

Relations between Turkey and the European Union

Adam Balcer

The relations between Turkey and the European Union are special for several reasons. Of all candidates, Turkey has been aspiring to EU membership for the longest time. With 70 million citizens, it is the most populous candidate country¹, and if it were admitted to the EU, around the year 2020 would become the single most populous Member State². It would also be the only UE Member State inhabited almost exclusively by Muslims. Like Cyprus, it lies almost entirely in the Asian continent³. Because of the scale of Turkey's internal problems, the country faces much more serious reservations concerning its accession than the remaining candidates. Turkey's membership application meets with the strongest opposition in the European Union⁴.

This paper aims to discuss the history of the complex relations between Turkey and the European Union, the main issues that impede Turkey's integration with the Community, including the country's internal problems in particular, and the transformations taking place in Turkey under the influence of Community policy.

Key points

1. Integration with the European Union offers Turkey a good opportunity to consolidate its democratic political system and modernise the country. As Turkey adapts to European standards, it will have to gradually dismantle the system founded on the special position of the army as the guarantor of internal stability and predictability of Ankara's foreign policy, which has been in place for over 80 years. A new political system will have to be created in its place.

2. The EEC/EU policy towards Turkey is the resultant of two forces. On the one hand, there is the awareness of Turkey's strategic importance and the need to avoid pushing it away from Europe. On the other, there is knowledge of the scale of problems faced by Turkey, fear that adaptation to European standards might trigger the country's destabilisation, concern about the consequences of Turkey's integration for the Union itself, and finally, a sense of the country's cultural and religious dissimilarity. Consequently, the qu-

estion of whether Turkey should join the Union has yet to be answered.

3. With more realistic membership prospects after Turkey became a candidate country in 1999, and with the moderately favourable internal situation, Turkey decided to initiate serious pro-European reforms. These two factors have also demonstrated that the EU is capable of influencing the internal situation in Turkey to a much greater extent. Complete implementation of the reforms will take a few years and their success will largely depend on increased involvement of the EU in the process of Turkey's integration.

I. Historical relations between Turkey and the West vs. the integration process

Ankara's membership aspirations are an extension of more than a century of Turkey's endeavours to gain recognition as a European country. The EU-Turkish relations must be seen in the context of the several hundred years of the Ottoman Empire's relations with the West, or in the even broader context of relations between the West and the Islamic world.

The Turks have been present in Europe for 650 years. This was one of the manifestations of the political and cultural ties between the Balkans and western Anatolia, which have a history of 2500 years⁵. Among all Muslim countries, the Ottoman Empire maintained the strongest economic, political and cultural ties with Christian Europe⁶. However, due to the religious difference and the absolutist state tradition, it was never fully recognised by the Christian, more "civil" Europe⁷. In the eyes of most Europeans, the Empire was an oriental, Asian despot, the antithesis of Europeanness⁸. The expansion of the Ottoman Empire in Europe was one of the factors that contributed to the formation of a shared European identity⁹. Even today, the religion issue is of special importance in the relations between Turkey and the EU. Turkey is the only candidate country to inspire declarations on the part of European politicians denying it the right to integration on the ground of cultural dissimilarity,

irrespective of how well Turkey meets the membership criteria. As a result, a large number of Turks view the EU as a "Christian club", are relatively highly distrustful of the EU and sceptical about Turkey's accession, even though they support integration¹⁰. In Turkey, the sense of dissimilarity leads to concerns about whether national identity can be preserved in a united Europe. These concerns are more intense than in the other candidate countries¹¹.

After defeats in the European battlefields and the loss of some territories in Europe, the Ottoman Empire became the first Muslim country to embrace certain elements of Western culture. In the 19th century, this process was named *Tanzimat*. Because of the tradition of authoritarianism, the adaptation of western democratic institutions to Turkish conditions proved to be the most difficult part. The reforms intended to bring Turkey closer to the West acquired a new quality after the First World War. General Kemal Ataturk created a secular republic in which the modern Turkish national identity crystallised. Owing to this transformation, several decades later Turkey could introduce a democratic system, and subsequently, a free market economy. The process of implementing European models altered different regions of Turkey in varying degrees. There is a clear difference in the extent to which modern values were embraced in the western part of the country and the southern coast on the one hand, and the remaining parts, especially the south-east, which remains closely connected with the Near East in cultural terms even today, on the other¹². Consequently, Turkey is frequently referred to as the country at the crossroads, struggling to define its own attitude towards its Europeanness¹³.

The most important factor that got the West interested in integrating Turkey into the European system of powers was its geostrategic location in the midst of "inflammable" regions such as the Caucasus, the Near East and the Balkans, and the fact that Turkey controlled the Straits. This factor was especially important during the Cold War. It was then that Turkey became a strategic ally of the United States. In 1952, Turkey joined NATO. Washington has been the most important advocate of Turkey's integration with the EU ever since¹⁴. From the point of view of Brussels, Turkey's location became even more

important when Greece joined the EEC in 1981, since for many years, relations between Athens and Ankara had been full of tension, mainly over Cyprus¹⁵. After the collapse of communism, Turkey's geostrategic location lost some of its former importance. Its role in the EU–Turkey relations increased again in the aftermath of the ethnic conflicts in the Balkans and the Caucasus, the wars in Iraq (1991, 2003), the emergence of independent states in Central Asia and the Caucasus, the “great game” over the pipeline routes from Central Asia and Azerbaijan, the war against Islamic terrorism initiated after 11 September 2001, the projected enlargement of the EU into the Balkans, and the European Union's increasing commitments beyond Europe, including in the Near East. According to advocates of Turkey's integration with the EU, the country's geostrategic situation is the chief argument in favour of its accession. They believe that given Turkey's geographic location, combined with the secularity of state and a relatively democratic political system, the country is predestined to act as a bridge between the West and the Islamic world, and as a model for other Muslim societies¹⁶.

II. The internal problems of Turkey vs. the process of its integration with the European Union

Turkey has to deal with numerous internal problems that impede its adaptation to European standards. Its most serious problem is the instability of democracy and the difficulties it has in developing a state of law. These problems surface as authoritarian tendencies, corruption, nepotism, clientelism, deep political divisions, unstable government coalitions¹⁷, terrorism¹⁸ and torture.

It was a Turkish paradox that the reforms (*Tanzimat*, Kemalism) intended to bring the country closer to the West had to be imposed on the society, frequently against its will, using undemocratic methods that involved restricting the society's independence as a political subject. For the first 23 years of its existence, the Turkish republic created by Atatürk was an authoritarian

regime. The West-oriented reforms were carried out by the army, which became their most important guarantor and an arbiter of political life. Over the last 50 years, the military carried out four coups d'état (1960, 1971, 1980, 1997), securing the country's internal stability. As a result, the army became a generally respected state institution¹⁹.

Another problem faced by Turkey is the country's ethnic diversity, which breeds a strong attachment to integrity and sovereignty and separatist tendencies at the same time.

The former trend stems from the fact that the Turkish republic was created out of resistance to the plans to divide the Ottoman Empire among European countries. This attachment to integrity has led to a negation of the national minorities' existence in Turkey²⁰. Members of the largest, Kurdish national minority account for approx. 12–15 percent of the population of Turkey. Nearly half of all Kurds live in Turkey²¹. More than half of the Turkish Kurds live in the poorest, south-eastern part of the country²². The gap between this part of the country and the more developed and more densely populated west is deepening, in spite of the efforts of the Turkish authorities. For the last 80 years, the Turkish republic has refused to grant the Kurds even a limited cultural autonomy. On the most part, it aimed to assimilate them and referred to them as the so-called Mountain Turks. This policy was a decisive factor in the development of separatist aspirations of the Kurds. Since 1984, south-eastern Turkey has been the scene of a war against the Kurdistan Workers Party (PKK) guerrillas. The army's operations against the Kurdish guerrilla fighters have led to large-scale human rights violations on both sides of the conflict²³. They also entailed restrictions on the freedom of speech and freedom of assemblies all over the country. The fight against PKK guerrillas has also been a great burden for Turkey's economy. In the end, the war against the Kurds became the main obstacle on Turkey's way to the European Union.

Another source of internal tension is the clash between the rigorous concept of the state's secularity and the efforts of integristic communities that aim to subject politics to religion. As a result of secularisation, the Turks came to accept the separation of state and religion. At the

same time, though, the Turkish society is more religious than other European societies²⁴. The rise of religious practice in the 80s and the 90s led to renewed disputes over the position of religion in public life²⁵. There is a minority of approx. 15–20 percent of Turks who reject secularisation. Parties catering to this electorate have been present in Turkey since the 70s. They aim to establish a confessional state using political means²⁶ and oppose the rapprochement between Turkey and the West. Radical militant Islamic terrorist organisations also formed in the 70s and enjoy limited public support today²⁷. The Islamic party was dissolved four times, and has functioned under five different names: National Order Party (MNP), National Salvation Party (MSP), Welfare Party (Refah), Virtue Party (Fazilet), and Happiness Party (Saadet). The existence of these groups and their good electoral showings in the 90s²⁸ served as a justification for the army's involvement in politics. In 1997, a military intervention toppled the coalition government created by Refah²⁹. The support of Turkish society for the separation of religion and state and its approval of the special position of the army favour the evolution of Turkish Islamists and the formation of conservative groups that see Islam as a source of inspiration and identity, but refrain from mixing religion and politics. In the 80s, the Motherland Party (ANAP) of Prime Minister Turgut Ozal was just such a group. Presently, the Justice and Development Party (AKP) of Recep Tayyip Erdogan meets this definition even more fully. Turkey's accession to the EU is at the foundation of the programmes of both these parties. The AKP was created in 2001 from the moderate fraction of Fazilet³⁰. The issue of religion has one more aspect, that of divisions among the Muslims themselves. Approx. 20 percent of the inhabitants of Turkey are Alevites, a liberal variety of Islam similar to Shia Islam in theological terms. There is a history of enmity between the Sunnis and the Alevites, which was revived in the 80s³¹.

