

# Ankara's Push for Reforms and EU Membership: The Transformation of Turkey's Democracy

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As promised at the 2002 Copenhagen summit, in December 2004 the European Council unanimously decided to open – subject to certain conditions – accession negotiations with Turkey on 3rd October 2005.<sup>1</sup> This decision followed the October 2004 *Progress Report* prepared by the European Commission that concluded that Turkey had sufficiently met the Copenhagen political criteria and recommended that negotiations could be opened “without delay” as soon as some remaining reforms were completed.<sup>2</sup> Some 41 years after the country first applied to join and five years after it became an official candidate, Turkey is now finally set to begin the real process of becoming a member of the European Union (EU).

## Turkey's Bumpy Road to EU Membership

It has been a very long and troubled journey for Turkey. Ankara had originally embarked on its march to join the then European Economic Community (EEC) with the signing of an Association Agreement in 1963, whose provisions envisaged the gradual establishment of a customs union and a cautiously worded prospect of eventual Turkish membership in the EEC. However, it was more that three decades later and only after overcoming considerable resistance from the European Parliament and human rights organi-

sations, that Turkey and the EU finalised a customs union agreement that came into force in January 1996. In between, Ankara's 1987 application for full membership had been turned down by the Commission in the light of Turkey's economic and political situation, including the negative consequences of the dispute with Greece and the situation in Cyprus. Turkey's quest for membership suffered a further setback in December 1997, when it was not included in the list of the candidate countries for the next round of enlargement by the Luxembourg European Council summit.

A major breakthrough in Turkey-EU relations took place at the Helsinki European Council of December 1999, which concluded that “Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to other candidate states.”<sup>3</sup> However, in contrast to the initial expectations for an ‘Ankara spring’, the coalition government headed by Prime Minister Bülent Ecevit largely failed to adopt the EU-required reforms. It was the outcome of the November 2002 elections that put an end to this phase of stalemate by bringing in a parliament and a government with a strong will to meet the Copenhagen criteria.<sup>4</sup> With its landslide electoral victory, a party rooted in Turkey's Islamist movement, the Justice and Development Party (AKP) became the first party in over a decade to hold enough seats in parliament to exercise a clear majority and enjoy a one-party government.

Since the coming into power of the AKP the pace of reforms has been so radical and at the same time so unexpected that it has shocked both the anti-EU forces in Turkey and the anti-Turkey factions in Europe.

<sup>1</sup> The text of the 2004 European Council's Presidency conclusions is available at: [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/83201.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf)

<sup>2</sup> The 2004 Progress Report on Turkey is available at: [http://europa.eu.int/comm/enlargement/report\\_2004/pdf/rr\\_tr\\_2004\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf)

<sup>3</sup> European Council, Helsinki Presidency Conclusions, 10-11 December 1999.

Available at [http://europa.eu.int/council/off/conclu/dec99/dec99\\_en.htm](http://europa.eu.int/council/off/conclu/dec99/dec99_en.htm)

<sup>4</sup> The AKP won 363 of the 550 seats in the parliament receiving an unprecedented 34.2 percent of the popular vote.

It can be argued that thanks to the “silent revolution”<sup>5</sup> undertaken by the AKP, Turkey has achieved more reform in just over two years than since the days of Mustafa Kemal Atatürk back in the 1920/30s. A similar pattern could be seen in Turkish policy on Cyprus. The AKP government, led by the charismatic Prime Minister Recep Tayyip Erdogan, abandoned the entrenched policy of maintaining the status-quo and showed a determination to settle the Cyprus conflict by supporting the adoption of the peace plan brokered by the United Nations Secretary General Kofi Annan.<sup>6</sup> Moreover, Erdogan’s government played an active role in persuading the Turkish Cypriots to vote ‘yes’ (65 per cent) to the plan in the 2004 referenda on the island’s future; this time it was the Greek Cypriots who overwhelmingly (76 per cent) said ‘no’. As a result, it is no longer possible to blame Turkey or the Turkish Cypriots for the division of the island and Ankara now enjoys the high-moral ground over this thorny issue. Yet, the pace of political reform is not simply a success of the AKP government, but is also a major success for the EU itself. Indeed, there is no doubt that prospective EU membership has been the strongest catalyst of democratic reform in Turkey in recent years.<sup>7</sup>

