

THE DE-EUROPEANIZATION PROCESS IN A CANDIDATE COUNTRY:
ANALYZING THE DOMESTIC RECEPTIVENESS FOR EU NORMS

by

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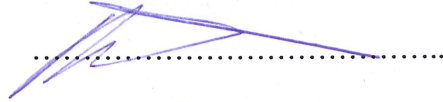
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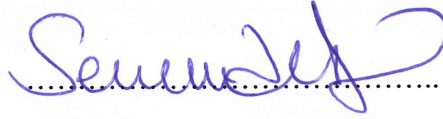
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ABSTRACT

THE DE-EUROPEANIZATION PROCESS IN A CANDIDATE COUNTRY: ANALYZING THE DOMESTIC RECEPTIVENESS FOR EU NORMS

EUROPEAN STUDIES M.A. THESIS, JULY 2019

Thesis Supervisor: Prof. Meltem Müftüler-Baç

Keywords: External Incentive Model, Compliance, Turkey, the European Union

After the destructions of the Second World War, the European Union was founded in order to avoid another war and has evolved into a significant actor which promotes certain values and norms ranging from democracy to protection of human rights. With regards to the influential aspect of the Union, the external incentive model attempts to explain how the European Union has had a great impact on transforming other countries into adopting the norms and values of the Union as in the example of Central Eastern European Countries' compliance which led to the big bang enlargement. The question of how effective the conditionality tool of the Union has been one of the main focus points of the literature regarding the European Union. A puzzling case for the influential aspect of the Union is Turkey. The relations between the European Union and Turkey have encountered different phases including both ups and downs. However, the success of the conditionality of the Union which can change due to divergent aspects of conditionality ranging from the credibility to the size and speed of rewards has been controversial in the example of Turkey with its declining compliance over the years. The thesis will examine how Turkish compliance decreased over time and will show expectation between the credibility of conditionality and compliance through examining the regular progress reports of Turkey and indexes with regards to fundamental rights.

ÖZET

ADAY ÜLKEDE AVRUPALILAŞMA SÜRECİNDEN UZAKLAŞMA: AVRUPA BİRLİĞİ NORMLARININ İÇSEL KABULÜNÜN ANALİZİ

MERYEM NAGEHAN ULUSOY

AVRUPA ÇALIŞMALARI YÜKSEK LİSANS TEZİ, TEMMUZ 2019

Tez Danışmanı: Prof. Dr. Meltem Müftüler-Baç

Anahtar Kelimeler: Avrupa Birliği, Türkiye, Uygunluk, Dış Teşvik Modeli

İkinci Dünya Savaşı'nın yıkıntılarının ardından, Avrupa Birliği başka benzer bir savaşı engellemek adına kurulmuş ve sonrasında demokrasiden insan haklarına kadar uzanan, birçok değeri teşvik eden önemli ve etkili bir aktöre dönüşmüştür. Dış Teşvik Modeli, Avrupa Birliği'nin etkin özelliği sayesinde Orta Doğu ülkelerini Avrupa Birliği değerlerine uygunluk gösteren ülkelere çevirdiği gibi, Avrupa Birliği'nin diğer ülkeleri etkilemedeki gücünü anlatmak için de ortaya atılmıştır. Avrupa Birliği'nin araçlarından biri olan şartlılık ilkesinin ne kadar başarılı olduğu sorusu, AB literatürünün ana odak noktalarından biri olmuştur. Birliğin etkililiği konusunda Türkiye kafa karıştırıcı bir örnek teşkil etmektedir. Avrupa Birliği ve Türkiye arasındaki ilişkiler bugüne kadar inişli çıkışlı bir süreç izlemiştir. Ek olarak Avrupa Birliği şartlılık ilkesi, ödülün hızından ve büyüklüğünden verilen sözlerin güvenilirliğine kadar birçok farklı başlığı içermekle beraber; Türkiye örneğinde Avrupa Birliği'ne uyumun azalmasıyla oldukça tartışmalı bir husus olarak karşımıza çıkmaktadır. Bu tezde Türkiye'nin Avrupa Birliği'ne uygunluğunun nasıl azaldığına ek olarak şartlılık ilkesinin güvenilirliği ve uygunluk konusu arasındaki ilişkiden beklentiler incelenmiştir. Ampirik kanıt olarak ise Avrupa Komisyonu'nun Türkiye üzerine yazdığı ilerleme raporları ve temel haklar üzerine yapılmış çalışmalar seçilmiştir.

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Sevgili annem Işıl ve sevgili babam Rauf'a...

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LIST OF ABBREVIATIONS

EU: European Union

EEC: European Economic Community

SEA: Single European Act

ECSC: European Coal and Steel Community

EC: European Commission

CEEC: Central Eastern European Countries

NATO: The North Atlantic Treaty Organization

OECD: The Organisation for Economic Co-operation and Development

ECHR: European Court of Human Rights

TCA: Turkish Court of Accounts

TGNA: Turkish Grand National Assembly

NGO: Non-Governmental Organization

RTUK: Radio and Television Supreme Council

ICCPR: International Covenant on Civil and Political Rights

OPCAT: The Optional Protocol to the UN Convention against Torture

ICESCR : International Covenant on Economic, Social and Cultural Rights

ILO : International Labour Organisation

GAP : South-East Anatolia Project

IDPs : The internally displaced persons

NHI : the National Human Rights and Equality Institution

1. INTRODUCTION

Today's world has encountered many wars, destructions and devastations. One of them was the Second World War which left Europe nothing but ruins. One question prevailed in the aftermath of the Second World War; how can Europe avoid another war? In his speech at the University of Zurich in 1947, William Churchill gave an answer by suggesting that:

“There is a remedy which would in a few years make all Europe free and happy. It is to re-create the European family, or as much of it as we can, and to provide it with a structure under which it can dwell in peace, in safety and in freedom. We must build a kind of United States of Europe” (Europa, 2019).

Europe found the solution in cooperating in coal and steel, thus formed the European Coal and Steel Community in 1952. Over time, cooperation in the economy spread to other areas as well. With the 1992 Maastricht Treaty, the European Union that we know today was established.

The European Union is based on fundamental values which can be listed as respect for human dignity, human rights, freedom, democracy, equality and the rule of law (Europa, 2019). Likewise, the European Union represents these values and one of the fundamental purposes of the Union has been to promote prosperity, peace and democracy. The main aim of the Union is to spread and defend these values in Europe (Europa, 2019). The countries that do not internalize these fundamental values cannot be a part of the Union (Europa, 2019). Therefore, the countries aspiring to be a member of the Union have to go through a set of changes. For the purpose of providing those countries with guidelines, in 1993, the European Union has come up with pre-accession criteria which are also known as the Copenhagen Criteria. The pre-accession criteria

have caused countries to change in accordance with the Union as the end goal for them is to acquire the membership. With regards to this influential nature of the EU, the theory of external incentive governance suggests that the EU has been an influential factor due to the reward of membership it's offering which is referred to as the EU's conditionality. The success of the conditionality may differ from case to case and differ due to the speed, size of the rewards (Schimmelfenning and Sedelmeier, 2017). The domestic adoption costs and the credibility of the EU's threats and promises are other important factors that affect the conditionality. Countries choose to comply with the EU norms and rules if they find the reward of membership credible.

Turkey is a good illustration of how a country's compliance may change due to a change in the credibility of conditionality. Although the relations between Turkey and the European Union has had ups and downs, the impact of the European Union on Turkish politics cannot be overlooked. Especially after 1999 when Turkey was granted the candidate status, Turkey complied with the EU norms and values in order to become a full member of the EU. Due to the reforms in accordance with the EU, in 2005, the EU started the accession negotiation process with Turkey. However, the fact that European Union's credibility at the time was high should be considered as in time with the European Union's credibility declined which corresponded to the decrease in Turkey's commitment to the process and following the loss of that commitment, records in human rights have also started to decline. After 2005 and especially after 2011; Turkey started to detach from the EU as the promises of the EU started to lose their credibilities.

Therefore, the main aim of the thesis is to focus on how Turkish compliance changed over time with regards to relations with the European Union and the expectation of relation between credibility and conditionality is yet to be shown in Turkish Case. In order to analyze how Turkish compliance changed over time with regards to relations with the European Union, human rights and minority rights of political criteria will be analyzed. The reason for the particular selection of human rights part of the political criteria is that human rights record has been one of the most criticized aspects of Turkey by the European Union. According to indexes from various research, Turkey has had a bad human rights record. That's why compared to the values and norms of the European Union which are based on the rule of law, democracy, human rights, Turkey could not

fit in with its bad human rights record. The human rights and the protection of minorities part of the political criteria state many different areas with regards to human rights. In order to portray the improvement that took place, I divided the sub-headings under the human rights part of the political criteria into 9 different parts for the tables of the progress reports. The human rights part of the political criteria has been divided into: *civil and political rights, specific problems in Turkey, reforms that are adopted, human rights protection instruments, economic, social and cultural rights, minority rights and protection of minorities and the Southeast Part of Turkey, freedom from torture, freedom of association and lastly freedom of assembly*. By doing so, this thesis will find out how the compliance of Turkey has changed from 1998 to 2018. In addition, the reasons for the losing credibility of the European Union will also be mentioned briefly in order to demonstrate the expectation of the relationship between credibility and conditionality. Thus this thesis will contribute to the literature by portraying the changes in both the relations between the two actors and in Turkey's compliance. In 1999 when Turkey was granted the membership status, both the EU and Turkey were committed to the process. Following 1999, Turkey adopted a set of reforms and changes in order to comply with the EU. The relations were going smoothly, in fact, the progress reports that are written annually by the European Commission to evaluate the progress in a country were quite promising and the EU was content with the developments that took place in Turkey between 1999 and 2004. That's why in 2005, the accession negotiation process with Turkey began. However, the period after 2005 stands as a puzzle because after 2005, though reforms continued, they started to be few in numbers and slow. Especially after 2011, the compliance of Turkey decreased even further. The goal of the thesis is to show the decreasing compliance of Turkey over time with regards to relations with the European Union and is to demonstrate the expectation of relation between conditionality and credibility in terms of losing compliance of Turkey. Moreover, the shift in EU's promises and threats also are explained by demonstrating the problems that the EU has experienced which then led a sceptic attitude towards enlargement and caused the European Union to give mixed signals to Turkey in terms of the accession process.

The thesis is divided into four chapters. In the first chapter, the theoretical framework of external incentive governance is explained in detail in order to explain the tool of conditionality. The first chapter will also provide an empirical case for the theoretical

framework by focusing on the application of the Copenhagen Criteria. In order to do so, the statements of EU officials and institutions are given in order to demonstrate how influential and successful the Copenhagen Criteria has been on the developments and changes of candidate countries.

Following the first chapter, the second chapter provides a historical background of the relations between Turkey and the European Union. The chapter explains how relations between the two actors has evolved by focusing especially on the period after the application of Turkey to the Union. The third chapter also provides the internal and external factors that affect the dynamics between the European Union and Turkey in order to explain the ups and downs in the relations.

In the third chapter, the reforms with regards to human rights that Turkey adopted since 1998 are analyzed. The changes and developments that Turkey have experienced are important in order to understand the effect of the EU's conditionality on Turkey. Therefore analyzing the reforms that have been adopted pose great importance to see the timeline of the reforms.

In the fourth chapter, the regular progress reports of 1998, 2004, 2005, 2008, 2013, 2018 are analyzed with respect to human rights part of the political criteria and by doing so, the comments and evaluations of the European Commission with regards to Turkey's reforms and improvements are shown. In addition to the progress reports, indexes are evaluated as well in order to demonstrate the changes in Turkey in terms of fundamental rights. The fourth chapter provides the main analysis of the thesis. By looking at regular progress reports of Turkey from different years which are turning points in the relations between the EU and Turkey, this chapter aims to demonstrate the expectation of relation between losing credibility of conditionality and Turkey's compliance. The decrease in compliance is analyzed by focusing on progress reports as they explain the reforms, developments that Turkey accomplished and also they include the areas that Turkey did not improve. Lastly, the indexes provide an overall consideration for improvements in Turkey with regards to human rights. All in all, this chapter poses great significance as the empirical evidence are given in order to test the expectation of relation between the losing credibility of conditionality and Turkey's compliance and how Turkish compliance changed over time with regards to relations

between Turkey and the European Union. The question that this thesis tries to answer is how Turkish compliance changed over time with regards to relations with the European Union. In addition, the expectation of relation between credibility and conditionality is yet to be demonstrated in Turkish Case. Although there have been many studies with regards to conditionality, this thesis will contribute to the literature by analyzing the regular progress reports of Turkey in terms of empirical evidence in order to find out how Turkish compliance changed over time.

For the purpose of the study, the progress reports of 1998, 2004, 2005, 2008, 2013, 2014, 2018 that are written annually by the European Commission are utilized as sources. The reason why these specific years are chosen is that they all represent turning points. To start with 1998, it was the year when the EU first made an evaluation of Turkey so it is important to analyze the very first evaluation of Turkey so as to see the changes in the upcoming years. The first reason why 2004 is chosen is that it is one year before accession negotiation talks began and it is the year when the EU decided upon opening accession negotiation with Turkey. Secondly, in 2004, the big bang enlargement took place which also included Cyprus with which Turkey has ongoing conflicts. 2005 is another year that is important to consider as it is the year when accession negotiation talks began with Turkey. Likewise, 2008 is chosen as it represents important events that took place both in Turkey with 2007 military memorandum and with 2008 Ergenekon Trials and in the EU with Global Finance Crisis and Greek Debt Crisis. Also, the literature points out that after 2008, Turkey's compliance is in a path of decline. 2013 is also important for the purpose of the study as in 2013 with Gezi Protests, further backsliding was reported in Turkey with regards to human rights and 2013 is the year when Turkey was watched closely by the international actors because of the Protests. 2014 is also chosen because of the corruption cases that took place in Turkey and in order to see the impact of the cases on the human rights record in Turkey. Lastly, 2018 is chosen as it is one of the latest evaluations of Turkey and it shows how Turkish compliance and human rights changed overtime after 1998.

In addition to the reports, indexes that are taken from Varieties of Democracy are analyzed. Likewise, statements of European Union Officials, Turkish politicians and statements of the European Union institutions are also given. Besides, many key terms are explained by the definitions of the European Commission and the European Union.

2. THEORETICAL FRAMEWORK: EXPLAINING THE INTEGRATION PROCESS WITH EXTERNAL GOVERNANCE

2.1. Introduction of the Chapter

“The Union shall be open to all European States which respect the values referred to in Article I-2, and are committed to promoting them together”. The Union’s values as follows: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (Tanja, 2006).”

As stated above, one could argue that the European Union would welcome each and every European state on the condition of respecting the values of the Union as stated in the Treaties Establishing the European Union, as well as the Charter for Fundamental Rights. Therefore, a less democratically developed country has to go through a phase of change to be able to join the Union. This phase of change for less democratically developed countries requires some steps to be followed. These steps known as the pre-accession conditions somehow manage to affect and change their counterparts. Accession criteria for enlargement consist of three main components which are political criteria, economic criteria and the ability to implement the EU Acquis. The conditions lead to many changes in counterparts with regards to their political and economic capabilities. More specifically, countries wanting to become a member follow the guidelines given by the European Union which then lead to developments in democracy, rule of law, human rights and respect for and protection of minorities.

European Union was not the way as we know of it today. After World War II, Europe tried to unite and tried to fix what was left behind of the destruction by establishing an Economic Coal and Steel Community in order to promote peace and prosperity. Ever since the 1951 Paris Treaty, the European integration process expanded with multiple treaties and rounds of enlargement. What began as a cooperation scheme in low politics and economic sphere affected political spheres as well, step by step, and what we know today as ‘the European Union’ came into being as a political and economic union. The desirability of the European Union membership especially increased after the fall of the Berlin Wall in 1990 and the end of the Cold War. In particular, Central and Eastern European countries wanted to be a part of the European Union just like many other countries that joined the EU. The problem was that the European Union had already countries that were not developed in economic and political terms. Getting to say yes to the newcomers posed a threat; that’s why in the year 1993, certain criteria to be followed by these countries were introduced in the Copenhagen Summit. Getting its name from the summit, Copenhagen Criteria was introduced so as to operationalize the European Union accession criteria and to formulate pre-conditions that had to be met by the applicant countries. The conditions that the Copenhagen Criteria put forward constituted a process that each candidate has to get through in order to become a member, therefore, the EU accession criteria form the basis of the conditionality which ensures changes in the candidate countries. Copenhagen Criteria as a tool of political conditionality has been on the agenda of the European Union. European Council explained the main goal as;

“The associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required (Tanja, 2006).”

The Copenhagen Criteria as a tool of conditionality is expected to change and is a necessary condition for all countries aspiring for accession to the EU as it also demonstrates that if a country follows the conditions, the reward of membership will be given to the target country. This chapter demonstrates the effectiveness of the application of the Copenhagen Criteria through the eyes of conditionality which is a tool of external incentive model by examining the primary declarations that were made by the actors of the European Union. The theory of external incentive model and the

instrument of conditionality are used to examine the application of the Copenhagen Criteria.

2.2. Enlargement Policy

What began as a Community of 6 has evolved since the inception of the European integration process into a body of 28 members. The EU's enlargement policy plays quite significant a role in shaping the contours of European identity and is, therefore, one of the most important policies of the European Union. As suggested in the Madrid European Council 1995 ;

“Enlargement is both a political necessity and a historic opportunity for Europe. It will ensure the stability and security of the continent and will thus offer both the applicant States and the current members of the Union new prospects for economic growth and general well-being. Enlargement must serve to strengthen the building of Europe in observance of the *acquis communautaire* which includes the common policies (Europa, 2018).”

Enlargement policy is crucial for the European Union as this specific policy helps the European Union open its door to the other countries. For a country to be a member of the European Union, there are 3 steps to be followed.

1. *“The candidate moves on to formal membership negotiations, a process that involves the adoption of established EU law, preparations to be in a position to properly apply and enforce it and implementation of judicial, administrative, economic and other reforms necessary for the country to meet the conditions for joining, known as accession criteria (Europa, 2018).”*
2. *“When the negotiations and accompanying reforms have been completed to the satisfaction of both sides, the country can join the EU (Europa, 2018).”*

As it can be inferred from the steps, a country has to fulfil the conditions to achieve the desired outcome which is membership. According to the Treaty on European Union, any European country may apply for membership to the EU; however, that does not

mean that they would automatically be accepted to the Union. Membership is granted to a country if that country complies with the EU rules and norms. Likewise, the members of the EU, as well as the institutions, should give their approval to the newcomer. Also, the citizens of the candidate country also should give their consent either through a referendum or in their national parliament (Europa, 2016). For a country to be a member of the Union, as already mentioned, it should fulfil certain requirements. The first requirement for application is for a country to be European. After the application, applicant state could be granted membership status with the European Commission's recommendations and the European Council's approval. The candidate status does not mean that a country would be a member eventually. The European Commission examines that country considering the Accession criteria and the candidate country start formal negotiations in which it adopts the EU Acquis and complies with the Accession criteria. Duration of the negotiations may vary; however, for negotiations to end, every chapter should be closed with every EU government's consent (Europa, 2016). After a country complies with EU norms and rules and after the consent of member states of the EU as well as the institutions, the citizens of that country should also accept joining the Union. In the end, with going through different steps, any European country has the potential to become a member of the EU.

2.3. Historical Background

Today, the European Union is a club of 28 countries. Applicant countries have to fulfil basic criteria that are called 'Copenhagen Criteria'. These criteria were introduced based on some motives. Before getting into those motives, a historical background should be given so as to understand those motives behind the Copenhagen Criteria. The original six countries, which were France, Germany, Belgium, Italy, Luxembourg and the Netherlands, constitute the main actors in the development of the cooperation. In time with the first enlargement in 1973 which included Denmark, Ireland and the United Kingdom, the cooperation started to grow with many applications and many new members. Following the first enlargement, first in 1981 Greece then in 1986 Spain and Portugal, after that in 1995 Austria, Finland and Sweden joined (Europa, 2018).

Before the end of the Cold war, Europe was divided into two; respectively the East and the West. European Union did not have any Eastern European state as a member. After the collapse of the Berlin Wall, circumstances changed in Europe. Central and Eastern countries wanted to join the EU. There were eleven countries which were on the list. Cyprus, the Czech Republic, Estonia, Hungary, Poland, Slovenia, Bulgaria, Latvia, Lithuania, Romania and Slovakia were on the list of countries wishing to acquire membership status (McCormik, 1999). Each one felt short of democracy and economic development. Many recovering from the Cold War period did not have much to offer to the European Union.

Consisting of 15 countries already, the European Union opened up its doors to the newcomers suggested by McCormick it was an “irresistible moral pressure (McCormick, 1999).” However there were some issues that European Union had to consider. After the membership of Spain, Portugal and Greece, the European Union had some difficulties. As these countries were considered as poorer than the other members, the European Union had to deal with the problems regarding these states. Apart from the economic problems, these countries had also created political concerns as they were in positions of transforming from autocracies, one-party rulings to democracies. That’s why when the EU decided to open up its door to the Central and Eastern Europe, there had to be a reconsideration of what would be outcomes. In order to eliminate these concerns, in 1993, European Council decided upon what is called “Copenhagen Criteria” in Copenhagen Summit which was then expanded in the Madrid European Council 1995. In the Copenhagen Summit, the European Council decided upon the following;

“The European Council today agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required. Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political economic and monetary union. (European Council, 1993).”

The Copenhagen criteria were introduced as ‘pre-accession strategies’ and required reports that would be published every year on the progress each state would be following. The main motive behind was to make these countries suitable for the European Union in terms of economic and political development. Thus the Accession criteria that each of these countries should follow was a successful step to do so. Although the big bang enlargement of Central Eastern European Countries took place in 2004 after they managed to comply with the Criteria, many arguments have been put forward with regards to their success. Despite the fact that the EU’s influence on these countries is prevalent, to what extent is this influence is less focused on (Schimmelfennig and Sedelmier, 2006). 2004 Enlargement is fundamentally explained through conditionality although a credible conditionality is only a necessary means for change, not a sufficient aspect for change. (Schimmelfennig, 2004). Though they became members of the Union in 2004 which included the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and lastly Slovakia still the process and the end results have been on the agenda (Europa, 2018).

2.4. Theoretical Framework

European Union is a unique community which achieves to make other states develop their economic and political lives. To explain the unique effect of the European Union and the process that takes places, the theory of external incentive model was put forward which includes a process of adopting EU norms and rules through the impact of conditionality. The process is called and Europeanization is defined as the process that takes place in countries adopting the EU Acquis into their domestic system. (Schimmelfennig, 2009). The important aspect of external incentive model is the usage of conditionality as a tool of influence.