Turkey is the poorest EU candidate country. In the 2003 UN Human Development Report, Turkey occupies the last position among all candidate countries³². It should be stressed though, that there are only slight differences between Turkey on the one hand, and Bulgaria and Romania on the other. Besides, Turkey set out to catch

up with the West from a much lower level than the remaining candidates³³.

One of the main reasons why Turkey's civilisational development lagged behind was the state's overemphasised position in the economy. By the early 80s, Turkey had an autarchic economic system characterised by interventionism, protectionism and an overgrown state-owned sector. This was conducive to corruption, clientelism and nepotism, and had an adverse effect on the development of Turkey's economic relations with the EU. The inefficiency of the Turkish economy led, in the late 70s, to an economic crisis that necessitated certain liberal reforms. The reforms were accompanied by deep social changes, including urbanisation that entailed the formation of poverty districts (*gecekondular*) in the metropolitan suburbs, and the deepening of regional disparities³⁴.

Even though the private sector (small business) experienced significant growth, and trade and the movement of capital were liberalised, the government failed to carry out a large-scale privatisation that could have broken the pathologic links between politics and business. The most serious omission was the failure to reform the banking system. As a result, in the 80s and 90s, the Turkish economy was affected by instability and high inflation³⁵. This caused a high budget deficit and limited the volume of foreign investments³⁶ without which the influx of modern technologies was impossible and so was a serious modernisation of the Turkish economy³⁷. The failure to carry out necessary reforms brought on the banking system crashes of November 2000 and February 2001, and the worst economic crisis in Turkey's modern history. After many years of inadequate economic policies, Turkey's foreign debt is presently much higher than that of the remaining EU candidate countries. In 2002, it equalled as much as 68.9 percent of the GDP. The state's overall debt has increased from 55.6 percent of the GDP in 1997 to 101.4 percent in 2001. In this situation, Turkey had to implement the restrictive economic reform programme developed by the International Monetary Fund (IMF)³⁸.

Accession to the European Union is viewed in Turkey as the most important opportunity to solve the country's internal problems. A great majority of Turks (approx. 70–75 percent) continue

to support integration³⁹. Among all candidate countries, Turkey has the highest hopes for positive change in connection with EU membership⁴⁰. Improvement of living standards and the opportunity to migrate for jobs are of crucial importance to the Turks. The Kurds, on the other hand, hope for a broader autonomy once Turkey joins the EU⁴¹. Finally, moderate Islamists expect more autonomy for religion in public life.

As far as the attitude towards the EU is concerned, the Turks have a particular attachment to state sovereignty⁴². Some members of the theoretically pro-European elite and society want integration on Turkey's terms, i.e. without any serious reforms affecting sovereignty (the Kurdish autonomy issue, the army's position). Since Turkey's membership aspirations enjoy wide support, nearly all political parties support integration in their declarations. In reality, though, three parties may be considered eurosceptical, including the National Movement Party (MHP) in the extreme right, the populist Youth Party (GP) and the fundamentalist Happiness Party (SP).

Advocates of Turkey's integration argue that if the country remains outside the EU structures, this may have an adverse impact on its internal situation. They believe that it would be in the Union's best interest to make greater commitments to the process of Turkey's integration, firstly, because of the geostrategic reasons discussed above, and secondly, because Turkey has to cope with more serious internal problems. Opponents of Turkey's integration, on the other hand, invoke the country's internal problems as an argument in support of their claims. They believe that because of the scale of these problems and the size of the country, the EU will not be able to cope with the difficulties. The EU is also concerned about the consequences of Turkey's accession for the Union itself. The main worries include the impact of Turkey's membership on the further internal integration of the EU⁴³, job migration and the integration of Turks into EU societies⁴⁴, the financing of Turkey's integration⁴⁵, and the transformation of Turkey's borders with Iran, Syria, Iraq, Georgia and Armenia into the Community's external border⁴⁶.

III. Relations between Turkey and the EU in 1959–1999

Turkey applied for association with the European Economic Community (EEC) on 31 August 1959⁴⁷. The application was accepted under article 238 of the Treaty of Rome, which provided that the EEC could establish an association with any European country. By agreeing to open association negotiations, the EEC recognised Turkey as a European country. The negotiations were interrupted by the *coup d'état* of 1960. They were reopened in 1962, but stumbled on the resistance of some of the Turkish government elite that opposed any limitation of state sovereignty.

The association agreement was signed 12 September 1963 in Ankara. In the course of negotiations, the Turkish side strove in vain to include a provision on the date of Turkey's accession to the EEC once it complies with the criteria, into the agreement. The Community declined, and a rather unspecific provision on this subject was put in the final agreement⁴⁸. The two fundamental assumptions of the agreement were the gradual formation of a customs union and the aligning of the Turkish economic policy with the policies of the remaining signatories. The agreement provided for an adaptation period of at least 22 years, which was to be divided into three stages: preparations (5–9 years), transition (12 years) and the closing stage⁴⁹. The process was to be supervised by a specially appointed Association Council.

Because of the difficulties with implementing the provisions of the Association Agreement, an additional protocol on the opening of the second stage of association between Turkey and the EEC was signed in November 1970. It extended the second stage from 12 to 22 years. The effective date of the additional protocol was 1 January 1973⁵⁰. One of its crucial provisions was the one that provided for the implementation of the European agricultural policy in the closing stage, and for the subsequent extension of the agreement to include agricultural products. For the first three years the protocol was implemented in accordance with the schedule⁵¹. In 1976, however, delays and problems began⁵². In 1977 and 1978, Turkey invoked article 60 of the additional protocol, which provided for a general guarantee of the security of the country's interests,

to postpone the projected reduction of tariffs, and requested a new agreement under which Turkish agricultural products and textiles could be exported to the EEC on more favourable terms and Turkey could receive increased financial assistance from the Community. At that time, Turkey was in a deep economic crisis and was struggling with terrorism on the extreme right and left. For these reasons, in July 1980 the EEC decided to offer assistance. A new protocol on association was signed, which provided for a gradual reduction of customs on Turkish agricultural products, moderate access to the EU labour market for Turkish workers, and 600 million ECU of financial assistance. Turkey announced for the first time in history that it intended to apply for full membership in autumn that same year. The new agreement was never implemented, though, and Turkey's membership application was not filed because of the military *coup d'état* of September 1980.

Turkey's economic integration with the EEC from 1963 to 1980 was hardly successful. The EEC's share in Turkey's imports increased considerably (1963 – 29 percent, 1971 – 42 percent), and this was not matched by a similar increase of the EEC's share in Turkey's exports. On the contrary, a deep trade deficit was reported. The main reason for this failure was the huge gap between the EEC and Turkey, much greater than today⁵³. Besides, Turkey's economic policy at that time was dominated by interventionist and protectionist concepts. The Turkish government's attitude towards the EEC was rather exacting. Turkey hoped that association would stimulate a more rapid growth of the economy with EEC subsidies. Ankara demanded that the EEC open its markets unilaterally, while continuing to protect the Turkish market. Turkey's stance was motivated by the economic difficulties in which the country found itself in the wake of the 1973 oil crisis. But the EEC also had to cope with growing unemployment and economic problems, and was not interested in opening its markets to cheap products and labour from Turkey.

In reaction to the human rights violations by the military regime, the Commission suspended the implementation of the 1980 protocol and withheld financial assistance for Turkey. In January 1982, Brussels suspended association. The EEC's pressure proved successful – the junta agree-

ed to hold partly free elections in 1983. As a result, the moderate opposition led by Turgut Ozal rose to power. The EEC and Turkey reinstated mutual relations in September 1986. On 14 April 1987 Turkey officially applied for accession to the European Union. Still the same year, free elections were held. To reward Turkey, the EEC reinstated association in September 1988. In order to convince the EEC that Turkey deserved to become a candidate country, Ozal's government allowed its citizens to file complaints against the state with the Strasbourg Court in January 1987. After Turkey's application had been filed, the parliament ratified the UN and European conventions against torture and inhuman treatment, and lifted the prohibition for Turkish politicians active in the 70s to participate in political life. The criminal code was also amended⁵⁴.

Turkey applied for accession in the context of the economic changes taking place in the country, which created favourable conditions for closer economic co-operation between Turkey and the EEC. Shortly after the coup, the military regime initiated historical reforms to liberalise the Turkish economy, which Ozal continued. The most important aspect of these reforms was the opening of Turkey's economy. In the 80s, the liberalised Turkish economy was becoming increasingly competitive, and the proportion of exports to the EEC increased. In 1991, it accounted for 54 percent⁵⁵ of Turkey's total exports, while imports from the EEC accounted for 49 percent of all imports. Turkey's deficit in trade with the EEC did not decrease substantially in percentage terms, but it was alleviated by a clear increase in the number of tourists from the EEC visiting Turkey.

