastating earthquake of 17 August 1999. Although Turkish anxiety was somewhat relieved with the recognition of Turkish candidacy at the Helsinki Summit, it still had to deal with the economic crisis of February 2001, the worst in Turkish history. This series of events exhausted the state, and its image as a 'strong state' crumbled, as did its credibility as a 'Daddy State' in the eyes of Turkish people. They also paved the way for the groundbreaking reforms of August 2002 and the subsequent opening of the political regime.<sup>95</sup>

#### IV. Conclusion

This article argued that 'conditionality', the EU's main instrument to bring accession countries in line with their standards, does not completely explain the recent political transformation in Turkey. Although Turkey's democratisation did gain significant momentum with the acceptance of Turkish candidacy at the Helsinki Summit of the European Council in 1999 and the time schedule tied to that, it would be mistaken to disregard the influence of other social and political factors.

Apart from integrating a broader contextual approach to explain the European impact on Turkey's politics, the article puts forward two other conceptual frameworks in a complementary way. It argues that both Turkey's acceptance of the right to individual petition to the ECHR on the eve of the membership application in 1987, and the growing socialisation of Turkey with the European human rights norms in its aftermath, played a crucial role in furthering the political reforms. The socialisation of the Turkish governing elite and society-at-large with European human rights discourse in recent decades encouraged peaceful means of resolving domestic political conflicts, leading to the initiation of the ground-breaking reforms of August 2002 and the subsequent reform packages passed in the last two years.

It is indisputable that the possibility of obtaining EU membership was crucial for mobilising a pro-democracy coalition of forces in Turkey that would back the democratic reforms. However, it would

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European perspective for the socialisation of the Turkish political culture by the European values and norms. The European perspective was considered as key for the domestic stability and the consolidation of democracy in Turkey. H. Cemal, 2003. *Kurds*. Istanbul: Dogan Kitap, pp. 553-554, [in Turkish].

92 Turkish General Staff, 1996. *The Relationship between Religious Reactionary Movement and Terrorism in Turkey*. Istanbul: War College Publications [in Turkish].

93 However, this was not completely a military involvement since a large section of society put forward their extreme dissatisfaction from the economic policy and foreign policy (exceedingly militant following Erbakan's visits to Libya and Iran) conducted by the government through turning off the lights ten minutes overnight.

94 G. Avery and F. Cameron, 1998. *The Enlargement of the European Union*. Sheffield: Sheffield Academic Press.

95 For the erosion of the image of the state in Turkey see, S. Ozel, 2003. 'After the Tsunami', *Journal of Democracy*, 14(2), pp. 80-94.

be extremely short-sighted to disregard how the attitudes of the Turkish governing elite were influenced by their communications with their European counterparts, by the pressures exerted on them by transnational human rights associations and domestic civil society groups, and finally by the continuing violence over the past two decades which has politically and economically exhausted the state. The aim of this article is to highlight not only the conceptual weakness but also the inherent danger of relying completely on the framework of ‘conditionality’ to explain the recent political transformation in Turkey—an approach that would make the whole process extremely vulnerable to political conjuncture, depending on the still ambiguous European attitude towards Turkey.

Given the scope of legal changes effected with the reforms, which practically eroded the 1982 Constitution written under the tutelage of the military regime and initiated a democratic regime radically different from the previous one in terms of the basic features of political community and national identity, the main problem for Turkey right now is preserving the domestic stability of this new regime. Situating the recent radical political changes within the broader context of the regime transformation and gradual democratisation that Turkey faced with a European perspective during the post-1980 period can help to avoid the above-mentioned vulnerability.

Dr. Kivanç Ulusoy  
Center for European Studies  
Middle East Technical University  
06531-Ankara Turkey  
Tel: 0090 312 210 36 09  
Fax: 0090 312 210 12 45  
kulusoy@metu.edu.tr