

The Never-Ending Story: Turkey and the European Union

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The European Union must make some tough decisions in finding an answer to the ever-present question of 'What to do with Turkey?'. The matter was more or less settled by the Luxembourg summit of the European Council held on 12 December 1997, at which the European Council decided to open accession negotiations with all the applicant countries except Turkey. Turkey's relationship with the European Union is more complicated than that of any other European country seeking EU membership. The complications arise from doubts over Turkey's European identity, whether Turkey is European. Since that question can never be directly raised, the EU explains its rejection on political grounds, i.e. Turkey's shortcomings in upholding the principles of democracy, law and human rights. A serious obstacle to Turkey's incorporation into the EU is, of course, its political system, which provides the EU with a valid reason for rejecting Turkey. The EU position is that since Turkey does not satisfy the democratic requirements of membership, its incorporation is not possible. This essay proposes that Turkey's failure to uphold democracy justifies the EU's rejection but at the same time conceals an aspect of the EU's reservations about Turkey: its perception of Turkey as the Other of Europe.

One factor bound up with Turkey's problems with democracy, making incorporation unlikely, is the perceived cultural differences between Turkey and the rest of Europe. For example, on 4 March 1997 the representatives of the Christian Democratic Party declared that 'the European Union is a civilization project and within this civilization project Turkey has no place'. German Chancellor Kohl's reported claim that the European Union is based on Christian principles and cannot accommodate countries that do not share this identity echoes this argument.¹ These declarations reflect the perceptions in certain quarters in Europe towards Turkey's eligibility for membership of the European Union, and thus as part of the European project. It is tempting to suggest that the issue of Turkey's inclusion into the European Union is determined by the Europeans' perceptions of Turkey as alien. The recent developments seem to reflect Lord Owen's claim that 'You

have to clarify about where the boundaries of Europe are; and the boundaries of Europe are not on the Turkish-Iran border'. The paper argues that this critical combination of Turkey's cultural differences and the structural problems in its democracy makes Turkish membership into the EU a distant possibility.

On 12 September 1963 Turkey signed an Association Agreement, the Ankara Treaty, with the European Community and became an associate member of the EC. When this Agreement, which recognized Turkey as eligible for membership, was signed, the then Commission President Sir Walter Hallstein declared that 'Turkey is part of Europe'. Turkey's association with the EC was expanded with the 1970 Additional Protocol that foresaw the establishment of a customs union between Turkey and the EC by 1995. On 14 April 1987 Turkey applied for full membership of the European Community.² In response to the Turkish application, the European Commission presented its Opinion (Avis) in 1989, which did not recommend starting accession negotiations, even though Turkey was eligible for membership.³ Instead of full membership, the Commission suggested the operation of the Association Agreement and the realization of a customs union as foreseen by the 1963 Ankara Treaty and the 1970 Additional Protocol. On 6 March 1995 a Customs Union Agreement (CUA) was signed by Turkey and the European Union, and was put into effect on 1 January 1996,⁴ creating a customs free zone between the parties. The Customs Union has demonstrated the Turkish economy's ability to cope with the competitive challenges of free trade in manufactured goods, and the trade, competition and intellectual property components of the EU's *acquis communautaire*, and can therefore be taken as proof that Turkey can fulfil the economic conditions of the Copenhagen criteria for EU membership.

On 12 December 1997 during its Luxembourg summit, the European Council decided not to include Turkey in its enlargement process. The Luxembourg decisions are shaped by the Copenhagen criteria of the European Council and Agenda 2000 proposals of the Commission. During its Copenhagen summit in June 1993, the European Council decided on a set of criteria for EU membership: (i) stable institutions governing democracy, the rule of law, respect for human rights and protection of minorities; (ii) the existence of a functioning market economy and the capacity to cope with competitive pressure; and (iii) the ability to take on the obligations of membership including adherence to the principles of political, economic and monetary union. On 16 July 1997 the Commission President Jacques Santer proposed Agenda 2000 which set the Commission's strategy to widen the Union and suggested that accession negotiations begin with central/eastern European countries in 1998. Santer

proposed to open talks with Poland, Hungary, the Czech Republic, Slovenia and Estonia. The 1997 Luxembourg summit ended with the declared objective that these countries' negotiations would begin on 31 March 1998 together with Cyprus. The Commission's position is that even though Turkey would be eligible for membership (this is due to the 1963 Ankara Agreement and the EU's acceptance of Turkey as being part of Europe at that time), the near future prospects for membership are very limited. On 29 April 1997 the EU-Turkey Association Council reaffirmed Turkey's eligibility and confirmed that Turkey would be judged by the same objective standards and criteria as other applicants. However, Turkey is not part of the EU's immediate enlargement plans according to both Agenda 2000 and the decisions of the December 1997 Luxembourg summit of the European Council. In the Luxembourg summit, the EU did not include Turkey among the applicant countries – even though Turkey applied for full membership in 1987 – and based this decision on concerns about human rights violations, Turkey's troops in Cyprus and its tense relations with Greece. The Council instead once again confirmed Turkey's eligibility and offered a Pre-Accession Strategy as well as an invitation to the European Conference.

The Turkish government rejected both of these suggestions and the Luxembourg summit ended as relations between Turkey and the European Union reached crisis point. After the summit, the Turkish Prime Minister, Mesut Yilmaz, accused the EU of erecting 'a new, cultural Berlin Wall' to exclude Turkey and of discriminating against Turkey on religious grounds. The outlook is grim for Turkey's century-old dream to be a part of the European system of states. This paper proposes that there is an interplay of two factors that makes Turkey's membership unlikely: the Turkish political system and Turkish identity.