### Turkey’s Silent Revolution

In the period between May 2003 and December 2004, the government has used its thumping parliamentary majority to push through five major political reform packages and a new penal code, overhauling for the first time the 78-year-old criminal laws.<sup>8</sup> The two packages approved in July and August 2003 touched probably the most controversial issues. The former (known as the sixth package) included major reforms such as abolishing the infamous Article 8 of the Anti-Terror Law and extending freedom of broadcasting in languages other than Turkish, most notably Kurdish. The legislation also eased the rules and procedures for construction and planning with regard

to places of worship for other faiths than Islam. A few weeks later, the government passed a new legislative package (the seventh package) that was crucial for curbing the influence of the military in Turkish politics. Stressing the advisory status and role of the National Security Council (MGK), new measures enabled the appointment of a civilian head to the MGK’s secretariat and allowed greater civilian scrutiny over military expenses. The same package also contained significant changes in the context of the expansion of the freedom of expression, freedom of association, safeguard provisions on the rights of prisoners, religious freedom, rights of the child, and cultural rights.

As part of the Constitutional amendments adopted by the Turkish parliament in May 2004, the State Security Courts (DGM) – a source of systematic violation of human rights – were abolished altogether. At the same time, Article 90 of the Constitution was revised, enshrining the principle of supremacy over domestic legislation of the international and European treaties ratified by Turkey and any remaining references to the death penalty were removed from Turkish legislation. Determined to ensure the implementation of the new laws and “not to leave any excuse to the EU,”<sup>9</sup> the government established in September 2003 the Reform Monitoring Group (chaired by the Deputy Prime Minister) to monitor and tackle implementation problems. While implementation deficiencies remain a major challenge for Turkey’s democratization, many of the taboos that only a few years ago no one would have dared to address have already been broken. In June 2004, the Turkish state radio and television (TRT) started broadcasting in Bosnian, Circassian, Arabic and two common Kurdish dialects. The same month, in a long awaited verdict, Turkey’s Court of Appeals ordered the release of four former Democratic Party (DEP) members of Parliament who had been imprisoned since 1994. In August 2004, a civilian was for the first time appointed Secretary of the MGK. Moreover, the

<sup>5</sup> Report of the Independent Commission on Turkey, *Turkey in Europe: More than a Promise?*, September 2004, p.6. Available at: <http://www.independentcommissiononturkey.org/>

<sup>6</sup> Former Turkish Prime Minister Ecevit well summarised Ankara’s pro-status quo policy in May 1999 as “no solution is actually the solution.” The Annan plan (available at: <http://www.cyprus-un-plan.org>) envisaged the reunification of Cyprus with a highly decentralised federal system following a referendum on both sides of the island.

<sup>7</sup> This point is well analysed in T. Diez & B. Rumelili, “Open the Door,” *The World Today*, vol.60, Issue 8-9, August/September 2004, pp. 33-35.

<sup>8</sup> A good overview of the reforms implemented by Turkey since 2001 is available in the document titled *Political Reforms in Turkey* (<http://www.abig.org.tr>) issued in February 2004 by the Turkish Secretariat General for EU Affairs.

<sup>9</sup> As put by Turkish Foreign Minister Abdullah Gül, see *Turkish Daily News*, 26th May 2004.

new regulations introduced in the field of education paved the way for the opening of private courses in Kurdish throughout the whole country. In 2004, education spending was, for the first time, higher than defence spending – a significant indicator of the changed climate in Turkey.