On 18 December 1989 the European Commission expressed a negative opinion on Turkey's application for accession. A new factor that made Turkey's relations with the EEC more difficult on the political level was the admission of Greece in 1981, the latter having been in a serious conflict with Ankara for many years. The most important arguments against accepting Turkey as a candidate country included the Cyprus issue, territorial disputes with an EEC member – Greece, human rights violations and the condition of Turkey's economy. The key factor was the human rights violations issue connected with the war on the Kurdish PKK guerrillas that had continued

since 1984 in south-eastern Turkey. However, Turkey was recognised as a potential candidate, i.e. a European country. At the same time, the application of Morocco was rejected, because the country was found to be non-European. Along with this decision, the EU reinstated financial assistance, and the Commission developed a plan to deepen relations with Turkey, known as the Matutes Package, which was presented in June 1990⁵⁶. However, the Council of the EEC rejected the Package because Greece vetoed it.

In 1991 during the Gulf War, Turkey played a very important role in the anti-Iraqi coalition. President Ozal hoped that his country would be rewarded with a “yes” to its application. This is why his political group passed the pro-democratic amendments to the criminal code⁵⁷ and lifted the notorious law no 2932 of 1983, which prohibited any form of activity in any language other than Turkish⁵⁸. Brussels responded with the Working Programme presented by the European Commission in January 1992, a continuation of the Matutes Package. The Programme’s most important provision was the conclusion of a customs union by 1995⁵⁹.

The applicable agreement was signed in March 1995 during the meeting of the EEC-Turkey Association Council. The European Parliament, however, made the ratification of the union conditional upon Turkey amending the constitution so as to expand the freedom of associations and trade unions, amending the anti-terrorist law, and releasing detained Kurdish party MPs. Turkey tried to persuade the EU to ratify the union by threatening Brussels with the prospects of growing support for Islamic fundamentalists, who were reporting the best electoral showing in history at that time.

The Turkish Parliament finally passed 17 amendments⁶⁰, sufficient to convince the European Parliament to ratify the customs union. Even Greece withdrew its veto against the union, in return for the promise that accession negotiations would be opened with Cyprus in spite of the absence of agreement between Greek and Turkish Cypriots. This meant that the EU was losing its chief instrument for pressing Greece, i.e. it could no longer make the accession of Cyprus conditional upon a previous agreement with Turkish Cypriots.

In the end, the customs union between the EU and Turkey became effective as of 1 January 1996.

It was to be implemented over the next five years under the supervision of the specially appointed Customs Union Joint Committee. The customs union not only included manufactured goods and foods, but also provided for the harmonisation of competition regulations and technical legislation, protection of copyrights and the elimination of monopolies. The customs union led to increased trade exchange between the EU and Turkey in absolute figures, but it failed to reduce Turkey’s trade deficit in the exchange with the Community. Over the five years, Turkey failed to fully implement all provisions of the customs union⁶¹.

Turkey is the only country to have concluded a customs union with the EU and not have started accession negotiations. This means that it has opened its market to the EU markets to the same degree as the candidate countries have, but it is receiving much less financial assistance from the Community⁶². Turkey treated the customs union above all as a step towards full membership, while Brussels saw it as a kind of substitute.

In the period in question, the context of EU–Turkey relations changed as the question of the EU’s eastward enlargement emerged after the disintegration of the Soviet bloc. Brussels perceived the membership aspirations of Central and Eastern European countries differently from Turkey’s endeavours. This exposed the Community’s attitude towards the European aspirations of Ankara. The key difference was that in the former case the assistance and certainty of membership prevailed over conditions and prerequisites. In the case of Turkey, mutual relations were still about setting conditions, and membership prospects remained uncertain. The human rights situation in Turkey was not a sufficient justification for this difference. This is evident if one looks at the example of Slovakia, whose democratic system failed to meet the EU’s political criteria until 1998. Nevertheless, the Union did not withhold financial assistance to Slovakia in the 90s, and accepted its application for accession in 1997. This difference in the treatment of Central and Eastern European countries and Turkey is also visible if one compares the amounts of financial assistance granted to each of them prior to becoming candidate countries. This assistance, it should be remembered, contributed to

the development of civil society and successful implementation of reforms in the post-communist countries. In 1990–1996, the EU committed 13.2 billion Euro of assistance to the post-communist countries inhabited by a total of over 100 million people. In 1964–1995, Turkey, with a population of approx. 60 million, received just over 1 billion Euro of assistance from Brussels.

During the Luxembourg summit in late 1997, the EU was going to grant candidate status to applicant countries. Turkey decided to win Brussels over by passing further amendments to the law on State Security Courts⁶³ in March 1997. In July 1997, the European Commission issued the Agenda 2000, a document that set forth its enlargement strategy. The authors of Agenda 2000 divided the countries applying for accession to the EU into two groups. Countries from the first group were to be granted the status of candidates and start accession negotiations shortly after the summit. Countries from the second group were also gaining candidate status, but negotiations with them were to be opened in a few years. Turkey was the only country not to be included in any of the groups. Agenda 2000 invoked the so-called Copenhagen criteria as the reason why Turkey's application was rejected. Defined during the Copenhagen summit in June 1993, the Copenhagen criteria stated that candidate countries had to have stable democratic institutions and the rule of law, respect human rights and ethnic minority rights, have a functional market economy, and be able to take on the obligations of membership. The most important problems in the case of Turkey included human rights violations and legal discrimination against the Kurds, restrictions on the freedom of speech and assemblies, and imperfection of the democratic system. Turkey tried to influence the EU's decision until the last moment. In December 1997, shortly before the Luxembourg summit, the Turkish parliament passed laws intended to eliminate the use of torture by the police. Yet during the summit, the EU went by the Commission's recommendation and accepted the applications of all countries except for Turkey. At the same time, however, it reaffirmed that joining the Union in the future was open to Turkey.

The summit was followed by the most important crisis of EU–Turkey relations in history. Ankara was resentful of the fact that Slovakia was

included in the second group of countries, negotiations with which were to be opened at a later date. Turkey was also embittered at the statement by Helmut Kohl, the German Chancellor, i.e. the leader of the Union's most important member, who said that Turkey was never going to join the European Union because it was not a European country in cultural terms. With this, Kohl questioned more than 40 years of the EU's policy towards Turkey, in which the latter had always been treated as a potential member. Ankara partly suspended its relations with the EU and tried to blackmail the Community by threatening to block NATO enlargement. In order to restore relations with Turkey, in June 1998 during the Cardiff summit the EU decided that even though Turkey was not a candidate country, a Regular Report on Turkey's progress towards accession would be prepared, just as in the case of the candidate countries. Also during the Cardiff summit, the EU adopted the European Strategy for Turkey prepared three months earlier by the European Commission. The Strategy provided for the implementation of the *acquis* by Turkey and for the extension of the customs union to include the services and agriculture sectors. Turkey responded in July 1998 with the document entitled "A strategy for developing relations between Turkey and the European Union – Turkey's proposals", which was generally in keeping with the line of the EU "Strategy". The decision taken by the Luxembourg summit led to a rise of anti-Western and nationalistic sentiments in Turkey. As a result, the nationalist National Movement Party (MHP) showed good results in the 1999 elections, and had to be included in the government coalition.

By the mid 80s, the question of Turkey's membership had not been a subject of serious debate because the development disparities between the EEC and Turkey were too deep. Brussels strove to preserve good relations with Turkey because of the cold war. In 1987, Turkey filed its application for accession in connection with the economic transformations taking place in the country in the 80s. Serious debate on Turkey's membership began in the 90s, when the question of the post-communist countries' accession emerged. The most important reservation regarding Turkey's candidacy, i.e. that

of large scale human rights violations, was fully justified and borne out by reports of international and Turkish human rights organisations. The relations between Brussels and the post-communist countries showed that the EU was pursuing a different policy towards Ankara, committing much less to the supporting of democratic transformations in Turkey than it did in the other candidate countries. In order to convince the EU that it deserved the status of a candidate country, Turkey passed some pro-European amendments to its legislation in order to improve the human rights situation. Their practical effect was limited, though, because of the ongoing war against the PKK.

IV. The relations between Turkey and the EU in 1999–2004

In 1999, the European Commission issued the second Regular Report, in which it recommended that Turkey should be granted the status of a candidate country. Thus, Brussels voiced the conviction that the original customs union had exhausted its potential. Even though the situation in Turkey had not changed substantially since 1997 – the Turkish parliament customarily passed some pro-democratic amendments⁶⁴ – on 10 December 1999 during the Helsinki Summit Ankara's application for accession was accepted. The key factors that influenced this decision included the victory of the social democrats in the 1998 elections in Germany and, to a smaller extent, the improvement in the relations between Turkey and Greece⁶⁵.

In April 2000, after a three-year break, the Turkey–EU Association Council met again and decided to appoint eight subcommittees to deal with the harmonisation of the Turkish law with the *Community acquis*. In August and September 2000, Turkey adopted four important international conventions, which theoretically expanded the freedoms of Turkish citizens⁶⁶. In November 2000, the Commission prepared the Accession Partnership for Turkey. The EU adopted it in December 2000 during the Nice summit. Accession Partnership included a detailed specification of short and medium term legislative reforms that Turkey was supposed to implement to meet the Copenhagen criteria. These reforms related to

the freedom of speech, assembly and association, lifting of the ban on teaching and media content in languages other than Turkish, elimination of torture, increased civilian control over the army, improved operation and greater independence of the administration of justice, elimination of capital punishment, and settlement of the Cyprus issue. In the economic and administrative dimension, Accession Partnership provided for legislative amendments adjusting the Turkish law to the *acquis* to be implemented in the short and medium term. The Turkish government responded by publishing, in March 2001, the National Programme that largely complied with the recommendations of the EU initiative⁶⁷. In December 2000, shortly before the summit, the EU reinstated financial assistance for Turkey, and the funds were paid out within the subsequent two years. However, during the Nice summit the EU excluded Turkey – as the only candidate country – from discussions on the division of votes following the institutional reform. The fact that Turkey had not opened accession negotiations was quoted as a justification of this decision. This meant that the EU had yet to be fully convinced that Turkey should become a member. The volume of financial assistance provided to Turkey further proved this – even though the amount of assistance had increased, it was still much lower than the amounts of funds provided to the other candidates prior to opening negotiations with them⁶⁸.

In October 2001, the Turkish parliament began the implementation of the National Programme. It amended the constitution so as to expand the freedom of speech⁶⁹, allow the use of languages other than Turkish in the press, limit the possibility of the dissolution of political parties⁷⁰ and strengthen civilian influence in the National Security Council⁷¹. It also abolished the death penalty for ordinary crimes, but not for acts of terrorism. On 27 November 2001, the Turkish parliament amended the civil code making the position of women completely equal to that of men⁷². In December 2001, the Laeken summit mitigated the Nice provisions and allowed Turkey to participate on the same rights as the other candidates in the European Convention working on the Union's constitution. For the first time in history, the Fifteen also adopted a single framework document that specified the terms on which Tur-

key was to receive financial assistance. In February 2002, the Turkish parliament passed the first harmonisation package referred to as the “Mini Democratic Package”. The package reduced the imprisonment penalties for activities undermining the state and nation’s integrity⁷³, and the detention duration prescribed in the law on State Security Courts⁷⁴.

In March 2002, the parliament passed the second harmonisation package, which amended:

1. the law on political parties, by restraining the possibilities of dissolution formerly provided for by the constitution,
2. the law on associations⁷⁵,
3. the press law⁷⁶,
4. the law on State Security Courts⁷⁷,
5. the law on assemblies⁷⁸.

In June 2002, during the Seville summit, the EU announced that it was going to take new decisions on the status of Turkish-EU relations during the December summit in Copenhagen. In July 2002, the Turkish parliament lifted the state of emergency in two of the four provinces in south-eastern Turkey, and in November – in the remaining two.

The third reform package was passed in August 2002. In the case of the law on associations, it slowed down the reform process to a certain degree⁷⁹. The parliament abolished the death penalty for all crimes except those committed during war or under an imminent threat of war. It also amended the radio and television law, legalising the use of languages other than Turkish, and the law on education, allowing instruction in languages other than Turkish. Other amendments further expanded the freedom of speech⁸⁰ and granted Turkish citizens the right of appeal against court sentences found to be in breach of human rights by the European Court. This, however, applied solely to court rulings issued after the amendment was passed.

On 3 November 2002, the moderate Islamic Justice and Development Party (AKP) won the historical parliamentary elections, garnering nearly 1/3 of all votes. Owing to the unusually high electoral threshold of 10 percent and the general loss of confidence in the existing political elite, the AKP won nearly 2/3 of seats in parliament. Within just one year, the AKP government proved itself to be the most pro-EU government in the history of Turkey. It introduced a brand new,

conciliatory style into Turkey’s policy towards the EU. Shortly after the elections, the government embarked on a great diplomatic offensive in the EU capitals, striving to convince the EU leaders to set the start date for negotiations during the Copenhagen summit. However, during the summit that took place on 12–13 December 2002, the EU decided that Turkey was not yet ready to start the negotiations, pledging, however, to reconsider Turkey’s candidacy towards the end of 2004. A shift in the EU’s approach was also visible in the fact that Turkey was included in several Community programmes, and the European Parliament, the Council and the Commission agreed to increase the assistance provided to Turkey to 1.05 billion Euro in 2004–2006 – though this was still less than what the Central and Eastern European countries received in 1990–1993⁸¹. The statements made by European leaders following the Copenhagen summit showed that Turkey’s integration was still a source of serious concern. Apart from the extreme right and populist formations, such concern was spelt by Valéry Giscard d’Estaing, the former French leader and President of the European Convention, and by the German Christian democrat opposition. Giscard d’Estaing said that if Turkey joined the European Union, the latter would cease to exist. He suggested deepening the special relations with Turkey instead.

In the wake of the Copenhagen summit, the AKP accelerated reforms. In December 2002, the parliament passed the fourth reform package, expanding the liberties of religious minority foundations⁸² and introducing legislation conducive to the elimination of torture⁸³. Journalists were granted the right to journalistic secrecy. Parliament also amended the law on political parties, making dissolution possible only if 60 percent of MPs vote for.

Practical implementation of the reforms passed by parliament stumbled on the resistance of some members of the military-bureaucratic establishment, especially over issues concerning national minority rights. In December 2002, the Radio and Television Council restricted broadcasts in languages other than Turkish exclusively to the public media and to tight time limits. Simultaneously, the amendment to the law on the teaching of languages other than Turkish became effective. The regulation passed under pres-

sure from the National Security Council imposed substantial additional limitations⁸⁴. In January 2003, parliament passed the fifth reform package, giving the right to repeated trial to persons whose appeals were granted by the Strasbourg Court prior to the passing of this amendment. In April 2003, parliament appointed a special harmonisation commission whose task was to supervise the legislative activities pertaining to European integration. Finally, in June 2003, parliament passed the sixth reform package, amending:

1. the criminal code (more liberal penalties on radio and television stations, and limited possibility of closing them down),
2. the anti-terrorist law⁸⁵,
3. the law on the Supervisory Council, a body examining the legality of musical and audio-visual works⁸⁶,
4. the law on State Security Courts⁸⁷,
5. the law on given names⁸⁸.

Private radio and television stations were also allowed to broadcast in languages other than Turkish. Some of the anti-terrorist law amendments were vetoed by president Ahmet Sezer, former head of the Constitution Court, as threatening the country's integrity. The parliament, however, overruled the presidential veto.

Towards the end of July 2003, the seventh reform package was passed. Its most important effect was to substantially reduce the competencies of the National Security Council⁸⁹. Parliament also passed amendments to the law on the teaching of languages other than Turkish⁹⁰, to the law on associations⁹¹, and to the criminal code provisions on the elimination of torture⁹² and pro-terrorist activities⁹³. It amended article 7 of the anti-terrorist law by redefining terrorist propaganda as direct "inciting of violence" exclusively, as well as the law on military courts⁹⁴ and the law on assemblies⁹⁵. Other amendments limited the use of moral censorship⁹⁶. In early November 2003, the government drafted its "historical" plan for the deep decentralisation of the state. In March 2004, private schools offering courses in Kurdish were established for the first time in Turkish history. Also, the public radio and television are about to start broadcasts in Kurdish.

The AKP faced the most severe difficulties while trying to solve the Cyprus problem. In December 2002, UN Secretary General Kofi Annan proposed

a plan to unite the island prior to Cyprus' accession to the EU. The plan was for the Greek and the Turkish republics to be united as a loose federation, the political system of which would provide the Turks with a secure voting position. The AKP initially supported Annan's plan but the generals, the opposition and the president rejected it. The stance of the Turkish army was a decisive factor in the change of the AKP's attitude and the negotiating position of Turkish Cypriots. Their leader Rauf Denktash ultimately rejected the UN plan after four months of negotiations, even though amendments favourable to the Turks had been introduced to it, and even though Turkish Cypriots had joined massive demonstrations to support a compromise. In this way, Denktash provided an alibi to the Greeks, who were not particularly satisfied with Annan's proposal anyway. The situation remains relatively unchanged to this day. The forces supporting Annan's plan garnered only a slightly greater number of votes than the plan's opponents in the parliamentary elections held in December 2003 in the Turkish part of Cyprus. As a result, the government was formed by two parties with opposing views on this subject. Meanwhile, the solution of the Cyprus issue gained increased importance in the pro-European endeavours of Turkey. The 2003 Regular Report, a document evaluating Turkey's progress, was the first to put a greater emphasis on the fact that solving the Cyprus problem was one of the key criteria to be met by Ankara in order for the EU to open negotiations with Turkey. Negotiations between the Cypriot Turks and Greeks began in February 2004. The both sides agreed to hold a referendum on Kofi Annan's plan with amendments made by the Secretary General in case a compromise is not reached.

The main reason why Turkey was granted the status of a candidate country during the Helsinki summit was the strategically motivated concern about the possible consequences of Europe repulsing this country. It was a significant decision because, now that Turkey was a candidate, the EU could not refuse to open accession negotiations with Ankara without jeopardising its international credibility, provided that Turkey' improved the condition of its economy and respected human rights. If the

Union rejected Turkey's application for the third time, this would probably halt the integration process almost completely.

The Helsinki summit introduced a new quality to the EU–Turkey relations. The EU began to support Turkey in the adaptation process more actively, especially after the 2002 Copenhagen summit. Pro-European reforms in Turkey were buttressed by the internal changes that had taken place in the country since 1999. After the victory of Turkish troops and the capture of the PKK leader Abdullah Ocalan, human rights violations began to take place on a smaller scale and the Turkish elite is now prepared to grant the Kurds some kind of cultural autonomy. The evolution of Turkish Islamists and the emergence of the AKP have alleviated tension between the secular and the Muslim elite. The AKP's victory in the 2002 parliamentary elections has led to the formation of a stable government whose priority is to align the Turkish legislation to European standards. The deep financial crisis of 2000–2001 has forced Turkey to implement the necessary reforms. If they are continued, Turkey may be able to enter a stable path of long-term development⁹⁸. The pro-European reforms have also activated NGOs in Turkey⁹⁸. Among the factors that might threaten Turkey's integration, the November bombings in Istanbul, for which a claim of responsibility has been made by the al-Qaeda and Turkish Islamic extremists, may be the most serious⁹⁹.

The implementation of reforms intended to adapt Turkey to European standards is an evolutionary process that stumbles on various obstacles. In 1999–2002, the government's determination was restrained by the internal differences within the coalition, and especially by the presence of the nationalist MHP. When the AKP came to power, it was the military and the president that hindered the reforms to some degree. In general, though, the army's attitude towards reforms is positive. Most generals, including the chief of staff gen. Hilmi Ozkok, believe that Turkey's accession to the EU is in keeping with the line of Kemal Ataturk. They are prepared to self-restrain their position, but worry about the consequences of this step for the country's integrity (the Kurdish issue) and the secularity of state. It is a Turkish paradox that in order for in-depth reforms to be initia-

ted, a political force referring to Islam in some way had to rise to power. The army distrusts the AKP, fearing that its aim is to abolish the secularity of state¹⁰⁰. In late 2003, there was some tension between the AKP and the army over the role of religion in public life¹⁰¹.

If the EU is to open negotiations with Turkey, it is of key importance that the reforms passed by parliament be implemented practically on the local level. The European Commission published the fifth Turkey Regular Report in November 2003. It noted the first positive effects of reforms passed to date¹⁰². However, in the Report it is also claimed that Turkey must continue the legislative reforms, especially with respect to civilian control over the army¹⁰³, further expansion of the freedom of speech, associations¹⁰⁴, assembly and religion¹⁰⁵ and the independence of the court system¹⁰⁶. Further, the Report claimed that the reforms passed by parliament have not been implemented to a sufficient degree¹⁰⁷. Views of the European Union are borne out by analyses of Turkish and international human rights organisations. They report that the human rights situation improved in the second half of 2003, e.g. there were fewer instances of the use of torture, but it remains unsatisfactory¹⁰⁸.

Since Brussels expressly declares that it will only open negotiations with Turkey if the Cyprus issue is settled, chances are that it might be solved before May 2004.

Turkey will pass further pro-European legislative reforms in 2004¹⁰⁹. The human rights situation will improve, but not satisfactorily before December 2004¹¹⁰ – one has to wait longer to see adequate results. Therefore, in December 2004 the European Union will have to decide whether to reward Turkey for the progress made so far and open negotiations, helping Ankara to fully implement the legislative reforms along the way, or to postpone this decision for another year or two.

From 1999 to 2004, Turkey adjusted its legislation to the *Community acquis* to a modest extent¹¹¹ but Brussels must not invoke this as a reason to refuse to open negotiations with Ankara. In all candidate countries, the alignment process gained momentum only after the relative negotiation chapters were opened.

Adam Balcer

¹ The population of Turkey currently accounts for 70 percent of the population of the remaining twelve candidate countries taken together.

² The population of Turkey is smaller than that of Germany, but it will be greater in the next 15 to 20 years due to a higher birth rate in Turkey. According to demographic forecasts, Turkey will have a population of 80 million before 2020.

³ The European part of Turkey is only 5 percent of the country's territory. It is inhabited by more than 10 percent of the population.

⁴ According to the Eurobarometer 58 (autumn 2002), 49 percent of EU citizens were against the integration of Turkey, with 32 percent for. Other candidate countries with more opponents than supporters of their accession included Romania (45 percent against, 35 percent for), Bulgaria (40 percent against, 38 percent for) and Slovenia (40 percent against and 39 percent for). The membership of Poland was opposed by 34 percent and supported by 48 percent of respondents. http://europa.eu.int/comm/public_opinion/standard_en.htm

⁵ Western Anatolia had closer ties with Europe than the other, non-European border regions. Presumably, the geographic argument would be invoked much less frequently against Turkey's European aspirations if the Turks were not Muslims.

⁶ The Ottoman part of Europe became the core of the Empire. The empire's capital – Istanbul / Constantinople was located in the European part. The Balkans were the Empire's richest region. The Balkans were also where most of the empire's elite came from. A large number of Turks descended from refugees and migrants from the Balkans, and Greeks of Anatolia, who were converted to Islam. To a certain degree, the Ottoman Empire was a continuation of the Eastern Roman Empire (Byzantium). Members of the Ottoman dynasty used the title of Roman emperors or Romans to refer to themselves. One of the Empire's goals was to rebuild the Roman Empire, though this time as a Muslim body. Bernard Lewis, *The Muslim Discovery of Europe*, London 2000, p. 29–31.

⁷ In the 17th century, the central authority of the Empire lost some of its power, and the society gained more independence and say. According to Bernard Lewis, the position of the Ottoman Empire's society at that time was similar to the position of society in some of the Western absolutist monarchies such as France. Bernard Lewis, *Muzułmański Bliski Wschód*, Warsaw 2003, p. 118.

⁸ It should be remembered, though, that “in the first half of the 16th century, the Ottoman system was at the height of its glory and no wonder that contemporary European observers viewed it as a model of efficient and centralised absolutism. [...] they looked forward to a new European age of enlightened royal despotism within a national state, and saw Turkey as the paradigm of a disciplined modern monarchy (this quote was taken from the Polish edition of Lewis' book and re-translated into English). *Ibid.*, p. 118.

⁹ Before the end of the 17th century, the Ottoman Empire aimed to conquer as much European territory as possible, and to introduce the Sharia there. The Turkish expansion was resisted mainly by the Habsburg monarchy and Venice.

The wars they waged against the Ottomans were to some extent religious conflicts, although in the course of these wars the Ottoman Empire did co-operate with the European and Christian rivals of its opponents, e.g. with France.

¹⁰ According to a survey carried out towards the end of December 2003 by the liberal *Milliyet* daily, nearly 40 percent of Turks view the EU as a “Christian club”. Nearly 22 percent of them have no idea when Turkey is going to join the EU, and 18 percent do not believe that Turkey will ever become an EU member. Such concerns were seldom spelt in the other candidate countries. According to the 2002–2003 Candidate Countries Eurobarometers, 34–38 percent of Turks said that they rather distrusted the Union. A similar degree of distrust was recorded only in Estonia (32–37 percent) and, on a smaller scale in Latvia and Malta, and the countries of the Fifteen – 37 to 38 percent. http://europa.eu.int/comm/public_opinion/cceb_en.htm

¹¹ According to the February 2003 Eurobarometer, the Turks were the only candidate society to name loss of identity and loss of language among the three greatest threats in the development of a united Europe (46 percent and 51 percent, respectively). (Concern about the loss of identity was also spelt by 48 percent of Cypriots). Generally, however, the Turks reported a medium level of concern about the consequences of the uniting of Europe, as compared with the remaining candidate countries. http://europa.eu.int/comm/public_opinion/archives/cceb/2003/2003.2_full_report_final.pdf

¹² From the 70s to the 90s, many inhabitants of these regions moved to cities in the western part of the country.

¹³ In the most recent Eurobarometer public opinion poll carried out in March 2003, 45 percent of Turks said they identified with their own national identity exclusively, while 52 percent identified with a European identity to some extent. The British, the Spanish and Greeks, and, among the candidate communities, the Hungarians, showed higher identification with their national identity exclusively. However, as many as 92 percent of the Hungarians and only 47 percent of the Turks said “yes” when asked whether they were proud of their Europeaness, in the survey carried out in spring 2002 (“no” being the answer of 42 percent of Turks). Only the British were less proud of their Europeaness than the Turks. Probably, though, if the Turks were asked this question in autumn 2003, the result would have been better and might have exceeded 50 percent, as there is a clear upward moving trend in the Turks' sense of pride of being European; http://europa.eu.int/comm/public_opinion/standard_en.htm

¹⁴ This tendency first manifested itself when Turkey was recognised as a member of the Holy Alliance in the wake of the Crimean War (1853–1856), during which great western powers (France, Great Britain) fought hand in hand with the Turks against the army of another Christian state (Russia) for the first time in history. This demonstrated that Turkey was treated differently from the other Muslim states.

¹⁵ Cyprus is of strategic importance as a kind of natural airfield in the Eastern Mediterranean. Its population is less than 80 percent Greek and more than 20 percent Turkish. From the 50s to the 70s, the Greeks strove to unite the is-

land with Greece, while the Turks would come up with an alternative proposition to divide the island. In 1974, Cyprus became the scene of a military *coup d'état* which aimed to unite the island with Greece. The Turkish army intervened, and the territory it managed to conquer was transformed in 1983 into the Turkish Republic of Northern Cyprus (KKTC), recognised by Turkey only.

¹⁶ Advocates of Turkey's membership emphasise that once the country integrates with the European Union, its capability of pursuing active foreign policies in these regions will expand greatly.

¹⁷ Turkey had ten government cabinets from 1971 to 1980.

¹⁸ In 1978, 1.5 thousand people died in the fights between radical right and radical left organisations.

¹⁹ The army is Turkey's most respected institution. It is trusted by 80 percent of the society. For comparison, only 32 percent of Turks trust religious leaders.

²⁰ It should be remembered that building a modern Turkish nation was not an easy process. In the early 20s, the Muslim population of Turkey was much more diversified ethnically than it is now. Large numbers of non-Turks from the Balkans and the Caucasus, as well as the Anatolia Muslims, have been assimilated into the Turkish culture.

²¹ The Kurdish issue is one of the most complex in Eurasia. The Kurds are the world's largest nation without a state of its own (over 20 million). They live in four countries with complex ethnic and religious structures (Iran, Iraq, Syria, and Turkey), and in each of them they account for a substantial part of the population. In many regions they live intermingled with the neighbouring nations. The percentage of Kurds within Turkey's population will rise due to their high natality.

²² For 30 years, the Kurds have migrated to cities in Western Turkey on a massive scale. As a result, nearly half of all Kurds live beyond so-called Kurdistan south-eastern Anatolia. Given the present migration trends, most Turkish Kurds will soon live in Western Turkey.

²³ On the government side, this included the pacification of villages supporting the PKK, during which civilians were killed, and the use of torture against PKK supporters. The war on the Kurdish guerrillas has not transformed into an open ethnic conflict, though. This was due to the deep internal divisions in the Kurdish community stemming from the strength of clan structures (relatively high support for the government side). Other factors included the pacifying impact of a shared religion, the existence of numerous mixed marriages, and a high degree of the Kurdish population's integration with the Turkish society. All of these factors led to the acceptance of the country's territorial integrity, and so did the fact that for example, president Turgut Ozal was of Kurdish origin.

²⁴ According to research carried out by Pew Research Center in late 2003, 73 percent of Turks believe that religion should be separated from the state. For comparison, 65 percent of Poles, 33 percent of Pakistanis and 24 percent of Jordanians share this opinion. 63 percent of Turks believe that the role of religion in school education should be limited. Only 26 percent of Jordanians and 27 percent of Pakistanis are of the same opinion. On the other hand, 65 percent of

Turks claim that religion plays an important role in their private life. According to surveys by Turkish public opinion research institutions, approx. 40 percent of Turks do not fast during the Ramadan, while approx. 30 percent pray regularly. The views on the position of women in society also set the Turks apart from other Muslims. Nearly 70 percent of Turks have no reservations concerning women's equal position in the family (going out to work, equal division of duties). For comparison, this opinion is shared by only 14 percent of Jordanians and 33 percent of Pakistanis. <http://people-press.org>

²⁵ The main point of contention was the issue of headscarves worn by female students and officials, and the status of religious school students. 91 percent of Turks believe that wearing or not wearing the scarf should be the private decision of the woman. 52 percent of Pakistanis and 60 percent Jordanians are of the same opinion. According to last year's research, more than 60 percent of Turks believe that female state officials should have the right to wear the scarf. 75 percent of Turks believe that school and university students should also have this right. Pew Research Centre website, <http://people-press.org>, Turkish Daily News website, http://www.turkishdailynews.com/old_editions/2003.htm

²⁶ Unlike in the Arab countries, the functional democratic system in Turkey served as a "safety valve" to canalise the frustration of Islamic communities.

²⁷ According to Gilles Kepel, an Islam researcher, the fundamentalist communities consist of two groups: the pious, conservative small bourgeois, and the radical metropolitan poor. The tensions between these two have limited the potential of Refah. Gilles Kepel, *Święta wojna. Ekspansja i upadek fundamentalizmu islamskiego*, Warsaw 2003.

²⁸ In 1995, Refah garnered more than 20 percent of votes. It was supported not only by fundamentalists. As a party opposing the establishment, Refah won over the votes of the poor and frustrated.

²⁹ The European Union spelt concern, but no serious criticism, about the army's intervention and the dissolution of Refah in 1998 and Fazilet in 2001. In 2001, the Strasbourg Tribunal ruled that the dissolution had been legal by a tight majority of votes.

³⁰ In 1998, Refah made a perfunctory declaration of support for Turkey's integration with the EU.

³¹ After the coup d'état, the military junta approved of the idea of a "Turkish-Islamic synthesis" which recognised Sunni Islam as an important element of the Turkish national identity, in order to weaken the influence of the extreme left and the Kurdish nationalists, and reinforce the state's unity. Since the authorities began to support Sunni Islam, the Alevis developed a more acute sense of self-awareness, which led to demands for autonomy on their part, and damaged their relations with the Sunnis (riots, pogroms).

³² In 2002, 33 percent of the population of Turkey earned their living in the agricultural sector, the percentage for Romania being nearly 38 percent. Approx. 15 percent of adult Turks are illiterate. Among the EU Member States and candidate countries, Portugal has the highest level of illiteracy, with 7.5 percent of the population not being able to read or

write. Even though the life expectancy in Turkey is 70.1 years (70.5 in Bulgaria, Romania and Lithuania), as many as 42 children in each 1000 born in Turkey die before the age of 5. For comparison, in Romania it is 21 in each 1000. The main reason for this situation is the fact that Turkey has the lowest number of physicians per 100 thousand inhabitants among all candidate countries, being just 129. Romania is in the last-but-one position with 191 physicians per 100 thousand people. Among the candidate countries, Turkey is also in the last position in terms of the society's education. Turkey's education index for 2001, determined by the UN based on the percentage of people with high school and university education was 0.77; for comparison, it was 0.88 in Romania. Turkey shows better results than Romania, though worse than the remaining candidates, in terms of computerisation, telephony and sanitary standards. 4 percent of Turks and 3.2 percent of Romanians own PCs. Turkey has 285 telephone links per 1000 inhabitants, the number being 185 in Romania. 10 percent of Turks have no access to basic sanitation, and 18 percent to clean water. The numbers for Romania are 47 percent and 42 percent, respectively. Another serious problem in Turkey is widespread corruption. In the most recent corruption ranking by Transparency International, Turkey is in the last-but-one position among the candidate countries, before Romania. A specifically Turkish issue, not found in any other candidate country on such a scale, is the unequal position of women in society. The number of girls in high schools in 2000 was only 70 percent of the number of boys. 4 percent of MPs were female. Human Development Report website, <http://www.undp.org/hdr2003/>, Transparency International website, <http://www.transparency.org/>

³³ In 2002, Turkey's GDP measured as the *per capita* purchasing power parity accounted for just 23 percent of the EU GDP, the figures for Romania and Bulgaria being 25 percent. Before the 2000–2001 crisis, Turkey was ahead of both countries. Economic forecasts suggest Turkey may catch up with Romania within the next years.

³⁴ According to the Human Development Report, Turkey shows the greatest social disparities among all candidates and Member States of the EU. The Gini index, which measures disparities in the distribution of consumption and income, is 40.0 in Turkey (0 – full equality, 100 – full inequality). Portugal and Germany showed similar results with 38.5 and 38.2, respectively. For comparison, the result for the United States was slightly higher than for Turkey (40.8) <http://www.undp.org/hdr2003/>

³⁵ For example, Turkey reported economic growth at 7.5 percent of the GDP in 1997, only to show a decline of 4.7 percent of the GDP two years later. In 1997, inflation reached 85 percent. It should be remembered though, that in the last 30 years, the Turkish economy has shown smaller fluctuations than, for instance, the Portuguese economy before accession to the EU. It should also be remembered that some of the economic problems stemmed from occurrences beyond the Turkish government's control, such as the Gulf War (1991) and the great earthquake (1999).

³⁶ In 2001, foreign investments accounted for 2.3 percent of the GDP, while in 2002 – only 0.6 percent. All foreign investments

accumulated, their *per capita* amount in 2000 was 296 Euro. In terms of the GDP percentage, this was the lowest result among all candidate countries. In terms of the amount of *per capita* foreign investments, Turkey reported better than Romania and Bulgaria in 2000.

³⁷ In 2002, it accounted for 10 percent of the GDP and was the highest among all candidate countries. However, the deficit of Hungary, in second place, was only 0.8 percent lower.

³⁸ The IMF granted Turkey the second largest loan (after Brazil), amounting to of 30 billion US\$. The main reason why the IMF is so committed to the reconstruction of the Turkish economy is the position of the US which considers Turkey to be a strategic ally. As part of the IMF programme, deep cuts in public spending were carried out, the banking system was privatised, some of the state-owned monopolies were liquidated, and the system of supporting the agricultural sector was modified to meet European standards.

³⁹ According to research commissioned by *Milliyet* towards the end of December 2003, 74 percent were for integration, with 17 percent against.

⁴⁰ According to the Candidate Countries Eurobarometer of 2003.02, 61 percent of Turks believed that membership would bring more profits than losses. For comparison, this opinion was shared by 40 percent of Poles and 26 percent of Latvians.

⁴¹ Characteristically, integration gets more support in the poor Kurdish regions, the most traditionalist part of the country. Ali Carkoglu, *Who Wants Full Membership?* (in:) *Turkey and the European Union*, (ed.) Ali Carkoglu, Barry Rubin, London 2003, p. 175–178.

⁴² In the 2003.02 Eurobarometer the Turks were the only ones to name liquidation of the national currency among the three greatest concerns connected with enlargement (48 percent). A decisive majority of Turks support the EU foreign and defence policy, though at the same time they want the national states to keep their decision competencies in these areas to the highest degree among all candidate societies. In this respect, they are like the British.

⁴³ The accession of poor Central European countries raises fears concerning a "double-speed Union" and the stalling of the internal integration process within the EU. According to those EU politicians who fear this scenario, the accession of the poor Turkey with a population of 80 million will make its materialisation more likely.

⁴⁴ In the 50s and the 60s, the poor from rural areas in Turkey migrated on a massive scale to the EEC, especially to Germany. As a result, more than 3.5 million Turks and Turkish Kurds live presently in the EU. Their social and cultural integration is one of the major internal problems facing Germany. In the 90s, the fear of another wave of migration became one of the major arguments of German opponents of Turkey's accession. It should be remembered, though, that the problem of Turks in Germany is much less severe than the issue of Arab migrants from the Maghreb in France. It is certain that if the EU opens negotiations with Turkey, one of the conditions imposed by the Community will be to introduce a long transition period during which Turkish citizens will not be allowed to work in certain countries of the EU.

⁴⁵ It is rather likely that opening negotiations with Turkey will entail modifications to the terms of EU funding distribution.

⁴⁶ This border is 2.2 thousand kilometres long and would be the longest external border of a single EU Member State. It runs through mountain regions that are difficult to control and is crossed by major routes for the smuggling of drugs and illegal migrants from Asia. One of the ways to solve this problem could be to keep border checks at Turkey's land and maritime borders with Bulgaria and Greece for some time.

⁴⁷ One of the reasons why Turkey requested the conclusion of an association agreement was the fact that Greece, Ankara's traditional rival, had taken the same decision.

⁴⁸ Article 28 provided that if adequate conditions for Turkey joining the Community arise, the Contracting Parties shall examine the possibility of Turkey's accession.

⁴⁹ In the first period, the EEC was supposed to grant Turkey a loan of 175 million ECU and increase the export quotas of Turkey's four basic agricultural export commodities. Turkey was only required to provide optimum conditions for the development of its own economy. The customs union was projected to be established in the second transition period. The EEC agreed to gradually lift custom duties on all Turkish commodities in this period and to allow free movement of labour. Turkey agreed to reduce custom duties on European commodities, though at a slower rate, and to introduce the Common External Tariff (CET). The Community was to lift its custom duties and quotas on Turkish commodities as of 1 December 1975, while Turkey was supposed to do the same for Community commodities as of 1 December 1986. The CET was to be introduced on the same date. In the closing stage, the EEC and Turkey were to co-ordinate their economic policies and harmonise their fiscal and competition legislation. Harun Arikan, Turkey and the EU, Hants 2003, p. 57–59.

⁵⁰ The EEC countries agreed to completely lift customs and quotas on all Turkish manufactured goods except for cotton products and carpets, on which the customs duties and contingents were to be liberalised gradually over 12 years of the effective date (1973). The EEC also agreed to apply a 0 percent tariff to 37 percent of Turkish agricultural products and a preferential tariff to a further 33 percent of such products. Finally, Turkey was also supposed to be included in the provisions on free movement of labour and equal rights for Turkish workers in the EU. Gradually, all restrictions on the movement of labour were to be abolished. The EEC pledged to provide financial aid. Turkey, on the other hand, agreed to lift custom duties on 55 percent of commodities imported from the EU within 12 years, and customs duties on all commodities within the next 10 years (1995), and to lift the quotas. *Ibid.*, p. 60–61.

⁵¹ The EEC lifted customs tariffs on Turkish manufactured goods and introduced preferential tariffs on agricultural products. It also provided the agreed financial credit in the amount of 577 million ECU. Turkey, on its part, lifted the tariffs on 20 percent of the EEC commodities and reduced the quotas on 40 percent of EEC commodities.

⁵² In the mid 70s, the EEC concluded free trade agreements with all Mediterranean countries except for Albania and Li-

bya as part of its Mediterranean policy. As a result, Turkey's association agreement with the EEC was no longer exceptional. Products of other Mediterranean countries competing with those of Turkey gained access to the European market, frequently on terms better than those granted to Ankara. The countries with which the EEC concluded the free trade agreements did not have to make any of the commitments that Turkey did. *Ibid.*, p. 62.

⁵³ The average GDP in the EEC was much higher at that time than the expected 2004 average GDP. At the time of conclusion of the Association Agreement, the average *per capita* GDP in the EEC was 2800 US\$, while in Turkey it was only 180 US\$. At that time, nearly 80 percent of the Turkish labour force worked in the agricultural sector.

⁵⁴ Detention duration was reduced from 15 days to 24 hours in areas not in state of emergency, and the accused were granted extended rights to contact lawyers. *Ibid.*, p. 118–120.

⁵⁵ The structure of Turkish exports became diversified. In the 70s, raw materials and agricultural products dominated exports. 20 years later, textiles became Turkey's most important export commodity. The share of cars in exports also increased.

⁵⁶ The Matutes Package proposed the conclusion of a customs union by 1995, increased financial and technical cooperation, promotion of industrial and technological cooperation, and closer political and cultural ties. The package set more modest goals for Turkey and the EEC than the Association Agreement because it did not propose any action for the development of a common agricultural policy, services and freedom of movement.

⁵⁷ Articles 141 and 142 were deleted, under which it was illegal to form associations or engage in propaganda calling for the establishment of a dictatorial, racist or communist regime. Also deleted was article 163, which prohibited the formation of associations or engaging in propaganda calling for a change of the system of government along religious principles.

⁵⁸ In 1991, the ANAP even promised to recognise Kurdish as an official language in areas inhabited by the Kurdish majority. However, it lost the elections.

⁵⁹ Turkey cut its tariffs substantially already in 1994, though they were kept in place for the crucial sectors (export of cars and pharmaceuticals).

⁶⁰ Under the amendments passed, the ban was lifted that denied associations and trade unions the right to engage in political activities. Political parties were granted the right to establish youth and women's organisations, to open offices abroad and to establish contacts with international organisations. MPs became entitled to change political parties and to appeal to the constitutional court in case they were about to lose their immunity. Voting age was reduced from 21 to 18, and the prohibition for students and lecturers to join political parties was lifted. Parliament passed amendments to article 8 of the anti-terrorist law, under which only deliberate actions and statements calling for violation of the state's integrity were subject to penalty. As regards the Kurdish MPs, two of them were released, but four were sentenced to 15 years imprisonment for separatist activities. *Ibid.*, p. 129–131.

⁶¹ Not all technical barriers were removed, and the trade policy was not harmonised: the parties failed to sign agreements on free trade with non-members of the EU, to introduce a preferential EU customs system and to eliminate the monopolies.

⁶² Before 2000, the EU failed to pay Turkey the 375 million Euro to which the latter was entitled under the customs union. The reason was Turkey's failure to respect human rights. For the same reason, subsidies earmarked for Turkey in the Euro-Mediterranean Partnership Programme were withheld. Finally, because of the veto by Greece, Turkey could not make use of the inexpensive loans of the European Investment Bank.

⁶³ The duration of detention by the Security Courts was reduced from 14 days to 4 days in regions not in state of emergency, and from 30 to 10 days in regions in state of emergency. Detainees in regions in state of emergency were also allowed access to lawyers. Regular Report from the Commission on Turkey's Progress towards Accession, p. 15–17. http://europa.eu.int/comm/enlargement/report_11_98/pdf/en/turkey_en.pdf

⁶⁴ In 1999, before the summit, the Turkish parliament amended the law on State Security Courts by removing military judges from such courts. It also amended the law on political parties by limiting the possibility of arbitrary dissolution, and the criminal code, by introducing more precise definition of torture and abuse of power. In December 1999, the government issued regulations allowing religious foundations to refurbish religious facilities without special permits from the authorities. Shortly after the summit, the criminal code was amended so as to facilitate, to a limited extent, the prosecution of police officers accused of using torture. 2000 Regular Report from the Commission on Turkey's Progress towards Accession p. 13–19, http://europa.eu.int/comm/enlargement/report_11_00/pdf/en/tu_en.pdf

⁶⁵ The main reason why the relations between Greece and Turkey improved was the fact that Greece had to reduce its defence spending in connection with the new EU standards imposed on the Greek economy.

⁶⁶ International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention on the Rights of Women and the UN Convention on the Rights of the Child.

⁶⁷ It was a compromise between the reformers and the MHP nationalists in the government. The most disputed issues included the cultural autonomy for the Kurds, abolition of the death penalty, liberalisation of the anti-separatist and anti-terrorist laws, and settlement of the Cyprus problem.

⁶⁸ In 2000–2003, Turkey received 531 million Euro from the EU.

⁶⁹ Parliament amended the constitution preamble and articles 13 and 14, deleting the provisions on penalties for thoughts and opinions undermining the state's integrity. Website of the Directorate General of Press and Information, <http://www.byegm.gov.tr/>

⁷⁰ The amendment included detailed provisions under which dissolution of a party was allowed only if its anti-state activities

were intensive and resolved, and were undertaken by the party leader, its parliamentary club or party authorities. *Ibid.*

⁷¹ The composition of the National Security Council was expanded to include the minister of justice; as a result the number of civilian members on the council became equal to that of military members. In another amendment, the provision suggesting that the Council's opinions presented to the government were binding was removed. *Ibid.*

⁷² For example, the provision under which man was the head of family was deleted, and women were granted the right to keep their maiden name in marriage. *Ibid.*

⁷³ By amending article 312 (inciting ethnic, class, religious or language-motivated hatred), and article 159 of the criminal code, and articles 7 and 8 of the anti-terrorist law. As regards article 312, a provision was introduced to the effect that inciting is subject to penalty if it poses a threat to public order. *Ibid.*

⁷⁴ Detention duration was reduced from 7 to 4 days. Seven-day detention was retained in regions under state of emergency, i.e. in south-eastern Turkey. Even though the changes were generally positive, the radical increase of the rates of fines for anti-state activities was a step backwards. *Ibid.*

⁷⁵ The amendments lifted restrictions impeding the formation of associations, allowed creation of association federations and participation of meetings abroad. They also authorised associations to invite nationals of foreign countries, but subject to permission of the local authorities. *Ibid.*

⁷⁶ The provision was deleted under which it was prohibited to replace imprisonment penalties with fines in the case of publishers and editors. *Ibid.*

⁷⁷ Under this amendment, the period in which the accused must not contact his or her lawyer was reduced from 4 to 2 days of detention. *Ibid.*

⁷⁸ The authorities lost the right to prohibit demonstrations, but retained the right to postpone them for a long period of 3 months. *Ibid.*

⁷⁹ A provision was introduced to the Freedom of Association article of the constitution to the effect that freedom of association may only be restricted if the given association's activities threaten national security, public order, prevention of crime, "public morals" and the protection of other citizens' rights. Also under this amendment, Turkish associations may contact foreign associations and foreign associations may establish branches in Turkey solely subject to permission from the authorities. *Ibid.*

⁸⁰ An amendment was passed to Article 159, under which criticism of the government, parliament or the armed forces was fully authorised unless it was intended as slander. *Ibid.*

⁸¹ In the period in question, they received more than 3.2 billion Euro.

⁸² Foundations, but only those established by religious communities recognised by the Lausanne Treaty of 1923, i.e. the Jewish, the Orthodox and the Armenian, were granted the right to acquire real estate subject to the authorities' permission. They were not entitled, however, to reclaim real estate seized by the state or to let the real estate in their possession. *Ibid.*

⁸³ Prosecutors were authorised to initiate investigations concerning torture without the permission of higher instances, and persons sentenced for the use of torture lost the right to have their sentences stayed or to pay fines instead of serving prison sentences. *Ibid.*

⁸⁴ Courses could be organised, subject to the government's consent, exclusively at new private schools established especially for this purpose, only on weekends, for students aged 12–18. No language other than Turkish could be the language of instruction. The organisation of such courses was under the Ministry of Education's control. *Ibid.*

⁸⁵ Article 8 of the anti-terrorist law was rescinded, and article 1 of the said law introduced a more narrow definition of terrorism. *Ibid.*

⁸⁶ A representative of the National Security Council was removed from the composition of the Supervisory Council. The amendment also limited the Council's competencies. *Ibid.*

⁸⁷ The ban for the accused to contact their lawyers within 48 hours of detention was lifted. Consequently, the possibility of subjecting detainees to torture was restricted. *Ibid.*

⁸⁸ Parents were allowed to give their children Kurdish names, though in Turkish transcription. *Ibid.*

⁸⁹ The amendments to the constitutional articles defining its competencies limited the powers of its secretary general to an advisory function exclusively. The right to nominate the secretary general was taken away from the chief of general staff and given to the prime minister (nomination of candidate) and the president (approval of candidate). Consequently, civilians may be appointed to this position. Parliament was also authorised to control the military budget, though debates on this subject have to be secret. The National Security Council also lost the right to express opinions on regulations governing the teaching of languages other than Turkish. *Ibid.*

⁹⁰ A provision was introduced under which courses could be opened by existing education institutions. *Ibid.*

⁹¹ The ban on former political prisoners establishing associations was lifted. Students were allowed to establish associations dealing not only with student affairs, but also with scholarly, artistic and cultural issues. The right to establish associations was expanded to include corporate bodies. *Ibid.*

⁹² The amendment obligated the prosecution authorities to handle torture cases as a priority, in a special accelerated mode. *Ibid.*

⁹³ The provision under which all activities facilitating the operation of terrorist organisations were criminal was rescinded. *Ibid.*

⁹⁴ As a result of the reform, military courts lost jurisdiction over civilians accused of encouraging desertion, disobedience or evasion of military service by soldiers. *Ibid.*

⁹⁵ Under this amendment, the time by which local authorities could postpone a demonstration was reduced to one month, and the reasons justifying such a decision were defined more precisely. A provision was introduced under which a demonstration could be postponed only if there was a "clear and imminent threat of criminal acts being committed". *Ibid.*

⁹⁶ The provisions were rescinded under which it was possible to ban the distribution of artistic and scholarly works

under the pretext of infringement of moral principles, and to destroy confiscated works allegedly infringing personal interests or exploiting sexual desires. *Ibid.*

⁹⁷ According to the EU forecasts, in 2003–2005 Turkey will report economic growth at the rate of 5 percent, and its inflation will decrease systematically to less than 10 percent. With lower interest rates on credits, investments will increase substantially and public finance will stabilise. These optimistic forecasts promise to lessen the gap between Turkey and Europe and to facilitate its integration with the European Union.

⁹⁸ The major organisations supporting reforms include the Turkish Industrialists' and Businessmen's Association (TUSIAD), the Turkish Economic and Social Studies Foundation (TESEV) and the Economic Development Foundation (IKV). The latter launched an unprecedented pro-European initiative in 2002 known as the "Movement for Europe", which was joined by more than 200 non-governmental organisations. Ziya Onis, *Turkey–EU Relations in the Post-Helsinki Era*, (in.), *Turkey and the European Union*, (ed.) Ali Caroglu, Barry Rubin, London 2003, p. 19–20.

⁹⁹ These were the bloodiest terrorist attacks perpetrated by the Turkish Islamic extremists, hitherto considered to be a marginal group. Islamic extremists named the European aspirations of Turkey among the reasons for their attack. Shortly after the attacks, the German Chancellor Gerhard Schroeder and the British Foreign Secretary Jack Straw said the terrorist attacks would accelerate, rather than retard, the process of Turkey's integration with the EU. The Christian democratic parties in the European Parliament, however, found the attacks to be another argument against Turkey's accession.

¹⁰⁰ Some of the high-rank officers are generally opposed to any reforms restraining the army's position, irrespective of who initiates them. Most officers will always have reservations concerning the AKP, firstly, because they have a very rigorous idea of the state's secularity, and secondly, because fundamentalist groups are present in the AKP ranks.

¹⁰¹ The AKP developed a draft for the reform of the Council of Higher Education, an organisation established in the 80s following the coup d'état and exercising extensive control over Turkish universities. The draft projected that universities should be granted a broader autonomy, also on issues such as students' apparel (in the 80s, Turgut Ozal unsuccessfully tried to implement an identical solution). Further, it projected that the government should have more influence in the Council and that students of secular and religious high schools should have equal rights during all university entry exams. The government withdrew the draft, accused by the left-wing opposition, some university teachers and the generals of attempting to Islamise higher education. Though never implemented, the idea, to liberalise requirements for the organisation of Koranic courses also became a source of tension, albeit less severe.

¹⁰² According to the Report, courts began to implement the reforms. A majority of pending political trials initiated under the articles that were amended were discontinued, and courts decided to repeat the trials of persons already sentenced under the articles in question. 2003 Regular Report

from the Commission on Turkey's Progress towards Accession, http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_tk_final.pdf

¹⁰³ Military representatives retained their positions in the Radio and Television Supreme Council (RTÜK) and the Council of Higher Education (YÖK). As regards the army's finance, the government failed to gain full de facto control over it because there are two separate military funds apart from the budget. *Ibid.*

¹⁰⁴ It is still forbidden to establish religious and ethnic associations in Turkey. *Ibid.*

¹⁰⁵ The most important reservation of the EU concerns the unequal status of the Alevites. *Ibid.*

¹⁰⁶ The key task is to finish the State Security Courts reform. *Ibid.*

¹⁰⁷ Implementation of the reforms has been carried out only on a very small degree as regards the Kurdish cultural autonomy. The commission was seriously concerned about Turkey failing to respect the verdicts issued by the Strasbourg Court in suits lost by Ankara to Turkish citizens. *Ibid.*

¹⁰⁸ Human Rights Association of Turkey; www.ihd.org.tr

¹⁰⁹ In early April 2004, another reform package will be passed that will recognise the supremacy of international treaties over the constitution, dissolve the State Security Courts, remove the army representative from the Higher Education Board, restrict the MPs immunity and introduce more severe penalties for torture and the so called honour killings of women accused of disgracing their families.

¹¹⁰ The reform process could be undermined by a deterioration of the security situation due to Islamic terrorism and Kurdish guerrilla, both phenomena being linked to the situation in Iraq to some extent.

¹¹¹ The part of the 2003 Report devoted to the alignment of Turkish legislation with the *acquis* summarises the progress made by Turkey in this area since the presentation of the Accession Partnership in 2000. The Report states: "Turkey's alignment has progressed in most areas, however remains at an early stage in many chapters". According to the Commission, Turkey has made most relative progress in terms of the free movement of persons, services and goods, and especially the free movement of capital, as well as agriculture, statistics, industrial policy, regional policy, cultural policy and telecommunications policy, and in particular, the energy sector and internal affairs (border services). *Ibid.*