It is almost impossible to categorize Turkey among a group of states; it is neither a part of Christian Europe nor a part of the Muslim, Arab, Middle Eastern culture. Turks have been a part of Europe since their arrival in Asia Minor in the eleventh century. In the nineteenth century there was a diplomatic and legal acceptance of Turkey's incorporation to the European ranks with the 1856 Paris Conference. Yet throughout history the Turks have never been classified as Europeans. The impossibility of placing Turkey in Europe is part of the European Union's problem of what to do with Turkey. To understand why that is a serious obstacle to Turkey's membership, one has to grasp the binary opposition between European and Turkish identities over centuries. The perception of Turks as the Other of Europe is deeply embedded in the European collective memory, and despite many internal

hostilities among the Europeans themselves they can find in Turkey a common Other. 'It was this adversarial identity that ... provided the receptacle for a racial notion of European identity'.⁵ Edmund Burke's famous remark that 'Turks are worse than savages' is reformulated with the Christian Democratic Party's declaration on 4 March 1997. Since 'the projections of the European psyche have been and remain, fundamental impediments to cultural encounter and understanding',⁶ the perception of Turks as such remains a serious obstacle to Turkey's inclusion in Europe because the Other, i.e. the Turks, is 'marked by an insurmountable particularity, and consequently can never be assimilated into our culture'.⁷

On the other hand, the role of Europe in the construction of Turkish identity is profound.⁸ There are two opposing tendencies at work in the construction of Turkish identity. One is based on the modern, secular, Western-oriented discourse, the other is traditional, Islamic and oriental in its formulations. Modern Turkish history is one of continuous struggle between these two tendencies. Modernization in Turkey is perceived to be a process of Europeanization and therefore the critical threshold in defining what the Turkish people will reject, i.e. the non-European elements. One primary goal of modernization is the recognition of Turkey as part of Europe. There is a very strong desire among the Turkish intelligentsia, its bureaucracy and its military to gain acceptance as a European state. One reason for this desire is finally to resolve the clash in favour of the modernizers. Thus, when the new Turkish Republic was established in 1923 out of the ashes of the Ottoman Empire, its political leaders aimed to elevate Turkey to the level of contemporary civilizations and to have Turkey accepted as a European state.

The Cold War presented Turkey with a golden opportunity to gain European status. As a buffer between the Soviet Union and Western Europe, Turkey became a valued pillar of Western security. It was accepted as a member of the Organization for Economic Cooperation and Development (OECD – at that time OECC) in 1948, the Council of Europe in 1949 and the North Atlantic Treaty Organization (NATO) in 1952. The Cold War structures provided Turkey with a historic opportunity to be accepted as a European state even though the necessary elements were still absent in Turkey. Turkey's place in Europe was granted, albeit reluctantly. Europe accepted Turkey into its ranks in order to contain the Soviets.

In the post-Cold War era, Turkey's position in the European order can no longer be justified by Turkey's function as a buffer state against the Soviet Union. The disappearance of the Red Menace brought into question Turkey's place in European security arrangements, or in any European organization for that matter. The perception is that Turkey's value as a security partner for Europe has diminished. Instead, Turkey's incorporation

in Europe will be possible only when the Turkish political system meets European standards. Thus, what the Cold War structures enabled Turkey to hide, its failure in attaining European standards in human rights and the rule of law, can no longer be concealed. The post-Cold War values revolve around the rule of law, protection of human rights and upholding democratic principles.

In the post-Cold War era the European Union acts like a magnet for non-members; a necessary criterion for inclusion is democracy. Article 237 of the Rome Treaty states that any European country that is a democracy and that has a market economy may apply for membership. The 1962 Birkelbach Report of the EC has clear political conditions for membership, a member country should respect all principles of democracy. The Treaty on the European Union (TEU) provides that any European state whose system of government is founded on the principle of democracy may apply to become a member of the Union. Article F of Title I of the TEU states that (i) the Union shall respect the national identities of its member states whose system of government are founded on the principle of democracy and (ii) the Union shall respect fundamental rights, as guaranteed by the European Convention of Human Rights. The 1992 Lisbon Summit of the European Council further emphasizes the importance of a democratic system in a candidate country. In addition, one institution of the European Union (EU) in particular, the European Parliament, is an ardent supporter of democracy in countries aspiring to membership. The Maastricht Treaty has expanded the role of the EP in relations with third parties by requiring the assent of the EP for their accession to the EU (Article O of the Treaty on the European Union). Thus, the assent requirement from the EP put democracy and respect for human rights on top of the agenda for any country aspiring to EU membership. Lastly, among the Copenhagen criteria, political conditions, i.e. democracy, protection of human rights and the rule of law, head the list of requirements for membership. Thus, the European Union has a very clear position on membership: democracy is a must.

To top it all, the end of the Cold War reintroduced the Central and Eastern European countries to the European order. Since 1991 the European Union has developed various schemes to bring the Central and Eastern European countries into its orbit. The 1991 Europe Agreements established associations between the EU and the Visegrad countries. In July 1997 three of these countries – Poland, Hungary and the Czech Republic – signed accession agreements with NATO as a further step towards their integration into the European order, and the European Council of December 1997 decided to open negotiations with these countries in March 1998 for their accession into the EU.

The end of the Cold War was unfortunate for Turkey because first the

dismantling of Cold War structures decreased Turkey's strategic importance and eroded the *raison d'être* for Turkey's incorporation into the European order. Second, since post-Cold War Europe is shaped along such values as rule of law and democracy, Turkey is left to face its own shortcomings in its political system. Third, Turkey fell behind the Central and Eastern European countries in its bid for membership of the EU.

Given the absence of a systemic factor paving the way towards EU membership, Turkey faces the unenviable task of reforming its political system. The immediate issues involve Turkey in a continuing process of adaptation to post-Cold War values which in turn necessitates changes in the Turkish socio-political structure. The July 1997 report of the Commission states that Turkey falls well below EU standards on human rights. This does not mean, however, that Turkey is not going to be accepted into the EU just because of its political system. There are many other reasons why the European Union member states are opposed to Turkey's membership. Turkey is too large, too poor, too populous, with high inflation and unemployment rates; it has an enduring rivalry with Greece, and a pending Kurdish problem. According to various statements from EU officials, Turkey's membership is determined by Turkey's efforts to improve democracy, respect for human rights, its treatment of the Kurdish population, and to resolve the Cyprus problem and the ongoing dispute with Greece. In 1997 the Commission suggested that Turkey should allow the International Court of Justice at the Hague to arbitrate in disputes between Turkey and the EU member states – i.e. Greece – and that the Cyprus question should be resolved prior to any negotiations between Turkey and the EU. It seems likely that as long as disputes with Greece and the Cyprus problem continue, Turkey's chances of membership are slim. Furthermore, were it to gain membership, Turkey would threaten the European states with an influx of people and would be a net recipient of the Union's structural funds. Given all these objections, the EU concludes that membership negotiations with Turkey cannot be opened, despite its eligibility. However, certain groups in Turkey claim that the real reason for the rejection lies in Turkey's cultural differences and its religion and that the EU is a Christian club, ill disposed to admit a Muslim country.

While the EU members are becoming increasingly sceptical about Turkey's membership, Turkish policy-makers tend to regard the European Union as the ultimate manifestation of European identity. Therefore, closer ties with the Union are perceived to be a stamp of approval for Turkey's 'Europeanness'. The final step in this bid towards Europeanness seems to be Turkey's full membership of the EU. Europeanness, however, has a number of prerequisites one of which is 'democracy'. Turgut Özal, the Turkish Prime Minister between 1983 and 1989 and president until his death in April

1993, summarized this view in his declaration: 'If Turkey wants to be in the European Community, there has to be democracy in Turkey'.⁹

During the negotiations for the Customs Union, the importance of Turkey's political situation in forging any kind of relationship with the EU became clearer. Under the Maastricht Treaty the assent of the EP by an absolute majority is required before the Customs Union can be operational. The EP appointed Carlos Carnero Gonzales as the EP's *rapporteur*, whose report formed the basis of the EP's decision on 13 December 1995.¹⁰ The report identified the major areas requiring attention, such as the 1982 Constitution, improving the position of Turkish MPs from the Democracy Party, the Anti-Terrorist Law, improving the country's human rights record, and finding a political solution to the Kurdish issue. The basic conclusion of the report was that Turkish democracy falls far short of European standards, echoing the conclusions of earlier reports: the 1985 Balfe report and 1988 Werner reports of the European Parliament.¹¹ Since the CUA demonstrated Turkey's ability in both satisfying the economic conditions of membership and adapting to the Community's *acquis communautaire*, Turkey's upholding of democratic values emerges as the most important criterion on which the EU will judge Turkey's eligibility in the future.

The EU's objections to Turkey's membership are summarized by the statement of Luxembourg's Prime Minister, Jean Claude Juncker, that a Turkey in which torture persists cannot 'sit at the table of the European Union'. The British Foreign Secretary, Robin Cook, also repeated the major arguments against Turkey concerning its human rights record and its treatment of the Kurdish population. Since these problems seem to constitute visible obstacles blocking Turkish membership, one should look at the structural problems in Turkish politics and analyse the incompatibilities between Turkey and the rest of Europe.

The Turkish political system is a puzzling sight to the foreign analyst. The years 1996 and 1997 turned out to be highly interesting for Turkish politics. In some circles Turkey is said to be the only Muslim country that is a secular democracy. This statement is, however, highly dubious if one takes into account the omnipresent and omnipotent role of the Turkish military, the rise of political Islam and the cloud surrounding Turkey's human rights record. Thus, since Turkey is neither a democracy nor secular the only certainty in that statement is that it is Muslim.

In the period that followed the 24 December 1995 general elections, three different coalition governments were formed, charges of corruption became commonplace, political Islam emerged as a force to be reckoned with and the presence of the Turkish military is increasingly felt in everyday politics. A key development in this period is the notorious Susurluk incident – the coincidental discovery of an illegal formation within the state

apparatus – the so-called ‘state, mafia and *aşiret* [tribe] triangle’ – when a parliamentarian, a police commissioner and a fugitive hitman wanted by Turkish police were discovered to have been sharing a car involved in a traffic accident. This incident had various aftershocks: first it demonstrated state involvement in clandestine activities, second, that the security forces acted as a party to these activities, and third, it showed the state’s weakness insofar as various governments failed to explain the connection between these three men.

An ever-present question in Turkish politics is whether Turkey will ever complete its transition to democracy or whether it will revert to more authoritarian forms of government. Turkey’s problems with the process of democratization are derived, first, from the enduring role of the military in politics, second, from the rise of radicalism, and third, from structural problems exemplified by the Anti-Terrorism Law, ‘thought crime’, and the Devlet Güvenlik Mahkemeleri (DGMs) – the State Security Courts.