Tangible macroeconomic progress has run in tandem with sweeping political reforms. In 2004, Turkey's GDP grew by a healthy 8 per cent and inflation was down to a single digit figure (just over 9 per cent) for the first time in thirty years. Annual exports and foreign trade volume hit all-time records of about 21 per cent and 44 per cent of GNP, respectively. Financial markets performed well too. Having had significantly increased capital adequacy ratios and profits, the banking sector recovered itself from the 2000-2001 financial crisis. The Istanbul Stock Exchange (IMKB) compound index increased by almost 48 per cent in US\$ terms in 2004 and IMKB became the seventh best-performing market among those of the 25 emerging-market countries. Finally, on 1st January 2005 Turkey seamlessly introduced a new Lira (YTL), dropping six zeros from the old one. In spite of these positive developments, there are rocks ahead: the current account deficit remains large and Turkey's huge debt needs constant refinancing.

The achievements of the AKP government are even more remarkable considering that it succeeded in passing the EU-required reforms despite rigorous opposition by an unholy alliance of hardcore nationalists, reactionary military officers and bureaucratic elites. They represent an old guard that either has vested interests in the existing order or fear that the pace and scope of the reforms might jeopardise Turkey's territorial integrity and secular regime. Thus, they advocated a longer process of adaptation to EU norms and standards that should be implemented taking into consideration "the unique features, complexities and sensitivities of Turkey."<sup>10</sup> Ideally, they would have liked Turkey "to become a member of the EU on their own terms, meaning the absence of any major change in the status quo in the domestic sphere."<sup>11</sup>

In the tussle that saw the pro-EU reformist camp gaining the upper hand over the old guard, Erdogan and the AKP enjoyed the support of the more liberally inclined economic and societal elites, pro-EU bureaucratic circles and the pro-European elements in the armed forces. Rather than being simply committed to the notion of EU membership, the reformists were also prepared to push through the kinds of reforms needed to satisfy the conditions indicated by the EU. Aware of the post-modern character of the EU, they considered the pooling of sovereignty in favour of the EU as an acceptable cost of membership. Similarly, they also embraced the notions of pluralist democracy, multi-cultural identity and multi-tiered governance that characterize most, if not all, EU member states. In short, building upon the achievements of Atatürk's revolution, the pro-EU coalition favoured the development of a new and inclusive socio-political synthesis able to discern the difference between unity and uniformity and as such, able to include within its boundaries differentiation – whether expressed through Islamism or Kurdish identity. While the Kemalist credentials of the AKP leaders remain still questionable (especially in relation to their commitment to secularism),<sup>12</sup> it is important to note that their discourses about the EU are heavily under-laid by the Kemalist civilizational drive. They not only salute the achievements of the European project but also reiterate that Turkey's membership in the EU is the most important element in the country's modernization. As put by Erdogan, "the EU represents a source of attraction, which embraces the highest standards characterizing modern civilization."<sup>13</sup>

## The European Divide

In 1993, Samuel Huntington labelled Turkey as "the most obvious and prototypical torn country" between East and West, a country neither in Europe nor in the Middle East, with a fault line running within rather than at the border.<sup>14</sup> Yet, as Turkey became increa-

<sup>10</sup> F. Logoglu, "Our Membership in the European Union," *Foreign Policy* (Ankara), vol.26, n.1-2, 2001, p.4.

<sup>11</sup> Z. Önis, "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the Post-Helsinki Era," *Turkish Studies*, vol.4, n.1, 2003, p.29.

<sup>12</sup> The political uproar in May 2004 when the government passed a law allowing university access for students from Islamic *imam hatip* schools, subsequently vetoed by the President, clearly demonstrates the extent to which the secular/Islamic debate still divides Turkey.