With the Copenhagen Criteria, the European Union was able to have an impact on countries’ political and economic development. By doing so, the European Union guarantees two things; first, the well-being of the union, second the development of the whole (McCormik, 1999). Candidate countries which want to acquire the reward of

membership have to accomplish the lists that are required. In this sense, the Copenhagen criteria actually served as an external incentive model for governance which can be defined as “... the transfer of given EU rules and their adoption by non-member states (Schimmelfennig and Sedelmeier, 2004).” Thus, the Copenhagen criteria create an environment in which the EU can have an impact on countries aspiring to be a member of the Union. The term conditionality suggests the idea that a certain reward or an action depends on a specific attitude (Puente, 2014). The process that is caused by conditionality leads countries to go through a process of inquiring the norms and values of the EU which is labelled as ‘Europeanization’. Europeanization can be defined as the “as the process of downloading European Union (EU) directives, regulations and institutional structures to the domestic level (Howell, 2002).” The process of adopting the conditions gives the way for Europeanization. The external incentive model suggests a rational bargaining model in which the actors try to achieve the desired goal (Schimmelfennig and Sedelmeier, 2017). The main actor offers a reward to the counterpart and gives specified conditions under which the counterpart can obtain the reward (Schimmelfennig, 2002). The counterpart decides to follow the conditions based on cost and benefit calculations and the counterpart is free to accept the given conditions or to reject them (Schimmelfennig, 2002). Also external incentive model suggests that the key tool of the Europeanization is conditionality (Schimmelfennig and Sedelmeier, 2006). In doing so, the external incentive model gives certain conditions under which the conditionality would be effective, conditions such as “the size and speed of rewards, the determinacy of the conditions, the credibility of the conditionality, and the size of the adoption costs (Schimmelfennig and Sedelmeier, 2006). Conditionality follows a process of rewards and Schimmelfennig states “conditionality can affect the target government either directly through intergovernmental bargaining or indirectly through the differential empowerment of domestic actors (Schimmelfennig and Sedelmeier, 2004).” By either intergovernmental bargaining or differential empowerment of domestic actors, the target government try to reach for the given rewards. Through a calculation of whether intergovernmental bargaining or differential empowerment of domestic actor would bring extra costs or extra benefits, the target government choose to comply with the conditions. European Union gives the rewards that consist of assistance and institutional ties ranging from trade agreements to full membership if the target government complies and fulfils the conditions (Schimmelfennig and Sedelmeier, 2004). Target government also considers

the domestic costs of complying with the conditions given by an external incentive. Therefore for the target government to comply with the process, the rewards should exceed the domestic costs for complying with the conditions. The condition which is put forward by the European Union is the fulfilment of the Copenhagen Criteria as an external incentive and the reward is to get the status of full membership. By doing so, the candidate country goes through a process of change. The literature on conditionality mostly focuses on how successful the process of adopting rules of the EU has been. Moreover, the literature also talks about how certain countries start to detach from the rules and norms of the European Union. In that respect, in time their compliance starts to decline. The process of detaching from the EU norms and rules has been identified as the de-Europeanization process. What de-Europeanization means and what motives de-Europeanization process have been studied by many scholars (Yılmaz 2016; Yaka 2016; Gürsoy 2010) who focus on different sides of the phenomena through examining how compliance declined over time. Yet the answer to the question of how has been met by only a few numbers of studies (Aydın-Düzgit 2016). The literature on the de-Europeanization process and conditionality mainly looks at the process by explaining the causes and defining the process with different causal explanations.

To start with, one study explains how a candidate country which is Turkey starts detaching from the EU rules and norms from the context of judicial independence and rule of law by using the concept of conditionality (Saatçioğlu 2016). Seeking to grasp the relation between detachment process and the backsliding of judicial independence, he argues that the reasons for loss of compliance in the context of judicial independence and rule of law are the fact that the gains do not outlaw the losses thanks to the losing credibility of conditionality. Likewise, Yılmaz defines detachment process as the de-democratization (Yılmaz 2016). She also lists causes as the conditionality and the domestic factors, government choices. Similarly, another study argues that the reasons for how Turkey's commitment to the path of the EU starts to deteriorate are the changes in the hegemony of Justice and Development Party's policies (Yaka 2016). Börzel and Soyaltin contribute to the reasons by explaining the Europeanization process as democratization and with the losing credibility of conditionality, the process of de-Europeanization started thanks to the changing incentives of Justice and Development Party (Soyaltin 2012). Another study again defines de-Europeanization as a detachment of policies by both Turkey and the European Union and gives the reasons as the policies

(Senem Aydın-Düzgit 2016). Another similar contribution to the literature is defining the detachment process as the losing credibility of conditionality and explaining the reasons for the process by giving reference to the conditionality (Kubicek 2011). Similar to previously mentioned reasons, Nogués & Jonasson like others give the reason for the decline in Turkish compliance as the changing identity of Turkey and talk about how the European Union affected the country (Elisabeth Johansson-Nogués 2011). The literature on conditionality and detachment of Turkey from the Union includes different reasons and conceptualizations. Mostly the studies complement one another in terms of only focusing on the reasons why Turkey started to detach from the Union and on how successful the conditionality has been. Therefore it is fair to claim that the success of conditionality and external incentive models with regards to candidate countries has been one of the main focus of the literature on Turkey and the European Union relations. In the same context of the literature, this thesis also focuses on how Turkish compliance altered over time with regards to relations with the European Union. The contribution that will be made by this thesis is that the decline in Turkish compliance is shown with a set of empirical evidence which is an examination of progress reports of Turkey.

To sum up, the external incentive model and conditionality contributed to the processes in which actors want to see developments in the target governments. European Union has been using conditionality through Copenhagen Criteria in order to promote developments in the candidate states. In that way, candidate states would be ready for joining the European Union. Thus the Criteria has been regarded as a tool of conditionality and the membership reward makes states wishing to join the EU credibly commit to the cause and the process of complying with conditions. Therefore one can argue that if the credibility of the conditionality proposed by the EU is high, the compliance is high as well. On the contrary, if the credibility of the EU and conditionality are not strong, then the effect of political conditionality is less than the other way around which applies to every candidate country which is in the accession negotiation process. The literature focuses on many aspects of how and why the compliance of a candidate state declines. In this thesis, the question of how Turkish compliance changed over time with regards to relations with the European Union. By doing so, the expectation of relations between credibility and conditionality is yet to be demonstrated in Turkish Case.

2.5. Copenhagen Criteria

According to the Copenhagen Criteria, there are three main headings that a candidate has to fulfil if that candidate wishes to become a member. These can be listed as political criteria, economic criteria and administrative and institutional market economy. Political criteria suggest “the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities (Europa, 2016).” Economic criteria include “a functioning market economy and the capacity to cope with competition and market forces (Europa, 2016).” And lastly administrative and institutional capacity include the idea ‘to effectively implement the *acquis* and ability to take on the obligations of membership (Europa, 2016).’ To start with the political criteria, one of the main important aspects is the rule of law which indicates that a country has to apply the same rules to its people fairly. Rule of law has important principles; the independent and impartial judiciary, fair trial procedures, the accountability of government and its officials in the face of corruption, laws have to be prepared and enforced fairly, efficiently. For the stability of institutions guaranteeing democracy, there have to be free, fair and competitive elections with a secret ballot, there has to be freedom of opinion, freedom of the press. These, combined with the respect for human rights and minority rights, are the foundations for political criteria. Economic criteria are clear for it implies a functioning market within the state. For the administrative and institutional capacity, laws have to be in line with the *acquis*. In order to do so, *acquis* is divided into different chapters, each one deals with a separate policy area. There can be a different number of chapters for the candidates; for example in the case of Turkey, there are 35 chapters to negotiate whereas, in the case of Bulgaria and Romania in 2007, there were 31 chapters. Each chapter is to be negotiated with the candidate so as to check their compliance with the *Acquis*. Apart from the chapters, financial and transition arrangements are also discussed. In order to see the progress of the candidate state, the Commission monitors the negotiation by checking whether the process complies with the EU legislation. Two instruments are used to follow the countries’ attempts to fulfil the Copenhagen Criteria.

1. Screening – *“the Commission carries out a detailed examination, together with the candidate country, of each policy field (chapter), to*

*determine how well the country is prepared. The findings by chapter are presented by the Commission to the Member States in the form of a screening report. The conclusion of this report is a recommendation of the Commission to either open negotiations directly or to require that certain conditions – **opening benchmarks** - should first be met (Europa, 2016)."*

2. Negotiating positions – *"before negotiations can start, the candidate country must submit its position and the EU must adopt a common position. For most chapters, the EU will set closing benchmarks in this position which need to be met by the Candidate Country before negotiations in the policy field concerned can be closed. For chapter 23 and 24, the Commission is proposing that in the future these chapters would be opened on the basis of action plans, with interim benchmarks to be met based on their implementation before closing benchmarks are set. (Europa, 2016)."*

To sum up, Copenhagen Criteria also called the Accession criteria is a must to be accomplished by the candidate states to join the European Union. As in the case for Eastern enlargement, Copenhagen Criteria helped those countries to fill the gap after the collapse of the Soviet Union because the criteria actually gave a list of duties and paths to follow for those countries; a lot of homework in other terms. (McCormik, 1999) Yet this situation is not only significant for the Eastern enlargement. It started beforehand thanks to the Eastern Enlargement but now the Criteria is a guideline for each and every candidate country that wants to be a full member of the EU.

2.6. Empirical Study

After the application of Central and Eastern European states, the European Union wanted to ensure political, economic developments in the target governments. Thus European Union came up with the pre-accession criteria that are "Copenhagen Criteria." The institutions of the European Union were in favour of bringing the Criteria because they wanted to secure the well being of both the Union and the candidate states. As the European Council suggests: *"[t]he Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries (Tanja, 2006)."* In

the aftermath of the application of the Criteria and even today actors of the European Union suggest that after the application of the Copenhagen Criteria, Central and Eastern European Countries contributed to the prosperity of the European Union by completing the Criteria and in the aftermath by joining.

As the commissioner for Enlargement and European Neighbourhood Policy Stefan Füle and Denmark's minister for European Affairs Nicolai Wammen suggest:

“As advocates of the EU enlargement policy, we are both repeatedly asked: Why is enlargement so important? Do we not have enough problems in the EU already? Why bother? Our answer is consistent: Because we fundamentally think that it is the right thing to do – for the countries aspiring to EU membership and for Europe. We have both come of age politically in the period during and after the fall of the Iron Curtain. And we have seen first-hand how enlargement has transformed societies in Eastern and Central Europe. We should not forget that it was not predestined to be so. The European leaders at that time made a conscious, political choice and a wise one: Meeting in Copenhagen in June 1993 they decided to invite the associated countries in Central and Eastern Europe to become members of the European Union. The aim was clear: To support the reform-processes, transmit the European values of democracy and human rights and ensure peaceful and stable development. The conditions for membership – which we have come to know as the ‘Copenhagen criteria’ – including the need for prospective member states to have stable and democratic institutions and a functioning market economy, as well as the ability to assume the obligations of membership. The decision of the European Council provided the associated countries with a clear sense of direction. But also a daunting list of homework to do. In 2004 Poland, the Czech Republic, Slovenia, Slovakia, Hungary, Estonia, Latvia and Lithuania as well as Cyprus and Malta entered the European Union, followed by Romania and Bulgaria three years later. Twenty years down the road, the enlargement policy of the European Union continues to inspire countries in the regions bordering the European Union. And the Copenhagen criteria are still the main reference points when we assess the ability of candidate states to assume EU-membership. In the Western Balkans, where societies are struggling to put the conflicts of the 1990s behind them once and for all, the promise of a European future has proven to be a powerful driver of change and democratic and economic transformation. (...) The Copenhagen criteria set high standards and setbacks happen. But as true friends, we stand by our principles. And we are committed to helping, also when it is difficult (Euractiv, 2013).”

One can argue that the application of the Copenhagen Criteria is regarded as successful from the given statement as Commissioner refers to the Criteria as the yardsticks with which applicant/candidate states are given a roadmap. Thus by considering the

statement above, the application of the Copenhagen Criteria can be said to have succeeded. Moreover, through the usage of conditionality in which the mentioned states are offered membership if they comply with the Criteria, the European Union could accomplish the initial goal of improving these states so as to make them ready for the Union.

Likewise, another commissioner for Enlargement, Günter Verheugen delivered a speech which also mentions how the Copenhagen Criteria was a successful decision to be taken to develop and to make candidate states ready for the Union. He stated that:

“Ladies and gentlemen, I am delighted to be able to come and address you once again this year in this forum and discuss the most recent developments of enlargement with you. (...) Before I go into the details, let us not forget one important aspect: While we politicians and diplomats create the institutional framework for an enlarged Union, it will be the citizens and businesses that will make enlarged Europe actually “work” – we have concentrated a lot on negotiation – now it is time to focus on communication. Let me now take stock of the results of the Brussels European Council: Under an excellent Danish Presidency, the enlargement process has made impressive progress. Heads of State and government have endorsed the findings and recommendations of the Commission on enlargement. Ten candidate countries will be ready to conclude the negotiations by the end of this year. These countries will be ready for membership by 2004. Furthermore, Bulgaria and Romania’s efforts to achieve the objective of membership in 2007 have been supported and the Commission is now working hard on detailed roadmaps and increased pre-accession assistance. (...) In Brussels, Member States also managed to agree on positions on the last remaining financial and budgetary issues. This has not been easy. (...) And we can already see the result. Stable democracies have emerged in Central and Eastern Europe. This has led to a dramatic improvement in terms of security in Europe (Euractiv, 2002).”

As one can infer from the statement that the Commissioner made, the pre-accession period of the application of the Copenhagen Criteria went well and indeed the ten candidate countries would be ready to join the Union in 2004. The fact that he refers to the progress reports, the pre-accession criteria is important because we can conclude that ten candidate states chose to comply with the Copenhagen Criteria as they want to become members of the Union. Thus one can conclude that the impact of conditionality on these countries was successful as they chose to comply with the Criteria. He then continues talking about how the enlargement process contributes to the Union and how

these ten countries actually developed with the guidance and the opinions of the European Commission.

“Enlargement will also contribute to a new political and economic dynamism. We will be better positioned to pursue projects such as security, liberty and justice and the development of Europe’s common foreign and security policy. Enlargement will improve our capacity to protect Europe’s environment, to combat crime and terrorism, to improve social conditions and to manage migratory pressures. Enlargement will also bring economic benefits to the EU as a whole. Of course, the impact at first will not be dramatic. The ten central European economies account for only 5% of EU GDP. But they do represent significant long-term business opportunities. (...) An impressive integration of the candidate countries into the EU economy has already taken place. Nearly two-thirds of the candidate countries’ trade is with the EU. Those are just some of the benefits enlargement will bring — what we might call the enlargement dividend. Of course, there are risks too, but we have built-in measures to minimise them. The ten countries have made enormous progress in the last few years. The Commission’s Regular Reports presented recently to make this abundantly clear. However, we are not overoptimistic. Despite our confidence, this year’s reports reveal the areas where a special effort is still required. In particular, certain issues have to be addressed further in agriculture, regional policy, financial control and the customs union. The Commission will continue to regularly monitor developments in these and other areas over the coming months. We will produce a final comprehensive monitoring report six months before accession. After accession, the Commission, as guardian of the Treaties, including the accession treaties, will continue to ensure that EU law is being properly implemented in the new Member States. That is why we have introduced specific safeguard clauses, enabling us to intervene if the *acquis* is not implemented or in the case of “disturbances” in the internal market. (...) They particularly need to strengthen institutions dealing with justice, border controls, the customs union, veterinary services, nuclear safety and food safety. The negotiations have now come to its final phase and there are still some roadblocks in front of us on the road to Copenhagen (...) (Euractiv, 2002).”

Like Stefan Füle and Nicolai Wammen, Commissioner for Enlargement Günter Verheugen talks about how the enlargement of the ten countries contributed to the Union by giving reference to the application of the Copenhagen Criteria as well. Based on the regular reports of the Commission, he also argues that ten countries that were on the accession process improved many areas thanks to the introduction of the Copenhagen Criteria. Therefore one can say that Copenhagen Criteria gave the foundation of political development and development of democracy, economy as well. Considering the external incentive governance and conditionality, the Copenhagen

Criteria was successful to reform these countries. By giving them the incentive if they follow the Criteria, they will be rewarded, the application of the Copenhagen Criteria worked as an external incentive. As mentioned above, target governments decide to choose to follow according to the cost and benefit analysis that they make and they consider the domestic costs of complying with the conditions. In the case of the Central and Eastern European states, they wanted to be a part of the Western world and the membership card that the European Union showed them exceeded the costs of complying. Therefore they chose to follow the criteria.

Moreover, in the overview of the enlargement process and the pre-accession strategy of the EU, the EU stated that the improvements were observable in candidate states. In fact, the overview suggests that:

“In Central and Eastern Europe, stable democracies have emerged and minorities are being integrated peacefully into society. The economic reforms in these countries have led to high rates of economic growth (twice the recent EU average) and better employment prospects. This process has been helped and encouraged by the prospect of EU membership, and by the EU’s financial assistance. As a result, the Union enjoys a growing trade surplus with these countries (17 billion in 2000), and this generates employment and growth in the member states (European Commission, 2019).”

Just like the statements that were by the EU officials, the overview of the enlargement process also states that Central Eastern European countries have evolved in the path of EU norms.

The road map of Copenhagen Criteria caused the candidate states to comply with the EU rules as membership was at stake. The overall achievement of the countries led the way for Agenda 2000 in which the European Commission gave its opinion on the developments of Central Eastern European Countries. The opinion stated that: “*On the whole, the applicant countries’ guarantee democratic freedoms, including political pluralism, the freedom of expression and the freedom of religion. They have set up democratic institutions and independent judicial and constitutional authorities, which permit different State authorities to function normally, have held free and fair elections, permitting the alternation of different political parties in power and, in general, recognize the role of the opposition* (Agenda 2000, 1997). Hence, the political criteria of the applicant states have developed from an overall perspective of the European Commission. One can argue then the Copenhagen Criteria which provided the states

with roadmaps worked. Another opinion that was put forward by the Commission is in the context of the economy. The Opinion stated that:

“The applicant countries have made considerable progress in the transition to a market economy, including with privatization and liberalization, although their economic situations vary considerably. For all of them, the break-up of the CMEA, the former Communist trading bloc, and the beginning of market reforms implied a major initial shock... (Agenda 2000, 1997).”

Therefore, in the economy as well, the EC acknowledged that applicant states made progress in line with the Copenhagen Criteria. Schimmelfennig argues that:

“Conditionality can affect the target government either directly through intergovernmental bargaining or indirectly through the differential empowerment of domestic actors (Schimmelfennig and Sedelmeier, 2004).”

In the case of Copenhagen Criteria, conditionality affected the target government through intergovernmental bargaining in which they were screened by the European Commission to see whether they adopt the conditions or not. Also, the European Commission gave opinions on the progress to the target governments as feedbacks to give them a direction which helped them to stick to the course of application of the Criteria.

As Schimmelfennig suggests in the external incentive model, the success of the conditionality is determined by divergent aspects of the rewards which range from the speed of the rewards to the size of rewards. Likewise, domestic compliance costs also contribute to the success of conditionality. The credibility of the rewards is another important push factor for the success of conditionality.

Proposition: The expectation that external incentive model suggests that if the credibility of the rewards and threats are high, the compliance is consequently higher in a candidate country. In this thesis, the expectation of the relationship between conditionality and credibility will be demonstrated through a candidate country which is Turkey. By doing so, this thesis will also answer how Turkish compliance changed over time with regards to relations with the European Union. In order to do so, compliance with the human rights and minority rights of the political criteria are evaluated through

the regular progress reports and indexes as empirical evidence for Turkish case as the main areas that Turkey has been criticized by the EU are human rights record, rule of law, democracy. Yet the fact that another external factor might have affected the decline in Turkish compliance aside from the losing credibility should also be considered.

To sum up, Copenhagen Criteria was used as an instrument for change and the candidate countries developed in accordance with the instrument of conditionality. One can see from the ideas of different commissioners and the opinions of the Union that introduction and the application of the Copenhagen Criteria helped to the improvement of candidate countries in terms of democratic and economic development.

2.7. Conclusion of The Chapter

European Union has been on the agenda of politics for a long time. Giving the opportunity of membership to other countries, the European Union put forward pre-accession conditions for the states that want to be a part of the union. The motive behind the pre-accession conditions was to protect both the Union and the countries as after the fall of the Berlin Wall, ex-communist states wished to be a part of the Western World and the European Union. Therefore the introduction of the Copenhagen Criteria was supported by the institutions of the European Union, namely; the Commission and the European Council. This paper tried to look at the content of the Copenhagen Criteria and how it can be associated with the method of external incentive that uses conditionality as an instrument. While doing so, the effectiveness of the application of the Copenhagen Criteria is evaluated through the eyes of conditionality by examining speeches that were made by the actors of the European Union. Operationalization of the EU Acquis, Copenhagen Criteria was used by the European as an anchor for democracy in the candidate countries. As the two different commissioners of Enlargement stated, with the application of the Copenhagen Criteria, candidate states of the Central and Eastern European States improved and indeed contributed to the union in addition to the EC's opinion on the developments. Therefore one can argue that using the reward of the membership as the carrots worked for the cases of candidate states. As a target state

cannot become a member without fulfilling the three criteria, the conditions constitute a change for the target government. As mentioned before Europeanization takes place with the use of different methods, in the case of Central and Eastern European Countries, the external incentive method was used with the Copenhagen Criteria. And the application of the Criteria was a successful usage of the conditionality as the commissioners of Enlargement stated.

To sum up, the application of the Copenhagen Criteria helped the candidate states to develop their democracy, economy. In the end, the process of adopting the EU Acquis took place in the candidate states successfully and that is how in the year 2004, they were accepted as members of the European Union. European Union still uses the same technique to other candidate countries by showing them the membership card for them to comply with the Copenhagen Criteria and with the help of credible conditionality of the Criteria, the enlargement card has been one of the most effective policies of the impact of the European Union.

3. HISTORICAL BACKGROUND OF TURKEY AND EUROPEAN UNION RELATIONS

3.1. Introduction of the Chapter

“... even if the EU slams the door in Turkey’s face, Ankara will still adopt the ‘Copenhagen Criteria’ – concerning advanced democracy – and implement these under the name of the “Ankara Criteria (Hürriyet Daily News, 2012).”

Said the former prime minister, now the president of Turkey Recep Tayyip Erdoğan in 2012. Significant changes have happened since then, yet one can still remember “the golden days” of the relations between the European Union and Turkey and the days Turkey was at the door of European Union waiting for the candidate status. The historical background of Turkey and European Union relations has not been linear, on the contrary, different dynamics affected the process. The path towards today’s deadlock has undergone many incidents, having both external and internal dimensions. On the one hand, the internal dimension of Turkish politics and on the other hand the problems that the EU is going through correspond to how the relations between the two actors are shaped. The political problems regarding democracy, rule of law, human rights record and the Cyprus problem have been considered as major obstacles for Turkey to become a full member of the EU. Likewise, the problems that the EU has been struggling with the Euro Crisis, Brexit and absorption capacity have also contributed to the relations. Hence, one can argue that the process has many layers to consider.

Turkey has always been a significant actor in Europe (Müftüler-Baç, 1997). However, the long history of trying to become a full member of the European Union tells another story. One can argue that the relations between Turkey and the European Union date back to times of the Ottoman Empire. European identity was defined as the other counterpart of the Ottoman Empire at the time. Despite the fact European identity was defined by non-Ottoman, the reforms that were accepted such as “Tanzimat Fermanı” in 1839, “Islahat Fermanı” in 1856, were motivated by Europeans. The willingness to catch up with the reforms and the developments in Europe, the Ottoman Empire was not the only case. In the Turkish Republic times as well, Turks tried to reach the level of contemporary civilizations by putting reforms such as the adaptation of the Latin Alphabet into force. Therefore the desire for importing the norms and values of the European civilization has always been on the Turkish agenda.

In the period between 1923 and 1945, Turkey adopted a neutral foreign policy in which they tried to protect the newly born state. However, the end of the Second World War marked the history in many terms. The emergence of a new threat, the Soviet Union, led Turkey to join into the European counterpart and Turkey has been an important actor in the European system ever since. Hence, the dynamics between the two parties are shaped by both internal and external political conditions.

Internal political conditions in Turkey contribute to dynamics as being a democracy is pre-condition for accession (Müftüler-Baç, 2016). The attitude of the ruling party, the public opinion also have had a great influence on the relations as it has been observed in the accession process of Turkey with pro-European governments. One can also argue that internal political circumstances in Turkey have an impact on the process as the internal political developments and economy shape the foreign policy of a country (Müftüler-Baç, 2016). As in the case of Turkey, for instance, the desire to be acknowledged by the West has always been a push factor for the process. Furthermore, an important external political condition that impacted the dynamics has been Greece. Greek application to the EU triggered Turkey to also become a part of the EU and not to be left behind. Likewise, with regards to the relations between Turkey and the European Union, other external conditions have also been major factors. For example, in the bipolar world system, Turkey has been a crucial factor for the West in order to keep the Communists out. With the end of the Cold War, for instance, Turkey was not

considered as crucial as before. On the other hand, the internal and external political conditions of the European Union also have shaped the dynamics between the two actors. The attitude of the EU towards enlargement has changed during the process in response to internal crises and internal political conditions that the European Union went through. For example, the rejection of the Constitutional Treaty by France, the Euro Crisis have impacted the EU's behaviour towards Turkey. Not only the internal problems but also the absorption capacity of the EU also have had an influence on the dynamics between the EU and Turkey. Moreover, the consensus among the member states with regards to a newcomer is also an internal political condition that can affect the dynamics. External political conditions have also been significant. One current example is the refugee crisis which led the relations to be closer as the need for cooperation of Turkey and the European Union emerged. Therefore it is fair to claim that the dynamics between Turkey and the European Union cannot only be explained with one factor. Both the external and internal conditions should be considered in order to understand today's deadlock and the historical background of the relations.

3.2. First Steps towards the Application

After the end of the Second World War, against the threat of the Soviet Union, Turkey allied with Europeans and the USA, instead of continuing its non-interventionist, neutral position. Indeed since 1947, Turkey has been a significant actor and a partner of Europe (Müftüler-Baç, 2016). Included first in the Truman Doctrine and later in the Marshall Plan, Turkey and Greece also were critical for the West for containment policy which was hoped to keep the Soviets and Communism out. Likewise, Turkey, trying to guarantee her place in bipolar order, joined newly emerging European institutions so as to ally with the Western part. In 1948 Turkey joined the OECD and following the OECD, Turkey also became a part of the Council of Europe in 1949. And most importantly in 1952, Turkey became a NATO member which meant that Turkey was accepted into the military sphere as well as the political sphere (Müftüler-Baç, 1997). Each of the institutions had one common point; 'a state has to be a democracy encompassing free and fair elections and multi-party politics.' All of the mentioned

events gave Turkey to chance to be an important part of Europe which led to the application for full membership which resulted in associate membership of the European Community. In fact, Turkey was one of the earliest countries who showed a willingness to apply to the European Community (EU Delegation to Turkey, 2019). As already mentioned above, the path of relations between Turkey and the European Union had both internal and external dimensions, therefore, the motives to apply for associate membership also included both dimensions. Turkey wanted to improve its economy by gaining free access of its exports to the European market and to include Turkish presence in the West, which fell under the internal motives behind the application (Müftüler-Baç, 1997). The external incentive was Greece. The historical grudge and suspicious towards Greece made Turkey be cautious on matters regarding Greece (Müftüler-Baç, 1997). Greek application for associate membership to the European Community, in fact, ignited Turkish incentives to apply as well because Turkey did not want a relationship between Greece and Europe that Turkey was not involved in. Therefore Turkey applied for associate membership sixteen days after the Greek application (Müftüler-Baç, 1997). The European Community accepted the application; however, the fact that Turkey and Greece were not developed enough caused the European Commission to give them “association status”. Still, the EC did not turn both states; which meant that these countries mattered as they were significant strategic partners in the Cold War conditions and showed the fact that European Economic Community competed with the EFTA by appealing to a new member more (Aydin-Düzgit and Tocci, 2015).

A unique feature of application for associate membership of the two countries is that EC evoked the Article 238 for Greece and Turkey case; suggesting that ‘any European country may apply to become a member of the Community’ which gave the hope for full membership in the long run. After the Council of Ministers approved both applications, negotiations between Turkey and the Community began on September 29, 1959, which put forward the agreement on a customs union with the pursuit of full membership even though the agreement did not include such clause. Although both countries were given the association status, the Turkish application posed doubts for the Europeans as Turkey was culturally and religiously different, could not fit into the European context and had problems with democracy. In fact, the question of whether Turkey is really European has always been brought about by the European Union many

time and it was asked in 1984 by Claude Cheysson who served as French foreign minister at the time, to a group of British correspondents. He clearly asked them: “*Is Turkey European* (Reynolds, 2004)?” In the upcoming years, the answer to Turkish identity problem was given by Nicolas Sarkozy who is the former French President. He clearly stated that:

“It’s not just that. What’s the idea behind Europe? Europe is a union of European countries. The question is very simple, even in a geographical sense, is Turkey a European country? Turkey has only one shore of the Bosphorus in Europe. Can Turkey be regarded as a European country culturally, historically, and economically speaking? If we say that, we want the European Union’s death, (Pappas, 2016).”

He even suggested that:

“From that standpoint, if we talk about Turkey’s accession, let me tell you that in many ways Russia is a much more European country than Turkey (Pappas, 2016).”

Therefore the question regarding Turkish identity has been a major challenge for Turkey. In addition, Turkey was not economically developed enough (Müftüler-Baç, 1997). While all of the concerns were in the atmosphere, Turkey had a rough year in 1960 with a military take over resulting in the suspension of all negotiations with the EC which then shows how changes in political conditions can shape the path. The doubts and the difficulties that Turkey went through showed their outcomes when the negotiations with Greece took only two years and were concluded in 1961 with signing the Athens Treaty whereas Turkish case lasted for four years (Aydin-Düzgit and Tocci, 2015). Following the interval of negotiations, on 24th of July 1962, negotiation talks continued while on the Turkish side, politicians were divided among themselves into two groups which were the protectionists and free-market-oriented. The divergent opinions on the process caused the final report to be poorly written and the end result was not satisfactory for Turkey. On 12th of September 1963, the Association Agreement “Ankara Agreement” was signed between the two parties; Turkey and the European Community. The main motives for Turkey to sign the treaty was to improve the finance by appealing to more foreign investment, to be accepted to a European club and most importantly to balance out Greece (Müftüler-Baç, 1997). The significant end

result of the Ankara Treaty was establishing a customs union in which Turkey could trade goods without any restrictions and the main goal was to attain;

"Continuous improvement in living conditions in Turkey and in the European Economic Community through accelerated economic progress and the harmonious expansion of trade and to reduce the disparity between the Turkish economy and the Community (EU Delegation to Turkey, 2019)."

The Ankara Treaty created three stages; a preparatory stage for five years, a transition stage for twelve years and a final stage in which customs union would be established. In addition to different stages, the Ankara Treaty also created an Association Council in which top-level officials would meet, an Association Committee to help the Council and a Joint Parliamentary Committee in which Parliamentarians from both Turkish Parliament and the European Parliament would come together (Aydin-Düzgit and Tocci, 2015). The first stage, in which four tariff quotas for four Turkish products – hazelnut, tobacco, figs and raisins- were introduced, did not pose any obligations for Turkey other than attaining economic development whereas the European Community gave 175 million to Turkey in loans for economic development (Müftüler-Baç, 1997). The second stage, on the other hand, put obligations on both sides where both Turkey and the Economic Community had to prepare for a customs union and where Turkey step by step adopted Common External Tariff. The final stage, in which Turkey would be absorbed into Common Agricultural Policy and Turkish taxation would be arranged in line with that of European Community, was to be followed only when Turkey was ready and when the former two stages were fulfilled. The stages could not be followed smoothly; with only the Additional Protocol on 23th of November 1970 transition period could start. Additional Protocol was like “a roadmap” for Turkey in terms of trade liberalisation in which market access to Turkish industrial products was made possible. However, when the Protocol was implemented, a lot of problems occurred out both in dynamics between Turkey and the European Community and in external dynamics. Internal problems included the disputes over the meaning of harmonizing the Common Agricultural Policy, Community’s Mediterranean Policy which caused the relations between Turkey and EC to deteriorate. As for the external dynamics, first of all, the Bretton Woods system collapsed causing global financial instability which also affected Turkey as in 1971 Turkey was not integrated into the international market.

Secondly, the Oil Crisis in 1973 also worsened the global economy. Thirdly, in 1974, the crisis in Cyprus broke out which tumbled the relations between the EC and Turkey as Turkey felt that EC was turning a blind eye to the situation that was happening in Cyprus. (Aydin-Düzgit and Tocci, 2015). Cyprus issue from the very beginning of the process was and still is an obstacle that is needed to be overcome. Following the tension between Turkey and Cyprus, Greece applied for full membership in 1975 and the situation even got worse with a new institutional arena in European Political Cooperation. Turkey, fearing the Greek manipulations, also wanted to join the meetings which were rejected by some member states. The solution was found by a “troika” formula in which the Turkish Government would be kept informed (Müftüler-Baç, 1997). All of the mentioned crisis led to the Turkish unilateral decision to freeze the relations by evoking the Article 60 of Additional Protocol which is the Self-Protection clause which paved the way for relations to be frozen for 10 years from 1978 to 1988. In fact, even though on the 5th of February, the EC and Turkey met in Brussels to revise the relations, the military takes over on the 12th of September, 1980 froze the relations for a great amount of time. Until the civilian rule was restored, the relations were suspended by a Resolution that the European Parliament gave.

3.3. From the Customs Union to the Official Candidate Status

The experiences with the European Community did not fold as they had been hoped by the Turks. In fact after the troubled times with external and internal problems, only in the year 1986, three years after the civilian rule was restored that the relations between Turkey and the European Community started to become normalized. The continuation of Association Agreement was back on track on the 15th of September 1988. Starting with 1980, after the restoration of civilian rule, Turkey left the autarchic import-substitution model and started to open her economy to “the operation of market forces (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019).” With a new prime minister, Turgut Ozal who was in favour of becoming a full member of the European Union, Turkey put herself the target of becoming a full member of the Community. Turgut Ozal adopted reform packages which focused on market and economic liberalization (Kubicek, 1999). In addition to market-liberalization, Ozal also

hoped to improve the political layer sufficient enough to be a part of the EC. Therefore, in 1987 Turkey applied for full membership to the EC hoping to get a positive response as in the cases of Spain, Portugal, Greece; the EC was the anchor and motivator for development and supported their steps on the way. However, the circumstances were not only different for Turkey but they were also different for the European Community. Hence the negative response of the EC came in 1989 through the EC left a door open to Turkey by recognizing the fact that Turkey was eligible for membership (SEC, 1989). In Commission's opinion on Turkey's request for accession to the EU, EC pointed out many reasons with regards to the negative response. First of all, the EC stated that the Community itself had been going through big changes thus it would be "unwise" to consider another enlargement by stating that:

"As stated in the general considerations, the Commission is of the opinion that it would be inappropriate for the Community - which is itself undergoing major changes while the whole of Europe is in a state of flux - to become involved in new accession negotiations at this stage (SEC, 1989)."

In addition to the major changes that the EC had been going through, certain aspects of Turkey were not favourable for the Community. The opinion stated that "Turkey is a large country" in the context of population (SEC, 1989). Moreover they also argued that general development of Turkey was less than the average of the Community both in economic and political context by suggesting that:

"In the particular case of Turkey, these two aspects are all the more significant in that Turkey is a large country - it has a greater geographical area and will eventually have a bigger population than any Community Member State - and its general level of development is substantially lower than the European average (SEC, 1989)."

However, they also stated that cooperations with Turkey should continue (SEC, 1989). Therefore one can conclude from EC's opinion many conclusions with regards to Turkish application. First, not being able to digest the enlargements of Spain, Portugal and Greece, which were problematic cases in terms of their political atmosphere and economic status, the EC was not ready to deal with another such case. In addition to the enlargements, the EC was also going through a period a policy deepening, so the application of Turkey was not welcomed at first hand. Apart from the internal dynamics

of the two parties, in the 1990s the World was also going through substantial structural changes, uncertainties with the end of the Cold War and the dissolution of the Soviet Union in 1991. Former Soviet captured states gained their independence hence these substantial changes also shaped the preferences of the EC with 14 applications (including Central Eastern European Countries) at the door. To cope up with these issues, in 1992 Maastricht Treaty was signed which would become operational in 1993 and in Edinburgh Summit which was held in 1992, the EC was looking for solutions to cope with the 14 applications which led to the formation of pre-accession criteria also known as “the Copenhagen Criteria” in the Copenhagen Summit in 1993. Copenhagen Criteria created three conditions that each state had to fulfil to become a member of the European Union which are political criteria, economic criteria and the adoption of the EU acquis. After the solution of the pre-accession criteria, the EU took care of the applications. Even if Turkey was “eligible to become a member”, she was not ready to become one therefore instead of giving candidate status, EU revised the Ankara Treaty and in 1995 Turkey signed a Customs Union Agreement with the EU which to be establish a customs union between the two parties by the 31th of December,1995. With the establishment of the customs union and its becoming operational in 1996, Turkish hopes heightened as Turkey was also an important part of European Order with the membership of NATO, Council of Europe. Nevertheless, long-lived hopes of becoming a full member of the European Union was to be flown into pieces with Luxembourg Conference in 1997 in which Turkish application was put into another category whereas the other applicants were given the candidate status (Kubicek, 1999). In the Luxembourg Presidency Conclusions, the EU stated that:

“The Council confirms Turkey's eligibility for accession to the European Union. Turkey will be judged on the basis of the same criteria as the other applicant States. While the political and economic conditions allowing accession negotiations to be envisaged are not satisfied, the European Council considers that it is nevertheless important for a strategy to be drawn up to prepare Turkey for accession by bringing it closer to the European Union in every field (Europa, 1998).”

The Luxembourg Conference shattered the expectations of Turkey and Turks froze the relations with the EU as a reaction. In fact, Mr Yılmaz said that:

“Turkey will have no political dialogue with the European Union from now on (Kinzer, 1997)

He continued expressing how disappointed they felt by suggesting that:

"We reject these preconditions. The aspect of the Luxembourg summit that disturbed us the most is that certain Central and Eastern European countries that are behind us economically and that only began taking steps toward democracy in the last five or six years were given a status ahead of ours. For those countries, including Cyprus, there is a very clear prospect of membership and even a timetable. For Turkey there is none. We see this as very clear discrimination. If the European Union persists in such discrimination, we will have no place in such an organization (Kinzer, 1997)."

Even though the aspiration for becoming a full member of the EU was not fully deserted; domestic politics in Turkey was boiling with such criticisms towards the EU saying that ‘EU was a Christian Club and had a discriminative stance towards Turkey.’ Not only the Turkish domestic atmosphere but also the circumstances in Europe was changing as well. To start with, Social Democrats won the elections in Germany in 1998 which posed great importance for Turkish membership as the former Christian Democrats strongly opposed the idea of Turkey becoming a member. Secondly, the relations between Turkey and Greece which had been a great veto player on the issues regarding membership of Turkey were healing. The rapprochement period between Greece and Turkey in the 1990s greatly influenced the road to membership. Thanks to more moderate policies of Foreign Minister George Papandreou at the time and the transformative changes in attitudes towards Turkey; the earthquakes in both Greece and Turkey, the fact that PKK’s leader Abdullah Ocalan was captured in a Greek Ambassody in Kenya were all milestones for Greek and Turkish relations which led to Greek support to Turkish attempts for membership (Aydin-Düzgit and Tocci, 2015). In fact, Papandreou talked of Foreign Minister of Turkey at the time, İsmail Cem by saying that

“A charismatic personality, a courageous politician, an open mind,” He also said that he “had decided with Cem to shift their focus to areas of possible cooperation rather than fighting over well-known differences (Hürriyet Daily News, 2016).

Thanks to the moderate attitudes of both countries, the obstacle of Greece was not in the way of Turkey's membership. Moreover, the changing atmosphere of Germany which is an important actor in the European Union also led the way for more promising relations with Turkey. Not only the external factors but also the internal factors of Turkish development led the way to Helsinki Summit in 1999. Although the arrest of Abdullah Ocalan brought about many questions with regards to his right to free and fair trial, the EU stated:

“At the same time, the EU expects Turkey to resolve its problems by political means with full respect for human rights, the rule of law in a democratic society and in full accordance with Turkey's commitments as a member of the Council of Europe. In this context, it welcomes all genuine efforts to separate the fight against terrorism from the search for political solutions and to promote conciliation. In support of this, the EU stands ready to contribute, including through continued financial assistance (Europa, 1999).”

In 1999 Regular Report for Turkey. Moreover, the report stated that despite the fact that there were other problems, “...*certain positive steps have been made since October 1998* (Europa, 1999).” All of which led to the Helsinki Conference in 1999 where Turkey was granted the official candidate status. As a response to all the mentioned improvements and developments, the European Council suggested that:

“The European Council welcomes recent positive developments in Turkey as noted in the Commission's progress report, as well as its intention to continue its reforms towards complying with the Copenhagen criteria. Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States. Building on the existing European strategy, Turkey, like other candidate states, will benefit from a pre-accession strategy to stimulate and support its reforms (Europa, 1999).

Although the process did not go smoothly, the steps that were taken by Turkey was appreciated by the EU in 1999 when Turkey was granted the candidate status due to the positive developments that had taken place in Turkey as the European Council stated.

3.4. The Starting Point of Negotiation Talks

After the Helsinki Summit in 1999 which granted Turkey the official candidate status, Turkey was quite pleased with the result as Bülent Ecevit who was the Prime Minister at the time suggested:

“(...) In this context, I would like to express with gratitude our appreciation of the support and assistance provided by the international community as a whole and by the EU member states. (...) I hope that the decision of the EU Council may serve the high interests of Turkey, the European Union, humanity itself (Rep. of Turkey Ministry of Foreign Affairs, 2019).”

Following the Helsinki Conference, the European Commission began to prepare “An Accession Partnership” for Turkey which would be announced on 8 March 2001 (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019). The post-Helsinki period included major attempts and reforms by the Turkish Government. In response to the 2001 Accession Partnership, Turkey prepared “a National Programme” in which preparations for the adaptation of Acquis were indicated on a timeline basis. Moreover, the National Programme also was to put economic and political reforms into force. Some of the steps for the reforms first included 34 amendments in the Constitution and 3 harmonization packages. While Turkey was embracing new reform packages, the EU provided financial and technical assistance (Aydin-Düzgit and Tocci, 2015). However the process to adopt and follow these steps did not flourish without a hitch as the Government at the time was a coalition of Democratic Left Party, the Motherland Party and Nationalist Action Party, all of which could not agree on the reforms (Müftüler-Baç, 2005). Only at the end of 2001, reforms could be put forward (Müftüler-Baç, 2015). In 2002, three different packages were adopted in February, March and the last one in August of 2002. The most comprehensive package was the one that was accepted in August of 2002 which included “abolishment of the death penalty, revising the Anti-Terror Law and allowing for broadcasting in languages other than Turkish (Müftüler-Baç, 2005). This reform package was the last one to be dealt with by the coalition of MHP-DSP and ANAP. From August of 2002, the reforms were to be managed by a new government Justice and Development Party, a party at the time, was in favour of following the path to the membership. In fact, then Prime Minister Abdullah Gül said that they put their full commitment to EU path by suggesting:

“During my tenure, Turkey will maintain its focus on both its strategic partnership with the US and its candidacy for EU membership [...] for which it awaits a clear and concrete perspective (Euractiv, 2002).

The constitutional amendments and political reforms focused on “the role of the military, the state security courts, national security council, Turkish Penal Code, the death penalty and violations of human rights (Müftüler-Baç, 2005). In line with these, between 2001 and 2005, Turkey went through major changes. Turkey adopted different political reform packages both to improve Turkish citizens’ rights and in order to abolish the influence of the military on the judiciary. The first package was adopted in 2001 which consisted of 34 amendments dealing with freedom of expression and the death penalty (Müftüler-Baç, 2005). Following the first package, Turkey also adopted Harmonization Laws in order to make Turkish Law in line with the EU Acquis. In addition, in 2001 a New Civil Code was adopted. 3 more packages were to be adopted in 2002. In fact, the third package posed a great deal of importance as it abolished the death penalty (Müftüler-Baç, 2005). 4 more political reform packages were adopted in line with the desired outcomes. Turkey was in a transformation period which was praised by the EU officials. In fact, German Chancellor Gerhard Schröder “*assured that recent reforms by Ankara would open the way for Turkey’s eventual membership of the EU* (Euractiv, 2003).” In the year 2004, the Progress Report which was written by the European Commission was quite promising for Turkey regarding the opening of negotiation talks. In both political and economic context, the European Commission stated that Turkey developed by taking important steps despite the fact more was needed. For instance, in the context of corruption, the Progress Report stated that:

“A number of anti-corruption measures have been adopted, in particular in establishing ethical rules for public servants. A Parliamentary report about corruption cases involving former members of the government was published in July 2003. Despite these legislative developments, corruption remains a very serious problem in almost all areas of the economy and public affairs (Europa, 2004).”

Not only in corruption but Turkey also took major steps with regards to human rights and the protection of minorities. The 2004 Progress Report suggested that:

“Turkey has signed and/or ratified several international conventions such as the International Covenant on Civil and Political Rights and the

International Covenant on Social and Cultural Rights, albeit with reservations. Constitutional amendments were introduced allowing for the signature of the Rome Statute of the International Criminal Court. Turkey has made increased efforts since 2002 to comply with the decisions of the European Court of Human Rights (ECtHR). The possibility of retrial in civil and criminal cases in which the ECtHR has found violations was introduced. Retrials have taken place and led to a number of acquittals. The case of Leyla Zana and colleagues is emblematic of the difficulties experienced by the different branches of the judiciary when it comes to the interpretation of the reforms (Europa, 2004)."

As Turkey aimed at abolishing the influence of the military over the judiciary, the attempts were seen and perceived as developments by the EU. The Report argued that

"The State Security Courts have been abolished and replaced by Regional Serious Felony Courts (also referred to as Heavy Penal Courts). New specialised courts have been 24 set up in order to improve the efficiency of the judicial system. Legal amendments have improved the rights of defence. A Justice Academy has been established and training on international law and human rights for judges and prosecutors has been intensified. Judges and prosecutors have a considerable role to play in the implementation of the reforms (Europa, 2004)."

with regards to Judiciary improvements in Turkey and concluded that:

"In conclusion, Turkey has achieved significant legislative progress in many areas, through further reform packages, constitutional changes and the adoption of a new Penal Code, and in particular in those identified as priorities in last year's report and in the Accession Partnership. Important progress was made in the implementation of political reforms, but these need to be further consolidated and broadened...(Europa, 2004)."

The improvements that Turkey adopted led the way for the opening of the accession talks. Although Turkey was passionate about becoming a member of the Union and has taken important steps towards membership, in 2004 Cyprus became a member of the Union which meant a major obstacle for Turkey as Cyprus has been an unsolved problem for Turkey and the failure of the 2004 Annan Plan again showed how the problem was far from being settled. The fact that Cyprus was in the European Union meant a major obstacle for Turkey as mentioned. The Cyprus problem has been a challenge for Turkey for a great deal of time. Being a part of the Ottoman Empire between 1571 to 1878, Cyprus then was ruled by the United Kingdom between the period of 1878 to 1960 (Müftüler-Baç, 1997). It was established as an independent

republic with three guarantor states; Greece, Turkey, Britain which granted them the right to intervene militarily if the status of Cyprus is at stake (Müftüler-Baç, 1997). In 1959 Zurich Accords founded the Cyprus Constitution which was followed by three multilateral treaties of the Treaties of Establishment, Guarantee and Alliance (Müftüler-Baç, 1997). However, in the 1960s, war broke out between the communities, Turkey attempted to protect Turkish Cypriot (Müftüler-Baç, 1997). In 1974, the relations became even harder to follow with President Makarios' annexation of the island to Greece which was followed by Turkish intervention as this was a violation of Zurich Accords. Turkish Prime Minister at the time Bülent Ecevit militarily intervened by invoking the right of guarantor state which resulted in a de facto division of the island. The talks continued until 1977 between Rauf Denktash and Makarios. However, Turkish Cypriots declared independence in 1985 which was named as 'The Turkish Republic of Northern Cyprus'. They also stated that their goal was to establish a federal framework with the Greek Cypriots (Müftüler-Baç, 1997). Nevertheless, this goal has not been achieved. The disputes between the two sides still persist as the island has been divided for a great deal of time. The influence of Cyprus on Turkish Accession process is important. On November 11th, Kofi Annan who was at the time UN Secretary-General came up with a 137-page plan to solve the dispute in Cyprus. The UN plan aimed at:

“Political equality with their Greek Cypriot compatriots through the formation of a common state composed of politically equal component states enjoying legal equality with the central level and exercising sovereign powers in their areas of competence (Euractiv, 2002).”

As well as the UN, the EU had an important role in the Annan Plan which aimed at a federal solution. The EU could utilize its influence on the parties to achieve an agreement. Reaching an agreement over the Annan Plan was important for the EU with regards to seeing the island re-united as Cyprus was in the line of the EU. However, the long waited hopes ended with Greek Cypriots rejection with 75.8%, on the other hand, Turkish Cypriots accepted the Plan with 64.9%. Nevertheless, in 2004, Cyprus became a member of the Union without a reunification which posed a major challenge for Turkish membership. Still, in the year 2005, the negotiation talks began with Turkey and also with another candidate country; Croatia and Turkey accepted to extend the

Ankara Agreement to the new member states; most importantly Cyprus by remarking that Turkey still would not recognize Cyprus.

Negotiation talks began with screening process in 2005 in which the European Commission and candidate country work together. In more detail *“screening process allows the latter to familiarise themselves with the acquis and, subsequently, to indicate their level of alignment with EU legislation and outline plans for further alignment (Europa, 2016).”* The areas where a candidate country’s legislation needs to be improved in terms of compatibility with EU Acquis are divided into different chapters. Following the end of the screening process, the opening of the chapters unfolds in which easiest chapters are started to be negotiated. For the Turkish Case; there are 35 chapters to be negotiated. The process following the year 2005 went smoothly from 2006 to 2008 in which chapters were opened easily as the easy chapters were negotiated first. However, with the opening of somewhat more complicated chapters, the process of negotiation talks started to deteriorate.

3.5. The Deterioration of Accession Negotiation Process

The opening and closing of the chapters need unanimity by the Council which shows the fact of member states’ preferences might actually hinder the process and how political the process is. In the year 2006, European Commission wished to see the implementation of Turkey’s promise to extend the Ankara Agreement to new members. Turkish side agreed to do so on the condition that trade restrictions on Northern Cyprus would be lifted. Even though Turkey was given a certain amount of time to implement, the implementation did not take place which in return resulted in the European Commission’s suspending eight Chapters which are

“Free Movement of Goods, Right of Establishment and Freedom to Provide Services, Financial Service, Agriculture and Rural Development, Fisheries, Transport Policy, Customs Union, External Relations (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019).”

And the decision follows:

“The Council decided in particular to suspend negotiations on eight chapters relevant to Turkey's restrictions with regard to the Republic of Cyprus, and will not close the other chapters until Turkey fulfils its commitments under the additional protocol to the EU-Turkey association agreement, which extended the EU-Turkey customs union to the ten member states, including Cyprus, that joined the EU in May 2004 (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019).”

The suspension of eight chapters was one of the reasons why the relations started to deteriorate. Although the accession negotiation process began in 2005, only one chapter could be completed on 12 June 2006 which was “*Chapter 25: Science and Research*”. The chapters that have been opened in the process are presented by table 1 below.

Table 1.: Chapters of the Acquis Communautaire that are opened and completed

12 June 2006	Completed Chapter: Chapter 25: Science and Research
29 March 2007	Chapter 20: Enterprise and Industrial Policy
26 June 2007	Chapter 18: Statistics
26 June 2007	Chapter 32: Financial Control
19 December 2007	Chapter 21: Trans-European Networks
19 December 2007	Chapter 28: Consumer and Health Protection
17 June 2008	Chapter 6: Company Law
17 June 2008	Chapter 7: Intellectual Property Law
19 December 2008	Chapter 4: Free Movement of Capital
19 December 2008	Chapter 10: Information Society and Media
30 June 2009	Chapter 16: Taxation
21 December 2009	Chapter 27: Environment
30 June 2010	Food Safety, Veterinary and Phytosanitary Policy

5 November 2013	Chapter 22: Regional Policy and Coordination of Structural Instruments
14 December 2015	Chapter 17: Economic and Monetary Policy
30 June 2016	Chapter 33: Financial and Budgetary Provisions

(Source: "DIRECTORATE FOR EU AFFAIRS / Organization / / Department of Accession Policy / Current Situation," Current Situation, , accessed June 28, 2019, https://www.ab.gov.tr/current-situation_65_en.html.

Although there are chapters that have been opened, there have been other suspended chapters apart from the EC's suspension on 8 chapters. In addition to the EC's suspension in 2006, Cyprus also posed obstacles to Turkey in the accession process. Southern Cyprus has unilaterally blocked six chapters on 8 December 2009 by declaring that unilateral normalisation of relations was put as a precondition for progress in 6 chapters (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019). Chapters that are blocked by Cyprus are;

“Free Movement of Workers, Energy, Judiciary and Fundamental Rights, Justice, Freedom and Security, Education and Culture, Foreign, Security and Defence Policy (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019).”

Therefore it is fair to say that after 2005, the accession negotiation process has been facing many obstacles with both suspensions from the European Union Institutions and from member states. Not only the external incentives but also internal dynamics have also contributed to the decline of the negotiation talks and to the detachment process from the European Union. The EU has faced many internal problems and incidents that led to a sceptic attitude towards enlargement. First of all, the big bang enlargement of 10 countries in 2004 was hard for the EU to digest which then raised questions with regards to the absorption capacity of the Union. Likewise, the rejection of the Constitutional Treaty by France also demonstrated that the EU was having internal problems (Sipahioğlu, 2017). Another important problem for the EU was the Euro Crisis which again increased concerns over enlargement. (Sipahioğlu, 2017). Likewise, the divergent concerns in the Union with regards to enlargement particularly the enlargement of Turkey as in the case of Cyprus also contributed to the deterioration of

the process. Therefore, it is fair to claim that as already mentioned before, internal and external political conditions and incidents have affected the dynamics between Turkey and the European Union. Moreover, in the making of the negotiation process, member states' strong oppositions to the Turkish membership also hampered the process. In 2007, Nicolas Sarkozy became the prime minister of France. France's former prime minister Sarkozy who strongly opposed the membership and even suggested that "It's time to tell Turkey 'your place is in Asia Hürriyet Daily News, 2016). Likewise, on the German side, Merkel was sceptical towards the Turkish membership by offering other options such as "privileged partnership (Heinrich Böll Stiftung, 2017)." Not only the member states but also the institutions clearly stated that the process was open-ended as the Enlargement Commissioner Olli Rehn stated that the process rests on many elements, one of which is the fact that the process is open-ended (Euractiv, 2005). Therefore, all of the mentioned factors corresponded to the deterioration of the accession process of Turkey.



4. AN ANALYSIS OF TURKEY'S CHANGES IN HUMAN RIGHTS SINCE 1998

4.1. Changes in Turkey with respect to Human Rights since 1998

“The EU is more than just a trade organization or a common market; it is a guarantee of democracy, freedom, justice, and human rights. Nations cannot stay in the E.U. if they do not respect these guarantees...” John Bruton, the Ambassador of the EU to the USA between 2004 and 2009, declared. Indeed the EU is more than a trade union, it promotes values such as justice, peace, human rights, democracy. In fact, if a country wants to join the Union, fulfilling the Copenhagen criteria is a must in which EU looks for “ a functioning economy and the capacity to cope with competition and market forces in the EU, stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities and the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union (European Commission, 2016).”

In the Turkish case, it has not been easy to comply with the political criteria, in particular, because of the bad records of human rights in Turkey. However, the goal to become a member of the European Union played an important role as a motivator. With the high credibility of the European Union at the time, Turkey wished to reach the membership carrot. Therefore Turkey carried out a great number of reforms in order to do so. In this chapter, the reforms with regards to human rights are analyzed in order to understand how Turkey attempted to improve the human rights record of Turkey in order to fulfil the Criteria. Thus, even if the relations between the European Union and Turkey from time to time has reached to point of deadlocks, the effects that the European Union had on human rights in Turkey cannot be overlooked. Since 1999 when Turkey was finally granted official candidate status, Turkey has advanced its human rights records with the effect of political conditionality. Even though the

Commission Progress Report in 1999 seemed promising, it also reflected that Turkey has to “*continue reforming areas like human rights, governmental and institutional structures and economy* (Euractiv, 2000).” So as to follow the guidelines given by the Commission, Turkey has focused on issues that have been troubling for membership which was (still many of the problems persist today) as the death penalty, minority issues, Kurdish question and overall bad reputation in human rights. These issues were also raised in 1989 Commission Opinion and they served as a handbook of necessary reforms to be adopted by Turkey. By following the guidelines given by the Commission, Turkey has undergone a period of adopting reforms which were motivated by the European Union (Müftüler-Baç, 2005).

After gaining the official candidate status, Turkey initiated reforms and constitutional packages so as to heal the conditions regarding human rights issues. Therefore, the European Union’s influence as an important factor in Turkey’s transition in human rights is highly significant. Important and radical changes have been undertaken with respect to Human Rights in Turkey since 1998. As in 2000, Bülent Ecevit who was the Prime Minister at the time said that:

“Turkey would closely follow the progress of reforms in Turkey’s Parliament in the fields of human rights, democratization and rule of law (Euractiv, 200).”

One can observe the enthusiastic nature of following the guidelines at the time. Though the transition of human rights began with such desire, in time, deterioration of that desire became the reality of the relations between Turkey and the EU.

As already mentioned, the external incentive model suggests that conditionality is strong under certain conditions, one of which is high credibility of the rewards and threats. With a credible conditionality, compliance becomes high as well. As in the case of the European Union, the reward for Turkey has been the membership. In 1999, when Turkey was granted the candidate status, the credibility of conditionality was high. As the EU stated that Turkey was a candidate country “that is destined to join the Union (Europa, 2019).” At the beginning of the process, the compliance was high as well. In fact, until 2005, Turkey has taken major steps which have been stated by the European Union as well. Even though a coalition government with divergent attitudes towards the

EU was in power from 1999 to 2002, Turkey was able to implement many reforms which then showed how committed Turkey was into the process and how strong credibility of conditionality was (Sipahioğlu, 2017).” However, as the dynamics in the relations between the two actors are shaped by both external and internal factors, both Turkey and the EU changed in time. The process from 1999 to 2005 marked was regarded as the golden years of the relations; however, after 2005 until 2010, the credibility of conditionality started to decrease with various factors. Although the period between 2005 and 2010 was not marked as the golden years, Turkey still continued to adopt reforms though it did so selectively and the process continued without any difficulties (Yilmaz, 2015). In the period between 2005 to 2010, many external and internal factors contributed to the EU’s approach to enlargement. The big bang enlargement of 2004 which was hard to digest, the absorption capacity of the EU, the rejection of the constitutional treaty by the French, the Euro Crisis contributed to the scepticism towards enlargement (Sipahioğlu, 2017). In response to the sceptic attitude towards enlargement, concerns over Turkish membership started to circulate on the grounds of different reasons. The fact that Turkey has a high population and does not have good records on human rights and democracy were voiced by the member states (Sipahioğlu, 2017). Likewise, geographic borders and the religious and cultural differences were being discussed by the member states as they questioned whether Turkey really fit in Europe or not (Euractiv, 2005). All the concerns over Turkish enlargement, in particular, revealed themselves in the actions and statements of officials from member states and the institutions of the EU which impacted the credibility of conditionality in the eyes of Turkey. For example, in 2005, privileged partnership for Turkey was put forward by Germany, Austria and France. In 2007, French Prime Minister openly stated that he was strongly against Turkish membership to the EU. He stated that

“It’s not just that. What’s the idea behind Europe? Europe is a union of European countries. The question is very simple, even in a geographical sense, is Turkey a European country? Turkey has only one shore of the Bosphorus in Europe. Can Turkey be regarded as a European country culturally, historically, and economically speaking? If we say that, we want the European Union’s death (Pappas Post, 2016).

In addition to the strong opposition of the French Prime Minister, German Chancellor Angela Merkel also offered different scenarios for Turkey by suggesting ‘privileged

partnership (Aydın-Düzgit and Keyman). Likewise, Chancellor of Germany Merkel reminded that Turkish membership is not possible and the process is open-ended (Sipahioğlu, 2017). Moreover, the negotiation framework for Turkey included other provisions that were not included in Croatia such as permanent safeguard clauses in freedom of movement of persons which again contributed to losing credibility of conditionality (Aydın-Düzgit and Keyman). Furthermore, the European Commission over-emphasized the open-ended nature of the negotiation process (Yilmaz, 2015). Especially after 2011, Turkey started to detach from the EU and started to lose its commitment to the process with losing credibility of conditionality in response to the mentioned statements and actions coming from the EU. In addition to these, the suspension of 8 chapters, restrictions on the closure of any chapter with regards to the Cyprus problem made Turkey feel discriminated against (Yilmaz, 2015). In the eyes of Turkey, the EU was treating Turkey unjustly and did not keep its promises. What is more, hampering for the credibility of the EU was the actions against the Cyprus problem by the EU (Aydın-Düzgit and Keyman). The European Council stated that it would end the isolation of the Turkish Cypriot Community in 2004 after the Annan Plan was rejected. The European Commission proposed a complete package of aid and trade measures which was not left unimplemented because Greek Cypriots in the Council resisted (Aydın-Düzgit and Keyman). Nonetheless, the EU put pressure on Turkey to open its harbours to Greek Cyprus as stated in the customs union agreement. Turkey did not want to follow the pressures as it claimed that the EU had not acted on the problem of isolation of the Turkish Cypriots which resulted in unilaterally blocked six chapters by Cyprus. The fact that the EU did not keep its promise with regards to Cyprus problem and the fact that the EU used Cyprus as a tool for blocking the membership of Turkey has also contributed to the decreasing credibility of EU conditionality. With all of the mentioned developments, the compliance with the EU rules and norms started to decrease as Turkey thought that the reward of membership was not credible considering the mixed signals that the EU gave. With the open-ended nature of the accession process and other suggestions rather than membership also affected public opinion (Sipahioğlu, 2017). The public also started to think that the EU is discriminative against Turkey. In addition, the possibility of putting permanent limits on the free movement of people also had impacted the support of the EU negatively. The decreasing public support for the EU coupled with the statements and the actions of the EU officials and member states led Turkey to detach from the commitment to the path of the EU. In fact,

in 2008, Erdogan criticized the EU for showing double standards to Turkey and for not keeping their promises (Sipahioğlu, 2017). Compliance in EU rules became too costly for Turkey as the people began to be sceptical about the EU and adopting reforms on sensitive issues that the EU asked became illogical. In fact, in 2017 the Chief of European Commission claimed that: “Turkey’s EU membership is out of the question for now (Euobserver, 2019) Likewise, one of the latest factors for Turkey to detach even more is the Parliament’s request to suspend EU accession negotiations with Turkey (Europa, 2019). Therefore, from 1998 to 2018 Turkey started not to comply with the EU rules and norms due to the mentioned factors. In this chapter, the changes in Turkey with respect to Human Rights since 1998 are demonstrated in order to understand how the compliance started to deteriorate in time by focusing on how the reforms adopted with respect to Human rights changed over time.

In the year 1999, the European Council in Helsinki Presidency Conclusions stated that

“The European Council welcomes recent positive developments in Turkey as noted in the Commission's progress report, as well as its intention to continue its reforms towards complying with the Copenhagen criteria. Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States. Building on the existing European strategy, Turkey, like other candidate states, will benefit from a pre-accession strategy to stimulate and support its reforms. This will include enhanced political dialogue, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9... (Europa, 2019).”

With this resolution, Turkey was given an agenda of improvements it should embrace as the European Council conclusions clearly pointed out that only when Turkey could fulfil political criteria that the accession negotiation talks could begin.

Following the candidate status, in November 2000 the Commission also provided Turkey with an Accession Partnership Document which the European Council adopted in 2001. After the approval of the Accession Partnership, Commissioner of Enlargement Günther Verheugen talked about the Partnership by saying

“It is a road map for Turkey to comply with the criteria for accession to the EU. Its adoption by the Union comes at a crucial moment in EU-Turkish relations. It is a clear sign of the Union’s commitment towards Turkey. It

will stimulate the reforms in Turkey not only in the political but also in the economic field (Euractiv, 2002).”

Thus in accordance with the Partnership Document, Turkey prepared and presented a National Programme in order to adopt the EU acquis in March 2001 (Müftüler-Baç, 2005). After determining the main steps on how to continue the process, Turkey started to adopt different political reform packages which mainly dealt with improving Turkish citizens’ rights regardless of sex, ethnic origin, religion. In addition to healing the political, social and cultural rights of Turkish citizens, reform packages included weakening the role of the military in Turkish political life. Freedom of expression was another point that needed development (Müftüler-Baç, 2005). Moreover, important measures were taken for the State Security Courts and the Turkish Penal Code which contained problematic articles such as the death penalty. The articles regarding the violence against women were also needed changing as they were also referred to as significant problems by the Commission’s reports and meetings that were held between Turkey and the EU (Müftüler-Baç, 2005). Even though Turkey was given a huge agenda of measures to adopt, materializing the guidelines happened only towards the end of 2001 due to the financial crisis in 2000 and the coalition government’s inability to decide collectively (Yilmaz, 2015).

Therefore the period between 2001 to 2005 was marked with great changes in respect to human rights and to solutions that were pointed by the European Union. In attempts to improve the human rights performance in response to the EU concerns, Turkey had adopted 9 constitutional packages, a new civil code, a new Turkish Penal Code in this period, all of which corresponded to the desire of fulfilling the political criteria in order to start accession negotiation talks.

Table 2: A Summary of the reforms which took place between 2001 - 2004

3 October 2001	First Constitutional Package which consisted of 34 Amendments to the 1982 Constitution
November 2001	New Civil Code was adopted in order to establish gender equality in marriage
February, March 2002	Second Constitutional Package which consisted of Constitutional amendments

2 August 2002	Third Constitutional Package which included the abolishment of the death penalty and a revision of anti-terror law as well as permission for broadcasting in other languages other than Turkish
3 December 2002	Fourth Constitutional Package which operationalized former reforms and revised Penal Code for torture
4 December 2002	Fifth Constitutional Package
May 2003	Sixth Constitutional Package which adopted Protocol 6 of the ECHR
July 2003	Seventh Constitutional Package which deals with revising the National Security Council
7 May 2004	Eight Constitutional Package which included amendments of the Constitution with regards to freedom of press and abolishment of State Security Courts
24 June 2004	Ninth Constitutional Package which changed Article 46 of the Penal Code
25- 26 June 2004	The New Turkish Penal Code

Source: *Meltem Müftüler Baç, "Turkey's Political Reforms and the Impact of the European Union," South European Society and Politics 10, no. 1 (2005):*, accessed May 10, 2019, DOI:10.1080/13608740500037916.

For example, in October 2001, Turkey took the first step by adopting the first constitutional package which encompassed 34 amendments, in total to the Constitution of 1982 (Öniş, 2003). The amendments dealt with freedom of expression and the death penalty. Following the 34 amendments, “Harmonization Laws (Öniş, 2003).” were adopted to make Turkish law in line with the Acquis. A new Civil Code was adopted and entered into force on 1 January 2002 (Rep. of Turkey Ministry of Foreign Affairs Secretariat General For EU Affairs, 2007). The new Civil Code has been regarded as a turning point in the sense that the aim was to be in line with the EU standards with regards to gender equality, protection of the child and vulnerable persons and freedom of association (Rep. of Turkey Ministry of Foreign Affairs Secretariat General For EU Affairs, 2007).

Following the radical change in gender equality, two (second and third) different constitutional packages were adopted in 2002 which included amendments in the second package. The third constitutional package that was also adopted in 2002 was a turning point for Turkey as it included the abolishment of the death penalty and revising the anti-terror law. In addition to two important developments, it also made casting in other languages than Turkey possible (Müftüler-Baç, 2005). Although many steps were being taken, the negotiation of the changes was not easy due to the fact that many developments were seen as a betrayal from the point of view of nationalists. The coalition government also could not conclude the changes smoothly and swiftly because of the divergent foundations of the parties involved. Nevertheless, the process continued. On 3 December 2002, the fourth constitutional package was accepted to materialize the previous reforms and to go over the penal code for torture which contributed to the development of human rights in Turkey. Following the fourth constitutional package, on 4 December 2002, the fifth one was adopted for the retrial of all cases of State Security Courts (Müftüler-Baç, 2005). Another important improvement in human rights was with the sixth constitutional package in May 2003 with the adoption of Protocol 6 of ECHR which put forward converting all death sentences into life sentences and cancelling Article 8 of Anti-Terror Law (Müftüler-Baç, 2005). The sixth constitutional package was under a different majority government which was Justice and Development Party which was at the time very supportive of the developments. So the conflicts that the coalition government had were left behind as Justice and Development Party could form a majority government. That's why it was a major breakthrough for the adoption of laws. In July 2002, the seventh constitutional package reviewed the National Security Council (Müftüler-Baç, 2005). Likewise, in 2004 the eighth constitutional package was adopted to improve freedom of the press, to eliminate State Security Courts with ten amendments. The eighth package attempted to abolish the military's influence on civic political and judiciary life. In the same year, on June 2004, the ninth constitutional package altered Article 46 of Penal Code and reviewed the Higher Board and the Censure Board (Müftüler-Baç, 2005). Nine different constitutional packages aimed at healing the freedoms of Turkish citizens and abolishing the influence of the military in politics and judiciary. To recover the women's status in violence, in September 2004, the New Turkish Penal Code went over the law on violence against women and children and altered penalties. In addition to

new penalties, New Penal Code also defined offences in a new way which corresponded to the concerns of the European Commission on the treatment of women. Therefore, the process that took place between 2001 to 2004 has been an important turning point with regards to improvement in human rights. This process not only indicated a development for Turkey but also meant that Turkey was coming closer to fulfilling political criteria. The process that was boosted with the official candidate status enhanced Turkish citizens' rights and freedoms, attempted to heal Turkish record in human rights. Moreover, this process contributed to the weakening of the military's influence on civilian politics. Due to the constitutional reform packages and high level of commitment of Turkey, in December 2004, the European Council agreed on launching accession negotiations with Turkey on October 3, 2005. Following the adoption of the Negotiation Framework by the Council of the EU, accession negotiations started. After the accession negotiation talks began, Turkey continued adopting reforms; however, they were 'selective' in the sense that the government only focused on specific areas (Yilmaz, 2015). From 2005 to 2011, in "selective Europeanization process (Yilmaz, 2015)", minority protection was taken further for the sake of human rights by approving new laws. Not only did the Turkish government took minority protection further but they also implemented new laws on minority protection (Yilmaz, 2015).

Although new laws regarding minority protection were accepted, many important problems in human rights were neglected. The reasons for the deterioration of Turkish commitment to advancing human rights and democracy were both external and internal. First of all, the EU's inability to act on the Cyprus issue and the Cyprus dispute posed question marks for the Turkish side. In fact, the European Union could have acted as a problem solver and came up with an equal solution (Öniş, 2003). In addition to the Cyprus issue, the credibility of the European Union was decreasing even though the 2004 Progress Report was very promising for Turkey and they approved to start the negotiation process with Turkey. The Commission's approach towards Turkish membership was open-ended and France, Germany mentioned privileged partnership instead of a full membership which all contributed to the decline of EU's credibility. Another important that should be mentioned with regards to reforms is that they revealed one of the significant cleavages in Turkey which is between secularists and Islamists (Müftüler-Baç, 2015). Thus, the Eurosceptic attitude of the opposition party and the public also had an effect on the Justice and Development Party's approach

towards the EU. Therefore the period after 2005 was still marked with reforms; however, they were few in number and slow (Börzel and Soyaltin, 2012). Following the decision of starting accession negotiation talks, Turkey continued adopting reforms especially with regards to minority rights and internally displaced persons. In 2005, a circular was announced by the Ministry of Interior with regards to IDPs and asked for more



Table 3: A summary of the reforms that took place between 2005-2011

2005	The new Penal Code, the Code of Criminal Procedure and the Law on Enforcement of Sentences following entered into force in 2005.
12 April 2006	The ninth harmonization package was announced which included the Law on Private Education Institution.
12 September 2006	Turkey adopted a new Law on Settlement which abolished the discriminatory provisions.
June 2006	Amendments to the anti-terror law were adopted in June 2006. (Commision of The European Communities, 2006). The new anti-terror law reduces procedural safeguards for suspects of terrorist offences. Access to a lawyer may be denied for a period of 24 hours, and under certain circumstances, security officers may attend meetings between suspects and their lawyer.
10 May 2007	The Turkish Grand National Assembly adopted a package of constitutional reforms which amended the election of the president, changed the minimum age to be selected from 30 to 25 (Börzel and Soyaltin, 2012).
2008	Turkey adopted a new Law on providing further property rights to non-Muslim foundations (Börzel and Soyaltin, 2012).
February 2008	Article 10 “Equality before the law” and Article 42 “Right and duty of training and education” were amended by the Parliament in order to lift the headscarf ban for university students.
March 2008	The Law on elections and electoral rolls were amended which extended the right of Turkish citizens who live abroad in order to participate in parliamentary elections.
March 2009	A Consultative Committee on Equal Opportunities for Men and Women was established by the Parliament.
12 September 2010	Constitutional Referendum in which a package of constitutional changes was adopted. Issues such as bar gender discrimination, protecting personal privacy were included in the package.

Source: Tanja A. Börzel and Digdem Soyaltin, "Europeanization in Turkey Stretching Concept to Its Limits?" KFG Working Paper Series 36 (2012):, accessed June 28, 2019, Turkey 2006 Progress Report, Turkey 2007 Progress Report, Turkey 2008 Progress Report, Turkey 2009 Progress Report, Turkey 2010 Progress report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels), accessed June 28, 2019.

cooperation with NGOs. In a similar manner, a strategy document was issued by the Council of Ministers in 2005 with regards to minority rights and IDPs.

In 2006, the ninth harmonization package was adopted by Turkey which included:

“Law on Court of Audit, Draft Law amending the Law on Administrative Legal Procedures, Draft Law on Administrative Procedures, Draft Law on Establishment of a Political Ethics Commission in the Parliament, Draft Law on Fundamental Principles for Elections and Electoral Rolls (Rep. of Turkey Ministry of Foreign Affairs Secretariat General For EU Affairs, 2007).

In addition, the ninth harmonization package also included the international agreements that were on the agenda of the parliament. Likewise in 2006, the Act that amended the Act of 27 July 2004 on the issue of Compensation of Losses which come from the acts of Terror and Measures Taken Against Terrorism was announced in the Official Newspaper on 3 January 2006 (Rep. of Turkey Ministry of Foreign Affairs Secretariat General For EU Affairs, 2007). As it can be observed from table 3, following 2006, in 2007 and 2008, Turkey adopted new laws and amended the previous laws which were considered as limiting the liberties of citizens as in the case of headscarf. Especially after 2008, the speed of the reforms lessened in the light of changing the environment in both external and internal spheres. In respect to human rights, in 2008, Turkey gave permission for students to wear head scarfs at school which later on was involved in the democratization package in 2013. This permission was given as a part of individual rights and freedoms (Rep. of Turkey Ministry of Foreign Affairs Secretariat General For EU Affairs, 2007). In 2010, Turkey adopted the Law on elections and electoral rolls which enabled the use of languages other than Turkish for oral and written publicity material during election campaigns (Commision of The European Communities, 2010). In 2010, the Turkish government adopted constitutional amendments as a part of changes. 2010 amendments were not a “comprehensive map (Yilmaz, 2015). but more like a selective approach towards the progress. Moreover,

amendments that were adopted in 2010 reviewed the rules regarding party closures in the light of EU rules Yilmaz. Likewise in 2010, a revised National Security Policy was approved by the National Security Council (Commission of The European Communities, 2010). In addition, the Constitutional change in 2010 brought about access to information as a constitutional right (Commission of The European Communities, 2010). However, starting in 2011, worsening of the rule of law can be observed in Turkey. Though the Turkish government continued reforms from 2011 onwards, they only dealt with the judiciary and civil-military relations. The end results of 2011 elections legitimized Justice and Development Party's ruling with %50 of votes. Therefore, from 2011, the Justice and Development party became mainly the only actor in Turkish politics. Following the September 2010 Constitutional Referendum and 2011 elections, the urge for a new Constitution was voiced in order to replace the 1982 Constitution (Commission of The European Communities, 2012). In accordance with the new constitutional provisions which opened the door for Ombudsman institution, authorities submitted a new draft law to the parliament in 2011 (Commission of The European Communities). In February 2011, Turkey also adopted amendments to the Civil Service Law which pave the way for benefits to the public servants with disabilities and public servants who pregnant or parents of newborn babies (Commission of The European Communities). Moreover, in 2011, Act on the Establishment of Radio and Television Enterprises and Their Broadcasts was adopted with regards to freedom of expression and media. Still, a few significant pieces of legislation were accepted which include laws on the protection of the family, combating violence against women, the national human rights institutions (Commission of The European Communities).

Following the reforms, in 2012, an important number of regulations in order to simplify the administrative was accepted. However, the amendments to the law on the Turkish Court of Accounts that took place in July 2012 raised some concerns as it curtailed the powers of the TCA. As the 2012 Progress Report suggests the amendments "jeopardize the independence and effectiveness of the TCA audit and control (Commission of The European Communities, 2012). With regards to human rights, the incentive to adopt reforms were less than the previous periods. In fact, the declaration Tayyip Erdogan who at the time was the Prime Minister of Turkey that suggested they were in preparation of a law on abortion and cesarean created great concern and showed that

they were not following the path of the EU. In 2013, the Law on improving the disciplinary system was adopted with regards to civil-military relations (Yilmaz, 2015). Still, in 2013, they adopted a democratization package which included points such as criminal sanctions against hate speeches (Yilmaz, 2015). The worsening of human rights and rule of law which revealed itself in 2011, became more visible in 2013 with conservative and restrictive regulations on many issues such as alcohol sales although there were some positive reforms for instance, with regards to fight against corruption as in the case of Action Plan Against Organized Crime between 2013 and 2015 (Yilmaz, 2015). Freedom of press and speech were also criticized as the oppressive measures were being undertaken. With Gezi Protests in 2013, the Turkish government was heavily criticized because of the violent precautions that were taken by the police. In fact, four demonstrators who were Ethem Sarisuluk, Mehmet Ali Ayvalitas, Abdullah Comert and Ali İsmail Korkmaz and one Turkish police officer died due to the usage of excessive force by the police (openDemocracy, 2019). These measures that undermined human rights in Turkey and were taken up by the Parliament of the EU. As EU foreign policy chief Catherine Ashton in her speech in European Parliamentary debate said that:

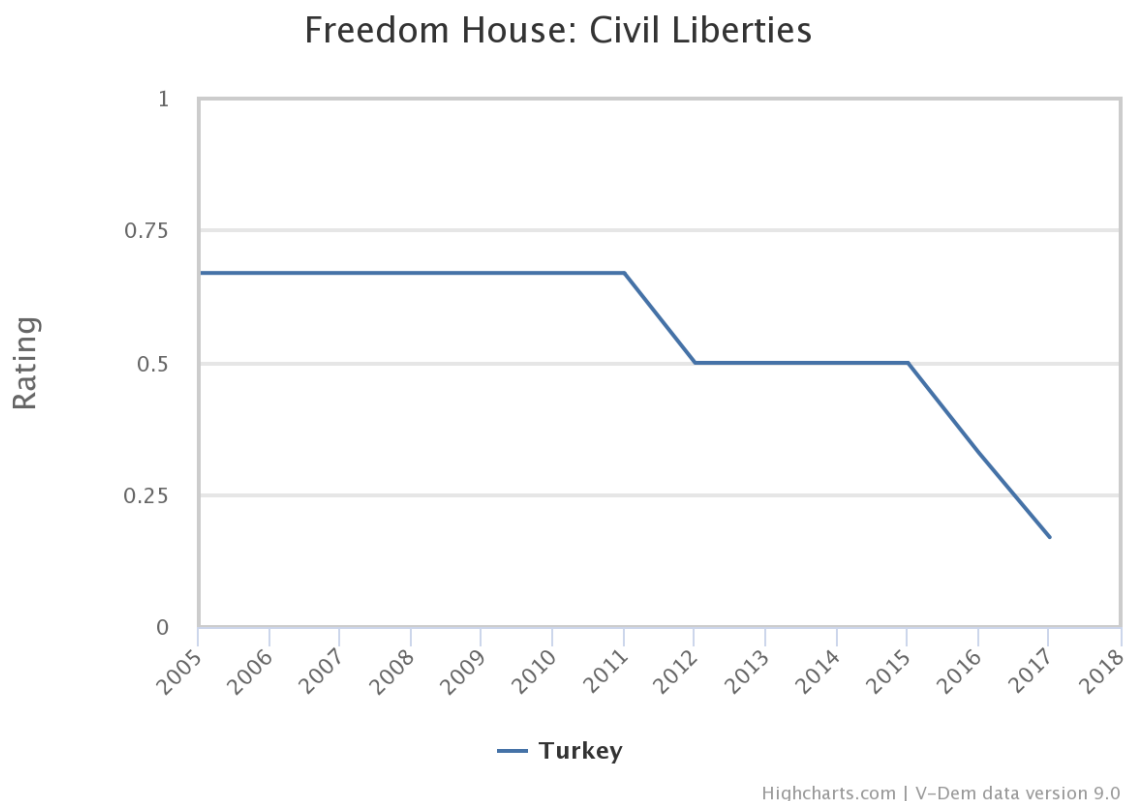
“There was intensive use of water cannon and tear gas. There were violent scenes in Ankara and Izmir too. Reports of widespread injuries once again underlined these police tactics are a major cause of concern (openDemocracy, 2019).”

Following the meeting, the European Parliament also warned then Prime Minister Erdoğan to diminish the conflict between people and police (openDemocracy, 2019). After 2013, Turkey’s changes in human rights did not go through a development phase, instead, they continued worsening. Especially with regards to censorship, the government imposed it on the internet as many internet sites were banned by Turkish cyber police. In addition, before this period, it also introduces a filtration system for the Internet (Yilmaz, 2015). In 2014, Turkey adopted a law on the Internet which included many limitations on the Internet. Likewise in 2014, Tayyip Erdoğan said that:

“We now have a court order. We’ll eradicate Twitter. I don’t care what the international community says. Everyone will witness the power of the Turkish Republic (Dockterman, 2014).”

Turkey started to move away from enhancing human rights and following the guidelines of the EU. In fact, individuals' rights such as freedom of expression, civil liberties were suppressed even more. In 2016, a failed coup attempt also worsened the human rights record as the state of emergency was declared with many measures suppressing liberties and freedoms. Thus after 2011, a decline in human rights can clearly be seen in Turkish case. The graph below shows how civil liberties decline over time in Turkey.

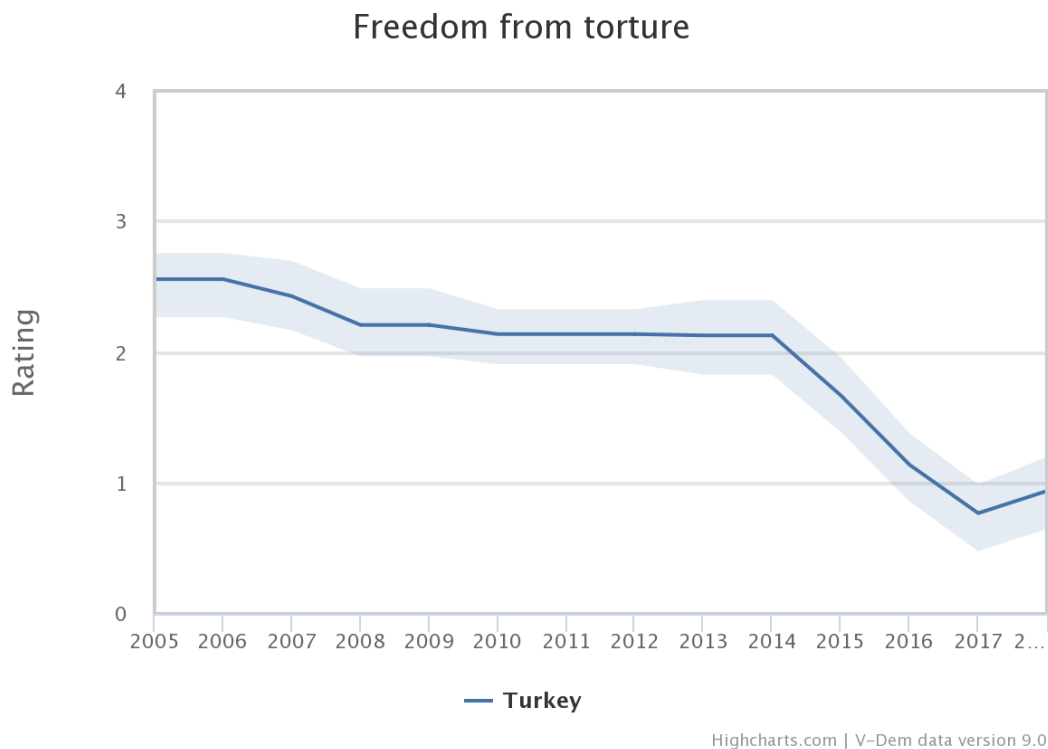
Graph 1: Civil Liberties



Source; *"Global Standards, Local Knowledge," V*, accessed May 10, 2019, <https://www.v-dem.net/en/analysis/>.

Another important aspect of human rights is freedom from torture which has been troubling for Turkey. Even though not as bad as other fundamental rights, freedom from torture has not been developing in a promising way especially after 2011.

Graph 2: Freedom from Torture



Source; "Global Standards, Local Knowledge," V, accessed May 10, 2019, <https://www.v-dem.net/en/analysis/>.

Following these negative developments in terms of Turkey's changes in human rights, Turkey has been criticized by the officials of the EU. The criticisms intensified with detentions of journalists, activists and human right defenders. Therefore, commissioner for European Neighbourhood Policy and Enlargement Johannes Hahn said that "Criminal and judicial proceedings must be based on the presumption of innocence. Journalists and civil society must be able to do their important work (Gültekin et al., 2018) and Mogherini also referred to human rights violations by saying that "Turkey should follow the ECHR ruling and release Demirtas (Gültekin et al., 2018).

To sum up, Turkey's changes with respect to human rights have undergone different phases. Post-Helsinki period was highlighted with many positive improvements and constitutional reform packages. However, after 2008, the speed of reforms started to decline and in fact, the situation regarding human rights and liberties in Turkey worsened in time as a result of both external and internal factors. The detachment from

the path towards the EU has been motivated by both losing credibility of the European Union and by the lost commitment of Turkey.

4.2. Conclusion of the Chapter

After the Helsinki Summit which granted Turkey the official candidate status, Turkey started to follow a path towards fulfilling the political criteria which were considered problematic by the European Union. Starting from 2001 to 2005, Turkey adopted different constitutional packages so as to improve political conditions in Turkey as the membership card was credible. Following the decision to open accession negotiation talks, Turkey continued adopting reforms. Nevertheless, different discourses that suggested different scenarios for Turkey from both member states and the Commission reduced the credibility of full membership. Therefore, Turkey started to lose its commitment. Even though until 2010, reforms were undertaken, they were selective. In fact, after 2011, the changes regarding the rule of law, human rights started to worsen and Turkey went into a period in which EU was not the pushing factor for development anymore. This period included many oppressions of the oppositions, journalists. Considering the latest criticisms and negative developments, Turkey is not in a favourable position regarding EU membership and regarding the indexes in human rights. In fact, it would be fair to claim that today, the records in human rights and democracy are worse than in 1998 (Balta, 2019).

5. EMPIRICAL CASE: HUMAN RIGHTS-BASED ANALYSIS OF TURKEY'S ADOPTION OF THE EU POLITICAL CRITERIA

5.1. Introduction of The Chapter

From the beginning of the relations between Turkey and the European Union, Turkey has been criticized for both its bad human rights records and violations of human rights in Turkey with regards to political criteria. A country which is given the candidate status is not destined to become a member if it does not comply with the EU rules and norms and the EU Acquis. One of the most important parts of EU norms is respect for human rights. Likewise, one of the most significant chapters of compliance is human rights and protection of minorities under the political criteria for membership. Therefore, in order to fulfil the requirements of the political criteria, a country has to improve human rights record and protection of minorities along with other requirements. As already mentioned before, the European Union, through using the Accession Criteria, causes changes in the counterparts and causes the candidate country to change. As the literature on the European Union suggests, with the membership carrot, conditionality leads changes in countries aspiring to be a member of the EU (Schimmelfennig and Sedelmeier, 2019). The effect and the success of conditionality may vary from one case to another as different aspects of conditionality have divergent impacts on its success. The size, speed and credibility of the rewards contribute to the success of the conditionality (Schimmelfennig and Sedelmeier, 2019). Moreover, the determinacy of the counterpart is also important, meaning that if the country knows what to do clearly and if the EU pay attention. Likewise, domestic adoption costs play a powerful role. A good example of how these may affect the success of the conditionality and compliance is Turkey.

Although human rights records were not promising at first, Turkey was determined to become a member of the EU and to comply with the EU rules with regards to human rights in order to adopt political criteria of the Copenhagen Criteria as the President Recep Tayyip Erdogan still persists indicating that:

“Turkey proceeds on its way persistently despite those trying to exclude it from the European family. Despite all the double standards we have been facing in our accession negotiations, Turkey is determined to become a full member of the European Union as a strategic objective (The New Arab, 2019).”

Despite the fact that the process between the European Union and Turkey has not been linear and smooth, many changes have been observed with regards to human rights records in Turkey in accordance with the EU’s guidelines. However, the success of conditionality in the Turkish case has not been linear either. As the attitudes of EU officials and Turkish officials have changed from time to time and that the credibility of the EU has not stayed the same with different suggestions apart from the membership which then contributed to Turkey’s detachment from the EU and to a huge decline in Turkish compliance.

5.2 The Regular Progress Reports of Turkey

In line with the accession process, the European Union monitors the developments that are being undertaken in a candidate country through the European Commission. The European Commission publishes annual reports which analyze the developments that are achieved by the candidate country in line with the Copenhagen criteria since 1998 (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019). These reports reflect the Commission’s overview of the developments and are called “progress reports” till 2016. Since 2016, they have been called “country report (Rep. of Turkey Ministry of Foreign Affairs Directorate for EU Affairs, 2019).” They are also considered as feedbacks that are given by the European Commission. The first one to be written for Turkey was in 1998, and since then, the European Commission has been giving feedbacks on Turkey’s developments with regards to Copenhagen criteria. The

reports that are written by the European Commission pose a great deal of importance as they reflect how Turkey has accomplished with regards to the accession process in different aspects. In this thesis, I will evaluate how the adoption of political criteria has been by focusing on human rights and the protection of minorities. Having said that, the regular progress reports of 1998, 2004, 2005, 2008, 2013, 2018 will be analyzed in order to understand how effective conditionality has been on Turkey and to find out how Turkish compliance changed over time. These years are chosen as they represent important turning points in relations between the European Union and Turkey. In addition to the regular progress reports, democracy and human rights indexes from different sources will be evaluated so as to grasp the changes in Turkey in time. By showing the improvements that have been undertaken by Turkey, one can argue that with high levels of conditionality, the adoption of the criteria was higher. However, in time with losing credibility of conditionality, Turkey started to detach from complying with the EU norms and rules as it will be shown with different kinds of evidence ranging from regular progress reports to democracy and human rights indexes.

5.2.1 The Regular Progress Report of 1998

Turkey applied for full membership in 1987. However, the long path towards the candidate status took a long time. The Progress report of 1998 is a turning point because it was the one that was published just one year before the EU granted candidate status to Turkey. Also, it was the first evaluation that was ever made with regards to Turkey. Both facts that are stated contribute to the importance of the 1998 regular progress report. Under the heading of human rights and minority protection of political criteria, different points are evaluated. These include civil and political rights, specific problems in Turkey, reforms underway, human rights protection instruments as well as economic, social and cultural rights and minority rights and protection of minorities. In 1998, according to the report, the circumstances in Turkey were not promising; however, Turkey took many steps with the ratification of most important conventions for protecting human rights such as the UN Convention against Torture and the European Convention for Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment (Commission of The European Communities, 1998). Moreover, Turkey also

ratified the European Convention for the Protection of Human Rights except the Protocols 4,6 and 7 despite the fact that Turkey upheld the death penalty at its legislation at the time though it had not used it since 1984. However, Turkey did not ratify the Framework Convention for the Protection of National Minorities. The improvements and problems that are stated by the European Commission with regards to human rights in Turkey can be divided into nine categories in order to understand the points that have been made by the EC. These categories are *civil and political rights, specific problems in Turkey, reforms that are adopted, human rights protection instruments, economic, social and cultural rights, minority rights and protection of minorities and the Southeast Part of Turkey, freedom from torture, freedom of association and lastly freedom of assembly*. The table below shows how the European Commission evaluated the mentioned nine categories in Turkey in 1998.

Table 4: Political Criteria of 1998 Progress Report

1998	<i>The Regular Progress Report - Political Criteria</i> <i>Source: Turkey 1998 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 1998), accessed June 28, 2019.</i>
Civil and Political Rights	• Civil and political rights are problematic in Turkey. • Cases of torture, disappearances as well as extrajudicial executions are observed regularly. • Freedom of expression is not fully restored in Turkey. • In addition, the problems are mostly connected with South-East of the country. • The charges against freedom of expression are mostly about the unity of the state, territorial integrity, secularism and respect for formal institutions of the state and elected politicians, journalists, writers, trade unionists or NGO workers for statements, public speeches, published articles or books are sentenced. • On 1 January 1998, 91 journalists were arrested in Turkey.

Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	• Cases of torture, disappearances and extrajudicial executions as well as the European Court of Human Rights records of many cases of inhuman or degrading treatment and torture in Turkey which are recorded mostly under police custody. • Regarding the freedom of the press, the Turkish media is characterised by a proliferation of private radio and television stations, a situation that developed when the state monopoly was ended in 1993 by an amendment to the constitution. • The media is mostly free to express its perspectives and views. Domestic and foreign publications are commonly at reach. • Government censorship of foreign publications is not common. Although censorship is not common for foreign publications, confiscation of newspapers, books or films can be recorded especially matters about the situation in south-east Turkey. • The circumstances in Turkish prisons do not meet the standards that are put forward by the Council of Europe or the minimum standards of the UN. • Domestic Violence in Turkey is common. • With regards to freedom of religion, in state primary schools, Sunni-religious education is compulsory. However, religious minorities that are stated by Lausanne have the right to free exercise their religion. In order to practice a religion other than Sunni Islam, many bureaucratic restrictions have to be overcome. • The role of the army is strong in protecting the secular nature of the state.
	• In 1995, the government introduced constitutional reform in order to strengthen the functioning of democracy in Turkey which was adopted by a civilian government for a long

Reforms Underway	time. Although a Constitutional Harmonisation Committee was set up in the TGNA in order to implement these reforms, these reforms are only partly reflected in Turkey's legislation. • Likewise, Article 8 of the Anti-Terror law was changed in a more liberal way so as to develop the protection of freedom of expression. • The Convention on the Elimination of All Forms of Discrimination Against Women was ratified by Turkey in 1985. • Although these steps have been taken, the Civil Code still needs to be in line with this convention and still lacks an equal attitude with regards to marital rights and obligations. • The Council of Ministers adopted a new draft Civil Code on 25 August 1998. • Capital punishment is still permitted under the law; however, it has not been exercised since 1984.
Human Rights Protection Instruments	• In 1991, TGNA set up a Human Rights Committee whose duty was to carry out fact-finding missions in order to grasp the situation of human rights in Turkey. • In November 1996, a missing persons search unit within the Ministry of the Interior was set up by the Turkish government; however, the effectiveness of it is open to debate. • In April 1997 the High Coordinating Committee on Human Rights was established which aimed at coordinating and monitoring the implementations for improving human rights situation in Turkey. • A Human Rights Committee was set up by the TGNA in 1991. It has carried out various fact-finding missions regarding the situation of human rights in Turkey. • Since 1987 individuals in Turkey have been able to take cases to the European Court of Human Rights if they consider that their rights under the Convention have been violated. • Turkey has made an effort to improve as freedom of

	association, by mushrooming number of NGOs in Turkey. Due to the situation in the south-east, civil and political rights still, cause concern. • In spite of the reforms underway, there are still important problems with regards to mentioned freedoms.
Economic, Social and Cultural Rights	• Workers, except for police and military personnel, have the right to associate freely and form representative unions. • The right to strike is under various restrictions and is given under complicated procedures. • Turkey does not have unemployment benefit and child labour is common. • In March 1995 an Economic and Social Council was established by the government which started to work in March 1997. • In sum, in spite of attempts by Turkey with regards to economic, social and cultural rights, they still have many restrictions specifically in trade unions and do not have the same standards of EU.
Minority Rights and Protection of Minorities & South-East Part of Turkey	• According to the Lausanne Treaty, Armenians (50,000), Jews (25,000) and Greeks (5,000) are recognized as official minorities in Turkey. On the contrary, Kurds are not recognized as an ethnic minority by the Constitution. • In South-Eastern Turkey, Turkish authorities have combated with Kurdistan Workers Party (PKK), whose aim is to establish an independent state of Kurdistan in southeastern Turkey by resorting terrorist actions. The on-going conflict between the two actors has led to a large-scale forced evacuation due to the destruction of villages which raised many questions with regards to human rights. • In 1996, the Turkish Government was criticized for not being able to help them. • In South-East Turkey, because of the conflict, many schools have been closed down.

	• The state of emergency (Article 122 of the Constitution) was declared in 1987 which is still in force in six of the nine provinces in the south-east. In accordance with the state of emergency, regional governors have been given excessive powers and many fundamental rights and freedoms are restricted. • People in South-East Turkey are economically and socially disadvantaged, and due to the state of emergency, people suffer from restrictions and on-going conflict.
Freedom from Torture	• Cases of torture, disappearances and extrajudicial executions are observed regularly.
Freedom of Association	• Freedom of association is subject to certain limitations.
Freedom of Assembly	• Freedom of assembly is subject to certain limitations.

Source: Turkey 1998 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 1998), accessed June 28, 2019.

As Table 4 suggests, in 1998, Turkey had many problems with regards to human rights which had been stated by the European Union. The European Union stated that areas with regards to human rights ranging from fundamental freedoms to Kurdish question were problematic in Turkey and needed reforms. Likewise, the Report stated that the situations of the freedom of assembly, freedom of association, freedom from torture were not promising; and needed a lot of effort. Likewise, civil and political rights are reported to be problematic in Turkey. The press and the media are reported to be suppressed and the role of the army was regarded to be strong. Economic, social and cultural rights could not meet the European Standards. According to the report, domestic violence posed great challenges and the child labour was reported to be common. Although many aspects were reported to be insufficient, Turkey adopted reforms and changes in order to improve. For example, as table 4 demonstrates, Turkey amended Article 8 of the Anti-Terror Law in a more liberal context in order to improve

the freedom of expression. Moreover, a new draft Civil Code was adopted in 1998 with the goal of developing women's rights.

In 1998, Turkey was in favour of the integration process and followed a reformist path as the prime minister at the time. In fact from 1998 to 2004, Turkey and the European Union were pleased with the reforms that took place in Turkey.

5.2.2. The Regular Progress Report of 2004

In 1999, Turkey was granted the candidate status and was given guidelines by the European Union to follow. 2004 was an important year for Turkey as from 1998, it adopted many reforms and changes which are explained in the previous chapter. Moreover, 2004 was also important for the European Union as the big-bang enlargement of 10 countries occurred in 2004 which had an impact on member states' attitude towards newcomers and EU's absorption capacity. Also, 2004 was one year before Turkey started to the accession negotiation process and was the year when the EU decided upon opening negotiations with Turkey. In order to see how Turkey has been doing with regards to developing in line with the EU norms and values, 2004 is another important year to analyze.

Table 5: Political Criteria of 2004 Progress Report

2004	<i>The Regular Progress Report – Political Criteria</i> <i>Source: Turkey 2004 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2004), accessed June 28, 2019.</i>
Civil and Political Rights	• The death penalty has been abolished by Turkey under all circumstances in addition to the declaration of the government which suggested a zero-tolerance policy against torture. • Still, Turkey needs to increase its efforts in fighting torture and other forms of ill-treatment by law enforcement

	officials. • The new Penal Code increased sentences up to life imprisonment for those who torture and for cases in which the victim has died. • In addition in 2004, the Turkish Medical Association stated a guideline which put forward that disciplinary punishments should be given to those doctors who discriminate against their patients on the basis of gender, race, nationality during treatment. • Thanks to the reforms that have been followed, since 2002, the Penal Code, the Anti-Terror Law and Press law have been amended in order to abolish the restrictions on freedom of expression. • However, despite the reforms underway, civil society and especially human rights defenders still face significant challenges. • Still, there are many cases in which nonviolent expression is punished.
Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	• With regards to freedom of the press, Turkey has achieved notable progress although further efforts are needed to reach the desired aim. • Especially with the new Press Law in June 2004, Turkey has taken significant steps in order to increase freedom of the press by replacing prison sentences by fines, reducing confiscating printing machines, increasing the right to reply. • However, fines still pose a great obstacle for the freedom of the press and the media in addition to the ongoing convictions and sentences given to the journalists, writers and publishers and banning books. • With regards to political parties, there have not been any improvements since the last Report. • Freedom of religions is under protection by the Constitution; however, the non-Muslim religious communities

	still face obstacles as they do not have a legal personality. Thus they encounter restricted property rights. Necessary actions should be followed in order to solve these issues. • Turkey adopted a regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations which addressed the issues regarding the elections to the boards of foundations. • The provision that suggests women and men should have equal rights is included with Article 10 of the Constitution. The provision also makes sure that the state has the duty to enforce equality. • The new Penal Code addressed many issues ranging from sexual assault, honour killings to virginity tests. • Increased awareness of violence against women is reported. • Although reforms have been made, domestic violence and discrimination against women still pose a great challenge in Turkey. • The 1998 Law on the Protection of the Family has been very limited and has not been efficiently implemented which resulted in a failure of investigating domestic violence and women's complaints.
Reforms Underway	• Two constitutional reforms and eight legislative reform packages were adopted by Turkey since 1999. • Those who were convicted under the Anti-Terror Law which is not in force currently, have been released. • The latest constitutional reform was adopted in May 2004 which addressed problems regarding human rights which included: "Eradicating all remaining death penalty provisions; strengthening gender equality; broadening freedom of the press; aligning the judiciary with European standards; and establishing the supremacy of international agreements in the area of fundamental freedoms over internal legislation.

	(Commision of The European Communities, 2004).” • A new Penal Code was adopted in September 2004. The aims of the new penal code are with regards to human rights, women’s rights, discrimination and torture. • Turkey also accepted a new Press Law and a new Law on Associations and a Law on Compensation of Losses Resulting from Terrorist Acts. • Also, further progress has been made with respect to international conventions on human rights since the previous Report. • The Second Optional Protocol on the abolition of the death penalty was signed in April 2004 by Turkey. • Turkey signed the First Optional Protocol to the International Covenant on Civil and Political Rights which enabled the extending the right of petition to individuals (Commision of The European Communities, 2004). • The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was ratified in October 2003.
Human Rights Protection Instruments	• Since 1999, there has been progress with regards to the execution of decisions of the European Court of Human Rights (ECtHR). • In order to promote and enforce human rights, a lot of bodies were established by Turkey such as the Reform Monitoring Group, the Human Rights Presidency, the provincial and sub-provincial Human Rights Boards and the Human Rights Advisory Committee. • Although a number of bodies were established, the effect of these bodies has been limited. • Likewise, a number of exchanges were held by the Human Rights Advisory Committee yet the impact has been limited.
	• A number of reforms have been adopted to improve

Economic Social and Cultural Rights	equality between men and women. • A number of provisions have been adopted by Turkey with regards to young people at work through the 2003 Labour Law and relevant regulations in April and June 2004.
Minority Rights and Protection of Minorities& South-East Part of Turkey	• The Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority languages has not been signed by Turkey. • In addition, Turkey has not yet ratified the Additional Protocol No 12 concerning banning discrimination by public authorities. • Secondary Committee for Minorities which was established through a secret decree in 1962 was abolished by the Government in order to ensure security surveillance on minorities in 2004. • Turkey also established a new institutional body called 'Minority Issues Assessment Board' so as to deal with the problems of the non-Muslim minorities. • However, the problem with regards to history books continues as they portray the minorities as threats to the state. • Amendments to the Constitution have been adopted in order to lift the ban on the use of languages other than Turkish (Commission of The European Communities, 2004). This step resulted in permission for broadcasting in languages other than Turkish. • In addition, authorities announced a new regulation in January 2004 which suggested the possibility for private channels on television and radio to broadcast in languages other than Turkish. • With regards to the situation in Southeast of the country, there has been a gradual development since 1999. • Authorities have lifted the emergency rule and the problems regarding the internally displaced persons (IDPs) still

	continue. • Turkey also adopted a Law on Compensation of Losses Resulting from Terrorist Acts in July 2004.
Freedom from Torture	• The Turkish Human Rights Association received up to 692 complaints with regards to torture in the first six months of 2004 with a 29% decrease compared to the first six months of 2003. • The methods of torture such as suspension by the arms and electric shocks are now not common even though such cases sometimes are reported. • Cases of abductions, torture, disappearances and arbitrary detentions are still reported.
Freedom of Association	• With regards to freedom of association, Turkish authorities adopted several legislative reforms since 1999 when a number of restrictions were lifted. • New Law on Associations has been adopted recently which aims at reducing the state interference in associations' activities. • A new Department of Associations has been established within the Ministry of the Interior in order to deal with tasks that had previously been under the duty of the Director-General of Security. • However, despite the reforms underway, civil society and especially human rights defenders still face significant challenges. • The Turkish Parliament adopted the new Law on Associations in July 2004 which could not be put into force due to a Presidential veto. The new law consists of many concerns about the current law. • The new law abolished all limitations concerning any race, ethnicity, religion or sect on the establishments of associations. • In response to developments that have taken place, A

	Kurdish association named the Kurdish Writers' Association was established in Diyarbakir in February 2004.
Freedom of Assembly	• Freedom of assembly is subject to fewer restrictions compared to the past. • However, there are still many restrictions. For example, 12 demonstrations were not allowed in 2004 although the number is less than that of 2003, 2002 and 2001. • Security Forces monitor each demonstration and public meeting and use excessive use of force and detention are still sources of concern.

Source: Turkey 2004 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2004), accessed June 28, 2019.

As one can observe from the table 5, Turkey adopted many changes and reforms. In fact, reforms that were adopted between 2001 and 2004 contributed to the positive developments in Turkey. Although further reforms and improvements are needed, Turkey took major steps according to the Report compared to the 1998 Report with regards to fundamental rights and freedoms. Turkey chose to comply with the EU rules as both actors were committed to the cause. In fact, in 2000, EU Commissioner Gunter Verheugen claimed that he was happy with the reforms in Turkey (Euractiv, 2000). He also claimed in 2000 that;

“We need Turkey as a reliable partner in foreign and security policy (Europa, 2019). and continued this statements by saying that “ We want Turkey to be a stable democracy, respecting the rule of law and human rights. Our interest is that Turkey plays a constructive role in our common efforts to contribute to peace and stability in the region. We expect a firm commitment to continue the process which was successfully launched and to proceed now on issues like the revised penal code, the new civil code, enhanced independence of the judiciary. We also attach great importance to the fact that issues like freedom of expression and freedom of association are addressed (Europa, 2019).

The statements of the Commissioner demonstrated that the EU was committed to the process and that showed the reward of membership was on the table on the condition of certain developments. On the Turkish side as well, the commitment to the EU was high. For example, Turkey's President at the time Ahmet Necdet Sezer in 2002 announced

that he would ask both the Turkish Government and opposition parties to accelerate the reforms which are important in order to join to the EU (Euractiv, 2002). In 2002, Justice and Development Party won the elections and they were too in favour of the negotiation process. That's why it is no surprise that a lot of constitutional packages and amendments have been accepted. The credibility of conditionality was high at the time which resulted in positive developments on the Turkish side and the improvements of Turkey were also welcomed by the European Union. The internal political conditions for compliance of Turkey were in favour of the process. However, on the side of the European Union, political conditions were in change with the 2004 big bang enlargement. Especially the concerns about the absorption capacity started to be voiced more after 2004 which led to a change of attitude towards enlargement.

5.2.3 The Regular Progress Report of 2005

2005 was a turning point for the relations between Turkey and the European Union as the accession negotiation started. Thanks to improvements that took place in Turkey, in 2005, Turkey was reported to be ready for the negotiation process. Therefore, it is important to analyze the developments in 2005.

Table 6: Political Criteria of 2005 Progress Report

2005	<i>The Regular Progress Report – Political Criteria</i> <i>Source: Turkey 2005 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2005), accessed June 28, 2019.</i>
Civil and Political Rights	• In June 2005, the new Regulation on Apprehension, Detention and Statement Taking was adopted which included further safeguards regarding the medical examinations and the right of defence. • The Penal Code included provisions that increased the term of imprisonment for people who are convicted of torture and ill-treatment from ten to fifteen years. (Commision of The

	European Communities, 2005). • Freedom of expression is still a great challenge for Turkey as sentences for expression of non-violent opinion are reported. • A number of people who were convicted under the old Penal Code have been set free according to the Turkish authorities. • The number of cases and convictions with regards to freedom of expression has been in decline according to the authorities and a number of NGOs. • The government adopted several amendments to the new Penal Code which dealt with freedom of expression in May 2005. The amendments suggest that act of expressing which carry the purpose of spreading information or of criticizing should not be punished. • Especially vague sentences were regarded as crimes as they were thought to be offences against symbols of state sovereignty. Article 301 of the new Penal Code is still used to convict individuals even though it was amended for abolishing such actions. • Some progress has been reported with regards to open and free debate.
Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights,	• The Turkish Publishers Association suggest that the publication of the book, which are about sensitive issues as in the case of the Kurdish and Armenian questions, is reported to be easier compared to the past (Commision of The European Communities, 2005). • However, there are still cases of banning such book and convicting individuals. • In fact, the legal attitude against cartoonists and satirists pose a great concern. For example, in 2005, 3 months sentence was given to a journalist because of such action.

Freedom of Press, the Rights of Children	• With regards to freedom of the press, some positive improvements have been reported resulting from the adoption of the new Press Law and the new Penal Code. The positive improvements included acquittals and a number of releases (Commision of The European Communities, 2005). • Despite the positive developments, the expression of non-violent opinion by the journalists still face convictions and pressures. The Turkish Press Council suggest that no journalists are imprisoned at the moment because of their work. • In June 2005, the Press Council established a new Legal Assistance and Support Service whose duty is to provide a lawyer for free for those who face convictions under the provisions of the new Code in response to the concerns on limitations of freedom of the press (Commision of The European Communities, 2005). • RTÜK still invokes the Broadcasting Law (RTÜK Law) frequently in order to impose heavy penalties, fines, suspensions and cancellation of programmes (Commision of The European Communities, 2005). • There has been limited progress both in practice and legislation with regards to freedom of religion since October 2004 • The religious communities cannot establish associations with legal personality due to the current legal framework. Likewise, the non-Muslim religious communities face a lot of problems ranging from limited property rights to not being able to train clergy. • The situation with regards to Turkey's mental health facilities should be looked over as soon as possible. • Significant developments have taken place with the adoption of the new Law on the Execution of Sentences in December 2004 as respect to the prison system which promoted a number of rehabilitation, cultural, social and educational
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	activities. • Despite the developments that have taken place but further efforts are needed for recovering the conditions in prisons. • With regards to women's rights, little progress has been made. The major problems with regards to women's rights are domestic violence, honour killings, high illiteracy rate, low participation in politics although the new Penal Code brought about significant developments. (Commision of The European Communities, 2005). • In Turkey, women's participation in the workforce is still one of the lowest in OECD countries with 25.4% (Commision of The European Communities, 2005). Yet women's participation in certain professions is high. (30% of lawyers, academics doctors are women) (Commision of The European Communities, 2005). • With regards to children's rights, the problem with the right to education still exists, especially for girls and especially in some regions such as the rural areas in the Southeast. • Authorities have set up a Parliamentary Committee for Street Children in November 2004. The Committee announced a number of reports with a recommendation. • With respect to people with disabilities, Turkey accepted a new Law on Disabled People in July 2005 in order to fight with discrimination that disabled people face.
Reforms Underway	• The Commission's recommendations regarding six pieces of legislation in 2004 were put into implementation. • Further provisions have been put into force in order to combat torture and ill-treatment. • A new Penal Code and a new Law on Associations entered into force which improved the exercise of fundamental freedoms. • With regards to civil-military relations, reforms have

	been made. However, the army still has an impact on political life and policies through public statements. • The Law which established the Directorate General for the Status and Problems of Women has entered into force in November 2004 (Commision of The European Communities, 2005).
Human Rights Protection Instruments	• According to the report, human rights defenders still face judicial harassment in practice. For example, the report states that:” since August 2004, 50 court cases and 3 investigations have been launched against the Human Rights Association (Commision of The European Communities, 2005).” Also, the Report quotes from the UN Special Representative for Human Defenders’ report of her visit to Turkey in 2004 and the quote from her suggests that: “expresses grave concern with a large number of prosecutions filed against human rights defenders and their organizations (Commision of The European Communities, 2005).” • Another concerning issue is that Human Rights Association faced death threats in April 2005. • However, the report also suggests that with respect to human rights instruments, further progress has been made by Turkey. • In addition, Turkey ratified the European Agreement regarding Persons Participating in Proceedings of the European Court Of Human Rights in October 2004 (Commision of The European Communities, 2005). • Turkey also signed the Protocol No 14 to European Convention on Human Rights and the Revised 1996 European Social Charter. • In January 2005, Turkey started to implement the International Convention on the Protection of the Rights of All Migrant Workers. • In addition, in February 2004, Turkey signed the First

	Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) yet has not ratified. • The Optional Protocol to the UN Convention against Torture (OPCAT) was signed in September 2005 by Turkey and the Protocol No 13 which dealt with abolition of the death penalty was ratified. • However, the Framework Convention for the Protection of National Minorities has not been signed by Turkey. • Also, Turkey is yet to submit its first reports under ICCPR or International Covenant on Economic, Social and Cultural Rights (ICESCR) to the relevant UN Committees (Commission of The European Communities, 2005).
Economic Social and Cultural Rights	• With regards to trade unions, there are still major limitations on the right to organise and the rights to collective bargaining as well as the right to strike. ILO standards cannot still be met by Turkey. • Article 8 of the European Social Charter on the right of employed women to the protection of maternity has not been accepted by Turkey (Commission of The European Communities, 2005). • Women still face problems with regards to their working rights as they still work in informal sectors and are not covered by social security (Commission of The European Communities, 2005).
Minority Rights and Protection of Minorities&	• Turkey's attitude towards minority rights has not changed since the previous Report. • Turkey's reservation to "the UN Covenant on Civil and Political Rights (ICCPR), regarding the rights of minorities – to which a number of EU Member States objected as being incompatible with the object and purpose of this Covenant - and its reservation to the UN Covenant on Economic, Social and Cultural Rights (ICESCR), regarding the right to

South-East Part of Turkey	education, pose great concern (Commision of The European Communities, 2005).” • The Council of Europe Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages have not been signed by Turkey. • Additional Protocol No 12 to the ECHR which prohibits discrimination that is carried out by public authorities has not been ratified. • The history textbooks still talk about minorities as enemies of the state even though the National Committee of Education has been trying to revise the discriminatory language. • With regards to the issue of dual presidency in Jewish, Greek and Armenian schools, there has been no progress resulting from the dialogue with the authorities. • The situation in the South-East part of Turkey, the progress is reported to be uneven and slow (Commision of The European Communities, 2005). • In 2004, the Law on Compensation of Losses Resulting from Terrorist Acts which was previously adopted started to be implemented (Commision of The European Communities, 2005).
Freedom from Torture	• As regards freedom from torture, incidents of torture and ill-treatment are still reported although the number of incidences is diminishing. • Two regulations namely the new Penal Code and the new Code of Criminal Procedure include provisions that help to combat against ill-treatment and torture.
Freedom of Association	• With regards to freedom of association, the new Law on Associations was adopted and put into force in November 2004. The Law pose great importance as stated in the previous Report because

	• As outlined in last year's report, the Law is important in reducing the possibility for state interference in the activities of associations and has already begun to bring a number of practical benefits for associations, thus facilitating the further development of civil society in Turkey. • Nevertheless, a conflict between the Turkish Constitution and the rules that are implemented with regards to this Law is reported on the basis of state integrity and secularism. That means that associations that are considered to promote a cultural identity or religion will not be able to register. Such cases have to be followed closely in order to grasp their compatibility with Article 11 ECHR.
Freedom of Assembly	• With regards to freedom of assembly, there has been progress with fewer restrictions; however, a number of cases still cause concern. • Excessive use of force and brutality have still been reported in demonstrations in several regions. • On 6 March 2005, police used excessive force against demonstrators who came together for International Women's Day in Istanbul and a number of demonstrators were injured. Although the government condemned the action and fined 6 policemen and reprimanded 3 senior officials, the incident caused great concern regarding freedom of assembly.

Source: Turkey 2005 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2005), accessed June 28, 2019.

As table 6 demonstrates, Turkey continued adopting new reforms with regards to political criteria. Even though the report states that further effort is needed, major steps were taken in areas such as freedom of assembly, freedom of association and freedom from torture. With regards to human rights instruments, significant developments can be seen from the table. Likewise, Turkey started to implement six pieces of legislation that were recommended by the Commission in 2004. A new Penal Code and a new Law on Associations were adopted in order to carry out the guidelines given by the European

Union regarding the fundamental freedoms. Most importantly, even sensitive issues such as the Kurdish question and the role of the army have been challenged with these reforms. All in all, the 2005 Report portrays a candidate country committed to the path of the European Union. However, it should also be noted that 2005 was the year when member states such as Germany, France and Austria started to suggest a privileged partnership for Turkey rather than full membership which led to ambiguity over the process (Yilmaz, 2015). That's why the period after 2005 to 2010 was still marked with reforms but reforms slowed down (Yilmaz, 2015). With a changing Europe, the relations between the two actors also shifted. After 2005, sceptic opinions towards enlargement increased and the fact that Turkey was not a great fit in terms of cultural and identity differences in the European Union did not contribute to the relations. Following 2004 big bang enlargement, rejection of the Constitutional Treaty by the French, the picture of the European Union portrayed that the EU was also in a process of change and had to deal with its internal problems first.

5.2.4 The Regular Progress Report of 2008

Another important turning point for Turkey and the European Union was 2008. 2008 was especially important for the European Union as the Global Financial Crisis hit Europe. In response to the Global Financial Crisis, Greek Finance Crisis erupted which contributed to the European Union's attitude towards the newcomers. For the Turkish part, 2008 was a significant year as well. After the 2007 military e-memorandum, in 2008, Ergenekon trials started in Turkey and 31 people were arrested for plotting against the government (Al Jazeera, 2013). The trials marked a change in the Justice and Development Party's attitude. In addition, the literature on the relations between Turkey and the European Union suggests that after 2005 to 2010, reforms continued but slowed down (Yilmaz, 2015). The credibility of conditionality started to deteriorate started in 2005 and continued until now (Saatçioğlu, 2011). So 2008 was a critical year to analyze in terms of reforms that were adopted in line with the European Union.

Table 7: Political Criteria of 2008 Progress Report

2008	The Regular Progress Report – Political Criteria Source: Turkey 2008 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2008), accessed June 28, 2019.
Civil and Political Rights	• With regards to access to justice, most detainees are reported to have access to a lawyer after detention in urban areas. • In the South-East of the country, especially in rural areas, most detainees do not have access to a lawyer. • Amendments to Article 301 of the Turkish Criminal Code have been adopted in April by the Turkish parliament in order to improve the safeguards for freedom of expression in Turkey.
Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	• Debating a wide range of issues which includes sensitive ones as well openly continues. • Website bans are still being reported. The popular site YouTube has been banned for a couple of times. • With regards to freedom of the press, there should be more efforts in order to guarantee the free atmosphere for press and media. • Freedom of thought and religion are reported to be respected. • Still, further work is needed to create a free atmosphere for full respect for freedom of religion and for various religious communities. • Turkey is yet to establish a legal framework in line with the ECHR. • With respect to prison conditions, there has been an improvement in the physical infrastructure. • The legal framework should be changed in line with the case-law of ECtHR and in line with the best practices of the EU Member States.

Reforms Underway	• In February 2008, the Law on foundations was adopted in order to address a number of property problems regarding non-Muslim minorities. • Amendments to Article 301 of the Turkish Criminal Code have been adopted in April by the Turkish parliament in order to improve the safeguards for freedom of expression in Turkey.
Human Rights Protection Instruments	• No developments with regards to the ratification of human rights instruments have been recorded. • Turkey has still not ratified the Optional Protocol to the UN Convention against Torture (OPCAT) which was signed in September 2005 and the UN Convention on the Rights of Persons with Disabilities' ratification is also on hold. • Three additional Protocols to the European Convention on Human Rights have not been ratified. • Turkey was found guilty for violating the ECHR in a total of 266 judgements. • Ratification of international human rights instruments, including in particular OPCAT has not been possible.
Economic Social and Cultural Rights	• With regards to women's rights, the Prime Ministerial circular regarding fighting honour killings and domestic violence against women has had a positive impact on developing cooperation between public institutions. • In addition, awareness-raising have increased for both members of the judiciary and law enforcement bodies. Up until now, 30 000 law enforcement officers have been trained and 10 000 are planned to be trained by the end of 2008. • Likewise, health workers also obtained training programmes with regards to gender sensitivity. • There has been a huge increase in the number of shelters that are built for women victims of domestic violence. • The amended Law on the protection of the family has been put into force by courts.

	• The percentage of the gender gap between boys and girls in education has decreased to 2.3%. • Still, gender equality is an important problem in Turkey. Both at the national level and regional level, women are not represented in high numbers in politics. • A Gender Equality Body and a Parliamentary Committee on Gender Equality is yet to be set up. • The percentage of primary school enrolment has increased from 90% in 2006 and 2007 to 97% in 2007 and 2008 regarding children's rights. The number of students in pre-schools has increased from 550,000 to 700,00 in 2007. • With regards to vulnerable people and people with disabilities, the social security premiums should be paid by the State in order to promote their employment. Thus the resources allocated to care services for people with disabilities increased. • With regards to labour rights and trade unions, there has not been much progress regarding the legislation amending the Trade Unions and Collective Bargaining, Strike and Lockout Laws. • Turkey should be sure of the fact that the rights of the trade unions are respected in accordance with the EU standards and with International Labour Organisation (ILO) conventions.
Minority Rights and Protection of Minorities & South-East Part of Turkey	• Turkey's attitude towards minority rights (the 1923 Treaty of Lausanne) is still the same. • Turkey recognizes Turkish citizens as individuals with equal rights rather than a majority or a minority. • Turkey has yet to accomplish full respect and protection for languages, cultures, freedom of association, assembly without any discrimination in line with the Framework Convention for the Protection of National Minorities. • Greek minority still face many problems regarding property rights and education rights. In addition, management of the minority school still poses problems.

	• In sum, there has not been any progress with regards to protecting cultural diversity and minorities in line with European standards. • Guidelines and plans for improving the South-East part of Turkey have been announced in May 2008. €14 billion funding has been collected by increasing the previous spending in order to complete the ongoing South-East Anatolia Project (GAP) which aim at economic, social, infrastructure development and institutional strengthening from 2008 to 2012. • The help for those who were harmed by terrorism and combat against terrorism continues. By May 2008, 313 829 cases had been dealt with regarding the relevant Law.
Freedom from Torture	• Further progress is needed with regards to freedom from torture as not much progress have been done in order to prevent ill-treatment and torture. • Still a detailed set of safeguard protect the detainees' rights in order to prevent torture and ill-treatment in custody. Medical examinations of the detainees in custody are also included. • Steps are being taken in order to train judges, prosecutors, experts for a better implementation of the Istanbul protocol.
Freedom of Association	• With regards to freedom of association, further progress has been reported after the Government adopted the amendments to the Law on foundations which covered healing the conditions for establishing a foundation and relaxing the regulations in February 2008. • Turkey has also replaced the prohibition on foreigners establishing foundations with the principle of reciprocity. • The new Law also includes tax incentives for donations and includes the establishment of the Foundations Council as the highest decision-making body for foundations. • In sum, developments have been made with regards to

	the legal framework on freedom of association although some associations still face disproportionate administrative difficulties.
Freedom of Assembly	• With regards to freedom of assembly, the legal framework is reported to be in line with European standards. • However, in practice, arbitrary limitations have been reported. • According to the report, the Turkish police used excessive use of force against protestors and against representatives of the trade union. • In March 2008, the Kurdish Newroz Spring celebrations took place with violence against demonstrators.

Source: Turkey 2008 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2008), accessed June 28, 2019.

Although there has been compliance with the European Union through a number of developments, one can argue that the number of improvements that were followed decreased compared to 2004 and 2005 when compliance and conditionality were higher. In fact, there have been no developments recorded with regards to ratification of human rights instruments. For instance, in 2005, the government condemned and immediately took action against the police and enforcement officers who used excessive force. However, in 2008, in the Kurdish Newroz Spring celebrations, violent responses were given. Likewise, for the improvement of freedom from torture, no progress was reported. Having said that, one can observe how the number of reforms that were adopted in the process has decreased from 2004, 2005 to 2008. As mentioned earlier, after 2004 and 2005, the EU was in a process of change. In the aftermath of 2005, the Euro Crisis and the Greek Financial Crisis increased the sceptic opinions towards welcoming other countries into the Union. Likewise, politicians of member states who strongly oppose membership of the EU gave statements and talks in order to emphasize that Turkey could not be a part of the Union. Having said that, the over-emphasis on how the process is open-ended and the fact that the EU did not keep its promise with regards to the Cyprus issue, the suspension of chapters led Turkey to feel left alone. Therefore, although minor steps were taken in 2008, it is clear that compared to the

previous reports, in the eyes of Turkey, the promises and the threats of the Union were not credible. Hence, Turkish compliance was in decline.

5.2.5 The Regular Progress Report of 2013

Following the period after 2008, as earlier mentioned, the rise in the sceptic statements of the EU institutions and politicians from member states caused Turkey to question the costs of compliance as the Turkish public opinion was also affected with the negative attitudes of the EU. After the 2011 elections, Justice and Development Party won with the majority which caused JDP to be more confident and to act like the way it wished to (Sipahioğlu, 2017). 2013 was a year that the world set their eyes on Turkey with Gezi Park Protests. In fact, 2013 was a year when backsliding in fundamental rights and rule of law were recorded as well as excessive use of force against the demonstrators. Between 2010 and 2014, Turkey continued to adopt reforms through selectively; however, Turkey was heavily criticized due to its attitude towards fundamental freedoms such as freedom of the press, freedom of expression.

Table 8: Political Criteria of 2013 Progress Report

2013	<i>The Regular Progress Report – Political Criteria</i> <i>Source: Turkey 2013 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2013), accessed June 28, 2019.</i>
Civil and Political Rights	• Freedom of expression and freedom of media are still hampered by the Turkish legal framework and their interpretations by the Judiciary. • Turkish media is dominated by industrial groups and high-level officials. • Self-censorship in the media is common. For example, mainstream media did not show June protests. Dismissals and resignations of journalists are caused by this environment.
	• There has been some progress on publicly debating sensitive issues such as the Kurdish issue, the Armenian issue

Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	and the role of the military. • Therefore, democratic debate is starting to be widespread, especially through social media. • Polarisation still exists in the political climate. • The government has been relying on its parliamentary majority in order to pass regulations and decisions without consulting other actors which led to great tension in society. • Tensions in the society reached its peaks in May and June with the protests of Gezi. • The Government responded to protestors with excessive use of force and used a polarising language by alienating the protestors. • Due to the excessive force used to suppress the protests, more than 8.000 people were injured and 6 people lost their lives. • With regards to women's situations in Turkey, domestic violence, honour killings and forced marriages still, pose a great concern. • Pressure on the media, website bans and common self-censorship still continue to be serious problems. • With regards to freedom of thought and religion, dialogue with non-Muslim religious communities continued which gave positive results that can be observed in new religious education textbooks' more inclusive nature. • However, people with no faith or people who believe in a religion that is not the religion of the majority still face discrimination. • With regards to children's rights, further work is needed, especially for girls. • In order to combat child labour, further efforts are needed. • More efforts are also needed to protect women's rights and vulnerable groups (children, LGBTI) from abuse and
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	discrimination.
Reforms Underway	• Efforts for significant reforms have continued. • In April, the Government adopted the fourth judicial reform package which included strengthening the protection of fundamental rights ranging from freedom of expression to combat against impunity for cases of torture. • Freedom of expression is also strengthened with the fourth judicial reform package. • Implementation of the Law on the Protection of Family and Prevention of Violence continued in order to protect women's rights.
Human Rights Protection Instruments	• There has been good progress with regards to Turkey's human rights mechanisms and institutions although much work is still needed to develop these institutions to function more efficiently. • Human rights defenders still face pressures. • The Ombudsman Institution has been established and both the National Human Rights Institution works actively. • With respect to the prison system in Turkey, reforms were followed in order to tackle the overcrowding and bad conditions. • Still further work is needed.
Economic Social and Cultural Rights	• Significant efforts still are needed to protect the rights of women, children and LGBTI individuals. • With regards to trade unions and collective agreements in the private sector, the Government adopted a new law which has abolished some of the barriers to the establishment and to the internal functioning of trade unions. Still, important obstacles exist. • There has been some progress with regards to property rights through the implementation of the revised Law on Foundations. • Progress has been done with respect to cultural rights by

	introducing the use of languages other than Turkish. • The need for full respect for all property rights which also includes non-Muslim religious communities should not be overlooked.
Minority Rights and Protection of Minorities & South-East Part of Turkey	• A peace process has been initiated by the Government in order to bring peace and end terrorism in the Southeast of Turkey. According to the report, the Government should continue to follow this process. • Democratisation package brought about reforms ranging from using languages other than Turkish to increasing pluralism. Democratisation package also provided education in languages other than Turkish in private schools although the general right to mother-tongue education could not be reached through consensus. • The Constitution and the Law on Political Parties should be amended as both restrict the use of languages other than Turkish. • Turkey made progress on cultural rights with the introduction, notably, of the right of the accused to use a language of their preference other than Turkish at certain stages of judicial proceedings, even if they can express themselves adequately in Turkish. • There has not been any development to abolish the village guard system. • The internally displaced persons (IDPs) still encounter many problems. • Yet, important steps have been taken with regards to asylum seekers and refugees by adopting the Law on Foreigners and International Protection.
Freedom from Torture	• With regards to ill-treatment and torture, more work is needed to deal with the security forces' long-standing practices of counter-allegations. Also, more work is required to promote independent investigations into the cases of ill-treatment and

	torture by the police in the 1990s. • There has been progress with regards to dealing with impunity through abolishing the statute of limitations for offences of torture.
Freedom of Association	• Freedom of association needs further efforts to be made in order to abolish the obstacles towards the development of associations such as trade unions and workers' union. • Fundraising rules still persist to be restrictive and discretionary.
Freedom of Assembly	• With regards to freedom of assembly, Newroz and some Kurdish celebrations happened without any problems. • There is a need for revision and introduction in order to clarify the application of the law with regards to demonstrations and meetings. • Legal framework and officers who enforce laws need to be put in line with European standards in order to protect fundamental rights, especially freedom of assembly. • The democratisation package which was adopted in September has made changes to the law on demonstrations possible. • Excessive use of force is still recorded, it was especially observed in the demonstrations that took place in May and June. • Efforts are still needed to abolish the disproportionate use of force by the officers who enforce the law on the freedom of assembly.

Source: Turkey 2013 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2013), accessed June 28, 2019.

As table 8 demonstrates, Turkey still followed some reforms and adopted the democratisation package. In fact, the report states that good progress was followed in human rights mechanisms. The problems regarding women's rights and the South-East

part of Turkey still need further efforts like many other problems. However, one can also observe the criticisms for the responses given to the Gezi Protests. Although reforms were adopted, the implementation did not meet the goal. Especially the Report paid attention to the backsliding in freedom of expression and freedom of press and media. Compared to 2004 and 2005, Turkey's success in 2013 is not higher. In fact, backsliding in certain areas can be recorded in 2013 with clear criticisms coming from the EC.

5.2.6. The Regular Progress Report of 2014

Another year that is important to analyze is 2014. In 2013, the corruption scandal in Turkey broke out which then be reflected in the 2014's progress report. The corruption cases that hit the headlines of Turkish Media showed that Turkey was not in a path of transparency and integrity. Therefore, in order to understand how the corruption scandal of 2013 affected Turkish development with regards to fundamental rights, the 2014 progress report is a good demonstration to observe the backslidings in Turkey.

Table 9: Political Criteria of 2014 Progress Report

2014	<i>The Regular Progress Report - Political Criteria</i> <i>Source: Turkey 2014 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 1998), accessed June 28, 2019.</i>
Civil and Political Rights	• A positive trend in prison staff training can be observed in prison staff training. • Overcrowding and the human rights situation in prisons still pose a great concern. Thus, in terms of monitoring, institutions should be strengthened. • There have been limitations with regards to freedom of expression, including on the Internet. • The bans on YouTube and Twitter pose a great concern. • The incidents of non-respect of June and July 2013 from

	the Ministry of the Interior on the use of tear gas and excessive force by the police should be penalised immediately.
Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	• Freedom of the press is restricted in practice. • Widespread self-censorship has become common by media owners and journalists, as well as the sacking of journalists. • A need for comprehensive reform of legislation with regards to freedom of thought, conscience and religion are important in order to be in accordance with ECtHR rulings Council of Europe recommendations and EU standards. • Women's participation in the workforce, policymaking and politics should be increased. • The government should pay special attention to the issue of early and forced marriages. • Regional disparities still persists in access to education. • Child labour and child poverty still persist to be a great problem. • Further development is needed in order to improve equal access to education opportunities.
Reforms Underway	• Committee of Human Rights Inquiry which is under Parliament's authority began to monitor ill-treatment cases during military services. • After the adoption of the Action Plan on the Violations, positive steps were taken in terms of reducing the length of pre-trial detention. • Implementation with regards to the Law on the Protection of Family and Prevention of Violence against Women continued; however, it needs more human resources and coordination. • In December 2013, Turkish authorities adopted a 2013-

	17 national child rights strategy which puts forward general framework and actions for promoting services for children in numerous fields as in the cases of justice, health, education, private protection services and media. • On 11 June, a law on eliminating terrorism and strengthening social integration was adopted by the parliament.
Human Rights Protection Instruments	• A Turkish version of the database of European Court of Human Rights (ECtHR) was created by Turkish authorities which then published judgments and translations of relevant ECtHR on the Ministry of Justice's website. • In addition, Turkey has taken important steps by adopting the Action Plan for Prevention of Violations of the ECHR. • However, further efforts are needed in order for Turkey to implement all judgments of the ECtHR. • More attention should be put into combating racism, intolerance, xenophobia.
Economic, Social and Cultural Rights	• With regards to trade union rights, legislation needs to be revised. • The free exercise of trade union rights needs to be established. • The right to organise, to enter into collective bargaining and the right to strike for private-sector employees and civil servants are needed to be brought in line with the EU Acquis and international standards. • Improvement with regards to the issue of Cem House recognition is expected to resolve a lot of grievances. • With regards to cultural rights, positive steps were taken by using mother tongues and a steady and welcoming normalisation of the use of Kurdish in public.
	• With regards to property rights, the 2008 Law on Foundations' has continued. • Further work is needed in order to combat hate speech

Minority Rights and Protection of Minorities & South-East Part of Turkey	or crimes which are made against minorities. • The situation in the South-east part of Turkey has been improving with the aims of solving the Kurdish issue. • Divergent solutions were discussed freely. • The South-East Anatolia Project continues developing socioeconomic circumstances of the region and improving infrastructure. • There have not been any steps with regards to abolishing the village guard system. • Settlement Process continues in order to solve the dispute.
Freedom from Torture	• The backsliding in ill-treatment in official detention still continues. • Cases of ill-treatment are still reported.
Freedom of Association	• Financial sustainability of civil-society organisations is hindered by legislative and administrative obstacles.
Freedom of Assembly	• Excessive force during demonstrations and arrests still pose a great concern. • More clear and binding rules for proportionality of the use of force in demonstrations are needed in order to be in accordance with the relevant Council of Europe Committee for the Prevention of Torture recommendations and ECtHR case-law. • The Legislation and implementations with regards to the right to assembly are still to be brought in accordance with European standards.

Source : Turkey 2014 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 1998), accessed June 28, 2019.

Contrary to what had been expected of the 2014 Progress Report, the corruption allegations were not mentioned. However, it can clearly be observed from the Report that Turkey did not do well in 2014. In fact, certain backslidings and obstacles with

regards freedom of association and freedom of assembly can be inferred. Moreover, the motivation to develop that Turkey had before 2008 cannot be observed in 2014 as not much of the progress was made. On the contrary, in any respect with regards to fundamental rights and freedoms, Turkey is criticized. Hence, it is safe to claim that compliance was still in decline in 2014.

5.2.7. The Regular Progress Report of 2018

After 2013, Turkey started to detach from the path of the European Union. In fact, Turkey was criticized for many of its actions on the basis of human rights, democracy and rule of law. The failed coup attack in 2016 worsened the human rights records with a long-lasting state of emergency. The European Commissioner Johannes Hahn stated in 2018 that:

“Turkey continues to take huge strides away from the EU, in particular in the areas of rule of law and fundamental rights (Gotev, 2018).”

2018 is one of the latest reports that is published that’s why it is important to understand the latest backslidings and developments in Turkey in terms of compliance with the European Union.

Table 10: Political Criteria of 2018 Progress Report

2018	<i>The Regular Progress Report – Political Criteria</i> <i>Source: Turkey 2018 Progress Report, report, COMMISSION OF THE EUROPEAN COMMUNITIES (Brussels, 2018), accessed June 28, 2019.</i>
Civil and Political Rights	• Human and fundamental rights are protected by the legal framework. Yet under the state of emergency, many fundamental rights have been compromised by emergency decrees. • With regards to freedom of expression, there has been further backsliding.