The first problem is the role of the Turkish military in politics, which constitutes a major obstacle to the process of democratization in Turkey. The Turkish military acts as the ‘guardian’ of the Turkish state and Kemalist reforms. Therefore any threat to Kemalism meets with a severe reaction from the military. It is within this context that the military opposes the rise of political Islam, which threatens laicism, and the actions of Kurdish separatists which threaten Turkey’s territorial integrity. Since the transition to multi-party rule in 1946, Turkish democracy has been interrupted three times by military interventions, in 1960, 1971 and 1980. In each case, the military intervened to ‘clean up the mess created by the politicians’ and then left the stage to the civilians. Turkey has never had long periods of uninterrupted military rule such as the military dictatorships of Spain, Portugal and Greece. The Turkish military interventions of 1960, 1971 and 1980 are explained as ‘moderating coups’ in that they did not lead to the establishment of military juntas. The problem in the 1990s is no longer the danger or possibility of a military take-over, but the omnipresent role of the military in civilian politics. The Turkish Chief of Staff’s declaration one day before the 24 December 1995 General elections that ‘the Turkish Armed Forces are the most effective guarantor of the Turkish Republic which is a secular, social and lawful state’ succinctly clarifies the military’s position in Turkey. The 1990s have witnessed the integration of the Turkish military into everyday political affairs through the National Security Council (NSC), which acts as a supervisory body where the president, prime minister, various ministers and the Commanders of the Turkish Armed Forces meet routinely to discuss political problems and issues. The NSC has a special role under the 1982 Constitution in the formulation and implementation of national policies and the Council of Ministers gives priority to its

recommendations and decisions. The developments of 1997, specifically in administration and educational reform, while intended to deal with the threat of political Islam, stress the particular role of the military through the National Security Council in Turkey. The NSC and its role as a supervisory body is not accepted by the EU, since in liberal democracies the military should be under the control of civilian power and not in a position to guide civilian authority. In Turkey, the power of the Generals through the NSC indicates that the military is in a position of highest command. For example, on 28 February 1997, during an NSC meeting, the Generals were adamant on reforming the education system and asked the government to prepare an educational reform. The NSC announced on March 1 1997 that it expected the government to take measures to strengthen secularism and that failure to do so might result in military intervention. The inability of the government in power – the coalition between the True Path Party and Welfare Party – to pass an educational reform became one of the factors that led to its downfall in June 1997. The EU opposes this omnipotent military presence in politics and cites it as concrete proof that Turkish democracy is far behind the European standard. One interesting note, however, is that the military in Turkey is the institution most trusted by the public at large.

Second, Turkish democracy suffers from the growing strength of radicalism in the 1990s. A major challenge to Turkish democracy in the nineties comes from the incorporation of these radical parties/movements into mainstream Turkish politics, the incorporation of political Islam and two types of nationalism – Kurdish and Turkish – into the Turkish political system, or to put it another way, the taming of radicalism. The rise of radicalism results from a number of developments in Turkey. First, since 1980 Turkey has been experimenting with extensive economic restructuring which has led to the economic marginalization and alienation of lower middle urban classes and fixed income groups. Political Islam and ultranationalist movements find fertile ground in times of economic hardship. Second, the rapid pace of socio-economic change in the 1980s and 1990s resulted in the erosion of some traditional values. This, in turn, led to a search for a new source of legitimacy: some found it in Islam, some others in nationalism. Third, the state's failures in coping with people's demands and needs led to a decreased legitimacy and trust in the governments and increased the search for alternatives. Pro-Islamic parties stepped in to improve people's everyday living conditions by providing food, healthcare, education, services which led to an increase in their popular support. The growing role of radicalism in Turkish politics can be better understood by looking at party politics in Turkey.

The mainstream of Turkish politics – comprising the major centre-right, centre-left and centrist splinter parties – steer clear of radical ideology.

Mainstream Turkish politics during the 1990s are represented by the major centre-leaning parties; the Motherland Party, the True Path Party, the Democratic Left Party and the Social Democratic Party/Republican People's Party. The centrifugal parties are, first, the pro-Islamic Welfare Party (WP) led by Necmettin Erbakan, who was the founder and leader of the pro-Islamic National Salvation Party during the seventies; the Nationalist Action Party (NAP) – the ultranationalists, and finally, the Kurdish oriented parties: People's Labour Party (HEP), later succeeded by the Democracy Party (DEP), which was succeeded by People's Democracy Party (HADEP) in June 1994.

In the 1995 elections, WP received 21.4 per cent of the national vote, the ultranationalists in the Nationalist Action Party had 8.2 per cent of the vote and HADEP, which represents the Kurdish vote, had 4.2 per cent. Even though neither NAP nor HADEP could go over the national threshold of 10 per cent of the national vote and therefore could not gain seats in parliament, the results demonstrated that the three parties 'did boost the combined extremist vote share to one-third and raised the possibility that Turkish democracy is facing a systemic challenge'.¹² Of these parties, the strongest party is the pro-Islamic party – the Welfare Party. The first time mainstream Turkish politicians as well as the EU became aware of any threats to Turkish democracy from WP was when the party received 18.6 per cent of the national vote in the local elections of 27 March 1994. The Welfare Party received one quarter of the votes in the two major metropolises in Turkey, Istanbul and Ankara, whose mayors since then have all belonged to the Welfare Party. In the December 1995 general elections the Welfare Party emerged from the ballot box as the leading party. Necmettin Erbakan, the leader of WP, is able to manipulate the decreased levels of trust among the public. For example, he claimed that with the Welfare Party in power Turkey would cease to be a 'guardian state' but instead would become a 'waiter state'. It seems the pro-Islamic movements present a major challenge to the consolidation of democracy in Turkey. The WP throughout 1996 and 1997 engaged in a number of acts which demonstrated that they are not committed to the preservation of Turkish democracy as a secular state. Various WP officials insulted the basic principles of the Turkish Republic. Especially noteworthy is the February 1997 Sincan incident where the mayor of Sincan – a small town near Ankara – organized a pro-Islamic rally and delivered a speech in which he described how an Islamic government would be established in Turkey. In response, the Turkish military sent its tanks to Sincan, the mayor, Bekir Yildiz, was arrested, and the incident demonstrated that Turkey's major domestic headache is the rise of Islam. The Welfare Party is currently under the investigation by the Turkish Constitutional Court in response to an appeal made for its closure.