<sup>13</sup> Recep Tayyip Erdogan's address at the Centre for Strategic and International Studies (CSIS), Washington DC, 9th December 2002. Available at: <http://www.csis.org/events/erdogan.pdf>

<sup>14</sup> S. Huntington, "The Clash of Civilizations?," *Foreign Affairs*, vol.72, n.3, 1993, p.42.

singly united behind the project of European integration, Europe itself emerged, in the run up to the EU summit of December 2004, deeply 'torn' over Turkey's eligibility for membership and its 'Europeanness'. Curiously, both the pro-Turkey and anti-Turkey circles used the country's characteristics to support their theses. For example, those supporting Turkey's quest for EU membership argued that its geopolitical location would add new dimension to the EU's foreign policy efforts in important regions such as the Middle East, Central Asia and the South Caucasus, whereas anti-Turkey circles stressed the dangers entailed in sharing border with countries like Iran, Iraq and Syria. Similarly, Turkey's large and young population has been described as a welcome counterweight to the EU's ageing and shrinking workforce. Yet, it has also been portrayed by the opposing camp in terms of an 'invasion' of Turks in search of work, once the visa restrictions are lifted.

However, much of the debate centred on Turkey's religion and culture. On the one side those supporting a racially, religiously and culturally derived definition of Europe drawn from the medieval conception of Christendom argued that Turkey entry would be 'the end of Europe'. Finding more difficult – as a result of Turkey's path-breaking reforms – to justify their opposition to Turkey's candidacy on the grounds of the country's democratic shortcomings and human rights violations, these circles increasingly resorted to a culturally exclusivist notion of European identity. Consequently, ghosts of the European past (such as the 'terrible Turk' of Suleymanic age) were invoked along with references to the exclusive notion of EU identity.<sup>15</sup> On the opposing side, adherents of Enlightenment notions of universal human rights who understand the EU's nature as an inclusive and tolerant society that draws strength from its diversity and is bound together by common values of liberty, democracy and the rule of law, pointed out that Turkey's admission to the EU would provide undeniable proof that Europe is not a closed 'Christian club'.<sup>16</sup>

Much to the disappointment of the anti-Turkish circles, in the post-September 11th era the need to pro-

ve the fallacy of the 'clash of civilizations' provided Turkey's European aspiration with an invaluable trump. At a juncture, when the 'war on terror' carried the danger of creating a rift between the Christian and Islamic worlds, Turkey's role in Europe's destiny acquired unprecedented relevance. As suggested by the British Foreign Secretary, Jack Straw, Turkey's candidacy was "the acid test of whether Europe could defeat terrorist attempts to sow division between Islam and the West."<sup>17</sup> Additionally, several observers of Turkey-EU relations described the membership issue as the litmus test of the EU's commitment to a pluralist and inclusive stance to Islam.

## Conclusion

In December 2004, the EU took one of its most difficult decisions: whether to open final status negotiations with Turkey on full membership in the EU. Indeed, the decision was as much about Turkey's future as about the union's future. By opening negotiations on membership with Turkey, the EU has shown itself dynamic, purposeful and self-confident. At the same time, it has proved that the EU is sustained by shared values, principles and interests, and not by cultural and religious exclusivist notions of European identity. Turkey, on its part, had succeeded in completing the first set of demanding tasks set by the EU. Only a few years ago, it was unconceivable to imagine that Ankara would permit education and broadcasting in Kurdish, abolish the death penalty and appoint a civilian in charge of national security. Under the leadership of AKP, the Turkish political system has proved itself capable of radical and positive change.

Despite these far-reaching reforms and the EU's decision to open negotiations, no one should overlook the multitude of challenges, if not obstacles, that remain in Turkey's path to full membership.<sup>18</sup> Some of these challenges stem from the conditions that have been built into the 2004 European Council's actual decision to open accession talks. In the immediate future, the perennial issue of Cyprus has the potential to

<sup>15</sup> In September 2004 Frits Bolkestein, the Dutch internal market commissioner, commented that Turkish membership would mean that "the liberation of Vienna in 1683 would have been in vain." As quoted in *The Spectator*, "Open the Gates at Vienna," 8 September 2004, p.7.

<sup>16</sup> For example, this point is stressed in the aforementioned report of the Independent Commission on Turkey, p.16.