	• Journalists and human rights defenders are put through severe restrictions. • Freedom of expression has not matured in Turkey and with recent developments, concerning backsliding has taken place. • Due to emergency decrees, restrictive measures that are put on the media and academia has increased. • Freedom of expression and freedom of the press in Turkey pose a great concern.
Specific Problems in Turkey with Regards to Freedom of religion, Women's Rights, Freedom of Press, the Rights of Children	• According to the Report, Turkey should end the state of emergency and protect fundamental rights and freedoms efficiently. • Turkey should also end pre-trial detentions that are out of standards of European Convention on Human Rights and make sure that any case or a crime is subject to due process based on the principle of transparent procedures carried out by independent judiciary. • Another problem that is pointed out in the Report is that Turkey should align Turkish Criminal and anti-terror law in line with European standards. • Necessary measures should be taken against impunity and against ill-treatment and torture. • The recommendation of Commissioner for Human Rights of the Council of Europe should be implemented. • Cases of abductions and disappearances pose a great concern as well as the fact that long detentions and pre-trial periods became a tradition. • With regards to the prison system, problems such as overcrowding and bad prison conditions as well as many human rights violations in prisons also cause great concern. • Journalists, human rights defenders, writers face criminal cases. • With regards to the usage of the internet, Wikipedia has

	been blocked since 2017. • Little progress has been done on the rights of children. • With regards to the rights of people with disabilities, legislation in Turkey promotes equal opportunities for those who need special care and needs. • Freedom of thought and worship are generally respected.
Reforms Underway	• There has not been any progress in the identified issues that were stated in previous reports. • Amendments with regards to the regulation of broadcasting were accepted in March 2018 which caused new concerns as they extended the scope of regulation of broadcasting performed by the Radio and Television Supreme Council to any other online media service providers. • The amendments that were adopted also provided the Council with the power to put bans on internet broadcasting.
Human Rights Protection Instruments	• Turkey has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Third Optional Protocol to the Convention on the Rights of the Child and the International Convention for the Protection of all Persons from Enforced Disappearance. • Two institutions namely the National Human Rights and Equality Institution (NHI) and the Ombudsman institution protect and promote human rights; however, neither of the institutions have independent in finance or structure in line with the Paris Principles. • The situation of human rights defenders has worsened with more violent attacks, ill-treatment, judicial prosecution.
	• With regards to property rights, confiscations of institutions, companies by the authorities due to the state of emergency pose a great concern. • LGBTI community still receives serious threats and is

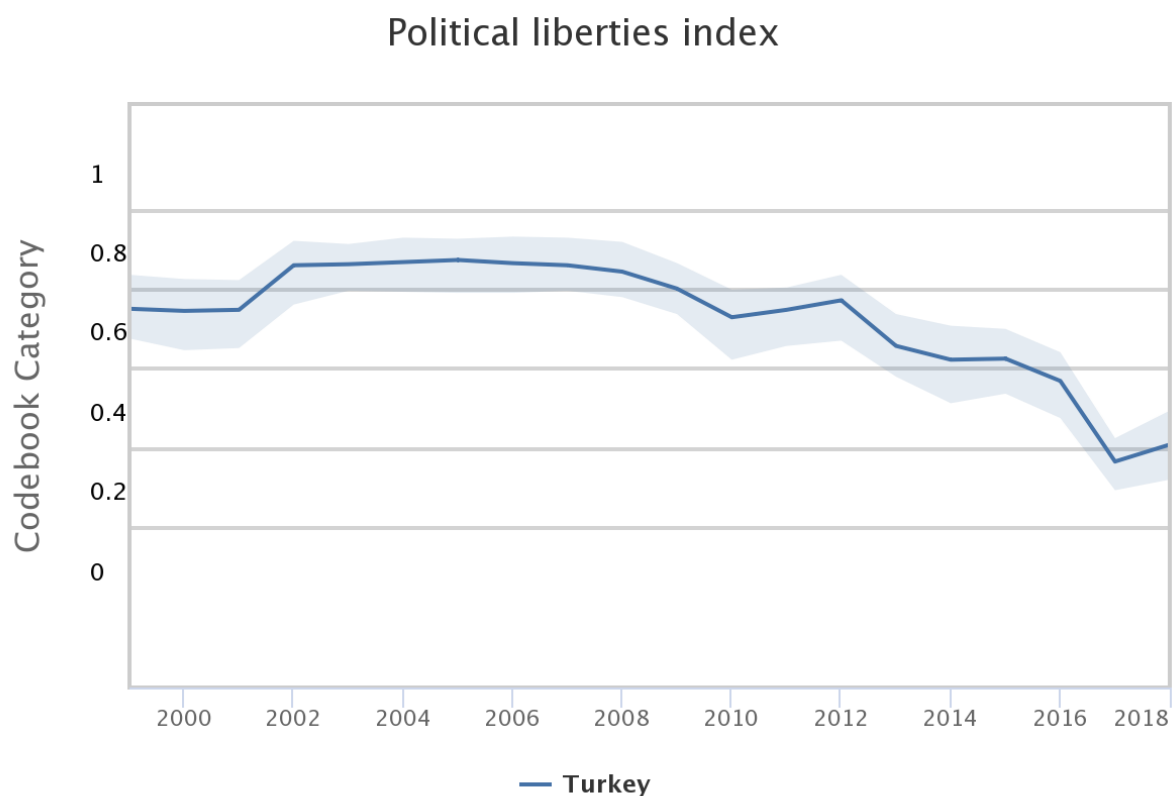
Economic Social and Cultural Rights	not protected. • Procedural rights which include legal aid and the right to translation and interpretation in criminal cases are protected by law; however, further legislation is needed.
Minority Rights and Protection of Minorities & South- East Part of Turkey	• With regards to South-East part of Turkey, there have been investigations about reported killings by authorities in security operations and in combating PKK in 2017. • With respect to Halki (Heybeliada) Greek Orthodox Seminary, there has not been any development. • The requests by Christian communities for opening worship places are still at hold and the recommendations of the Council of Europe with regards to protecting property rights and education rights are not still implemented wholly. • There have been cases of hate speech and hate crimes against minorities which still persist as a serious problem. • Non-discrimination principle is still not fully protected and implemented.
Freedom from Torture	• The state of emergency caused the numbers of abuses, torture and ill-treatment to increase. • Cases of torture and ill-treatment cause serious concern. • Torture and ill-treatment in custody have also increased.
Freedom of Association	• Further backsliding with regards to freedom of association is reported. • The applications of the freedom of association are more restrictive in practice than it is stated in the Constitution.
Freedom of Assembly	• With respect to freedom assembly, there has been further backsliding. Its applications are more restrictive in practice than it is stated in the Constitution. • In addition, the state of emergency provided the administration with extended powers which caused limitations on freedom of assembly and a lot of peaceful meetings were banned by the authorities.

As table 9 shows major backslidings were reported with regards to fundamental rights. According to the Report, further backsliding was reported in both freedoms of expression and freedom of association. Under the state of emergency, Turkey violated the fundamental rights of citizens. The pressure on the media and press increased. Under the state of emergency, many cases of peaceful assembly were banned. The number of cases of torture and ill-treatment also increased with the state of emergency. Most importantly, compliance with the EU's recommendations deteriorated as no progress took place in the issues identified in the previous reports by the European Commission. 2018 Progress Report clearly shows that Turkey has shifted from the path of the European Union. In fact, the Commission has warned Turkey to "reverse this negative trend (Gotev, 2018)." With losing credibility of the European Union, the compliance of Turkey decreased from 1998 and 2004 when both actors were committed to the process to 2018 when both actors are not as committed as before.

5.2.8. V-Dem Indexes on Political and Civil Liberties, Women's Civil Rights, Freedom of Expression

Turkey began its path to the European Union with high compliance in 1998. However, in time the EU lost its credibility with its actions towards Turkey and statements with regards to Turkey. With losing credibility of conditionality, the compliance also decreased. Fundamental rights such as civil and political rights started to worsen with non-compliance. Graphs are given below in order to understand the change in political and civil liberties, women's civil rights and freedom of press from 1998 to 2018. These variables are chosen as they are the areas that Turkey is most criticized for.

Graph 3: Political Liberties Index in Turkey from 1998 to 2018

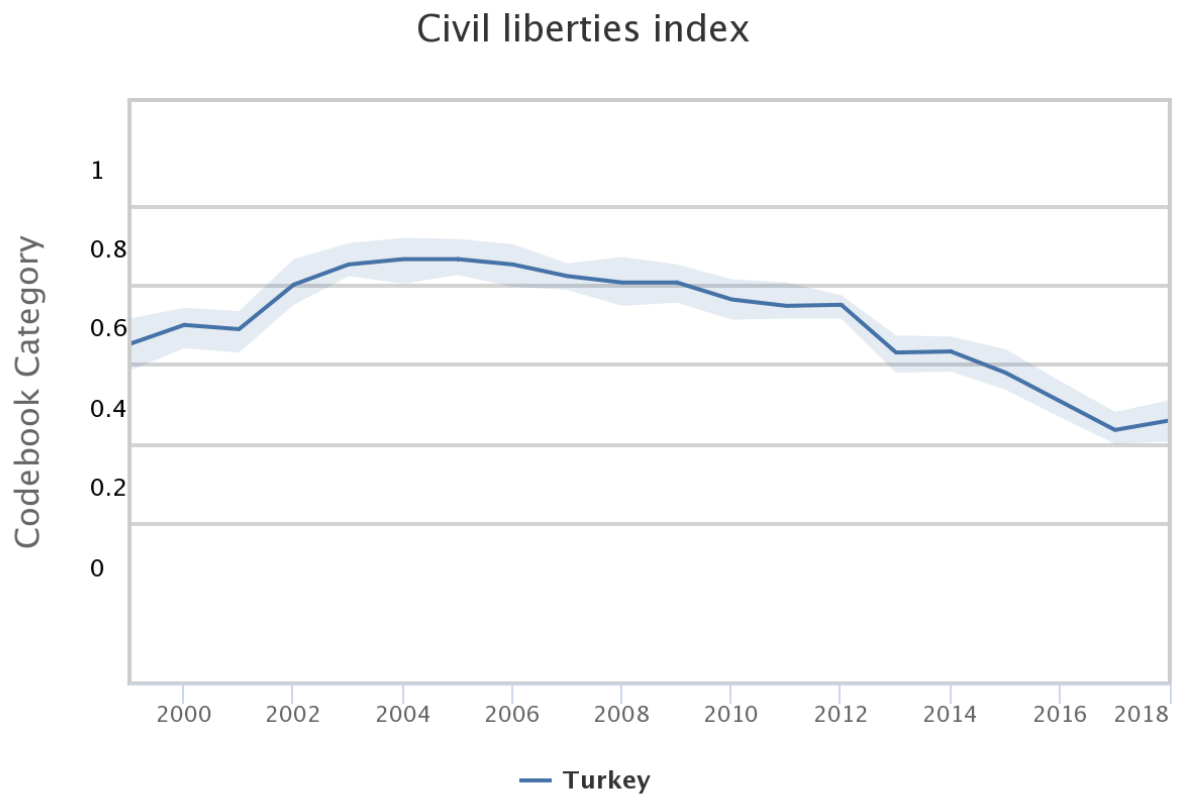


Highcharts.com | V-Dem data version 9.0

Source: "Global Standards, Local Knowledge," V, accessed June 25, 2019, <https://www.v-dem.net/en/analysis/>.

The third graph demonstrates the political liberties in Turkey from 1998 to 2018. As one can clearly observe from the graph, political liberties decrease in time and especially after 2016. Hence, like the progress reports, the indexes also show that in time Turkey detached from the path of the EU values and norms with respect to fundamental rights and democracy. Likewise, the second graph below shows how civil liberties changed over time in Turkey. As in the case of political liberties, civil liberties worsened over time especially in 2016 there is a sharp decline which corresponds to the allegations of the failed coup attempt in Turkey.

Graph 4: Civil Liberties Index in Turkey from 1998 to 2018

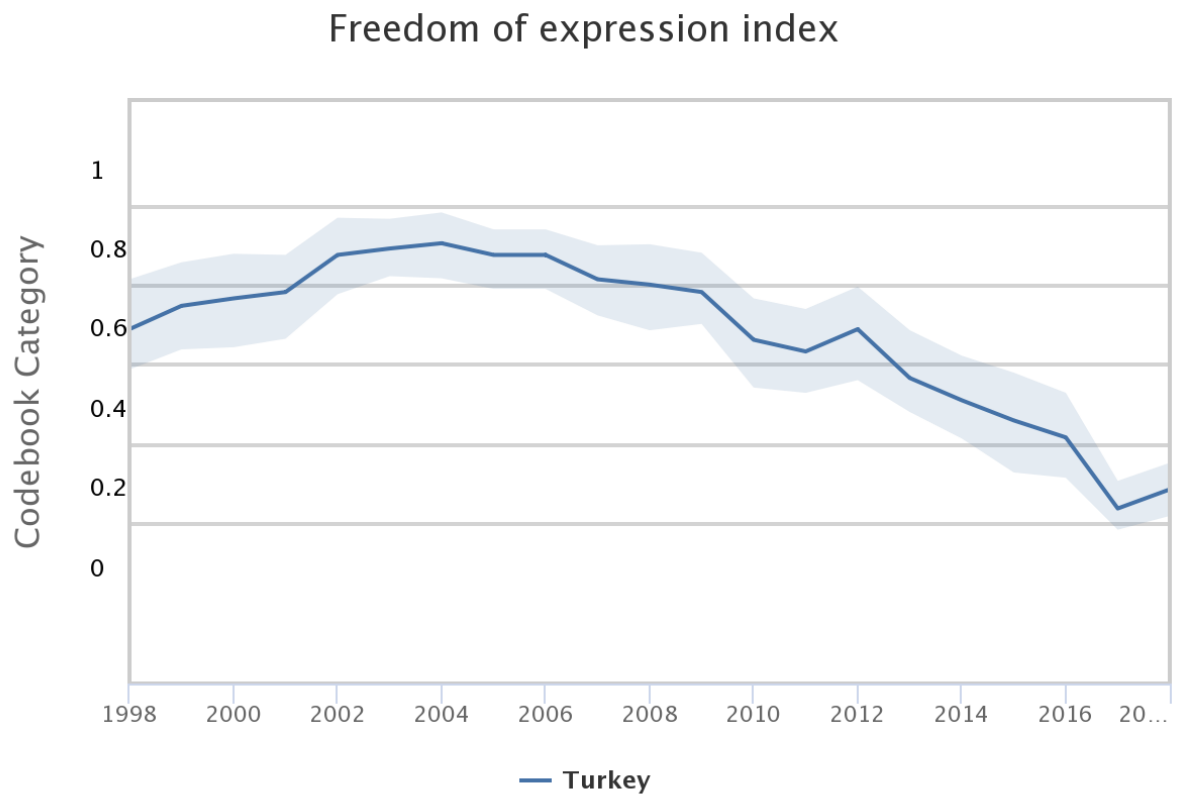


Highcharts.com | V-Dem data version 9.0

Source: "Global Standards, Local Knowledge," V, accessed June 25, 2019, <https://www.v-dem.net/en/analysis/>.

Another important area that Turkey is criticized heavily is the freedom of expression. The fifth graph shows that freedom of expression also worsened in time but especially after 2016 there is a sharp decline as the 2018 Report stated.

Graph 5: Freedom of expression in Turkey from 1998 to 2018

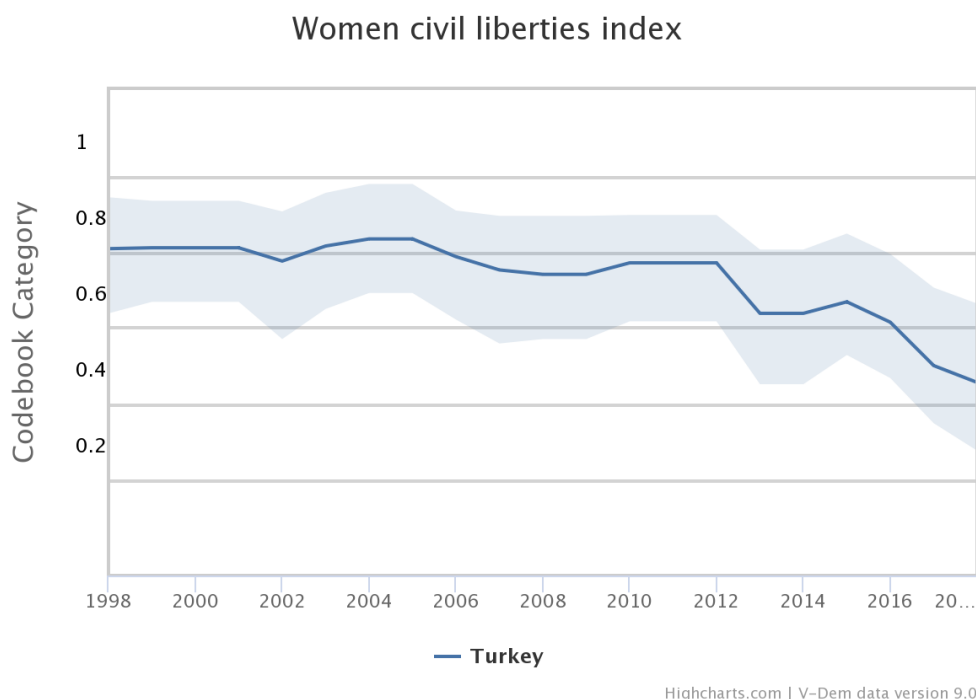


Highcharts.com | V-Dem data version 9.0

Source: "Global Standards, Local Knowledge," V, accessed June 25, 2019, <https://www.v-dem.net/en/analysis/>.

Women's civil liberties and women's rights have also been a great challenge for Turkey. As stated in the progress reports, despite the efforts, problems regarding women's rights need further reforms and efforts. With less compliance, the backsliding in women's civil liberties in time can also be observed.

Graph 7: Women Civil Liberties Index in Turkey from 1998 to 2018



Source: "Global Standards, Local Knowledge," V, accessed June 25, 2019, <https://www.v-dem.net/en/analysis/>.

To conclude, both the progress reports and indexes confirm the fact that fundamental rights in Turkey declined from 1998 to 2018. In respect to relations between the European Union and Turkey, with losing credibility of conditionality, Turkey began not to comply with the EU rules and started to detach from the path of the Union. The decrease in compliance with the EU norms and rules correspond to the European Union's sceptic attitude towards enlargement. Although the progress reports of 1998, 2004, 2005 and up to some point the progress report of 2008 stated that Turkey improved many areas with regards to fundamental rights, the progress reports of 2013 and 2018 clearly demonstrated that progress of Turkey is in decline. In fact, with respect to many areas of fundamental rights such as the freedom of expression, freedom of assembly, Turkey is criticized heavily. The areas that Turkey was praised due to its improvements are now back to being criticized by the European Union.

6. CONCLUSION

The European Union, which was established in order to avoid another world war, has been an influential actor in its relations with other countries. The Union promotes fundamental values and norms ranging from human rights, democracy to rule of law. Having 28 countries as members, the Union has been an attractive option for other countries. However, for a country to be a part of the Union, it also has to have the fundamental values and norms. In order to give countries aspiring to be a part of the Union a guideline for change, in 1993, with Copenhagen Criteria was adopted. Like other countries that want to be a member of the Union, Turkey applied for full membership to the EU in 1987 although the relations goes back to before 1987. Motivated by various factors, Turks' wish to become an integral part of the European Order has been on the agenda of Turkish Politics for a long time. Even before the 1950s, newly emerged Turkish Republic looked up to the West so as to develop. Starting with the end of the Second World War, Turkey gradually became a significant actor for the West. With NATO membership, a seat in the Council of Europe and OECD, Turkey has been a part of Europe. Considering the external factors that made the mentioned steps possible, one can argue that history between the European Union and Turkey has been affected by divergent layers encompassing both internal and external actors, circumstances. The road to the membership for Turkey has not been linear; on the contrary, the process has had its ups and downs. From the beginning to a certain point of time, both the EU and Turkey were committed to the process.

As the external incentive model suggests, the success of the conditionality differs under certain circumstances. The speed, the size of the reward are influential. In addition, the domestic costs and the credibility of the rewards are also quite important. In the case of the European Union, the conditionality occurs with the reward of membership. With regards to Turkey, from 1998 to 2005, the credibility of conditionality was high as both

actors were committed to their promises and to the process. However, as already mentioned before, the dynamics are affected by both external and internal political conditions. The problems and conditions, such as the Euro Crisis, the rejection of the Constitutional Treaty, which the European Union has encountered caused it to be sceptic towards enlargement. In addition to these problems and conditions, the enlargement of Turkey also posed some concerns due to its population, identity, cultural differences as well as the bad records on human rights, democracy and rule of law. Therefore, the European Union gave mixed signals to Turkey which can be clearly observed from the statements of the EU officials as well as the EU institutions. Hence, in the eyes of Turkey, the European Union started not to keep its promises and started to discriminate against Turkey as in the example of Cyprus. Likewise, the suggestions of privileged partnership and other options for Turkey rather than membership and the fact that the European Union over-emphasized the open-ended nature of the negotiation process all contributed to the losing credibility of conditionality after 2005 and especially after 2011. For Turkey, the compliance with the EU rules became more costly with the losing credibility of conditionality as the Turkish public was also angry with the Union's discriminative actions. The fact that the reforms that the EU wanted Turkey to adopt are mostly sensitive issues did not help the relations. With all this on the table, Turkey considered why to comply if the promises of the EU are not credible. In order to answer the question of how the losing credibility of political conditionality has worked for Turkey with respect to political criteria of the accession negotiation, the human rights-based analysis of political criteria of the progress reports of 1998, 2004, 2005, 2008, 2013, 2018 are evaluated as well as indexes with regards to civil liberties, political liberties, women's civil liberties, freedom of expression. The reports show that Turkey started off the process with promising reforms and developments. In fact, the reports of 1998, 2004, 2005 are highly positive with regards to Turkey's adoption of reforms and improvements of human rights instruments although they also stated that more is needed. The EU was also glad about the reforms between 1998 and 2005. However, the reports of 2008, 2013 are not as promising as the previous years. Even though Turkey still adopted reforms such as amendments to Article 301 of the Turkish Criminal Code in order to improve safeguards for freedom of expression in Turkey in 2008. Whereas in 2013, Turkey was criticized with regards to its reactions to Gezi Protests. For instance, freedom of expression and freedom of assembly in Turkey are heavily criticized and the 2013 report states that Turkey did not improve in many areas.

On the contrary, fundamental freedoms are suppressed. Likewise, the 2018 report demonstrates that Turkey violated many fundamental rights under a state of emergency. Moreover, the points that 2018 Report makes show the fact that Turkey has been detaching from the path of the EU. In addition to the reports, the overall indexes in freedom of expression, political, civil liberties and women's civil liberties show that over time they started **to deteriorate** after 2011. However, with the state of emergency in 2016 in response to the failed coup attempt, there is a sharp decline in fundamental rights in 2016.

The conclusions that can be taken out of the results are:

First, the fact that there have been such a sharp decline in human rights in an ascending country raises questions about the EU's rules and transformative power as well as the success of its conditionality.

Secondly, it can be concluded from the analysis that Turkish compliance is in steady decline as the progress reports of Turkey and indexes for fundamental rights demonstrate. The proposition that external incentive model suggests that if the credibility of the rewards and threats are high, the compliance is consequently higher in a candidate country might be related to the example of Turkey with high compliance in 1999 when the credibility was high and with low compliance in 2018 when the credibility was low. Therefore the reason for the decline in compliance might be caused by the losing credibility of the EU's conditionality; however, this thesis will not be enough to show the conclusion that the losing credibility of conditionality is the only reason for Turkish compliance to decline as it is beyond this thesis.

Thirdly, despite the ongoing negotiations, there is a decline in compliance in Turkey with regards to human rights.

Lastly, in addition to the decline in Turkish compliance, the situation with regards to human rights in Turkey is now worse than 1998 and it is still in a path of deterioration which can be observed from the empirical evidence of regular progress reports and indexes that show the change in fundamental rights in Turkey.

Although Turkey has been detaching from the European Union, it would be unfair to overlook the long way Turkey has come from the very start. Today, considering the history of relations between the two actors, Turkey and the European Union relations are still on the track and have four legal bases that Turkey could count on and still refer to; Ankara Agreement, Customs Union, Accession Process and 2016 Migration deal. Even though the accession process has been in decline, these legal bases represent that Turkey was and is still an important actor and part of Europe. The dynamics between them will surely change over time, with regards to its impacts on the conditionality of the EU is a puzzle for both Turkey and the European Union.



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