The case against WP is based on Article 68/4 of the Turkish Constitution which states that political parties cannot engage in acts that threaten the Turkish Republic and its founding principles, and Article 69/6 which states that the Constitutional Court can decide the closure of a political party accused of such acts. The WP's file is pretty heavy with accusations of violating the Article 68/4. The WP is the modern-day reflection of the continuing struggle between the two tendencies in Turkey – modernizers and religious reactionaries. The fact that their struggle still goes on rings alarm bells for the EU. Turkey, with its militant Islamism, does not look like a kindred spirit. The rise of political Islam in Turkey seems to indicate that Turkey's political stability and its secular character are increasingly at stake.

Another aspect of the rise of radicalism in Turkey is related to the Kurdish problem. The governments' capabilities in handling the Kurdish problem constitute a testing ground for judging the government's commitment to democratization. In Turkey, there is an estimated population of about 12 million people of Kurdish origin constituting about one-fifth of Turkey's population. Problems basically centre around the recognition of the separate cultural identity of the Kurdish population and the use of the Kurdish language.¹³ The Kurdish problem was militarized by the establishment of a Kurdish terrorist organization – *Partiya Karkeren Kurdistan*, *Kurdistan Workers' Party* (PKK), led by Abdullah Öcalan, which had began its separatist activities in Southeast Turkey in 1984. The Turkish government does not recognize Kurds as a separate minority; and views the problem as being one of military conflict. The Turkish military's position is that the Kurdish problem is one of separatist terrorism the cause of which is the PKK that has to be smashed militarily.

The Turkish government's approach to the Kurdish issue began to change in the 1990s. First, under Turgut Özal the Kurdish problem was placed on the public agenda for debate. In 1991, Özal pushed the Cabinet to revise the laws that banned the public use of the Kurdish language. Second, during the TPP-SHP coalition which ruled Turkey from October 1991 to December 1995, a number of changes were enacted. One of the coalition partners, the Social Democratic Party (SHP), allied itself with the Kurdish oriented People's Labour Party (HEP) in the October 1991 general elections. HEP constituted a quarter of SHP's parliamentary strength: of the 82 MPs SHP had in the parliament formed following the 1991 elections, 22 were HEP members.

SHP was the first party to associate itself with the Kurdish issue and it was highly sensitive to issues relating to the Kurdish problem. The then SHP leader, Erdal İnönü, the deputy prime minister between October 1991 and June 1993, stated on a number of occasions that 'the Kurdish citizens' cultural identity must be recognized in full'.¹⁴ In line with such

developments, a separate Kurdish identity was more or less officially recognized and the use of the Kurdish language, with the exception of broadcasting and publishing in Kurdish, was legalized. In June 1993, HEP was closed by a constitutional court decision, but its members resigned before the court decision and formed the Democracy Party (DEP). In March 1994 a turning point for Turkish democracy arrived. The Turkish Parliament (TBMM) voted to lift the immunities for six Democracy Party parliamentarians as well as an independent pro-Islamic Member of the Parliament, and placed them under arrest. The Turkish parliament's decision was based on the suspicions that centred around the six DEP members for supporting the PKK and its terrorist activities. Since the decision to lift the immunities was taken by the Turkish Parliament – the people's elected representatives – the action was defended as not being a violation of the democratic practices accepted in Turkey. The lifting of immunities followed a major economic downfall in Turkey and it preceded the 27 March 1994 local elections. One explanation for the arrests was that in an attempt to divert people's attention from sky-rocketing inflation and faltering economic policies, the then Prime Minister Tansu Çiller found in DEP an easy target to stir national sentiment one of her favorite arguments was that she was going to 'cleanse the Parliament of the PKK'.

Reactions from various European institutions to the arrests were very severe. In line with a report prepared by an MEP from Holland, Eric Jurgens, the European Parliamentary Assembly decided to condemn the Turkish Parliament's decision to lift the immunities DEP members based on the argument that they had used their right to free speech that was protected by the Turkish Constitution and the European Human Rights Convention. The European Parliament immediately passed a resolution on the issue¹⁵ and on 28 March 1994 the EP declared a freeze on the activities of the EU-Turkish Joint Parliamentary Committee. The crisis deepened when the Constitutional Court in June 1994 decided to close the Democracy Party, which had 13 members, six of them already in custody since March. The stated reason for closing DEP was that the party had contravened the Turkish Constitution and the Political Parties Law. When HEP was closed in July 1993, all members with the exception of Fehmi Işıklar retained their parliamentary status because they resigned before the Constitutional Court decision and became members of DEP; however, with the closure of DEP in June 1994, the DEP members lost their parliamentary status under Article 84 of the 1982 Constitution. On 26 October 1995 the Turkish Supreme Court decided to release two of the DEP parliamentarians. The four MPs who are still in jail took their case to the European Court of Human Rights which passed a decision in November 1997. The Court decided that the Turkish government was guilty with respect to the arrest

procedures of these parliamentarians and the period for which they were held in custody. The decision delivered a blow to the standing of the Parliament in Turkey and that of Turkey in the international community was damaged.¹⁶

The Kurdish question seems to be a major challenge for Turkey in its process of democratization. The Turkish government's handling of the problem is used as the yardstick by which Turkish democracy is judged, and there is increasing pressure on Turkey to improve the situation. For example, the European Parliament passed a number of resolutions condemning Turkey for the bloodshed. In July 1996 European parliamentarians met in Bonn for a 'peace conference' and accused the Turkish government of state terrorism and pleaded for international legal action against Turkey.¹⁷ During the July 5–9 1996 meeting of the OSCE's parliamentary assembly, a resolution was adopted on the Kurdish problem that criticized the Turkish government for mishandling the situation. Finally, in September 1996 the EP decided to suspend all financial aid to Turkey except that to be used to restore democratic practices.¹⁸

The closing down of political parties and lifting the parliamentarians' immunities, therefore, are not only domestic issues but have direct repercussions for Turkey's EU membership. The immediate issue is recognizing a separate Kurdish identity which in turn may lead to granting the Kurdish people some form of cultural autonomy. On a number of occasions the EU has called on the Turkish government to lift the state of emergency in the Southeast and to enter into a dialogue with the Kurdish people with a view to a peaceful solution safeguarding the rights of the Kurds.¹⁹ In addition, the European Parliament and the Commission cite the DEP case as a further proof irreconcilable differences between Turkey and the European democracies and require their release as a precondition for accession negotiations. The EU has been influential in making the Turkish government realize that Turkey's future within the European order is largely determined by maintaining democratic practices for all and that therefore there is a necessity to find a political solution to the Kurdish problem, not only a military solution because the problem goes much deeper. For example, the Turkish government's treatment of its Kurdish people is stated as one major reason for Turkey's non-inclusion in the enlargement process of the EU in the years 2000. 'Danielle Mitterrand, widow of the late French president François Mitterrand, wrote to all 15 EU leaders to ask that Turkey be rejected on the grounds of its treatment of the Kurds. Some 3,185 Kurdish villages have been destroyed and 3 million Kurds displaced, she wrote; 'Must I remind you how many journalists, writers ... are in prison or disappeared?''²⁰ Thus, in the European Union, Turkey's position is increasingly determined by its handling of the Kurdish problem, and that by

itself became the measure of the success of the process of democratization in Turkey.

Turkey's worsening human rights problem is not making the picture any brighter. Such incidents as the murder of a journalist, Metin Göktepe, by a group of police officers and the ever increasing number of people who have 'disappeared' while in police custody are major indicators of this deterioration. Added to which, the corruption charges haunting the leading politicians raise doubts about the accountability of various governments. The most prominent figure in this is the leader of TPP, Tansu Çiller, whose troubles really began in March 1996 when she was accused of corruption, notably \$6.5 million appropriated from the government slush fund just before she left office. The discovery of a close friendship between some parliamentarians, police officers and mafia figures in autumn 1996 – the Susurluk incident – did not make life any easier for her. It seems that in the last years of the 1990s the government has to engage in a cleansing process similar to the one that took place in Italy. This requires effective political leadership. However, this seems to be lacking in Turkey when it is most needed.

The 1990s are witnessing a fragmentation of Turkish politics reminiscent of the seventies. The promising picture of the second half of the eighties began to deteriorate speedily in the 1990s. The general elections of 20 October 1991 and 24 December 1995 both resulted in the formation of coalition governments. The Welfare Party won the December 1995 elections, with the TPP and MP trailing by a small margin. The governments formed after December 1995 elections were: first, a coalition government between the TPP under Tansu Çiller and MP under Mesut Yılmaz that lived only five months, second, a coalition government between TPP under Çiller and WP under Necmettin Erbakan and, third, a coalition between MP under Mesut Yılmaz, DSP under Ecevit and DTP-Democratic Turkish Party under Cindoruk.

Of these coalition governments, the most ironic is that of Çiller and Erbakan. Çiller's alliance with Erbakan was prompted by her desire to escape a cloud of accusations. Throughout 1994 and 1995 Tansu Çiller campaigned in Europe and in Turkey for support against the pro-Islamic Welfare Party. She even convinced the European Union that failure to sign the Customs Union Agreement with Turkey would bring the Islamists to power. During the negotiations for the Customs Union Çiller claimed that such a union with the EU would strengthen her hand against religious reactionaries. Similarly, the French President, Jacques Chirac, claimed that 'If we dissuade Turkey from being European, we will strengthen the religious revivalists'. Thus, it seems that both Çiller and the EU members thought that a new tie between Turkey and the EU, i.e. the Customs Union,

would damage the cause of political Islam in Turkey. Her strongest argument was that support for her would stop the Welfare Party. The day before the 1995 general elections, Çiller declared to the Turkish public that 'tomorrow, you will choose between civilization and darkness', darkness denoting the Welfare Party and political Islam. But when she could not get enough votes to form a government by herself, and when she could not find other partners, she made an alliance with Necmettin Erbakan, the leader of the Welfare Party. She allied with the very person she labelled the major enemy of Turkish democracy, the 'bogeyman'. A similar level of hypocrisy was also witnessed among the ranks of the Welfare Party. Çiller claims she represents the Western-oriented, secular and 'modern' segments while Erbakan represents the Islamic-oriented, conservative reactionaries. Their political marriage was one of convenience. They ruled Turkey together from 28 June 1996 to 12 July 1997, one of the oddest couples in Turkey. Their partnership was an exemplar of the oddities that have gripped Turkey in the nineties. Çiller's strategies, unfortunately, seriously harmed Turkey's reputation in European quarters since her claims as protector of the Turkish Republic as a democratic, secular state did not match her actions while she was in office.

Despite this grim picture, several efforts were made to strengthen Turkey's democracy and bring it into line with European standards. For this purpose, in the 1990s various Turkish governments adopted 'democracy packages'. On 14 November 1991 the TPP-SHP coalition introduced a 'democratization package'. One of the elements of the package is the Criminal Court Procedural Law (CCPL) introduced in April 1992 which brought new regulations for common criminals in custody. The amendment of the CCPL was an important part of the 'judicial reform', the 'democratization package' of the TPP-SHP coalition government.²¹

The reform efforts gained momentum in the interim period between the signing of the Customs Union Agreement on 6 March 1995 and the European Parliament's vote of assent on 13 December 1995. An important step was taken in summer of 1995 when an absolute majority of the Turkish parliament agreed more than 20 amendments to the 1982 Constitution. The 1995 democracy package preceded the vote in the European Parliament for the Customs Union. In addition, in September 1995 the Turkish parliament revised the Anti-Terrorist Law of April 1991 and its most notorious provision, Article 8, aimed at 'thought crime'. The Anti-Terrorist Law seeks to curb separatism in Turkey and does so by restricting freedom of expression and freedom of speech. The amendments of September 1995 to Article 8 of the Anti-Terrorist Law have lightened only some of its aspects. Under the MP-DSP-DTP government, a number of political reforms have been underway since July 1997. One of its first acts was to release various

newspaper editors imprisoned on charges of 'thought crime'. Second, in summer 1997 the government engaged in an educational reform by replacing the five-year compulsory education with one of eight years which restricted the religious schools in Turkey – the *imam hatip lycées* – responsible for socializing the youth in political Islam. Third, the government accepted a package on human rights on 8 December 1997. This package dealt directly with conditions of custody and torture and aimed to eliminate the widespread use of torture and 'disappearances' while under custody. According to the EU, the persistent cases of torture, disappearances and extra-judicial executions illustrated the government's inability to monitor and control the activities of the security forces. In November 1997 this government decided to lift the parliamentarians' immunities in order to deal with corruption charges. Even though this attempt failed, on 10 December 1997, the government was able to lift immunities for two parliamentarians; Sedat Bucak – who was the parliamentarian involved in the Susurluk incident – and Mehmet Agar, the former director of police in Istanbul and former minister of the interior. This decision was taken in order to shed light on the Susurluk incident which threatens the Turkish state's legitimacy both at home and abroad.

Thus, under the present Turkish government, there are a number of developments in Turkish democracy. The pressures from the EU (the stick) and potential membership of the EU (the carrot) have been influential in bringing about some of these changes. The Turkish problems in human rights, the treatment of the Kurds, the rise of political Islam and the role of the military justify the European Union's position that Turkish democracy is well below that of the 15 members of the EU. The Turkish government accepts that Turkish democracy is far from ideal and claims to take the necessary measures to restructure its political system. The increasing strength of Turkish civil society and the growing demands from the people for more democratic government are also influential in this restructuring. Unfortunately, by accepting such countries as Bulgaria and Romania – which also have dubious human rights records and unstable and uncertain political systems and economies – as applicant countries, the EU has damaged its credibility as an unbiased institution.

This paper has argued that there are problems in Turkey with respect to human rights, upholding democratic principles and protection of minorities which justify the European Union's rejection of Turkey's pleas for membership. Such political conditions present themselves as a visible, valid cover concealing the unspoken reservations about Turkey – whether Turkey is European or not. As long as the political objections remain valid, the

Turkish government cannot effectively bargain with the EU.

The EU has clear requirements for membership; democracy, market economy, ability to adapt the Community's *acquis communautaire*. Turkey's success in satisfying the requirements of the Customs Union Agreement of 1995 demonstrated that Turkey would not have too much trouble in adjusting to the economic conditions of membership. The real obstacle seems to lie in Turkey's democracy. The structural problems in Turkey's democracy are valid grounds against opening negotiations with Turkey for membership of the European Union. The EU is increasingly concerned about the rise of radical movements in Turkey: Islamic militant fundamentalism and Kurdish terrorism which is controlled only by the Turkish army – hardly a democratic force itself. The magnitude of Turkey's political problems is such that the EU is unable to tackle them. The new challenges to Turkish democracy are now coming from the urgent necessity to solve the Kurdish problem, to which the EU is specifically sensitive, and the incorporation of the pro-Islamic Welfare Party into mainstream Turkish politics. The Turkish political system is passing through hard times in the 1990s due to the rise of radicalism and abuses of human rights. Turkish officials, the military as well as the civilian government are aware that a new Europe is in the making and that if they are not fast enough, Turkey will not be included. One can observe an adaptation process in Turkey to the Union's political norms and values. The main motive behind these processes is that membership of the European Union implies a constant reconciliation of national interests and standards,²² since all countries aspiring to membership have to bridge the gap between their political systems and EU standards.

The European Union demands that the pursuit of democratization in Turkey should be accompanied by a firm commitment to resolve a number of problems in the region. The EC-Turkey Association Council of 29 April 1997 suggested that tensions in the Aegean could be overcome only by settling the dispute between Greece and Turkey in accordance with international law, even through the International Court of Justice, as well as through good neighbourly relations and the rejection of the threat or use of force in accordance with the UN Charter. Moreover, Turkey is expected to contribute actively to a just and lasting settlement of the Cyprus question in accordance with the relevant United Nations resolutions. Thus, membership is possible only if these conditions are met, Turkey's democracy must be satisfactory, disputes between Turkey and Greece must be resolved and the Cyprus issue should be settled. With the exception of the democracy requirement, the EU's conditions are vague and controversial and overlook the fact that in many cases Greece was blocking the settlement of disputes.

The closer ties between Turkey and the European Union under the

Customs Union Agreement coupled with the Turkish desire for membership of the EU have provided an additional stimulus to Turkey's democratization process. An emerging pattern in Turkey's society and political system is, however, to resist the pressure for democratization coming from the EU. The Welfare Party criticizes the influence of Europe and presents the European Union as a Christian club. The declaration from the Christian Democratic Parties in March 1997 that Turkey would never be accepted as a full member of the European Union²³ helped the cause of the Islamists. In addition, the Luxembourg summit decisions left Turks angry and bitter. In Turkey the slogan 'Go to hell, Europe!' reflects the popular mood. In response to the EU rejection, the Turkish government decided to suspend all political dialogue between the EU and Turkey, thereby eliminating the external stimuli for Turkey's process of democratization.

The EU's credibility is questioned because it treats Turkey and the rest of the applicant countries differently. Central and Eastern European nations are invited in and the EU discusses whatever problems they have, and these problems are addressed jointly, with the EU's help. On the other hand, Turkey is told that it will have to put its political house in order before the EU will reconsider its position. The mixed messages coming from the EU unfortunately undermine its legitimacy, thereby decreasing Turkish trust and weakening the pro-European and pro-democratic arguments of the modernizing, Western-oriented forces in Turkey. Thus, religious reactionaries are gaining over modernizers by arguing that since Europe is so hostile to Turkey, Turks should reconsider their Western orientation. After the Luxembourg summit Erbakan declared that the Turkish government had received a roasting in Europe and that all ills that had befallen Turkey had been caused by the modernizing elite's Western aspirations. Thus, the pressure exerted by the EU may be counter-productive: on the one hand it presses for democratization in Turkey and on the other it pushes Turkey out to the periphery of Europe, thereby strengthening the hands of authoritarian movements such as political Islam.

NOTES

1. Barry Schweid, 'Turkey's Leader Denounces Kohl', Associated Press, 18 December 1997.
2. See Meltem Müftüleri-Bac, *Turkey's Relations with a Changing Europe* (Manchester: Manchester University Press, 1997).
3. The Commission Opinion (18 December 1989) presented a number of factors that made Turkey's accession almost impossible: these were the expansion of political pluralism, the poor state of democratic government, the persistence of disputes with a Member State, namely Greece, the lack of a viable solution to the Cyprus problem, relative economic backwardness compared to EU members, the Kurdish problem and human rights abuses.
4. Following the implementation of the Customs Union, total EU-Turkey trade increased from 22 billion ECUs in 1995 to an estimated 27 billion ECUs in 1996 with an estimated EU

- surplus of 9 billion ECUs. The CUA encompasses financial support to Turkey in compensation for its trade deficit: 375 million ECUs in special aid and 750 million ECUs in EIB loans. These payments have been blocked for political reasons.
5. Gerard Delanty, *Inventing Europe: Idea, Identity and Reality* (London: Macmillan Press, 1995), p.37.
 6. Kevin Robins 'Interrupting Identities: Turkey/Europe', in Stuart Hall and Paul du Gay (eds.), *Questions of Cultural Identity*, (London: Sage, 1996), pp.61-86.
 7. Robins, p.66.
 8. See Meltem Müftüler-Bac, 'Through the Looking Glass: Turkey in Europe', *EastWest Journal*, forthcoming.
 9. Istanbul daily *Hurriyet*, 18 September 1987.
 10. European Parliament, Report by Carnero Gonzales for the Committee on Foreign Affairs, Security and Defense Policy on the fact-finding mission to Turkey, 13-16 September 1995, Doc Pe. 214.242.
 11. The two reports were written by members of the European Parliament in 1985 and 1988. They recommended that the Turkish political system had to become more compatible with European democracies.
 12. Ergun Özbudun, 'Turkey: How Far from Consolidation?', *Journal of Democracy*, Vol.7, No.3 (1996), p.129.
 13. See Nimet Beriker-Atiyas, 'The Kurdish Conflict in Turkey: Issues, Parties and Prospects', *Security Dialogue*, forthcoming December 1997 and Meltem Müftüler-Bac, 'Negotiating Kurdish Separatism in Turkey', in Marc Ross and Jay Rothman (eds.), *Theory and Practice in Ethnic Conflict Management* (New York: Macmillan, forthcoming).
 14. FBIS, 17 December 1991.
 15. European Parliament, Resolution on the trial of the members of the TGNA, Doc.Pe 182.023, 28 March 1994.
 16. *Briefing*, Turkey, 7 March 1994, issue 980, p.3.
 17. As reported in the Turkish daily *Cumhuriyet*, 8 July 1996.
 18. European Parliament, Resolution on the political situation in Turkey, Doc.Pe 252.050, 19 September 1996.
 19. Raymonde Dury, European Parliament Session Documents, Report of the Committee on Foreign Affairs and Security on EC-Turkey relations, DOC-EN/RR/208559, 21 May 1992, p.7.
 20. Anne Swardson 'European Union Excludes Turkey From Expansion Plans', *Washington Post*, 13 December 1997, P.A24.
 21. Ömer Faruk Genckaya, 'Consolidation of or Resistance to Democracy: Redemocratization and the Turkish Grand National Assembly', in Lawrence D. Longley (ed.), *Working Papers on Comparative Legislative Studies* (Appleton, Wisconsin: IPSA, 1994), p.323.
 22. Andrew Mango, 'Turkey's Vocation', in Erol Manisalı (ed.), *Turkey's Place in Europe* (Istanbul: Logos Publications, 1988), p.9.
 23. *Yeni Yüzyıl* (Turkish daily), 7 March 1997.