<sup>17</sup> As quoted in *The Guardian*, "Straw: Turkey is EU 'acid test'," 23 March 2004.

<sup>18</sup> For a brief analysis of the challenges that lie ahead for the EU and Turkey once accession negotiations begin, see K. Hughes, *When Negotiations Begin: The Next Phase in Turkey-EU Relations*, Centre for European Reform, November 2004. Available at: [http://www.cer.org.uk/pdf/essay\\_turkey\\_hg\\_nov04.pdf](http://www.cer.org.uk/pdf/essay_turkey_hg_nov04.pdf)

stalemate the opening of the negotiations.<sup>19</sup> As part of the compromise arrangement reached in December 2004, Turkey agreed to sign – before negotiations start – a protocol that extended the existing customs union with the EU to the ten new countries that joined the union in May 2004, including Cyprus. From the Turkish point of view, this would amount to a tacit recognition of Cyprus – a step that, in the absence of a settlement of the division of the island, “would leave the Turkish government in an impossible situation vis-à-vis the Turkish public opinion and the Turkish Cypriots.”<sup>20</sup> In the long run, an equally problematic issue, as negotiations unfold, may prove to be the attachment of conditions on future move-

ment of labour. Ankara, while having few objections to some kind of phased lifting of travel restrictions, is strongly opposed to any kind of permanent block, seeing this as discriminatory.<sup>21</sup>

Nevertheless, these challenges should not detract one from the fact that the decision to open negotiations for membership is an historic one. Turkey’s accession to the EU is an unprecedented chance both for the country to fulfil Atatürk’s goal of achieving the standards of ‘contemporary civilization’ and for the EU and the West as a whole, to strengthen a precious ally in the fight against terrorism, deepen its commitment to diversity and foster democratization in the Islamic world.

#### TURKEY’S ACCESSION TO THE EU: MAJOR DOCUMENTS

##### **Regular report on Turkey’s progress towards accession, SEC(2003) 1212, 5-11-03**

The Commission points out that Turkey must continue to make progress in order to fulfil the criteria for accession. With regard to the political criteria there is still a gap between legislation and practice. As far as the economic criteria are concerned, there are still macro-economic imbalances. With regard to the incorporation of the Community acquis, the independence of the judiciary needs to be strengthened and its functioning improved, the general framework for the exercise of basic civil liberties needs to be promoted, relations between the civil and military authorities need to come closer to the European model, while the situation in the southeast and the cultural rights situation needs to be improved.

[http://europa.eu.int/comm/enlargement/report\\_2003/pdf/rr\\_tk\\_final.pdf](http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_tk_final.pdf)

##### **Continuing enlargement, Strategy paper and report for the European Commission on the progress towards accession by Bulgaria, Romania and Turkey, COM(2003) 676 final, Brussels, 5-11-03**

The Commission states that, despite the determination of its government, Turkey still does not fulfil the Copenhagen political criteria. According to the Commission, the country does not yet have a full and clear framework guaranteeing political, civil, economic, social and cultural rights, and the country must continue to work to improve the consistency between legal provisions and practical application.

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2003/com2003\\_0676en01.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2003/com2003_0676en01.pdf)

##### **European Parliament resolution on the 2003 regular report of the Commission on Turkey’s progress towards accession, P5\_TA(2004)0274, 1-4-04**

The Parliament adopts the approach taken by the Commission’s regular report and considers that although significant reforms have been carried out, it is still necessary to take many measures. These must relate above all to the Copenhagen political criteria and Turkey’s external relations (Cyprus conflict; relations with Armenia; bilateral relations with Greece; defence of the Armenian and Syrian Christian cultural heritage and the situation in Iraq).

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+TA+P5-TA-2004-0274+0+DOC+PDF+V0//EN&L=EN&LEVEL=3&NAV=S&LSTDOC=Y>

##### **Regular report on Turkey’s progress towards accession, SEC(2004) 1201, 6-10-04**

The 2004 report states that Turkey has made substantial advances in its political reform process but once again underlines the need to consolidate and extend those reforms. The Commission considers in its report that Turkey sufficiently satisfies the political criteria and recommends opening accession negotiations.

[http://europa.eu.int/comm/enlargement/report\\_2004/pdf/rr\\_tr\\_2004\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf)

<sup>19</sup> See for example, *International Herald Tribune*, “EU Warns that talks hinge on quick recognition of Cyprus,” 1 March 2005.

<sup>20</sup> K. Kirisci, “Assessing the 16-17 December 2004 European Council Decision on Turkey: Is It a Historic Decision?,” TÜSIAD – An Opinion Paper, December 2004. Available at: <http://www.tusiad.us>

<sup>21</sup> The concerns on the part of the Turks are raised by a paragraph contained in the 2004 Presidency conclusions noting that “Long transition periods, derogations, specific arrangements or permanent safeguards...may be considered [...] for areas such as freedom of movement, structural policies or agriculture.”

**Communication from the Commission to the Council and the European Parliament, Recommendation of the European Commission on Turkey's progress towards accession, COM(2004) 656 final, Brussels, 6-10-04**

The Commission considers that Turkey sufficiently fulfils the Copenhagen political criteria and recommends that accession negotiations be opened. However, it sets a series of conditions and establishes a negotiation strategy based on three pillars. The first concerns cooperation to reinforce and support the reform process in Turkey and pursuit of this will be completed within the framework of a revised Accession Partnership. A general review of progress of the political reforms will take place on a yearly basis starting from the end of 2005. The second pillar concerns the specific procedure for approaching accession negotiations within the framework of an Intergovernmental Conference which includes all the Member States and where decisions require unanimity. The third pillar emphasises the strengthening of political and cultural dialogue between the civil societies of both parties.

[http://europa.eu.int/comm/enlargement/report\\_2004/pdf/tr\\_recommandation\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/tr_recommandation_en.pdf)

**Impact study on the issues arising from Turkey's membership perspective, SEC(2004) 1202, Brussels, 6-10-04**

In parallel with the drafting of the 2004 regular report and the recommendation requested by the European Council, and taking into account the suggestion by the European Parliament, the Commission services conducted an assessment of the effects of Turkey's possible accession on the Union and its policies. The report makes it clear that the preparations necessary for accession will continue over the next decade. During this period, the Community acquis will develop and respond to the needs of an EU of 27 or more, possibly anticipating the challenges and needs of Turkey's accession.

[http://europa.eu.int/comm/enlargement/report\\_2004/pdf/issues\\_paper\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/issues_paper_en.pdf)

**European Parliament resolution on the 2004 regular report and the recommendation of the European Commission on Turkey's progress towards accession, P6\_TA(2004)0096, 9-12-04**

The European Parliament backs the commencement of negotiations. The resolution highlights the advances made with regard to compliance with the political criteria. Nonetheless, it notes that there are still problems in relation to the rights of minorities, freedom of religion, trade union rights, the rights of women, the role of the army, Cyprus and relations with Armenia. On the other hand, it points out that the opening of negotiations does not automatically lead to Turkey's accession and that there should be appropriate mechanisms in the event that the accession negotiations break down.

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+TA+P6-TA-2004-0096+0+DOC+PDF+V0//EN&L=EN&LEVEL=4&NAV=S&LSTDOC=Y>

**Brussels European Council, Presidency Conclusions, 16/17-12-04**

With regard to Turkey, the European Council decided that, in view of the progress made by Turkey and the Commission's report and recommendation, the country sufficiently satisfied the Copenhagen political criteria for accession negotiations to be opened. Thus, the Brussels European Council decided to set 3rd October 2005 as the date for the start of accession negotiations and agreed on a framework of negotiations, based on the strategy put forward by the Commission in its recommendation of 6th October. To this end, the European Council called on the Commission to present a proposal for a framework for negotiations with Turkey and at the same time requested the Council to agree on that framework with a view to opening negotiations on the date set.

[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/83201.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf)