

INTERNATIONAL DIMENSION OF DEMOCRATIZATION? THE INFLUENCE OF THE
EUROPEAN UNION ON THE CONSOLIDATION OF DEMOCRACY IN TURKEY
1987-2002

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May 2003

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ABSTRACT

INTERNATIONAL DIMENSION OF DEMOCRATIZATION? THE INFLUENCE OF THE EUROPEAN UNION ON THE CONSOLIDATION OF DEMOCRACY IN TURKEY 1987-2002

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This thesis analyzes the European Union (EU)-Turkey relations with regard to democracy and human rights and particularly the EU's impact on the consolidation of democracy in Turkey.

Democracy in the Turkey has not been adequately consolidated. The problem of Turkish democracy is the problem of democratic consolidation in Turkey. In the thesis, I propose that the EU promotes Turkish democracy when it provides a full membership perspective to Turkey. In other words, the degree and nature EU's influence on Turkish polity and politics is correlated with question of whether the EU gives Turkey a real membership perspective. In this respect, I have compared three significant periods of the EU-Turkey relations regarding democratic consolidation in Turkey. The EU's impact in the first two periods was limited and quite modest in its nature.

The EU has been an active leverage in the post-Helsinki period. In the post-Helsinki period, the pre-accession mechanism have made Turkey more vulnerable to the EU's requirements and it has justified the EU's interventions into Turkey's domestic politics, which had been often regarded as breach of Turkey's sovereignty in the pre-Helsinki period. Thus, domestic/international-internal/external differentiation in the context of EU-Turkey relations has become less salient within the post-Helsinki period. As far as the active leverage function of the EU is concerned, the EU's impact had been mostly on the Constitutional level of consolidation in the period between 1987 and 2002.

Keywords: Turkey, European Union, Turkey-European Union, Turkish Politics, democratization

ÖZET

DEMOKRATİKLEŞMENİN ULUSLARARASI BOYUTU? AVRUPA BİRLİĞİ'NİN TÜRKİYE'DE DEMOKRASİNİN PEKİŞMESİNE ETKİSİ 1987-2002

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Bu tez, demokrasi ve insan hakları bağlamında Avrupa Birliği (AB)-Türkiye ilişkilerini, özellikle de AB'nin Türk demokrasinin pekişmesindeki etkisini incelemektedir.

Türkiye'deki demokrasi yeterinde pekişmiş değildir. Türk demokrasisinin sorunu esasen demokrasinin pekişmesi sorunudur. Bu tezde, Türkiye'ye tam üyelik perspektifi verildiği takdirde, AB'nin Türk demokrasisinin gelişmesine yardımcı olduğu iddia edilmektedir. Diğer bir ifade ile, AB'nin Türk politikasına etkisinin niteliği ve miktarı AB'nin Türkiye'ye tam üyelik perspektifi verip vermediği ile ilişkilidir. Bu çalışmada, Türkiye'deki demokratik pekişmeyle ilgili olarak, AB-Türkiye ilişkilerinin üç önemli dönemi kıyaslanmıştır. AB'nin etkisi ilk iki dönemde sınırlı ve tabiatı itibarı ile oldukça mütevazidir.

AB, Helsinki sonrası dönemde aktif bir manivela fonksiyonu görmüştür. Helsinki sonrası dönemde, giriş öncesi mekanizma, Türkiye'yi AB'nin istekleri konusunda daha korunmazsız hale getirirken, Helsinki öncesi dönemde, Türkiye'nin egemenliğinin ihlali olarak değerlendirilen AB'nin Türk siyasetine müdahalelerini meşrulaştırmıştır. Böylece, Helsinki sonrası dönemde, AB-Türkiye ilişkileri bağlamında iç siyaset-dış siyaset ayırımı da daha az önemli hale gelmiştir. AB'nin aktif manivela fonksiyonu söz konusu olduğunda, 1987-2002 döneminde, AB'nin etkisi pekişmenin daha fazla anayasal boyutunda olmuştur.

Anahtar Kelimeler: Türkiye, Avrupa Birliği, Türkiye-Avrupa Birliği İlişkileri, Türk Siyaseti, demokratikleşme

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INTRODUCTION

The days were not the same as the old ones for the Turks in the second half of the sixteenth century. The Turkish Empire (the Ottomans) started to face serious difficulties when they were struggling against the “*Küffar* (the Christians/Infidels)”. They tried to find the correct answer of the question as to why the state had started to lose its power against the European forces. Several memorandums were prepared in the times to answer the question. The first answers were about the domestic problem of the state, such as corruption. For example, according to *Koçi Beg*, who prepared his *Risale* in this regard, the major reason for the disorganization of the empire was the abandonment of the fundamental rule of justice.¹ Thus, the statesmen during the sixteenth and seventeenth century had tried to find the roots of the problem within the domestic soils, without breaking the traditional cycle around the empire. However, the defeat of the Empire by the Holy League (Poland, Venice and Russia) in 1683 resulted in the Treaty of Karlowitz (1699) and the Ottomans lost all Croatian and Hungarian lands (except the Banat of Temesvar), Transylvania, the Peloponnase, the Dalmatian coasts, Podolia and a part of the Ukraine. The treaty marked the beginning of the end of the Ottoman State, and Turks for the first time recognized the superiority of the Europeans at least in the sphere of military. This fact upset the whole *Weltanschauungs* of the Ottoman statesmen: “For the first time, Ottomans had occasion to question the rationale of a state founded on Muslim conquest of Christians and of a religious revelation that promised its believers prosperity and power on earth... In matters of warfare at least... it now was painfully clear that Ottoman Muslims must learn from the despised infidel” (Rustow, 1973:95).

When we came to the 19th century, the basic conceptualizations of the Turks concerning state, society, nature, and human beings were radically changed. The Ottoman

¹ The Oriental maxim that a ruler can have no power without the well-being of his subjects and no popular well-being without justice (İnalçık, 1964:43).

statesmen and intelligentsia recognized the European supremacy in every fields of life², and the Turkish vocation of Europeanization/Westernization had already started. The attempts of the Westernization/Europeanization of the country intensified by Mustafa Kemal Atatürk and his friends after they created the modern Republic of the Turkey out of the ruins of the Ottoman Empire.

Without doubt, Turkey will have reached the zenith of Europeanization when it is incorporated by the European states: the EU membership. Turkey, at least for 200 years, has tried to be recognized as “European” by the European forces. These attempts have become more visible when it applied for the EU membership in 1987. However, since 1987, the EU has always been reluctant to accept Turkey as a natural part of Europe. Thus, the EU rejected Turkey’s application in 1989 on the ground that Turkey was not ready for membership in terms of political and economic reasons. Even the Customs Union was being forged between the EU and Turkey in 1995, anti-democratic policies of the Turkish state and human rights violations were cited as the basic obstacle in this way. Once again, Turkey did not receive the candidacy in the 1997 Luxembourg Summit. The Union was arguing that democracy in Turkey was not mature enough to meet the Copenhagen criteria. However, the 1999 Helsinki Summit was the real turning point in the relation. Turkey was eventually cited as a candidate for the EU membership officially. The political and state elites, even the people, in Turkey have clearly understood that Turkey have to consolidate its democracy and stop human rights violations to enter the Union. The EU has specified its requirements through the five progress reports and the Accession Partnership document.

It is clear that the EU has been functioning as a significant external actor that promotes democracy in Turkey. When taking into account the last legal and constitutional

² This was noticed clearly by Ziya Paşa’s famous poem:
Diyar-ı küfrü gezdim beldeler kaşaneler gördüm
Dolaştım mülki İslamı bütün viraneler gördüm.

amendments, *inter alia*, which are directly related to Turkey-EU relations, we can clearly argue that the relation with the EU has influenced democracy in Turkey. However, although it is apparent that Turkey's EU candidacy has promoted the consolidation of democracy, it is not so obvious to what extent and how the relation with the EU has promoted it. The chapters in the thesis seek to evaluate the extent to which the EU has tended or sought to promote Turkish democracy, why, how, and with what consequences, both intended and unintended.

In this regard, I propose my hypothesis:

- I hypothesize that the EU significantly promotes Turkish democracy when it provides a full membership perspective to Turkey. In other words, the EU's influence on Turkish polity and politics is correlated with question of whether the EU gives Turkey a real membership perspective.

In the first chapter, democracy and democratization are critically discussed, focusing particularly on the notion and process of the consolidation of democracy. Democracy, which is among most contested concept, is understood within the sphere of procedural democracy, rather than substantive understanding, as discussed in the first chapter. In addition, democratic consolidation in this study is understood in two ways: one is absence of an authoritarian backlash against democratic regime, and the other one, which is more complex, is the dominance and increase of saliency of democratic rules, credentials, and culture. Moreover, any study on democratic consolidation should both analyze the general and partial nature of regime. As discussed in the first chapter, the body of scholarship on consolidation highlight the situation of political institutionalization, civil society, political parties, popular culture and economy in a country to understand to what extent democracy in the country in question has been consolidated or how far democracy is from consolidation.

(I visited the Christian land and palaces I saw

The second chapter constitutes one of the most important parts of the thesis. It seeks to evaluate and conceptualize the 'international' character of democratization. Any analysis of the international dimension of consolidation should evaluate its impact on both the general and particular characteristics of the regime. More particularly, in order to mention any role of external actor(s)/factor(s), we must specify their impact on institutionalization, civil society, parties, and culture; and on the general (authoritarian) character of the regime in question. As discussed in the second chapter, there exist various ways for "impact" that are not mutually exclusive.

The position of the European Union as an external factor in democratization in third countries is discussed in the third chapter. The EU has created well-developed regulations, rules, and policies to promote democratic regimes and respect for human rights in third countries. This is particularly true for the position of the candidate states. The relation between the EU and applicant states in this regard is asymmetrical in the sense that the Union itself specifies or even imposes the condition for deepening the relation with the EU. The candidate states, which aspire for EU membership, have to meet the conditions defined by the EU to be incorporated by the Union. The EU has been able to develop successful institutions, regulations, and policies to promote democracy particularly in the Central and Eastern European countries (CEECs) in the last decade. When looking at the current situation in the former socialist states, it is obvious that the CEECs have been able to consolidate their democracies to a great extent by the encouragement of the EU and its members, particularly the carrot of EU membership.

The fourth chapter is about the basic anatomy of the political regime in Turkey. Before embarking on the EU-Turkey relations with regard to democracy and human rights, it is necessary to depict a general picture of democracy in Turkey. The basic impediments to the

I visited Islam's lands and ruins I saw).

consolidation of democracy in Turkey, such as the Kurdish problem, the role of the Turkish military in politics, weak civil society and party institutionalization are discussed in the chapter.

The next chapters of the thesis are about Turkey-EU relations in terms of democracy and human rights as a *problematique*. As far as this Turkey's candidacy for the EU membership is concerned, Turkey's relation with the EU in terms of human rights and democratization can be divided into three main periods. The first, which is the fifth chapter in the thesis, covers the period when Turkey applied formally for the membership on April 14, 1987 and the political developments took place subsequent to the application. This period practically ended when Ankara understood that a full membership would not be the case in the foreseeable future, receiving a rebuff from the Community. It would not be a mistake to call this period as 'Özal period', since Turgut Özal, first as prime minister and later the president of the republic, was the dominant figure in domestic and international politics during this period. Therefore, Özal's style to make politics in respect of internal and external politics is particularly relevant during the period.

The second period, which is the thesis's sixth chapter, covers Turkey's efforts to materialize the Customs Union with the Union. Thus, it especially involves Ankara's attempts in 1994 and 1995. The last period, which constitutes the seventh chapter, encompasses the developments taken place between the 1997 Luxembourg Council and 1999 Helsinki Council and especially post-Helsinki developments until 2002. This period is the most crucial as far as Turkey-EU relations and the consolidation of Turkish democracy are concerned. As discussed in the seventh chapter in details, the EU declared Turkey as candidate in 1999 and promised that if Turkey could carry out the Copenhagen criteria, the EU would include Turkey in the European club.

The impact of the Union on Turkish democracy can be analyzed in two levels: General and particular levels. First, there is a general nature of the regime in Turkey defined as *Kemalism*. The core of *Kemalism* is constituted by two basic principles: Nationalism and Secularism. As discussed in the fourth chapter, while some scholars of Turkish politics think of them as the significant barrier to further democratization in Turkey, some other scholars assert that any challenges to these two basic principles might also mean challenges to democracy in Turkey. It seems that the EU is very keen to pressure Turkey to modify its official ideology in respect of the ethnic groups, particularly the Turkish citizens of Kurdish origin. As discussed in details in the chapters, although the Union has not officially called on Turkey to accept ethnic groups in Turkey as “minority”, it has several times asked from Turkey to grant the rights of education and broadcasting in mother languages. However, the EU has been reluctant to involve in the secularism debate in Turkey. It seems that the EU has encouraged Turkey to extend the borders of its official ideology in terms of Turkish nationalism. However, as far as the period that the thesis analyzes is concerned, this change had been very slow and gradual. In fact, the Turkish military and civil elites and politicians had long time seemed very reluctant to admit this slow change and were concerned that the genie would be out of the bottle and the Pandora’s box would be opened in terms of ethnic/religious groups and minority rights in Turkey if the EU continues to involve in this matter.

The Kurdish problem of Turkey and the EU’s approach to this problem is something between Scylla and Charybdis from the point of consolidation. Without doubt, the authoritarian nature of Turkish state ideology regarding nationalism that denies the cultural existence of different ethnic groups in Turkey has been the fundamental source of oppressive state policies particularly towards the Kurdish population, and human rights violation in Turkey. Nonetheless, nobody knows how democracy can be successful in a country like Turkey where the ethnic/religious structure is so fragile and open to be stirred. The body of

literature on consolidation does offer very little in this respect that help multi-ethnic societies to consolidate their democracies. Even, the consolidation literature underlines “stateness” and negates multi-ethnic plural social structure at the beginning. Thus, democracy, particularly democratic consolidation in pluralist societies is still less known issue at least in the body of literature on consolidation. Thus, “consolidology” should also broaden its conceptual border for ethnically divided countries.

As regards EU’s impact on the component of consolidation, I am inclined to argue that the EU’s conditionality has been somewhat influential on the democratization at the Constitutional level and at the elite level. Nevertheless, it is not very clear now to evaluate its influence on civil society, political culture. Contrary to the political parties in the CEECs, no strong relations have forged between the European political parties and Turkish political parties.

I shall be arguing that the EU’s impact on Turkish democracy has been limited compared to its influence in the CEECs. There are several reasons for this. While some of which are originated from the EU’s decimation of Turkey and some others are originated from Turkey. To be sure, the EU regards the CEECs more Europeans than Turkey in terms of their historical, geographical, cultural and religious reasons. The EU’s policies towards Turkey’s EU membership have been ambiguous. Turkey had every reason to suspect that it would never become a member of the club even if it has a viable democracy and good human rights records. Although Turkey was in line for EU membership before the CEECs, such Johnny-come-latelies as Bulgaria and Romania have jumped ahead of Turkey in the queue for the EU. Furthermore, various European politicians have cited cultural and religious factors for the exclusion of Turkey. Greece, Turkey’s regional archrival, has often sabotaged the relation between the Union and Turkey.

The Aimed Contributions of the Thesis to the Field

First of all, as discussed in the first and second chapters of the thesis, since the literature on the consolidation of democracy is prone to explain democratization through domestic concepts/conceptualizations, its conceptual tools in the search for explanations for external factors in democratizations are less sophisticated.³ Although new studies have emerged in the last decade to analyze external dimensions of democratization, which are penned particularly by G. Pridham, Whitehead, and P. Schmitter, the studies of comparative democratization have to extend their conceptual borders. What this study aims in this regard is to reduce this deficiency of the Comparative Politics through analyzing the international/external aspect of democratic consolidation. For this, I can also barrow some conceptual tools from the IR studies and the Transnational Studies. In other words, I have to deal with both the concepts and theories of the Comparative Politics, particularly the consolidation of democracy, and the International Politics to analyze the external dimension of consolidation. Thus, this study will be a contribution to the consolodology literature by extending its conceptual borders.

Second, the thesis includes chapters that seek to evaluate the extent to which the EU has tended or sought to promote democracy and respect for human rights in third countries. Therefore, the thesis is also a contribution to the literature of both the EU's human rights policy in its external relations.

Third, the thesis will be a significant contribution the literature with regard to Turkish democracy, analyzing its international/external characteristics. The literature on Turkish democracy and democratization in Turkey has generally focused on the domestic factors that

³ Philippe Schmitter, in 1986, summarized that “ One of the firmest conclusion that emerged... was that transitions from authoritarian rule and immediate prospects for political democracy were largely to be explained in terms of national forces and calculations. External actors tended to play an indirect and usually marginal role” (Schmitter, 1986: 5).

affect the basic nature of political regime in Turkey and paid less attention to the international dynamics whether they promote or obstruct democracy in Turkey.

Methodology

Since the thesis is about the consolidation of democracy in Turkey and its external aspects, it gives special attention to the literatures regarding democracy, democratization, the consolidation of democracy, and international factors that push democracy ahead. The literature of the first chapter that involves the theoretical discussions on democracy and democratic consolidation draws heavily on the works of the democratization studies, which is in fact within the sphere of the Comparative politics. Since we analyze the external aspect of democratization, a literature-review in this regard is introduced in the second chapter. The second chapter also involves some attempts to synthesize the consolidation literature and international relations literature to reach more satisfying theoretical framework.

The EU's influence on democracy in Turkey between 1987-2002 is in fact a case study to the international aspects of democratization and the European conditionality. Case studies are detailed examination of a single example. They provide data of a richness and detail that are difficult to obtain from broader surveys (Yin, 1989). Therefore, the thesis gives detailed account of the EU-Turkey relations in terms of democracy and human rights. On other hand, although the thesis is not comparative in the sense that Turkey is not directly compared to the other countries, we draw frequently insights from the other similar cases, particularly from the EU's relations with the CEECs to explain better the European conditionality and international dimension of democratic consolidation. Furthermore, the thesis could be regarded comparative form a different perspective: three different periods of EU-Turkey relations regarding the EU's influence on democratization in Turkey are compared. This comparison reveals the fact that the EU's influence in this regard is highly correlated with a clear EU membership perspective.

Two basic research methods are heavily used in the empirical chapters where EU-Turkey relations are analyzed: content analysis and interviews. Content analysis involves classifying contents in a such way to bring out the basic structure of the study (Holsti, 1969). Some Turkish and English daily newspapers issued between 1987-2002 are used extensively to reach the data that is necessary for the analysis. Furthermore, almost all relevant official documents declared by the institutions of the EU regarding Turkey's political regime and human rights records between 1987-2002 and the documents of the Turkish state in this regard published in this period are analyzed and classified.

Furthermore, conducting a series of in-depth interviews is very important as far as the study is concerned. Since the attitudes of the governing elites vis a vis the EU's pressures on democracy are very important to explain the causal mechanism. In other words, since we cannot penetrate the inside of the heads of the decision-makers to understand the real incentives behind the political reforms that had been carried out, for example, in the Özal period and the Çiller period, conducting depth interviews could help us to some extent in deciding how much the EU conditionality had influenced the decision-makers to fulfill the political reform between 1987-2002. However, in addition to general problems that diminish the reliability of interview as an research technique (including interview bias and interviewer bias), what we observe that the politicians are generally reluctant to accept the influence of the EU on their decisions of reforms mostly because materializing of political reforms for their people seems more noble and the idea that they bowed to the EU's pressures to comply with the European conditionality seems very irritating for the politicians. However, this kind of problems with interview can be to some extent alleviated by some interview techniques.

CHAPTER I

DEMOCRACY AND DEMOCRATIC CONSOLIDATION

1.1 The Conceptualization of Democracy

Before embarking on any debate regarding “democratization” or the consolidation of democracy, the question as to how democracy is understood should be succinctly discussed. As it is understood well from the quotation taken from Dahl’s recent study, democracy is among the most “contested concepts”, as W. B. Gallie called it in 1956. Today, endless disputes continue over the appropriate definition, meaning, indicators, and measuring of democracy. To date, it seems that the body of scholarship in regard to democracy has not reached a universal meaning of democracy. Although there exist several approaches to democracy, it is a general tendency today to divide them into two main groups: “minimalist” or “procedural” definitions of democracy and *substantive* definition of democracy¹. Some scholars call minimal or procedural definition democracy *Schumpeterian Democracy* referring to famous American political scientists Joseph Schumpeter, since he developed an elite conception of democracy as a political method. He defined the democratic method as “institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.” (Schumpeter, 1970: 269) This *Schumpeterian* elite based understanding of democracy, rather than mass participation and popular rule, has been very influential upon the current understanding of “procedural democracy” pointed out by leading students of democratization, such as Lipset,

¹ The main logic behind the difference between them is stated by Mark Warran as follows: “one group seeks to balance democratic participation against other desirable rights of political order...by limiting the spheres of society that are organized democratically. The other group...sees such limits to democracy as an important cause for many of the ills of contemporary liberal democracies.” (Warren 1991:8).

Dahl, Linz, Stepan, Huntington, Schmitter, and Diamond (Medearis 1997; Held 1996; Cammack, 1997). When we carefully read the body of scholarship within the tradition of procedural democracy, we see that three notions with regard to democracy come to the fore: competition, participation, and a set of basic rights, or democratic rule and political liberties (Bollen and Paxton, 2000: 59-60). In this regard, some scholars have emphasized just electoral contest and participation as indispensable part of the definition of democracy (Schumpeter, 1970: 272-273; Huntington, 1991:5-13). However, as Collier and Lewitsky (1997:433-434) correctly point it out, the general tendency in the recent democratization studies is to define democracy in a manner that political liberties are *sine qua non* for a democratic regime. As far as the minimal procedural definition of democracy is concerned, it would not a mistake to argue that Robert Dahl's criteria for democracy has been often referred as the agreeable definition of democracy (Diamond, Linz, and Lipset, 1995:6-7). Dahl used "polyarchy" rather than democracy to denote a representative liberal democracy, so that it would be possible to analyze and compare the really existing 'democracies' without implying that such countries achieved the ideal democracy. Dahl's "Polyarchy" entails the following characteristics:

1. Elected officials: Control over government decisions about policy is constitutionally vested in elected officials.
2. Free and Fair election: Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
3. Inclusive suffrage: Practically, all adults have the right to vote in the election of officials.
4. Right to run for office: Practically, all adults have the right to run for elective offices in the government, though age limits may be higher for holding office than for the suffrage.
5. Freedom of Expression: Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined, including criticism of officials, the government, the regime, the socioeconomic order, and the prevailing ideology.
6. Alternative information: Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by laws.

7. Associational autonomy: To achieve their various rights, including those listed above, citizens also have a right to form relatively independent political parties and interest groups. (Dahl, 1989:221; Dahl, 1971:3-20).

However, even employment of polyarchy did not terminate some new search for better definitions of democracy in the procedural sense. David Collier and Steven Levitsky (1997:434) mention “expanded procedural minimum” as an outcome of this endeavour. While some scholars *expand* the procedural democracy through embracing an effective civilian control over the armed forces (Burnell and Calvert, 1999:3; Kaldor and Vejvoda, 1997:63), some other leading students of democratization highlight how significant the rule of law, the accountability of the government and respect for minority groups are for democracy (Schmitter, 1991; O’Donnell, 1996a; Diamond, 1996). In this regard, Diamond’s procedural minimal democracy definition includes the following feature, among other things: “Cultural, ethnic, religious, and other minority groups, as well as traditionally disadvantaged or unempowered majorities, are not prohibited (legally or in practice) from expressing their interests in the political process, and from using their language and culture.” (Diamond, 1996:23). The rule of law or *rechtsstaat*- an administration governed by the rule of law should be an indispensable dimension of any definition of democracy. Any political liberty associated with democracy cannot be enjoyed without the rule of law (Plasser et al., 1998:7-8). It should be noticed here that when I use the notion of democracy throughout this study, I shall be referring to the expanded procedural minimal definition of democracy including effective control of military by the civilians, the rule of law, and respect for human rights and minority rights.

As regards the “substantive democracy”, I am fully aware that a huge and growing body of literature is available concerning types or understanding of democracy lying from the

Schumpeterian sort of democracy to the “participatory”, “radical”, “deliberative”, or “agonistic” democracies.² However, as far as this study is concerned, it would suffice to tackle the democracy conceptualizations available in the democratization literature- that is transition to and consolidation of democracy literature. In this regard, Mary Kaldor and Ivan Vejvoda (1997:62) suggest a definition of the substantive understanding of democracy in their attempt to analyze democratization in Central and East European countries *substantively*³:

We consider substantive democracy as a process that has to be continually reproduced, a way of regulating power relations in such a way to maximize the opportunities for individuals to influence the conditions in which they live, to participate in and influence debates about the key decisions which affect society.

They analyze the features of the constitutional issues and the legality, the extent to which human rights and minority rights are respected, the positions of political parties, medias, administrations, local governments, and civil societies to evaluate how the substantive democracy works in these countries. However, on the one hand, a clear overlapping can be noticed in the definitions of the procedural democracy and the substantive democracy put out by Kaldor and Vejvoda, on the other hand, the features of the substantive democracy suggested by the authors have been regarded by the scholars of democratization not within the definitional realm of democracy, but they are generally analyzed as characteristics of the process of consolidation. In other words, analyzing them is important not because they are indispensable part of democracy, but because they can demonstrate the extent to which a democratizing regime has consolidated within a specific country (cf. Rengger, 1994).

The other thorny issue needed to be clarified is the delineation of the frontier between democratic regimes and undemocratic ones. What is the border between them? How can we

² See April Carter and Geoffrey Stokes (1998) for the literature mentioned above.

³ Rengger (1994) divides democracy into the “standard liberal democracy” and “expansive democracy”. For Rengger, expansive democracy with its participatory character is more appropriate for the democratization process in Eastern Europe.

recognize a democratic regime when we see it? It is relatively easier to recognize a full-fledged authoritarian regime or a viable democracy. However, this is not the case for many post-authoritarian regimes with “hybrid” or “mixed” characters. What is the main characteristic of these hybrid regimes is that they do not fulfill even the minimal definition of liberal democracy, but they might possess some significant characteristics of democracy, such as election (Karl, 1995). While, for example, the criterion of free and fair election is fulfilled regularly in a country, there might be also clear “nondemocratically generated tutelary powers” and/or “reserved domains of authority and policy making” (Valenzuela, 1992:63-64), along with serious human rights violations, in the same country. Can it be still called democratic? The answer would be *no* if the definition of democracy, even in the minimal sense, would be employed. However, the label of “autocratic” or “authoritarian” would be too large. Therefore, students of Comparative Politics (particularly the studies of regimes and democracy) have tried to create new conceptual tools to understand and explain better the various regimes falling to the gray area surrounded by the *tripartite distinction* between real democracies that fulfill the minimal criteria at least, authoritarian and totalitarian regimes⁴. One of the first attempts to increase the theoretical vigour of Comparative Politics in respect of democracy came from O’Donnell and Schmitter when they invented *dictablanda* and *democradura*. “Dictablanda” is an authoritarian regime that liberalizes without democratizing. In other words, some basic human and civil rights are granted to the people without allowing them to participate to democratic contests. *Democradura*, on the other hand, entails some

⁴ Juan J. Linz firstly differentiated the authoritarian regime from then two main regime types: democracy and totalitarian regimes referring to Spain in 1964. In his seminal article “An Authoritarian Regime: Spain” he defined an authoritarian regime as: “political regimes with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones.” (Linz, 1970: 255). It is possible to label a regime “totalitarian”, “If a regime has eliminated almost all pre-existing political, economic, and social pluralism, has a unified, articulated, guiding, utopian ideology, has intensive and extensive mobilization, and has a leadership that rules, often charismatically, with undefined limits and great unpredictability and vulnerability for elites and nonelites, then it seems to us that it still makes historical and conceptual sense to call this a regime with strong totalitarian tendencies.” (Linz and Stepan, 1996: 40).

democratic practices including regular elections. However, the participation of certain groups to politics is restricted, and there exist limited civil liberties especially with regard to expression of opinions and building assemblies. Furthermore, the political competences of elected civilians are significantly conditioned by the nonelected officials like the military (O'Donnell and Schmitter, 1986:9; Schmitter, 1995a: 16). After this O'Donnell and Schmitter's conceptual innovation, scholars across the discipline have developed myriad of the "diminished subtypes" of democracy, in the words of Collier and Levitsky (1997:437-442), to enrich the theoretical ground of regime analysis. Today, several scholars talk about "electoral democracy" (Diamond, 1996a; Schedler, 1998), "illiberal democracy" (Zakaria, 1997), "protodemocracy" (Valenzuela, 1992:70), "limited democracy", "semi-democracy", "delegative democracy" (O'Donnell, 1994), "low-quality democracy" (Diamond, Linz and Lipset, 1995:8), "low-intensity democracy" (Gills, Rocamora, and Wilson, 1993), "façade democracy", and simply "nonconsolidated democracy". Moreover, finer conceptualizations can be noticed in Larry Diamond's analysis of Latin American democracies where there are categories of "partially illiberal democracy", "competitive semidemocracy", "restrictive semidemocracy", and "semicompetitive partially pluralist authoritarian" (Diamond, 1996b). Most of these new categories of partially democratic regimes reflect one of the very significant characteristics of the third wave-democracies (Huntington, 1996:8). Most of the recent democracies are not liberal in the sense that, although they have electoral contests for political power they are suffering from the illiberal practices and human and civil rights violations, lack of the rule of law and institutions of "horizontal accountability" (O'Donnell, 1998) that control the possible abuse of power, and civilian control over the armed forces. This case is empirically revealed by Diamond's recent study: Diamond (2000), depending on the 1999 Freedom House survey, maintains that there exist 30 strategic "Swing" states that would determine how democracies will be in the near future. He maintains that:

Democracy is most firmly established in the core of the global system: the wealthiest, most technologically advanced countries. Thirty countries comprise this core... Of the remaining 162 countries, 41 have populations of less than one million, and many of the others are marginal in power and influence... Only 19 of these 162 have gross national products (GNPs) of over \$100 billion annually or populations larger than 100 million people. To these can be added Singapore, which, despite its small population, has a GNP of nearly \$100 billion... These 20 countries are most politically influential ones outside the core... One could enlarge this list by adding the ten countries that have populations of 50 to 100 million or GNPs of \$50-100 billion... I call [the 30 countries] “strategic swing states” because how they evolve will heavily determine the future of democracy in the world.

Having stated this, Diamond shows the miserable position of these 30 swing states in terms of democracy: According to Diamond⁵, who depends on the 1999 Freedom House survey, 58.2 percent of the world population have elected governments. 63 percent of the 192 states are classified “democratic”, 44 percent of them are “free”, and 37 percent of them are “liberal democracies”. Concerning the 30 swing states, while 63 percent of these countries are classified as “democratic” by Diamond, 6 percent of them are “free”, and finally just 20 percent have “liberal democratic” regimes. So, “nearly half of the swing states are decidedly illiberal democracies, compared to just an eighth of democracies overall.” (Diamond, 2000:97). In sum, as Adrian Karatnycky (2000), president of Freedom House, correctly puts it out, while the number of electoral democracies continues to grow, this is not the case for the quality of democracy. In fact, the body of scholarship regarding democratization has shifted its concern towards the question as to how democratic consolidation will be possible in semi-democratic states.

⁵ Diamond thinks that while a state with average freedom score of 1.0-2.0 given by the Freedom House could be classified as “liberal democrat”, 2.5-3.0 is equivalent to “Semiliberal democracy”, and the average freedom score of 3.5-5.0 means illiberal democracy (Diamond, 2000:98).

1.2 Democratization and Democratic Consolidation

Having examined and staked out democracy, the chapter now turns to critically discuss another thorny issue: “democratic consolidation”. This part of the chapter is an endeavour to elucidate the concept and process of consolidation. Before spelling out what democratic consolidation has been conceptualized in the body of literature, this part of the chapter starts out by clarifying some points with regard to democratization. These are concepts or processes of democratization, liberalization, transition to democracy, and finally democratic consolidation. As is well known, all of these above are closely linked, but not the same things.

Linz and Stepan succinctly define *democratization* as follows:

Democratization requires open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results of which determine who governs (Linz and Stepan, 1996:3).

Liberalization, on the other hand,

may entail a mix of policy and social changes, such as less censorship of the media, somewhat greater space for the organization of autonomous working-class activities, the introduction of some legal safeguards for individuals... and most important, the toleration of opposition (Linz and Stepan, 1996:3).

Therefore, democratization requires liberalization on a large scale by definition. If we define *democratization* as simply “political changes moving in a democratic direction” (Potter, 1997:3), it entails a “transition” to relatively more democratic regime from undemocratic one, and a process of consolidation on the way to a “consolidated democracy”. These two “phases” of transformation have constituted the main research agenda of the democratization literature. What are “transition” and “consolidation”? When does “transition” start and end? Is “consolidation” just a continuation of “transition” or does it have a different quality and logic? Is there a relation between these two processes? Does the process of “transition” and “consolidation” have a linear character? All of these and similar questions are evidently very

relevant in this regard. O'Donnell and Schmitter in their seminal study, "Transitions from Authoritarian Rule", defined "transition" as the interval between the authoritarian regime and the consolidated democracy. "Transition" starts simply with the "breakdown" of an authoritarian regime and ends when a relatively stable configuration of political institutions in a democratic regime is installed. In a similar vein, Linz and Stepan (1996:3), following distinguishing "transition" from "consolidation", answer the question of when "transition" ends:

A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure*.

Although this portioned understanding of democratization is common to the literature, some scholars, like O'Donnell, have different ideas about it. His reservations and criticisms concerning the consolidation literature will be tackled in-depth below, it would be sufficient to mention O'Donnell's two-transition-approach:

It is useful to conceptualize the process of democratization as actually implying two transitions. The first is the transition from the previous authoritarian regime to the installation of a democratic government. The second transition is from this government to the consolidation of democracy or, in other words, to the effective functioning of a *democratic regime* (O'Donnell, 1992:18).

It seems that what most of the students of democratization call as "consolidation" is called "the second transition" by O'Donnell. What the literature of consolidation has tried to do is to find out how, why, or why not a "democratic government", in O'Donnell's sense, can undergo metamorphosis into a "democratic regime".

1.2.1 The Conceptualization of Democratic Consolidation

What is consolidation? A proper answer is much more difficult compared with “transition”. It is a really nebulous phenomenon (Pridham, 1995:167). Although a growing body of literature has been produced to spell out the dynamics of consolidation, it seems that it would not be so easy to do away with the “conceptual fog” around it. “Consodology”, in Philippe Schmitter’s term (1995), is “anchored in an unclear, inconsistent, and unbounded concept, and thus is not anchored at all, but drifting in murky waters.” (Schedler, 1998a; cf. Schedler, 1998b). Difficulties to define and conceptualize the concept and process of consolidation can be attributed to various factors. To begin with, As Schedler (1998a: 94) insightfully points it out, “The meaning that we ascribe to the notion of democratic consolidation depends on where we stand (our empirical viewpoints) and where we aim to reach (our normative horizons). It varies according to the context and the goals we have in mind.” As stated above, democracy is in the last analysis a normative concept, and various understanding of democracy competes with each other in the realm of ideas. Therefore, any conceptualization of consolidation would be numerous in accordance with how democracy is perceived.

In this regard, when we look at the literature of consolidation two main types of conceptualizations are noticed. The first understanding of consolidation that has been commonly used in the literature is avoiding “democratic breakdown” (Schedler, 1998a: 95-96). That is, the consolidation of democracy means reducing the likelihood of democratic breakdown⁶. In this sense, the consolidation of democracy can be construed the “mirror image” of the process of breakdown of democracy, as it was analyzed in Linz and Stepan’s previous seminal study (Diamond, 1997: xvii; Linz and Stepan, 1978). Pridham calls it “negative consolidation”. “Negative consolidation” involves:

the effective or final removal of the prospects for nondemocratic system alternatives... Negative consolidation includes the solution of any problems remaining from the transition process and, in general,

⁶ For example, according to Pridham (1995:168), “Democratic consolidation is a process that diminishes the probability of reversal of democratization.”

the containment or reduction, if not removal, of any serious challenges to democratization. The latter usually takes the form of groups or individuals characterized as *antisystem*⁷. Negative consolidation is achieved when their presence or impact becomes numerically or politically insignificant... (Pridham, 1995:169).

Democratic consolidation in the term of avoiding democratic breakdown involves doing away all *disloyalties* that Juan Linz (1978) already demonstrated: an explicit rejection of democratic regime and/or its instruments such as political parties; a willingness of political elites to resort to violence, force, fraud, or other unacceptable means to get the power; and “knocking at the barracks” door (Linz, 1978:30) to acquire support from armed forces. However, what has been seen in the third wave democracies is not an explicit and clear breakdown of democracies through a military coup. Therefore, today, what matters more is not a clear-cut breakdown of democracies, but gradual erosion of the qualities of democracies. In other words, Democracy gets hollowed out without classical, conventional interventions. Huntington clearly states this hollowing out of democracy through comparing the past and the present:

In the past, when democratic regime fell as a result of coups or revolutions, no doubt existed as to what happened, and the transition to authoritarianism was brief, clear, and dramatic. With third-wave democracies, the problem is not overthrown but erosion: the intermittent or gradual weakening of democracy by those elected to lead it (Huntington, 1996:8).

Parallel with Huntington’s view regarding democratic erosion is O’Donnell’s *slow death* argument. He contends that an authoritarian regression can take place through a “sudden death” with a military coup, and/or a “slow death”, “in which there is a progressive diminution of existing spaces for the exercise of civilian power and the effectiveness of the classic guarantees of liberal constitutionalism.” (O’Donnell, 1992:19). *Slow death* can be occurred by both elected and non-elected elites.

⁷ Emphasis is mine

The second main sort of conceptualization of consolidation common to most of the literature involves the democratic process from “electoral democracy” to “liberal democracy” that fulfill criteria of minimal definition of democracy explained before. O’Donnell calls this process as the second transition from *democratic government* to *democratic regime*. When the literature of democratic consolidation in this sense refers to consolidation, it means the transformation of democracy from its low-quality characteristics to a full-fledged, consolidated liberal democracy, rather than emphasizing avoiding of democratic breakdown and/or democratic erosion. The body of literature that analyzes “positive consolidation” (e.g., Diamond, 1999; Valenzuela, 1992; Ethier, 1997; Linz and Stepan, 1996b; Diamond, 1997; Gunther et al., 1995; Diamond et al. 1995; Mainwaring, 1998; Dawisha, 1997; Parrot, 1997; Burnell and Calvert, 1999; Wise and Brown, 1998; Randall and Svåsand, 1999; Lijphart and Waisman, 1996; Berman, 1997a) attempts to find out a proper answer to the question as to how and/or through which instruments consolidation can be achieved. Thus, a great agenda to consolidate democracy has been emerged: drafting, revising and ratifying a new democratic constitution; ensuring the rule of law, establishing democratic representative, legislative, and executive institutions; eliminating all human rights violations, and all kind of discrimination, abolishing all “tutelary powers” and “reserved domains”; formation of an autonomous and robust political and civil society; and ensuring a reasonably fair electoral system. To be sure, these two kinds of consolidation are overlapping conceptually, and not mutually exclusive.

All these are for democratic consolidation. However, what is consolidation? Defining it is a difficult task. While some scholars of democratization construe consolidation an agreement on the implementation of democracy with the end of transition (Di Palma 1990a and 1990b) and as an “equilibrium of the decentralized strategies of all relevant political forces” (Przeworski, 1991:26), some other scholars view consolidation as a long process of “achieving broad and deep legitimation, such that all significant political actors, at both and

elite and mass levels, believe that the democratic regime is the most right and appropriate for their society, better than any other realistic alternative they can *imagine*” (Diamond, 1999:65).⁸ The middle-of-the-road definition of a *consolidated democracy* is expressed by Linz and Stepan as follows:

Behaviorally a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or turning to violence or foreign intervention to secede from the state. *Attitudinally*, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for antisystem alternatives is quite small or more-or-less isolated from prodemocratic forces. *Constitutionally*, a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of specific laws, procedures, and institutions sanctioned by the new democratic process (Linz and Stepan, 1996b: 16)⁹.

This definition above put by Linz and Stepan has been so influential on the recent studies of consolidation that they generally follow, modify or enhance the definition above. Diamond, in his recent book, proposes that consolidation occurs in two dimensions -norms and behaviour- on three levels: the elite level, the top decision makers, organizational leaders, political activists, and opinion shapers; the intermediate level, parties, organizations, and movements; and the level of the mass public (Diamond, 1999:66-73). Diamond’s definition is in fact a modified version of the conceptualization of consolidation proposed by Linz and Stepan.¹⁰

Similarly, following Linz and Stepan’s definition, W. Merkel (1998) puts a “multilevel” consolidation model involving “constitutional consolidation”, “representative

⁸ Emphasis is mine.

⁹ It would be interesting to note here that this definition of consolidated democracy is available both in Linz and Stepan 1996a, and 1996b, but the phrase of “even in the midst of major economic problems and deep dissatisfaction with incumbents” used by Linz and Stepan while they define “attitudinal” dimension of consolidated democracy is not available in Linz and Stepan (1996a: 6), which is their significant book-*Problems of Democratic Transition and Consolidation*.

¹⁰ Diamond (1999:303) writes that his definition and Linz and Stepan’s definition could be combined.

consolidation” (parties and interest groups), “behavioural consolidation”, and “the consolidation of civic culture”. Thus, all these three conceptualizations of consolidation overlap each other, and three main dynamics of consolidation come to the fore: institutional, behavioural, and attitudinal dynamics of consolidation. In other words, democracy becomes *the only game in town*¹¹, institutionally, behaviourally, and attitudinally. Thus, this definition, like most of the definitions, involves the processes stabilization, routinization, institutionalization, habituation, socialization, and legitimisation of liberal democracy. Furthermore, realization of all these processes above requires some tasks such a drafting or revising a new constitution, establishing robust civil society, political parties, institutions, the rule of law, installing fair electoral system, and weeding out all the “perverse elements” like tutelary powers and reserved domains.

1.2.1.1 Political Institutionalization

Students of democratic consolidation construe *institutionalization* or *institution building* as the central component of the entire process of democratization (Bunce, 2000; Elster et al.1997; Heper et al. 1997; Berman, 1997a; Lijphart and Waisman, 1996). Diamond (1999:74) views political institutionalization as one of the three “generic tasks that all new and fragile democracies must handle if they are to become consolidated.”¹² It seems that new democratizations during the third wave have led to reemergence of the role of institutions, which is now called *new institutionalism* (Koelbe, 1995).

¹¹ The phrase of “the only game in town” was used by Przeworski as well. For him, in a democratic consolidation, democracy “becomes *the only game in town*, when no one can imagine acting outside the democratic institutions, when all the losers want to do is to try again within the same institution under which they have just lost.” (Przeworski, 1991:26). Linz and Stepan (1996a: 5n) write that Guiseppe di Palma was the first owner of this expression. In the similar vein, Gunther, Puhle, and Diamandouros (1995:9) “consider a democratic regime to be consolidated when all politically significant groups regard its key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of game. This definition thus includes an attitudinal dimension, wherein existing political institutions are regarded as acceptable and without legitimate alternatives, as well as a behavioral criterion, according to which a specific set of norms is respected and adhered to by all politically significant groups.”

¹² The others are “democratic deepening” and “regime performance” (Diamond, 1999:74).

What is the *institution*? A simple and broad definition of institution would be as “the rules of the game”. However, a great debate on what constitute the rules is going on (Rothstein, 1996:145). It would be sufficient to provide a definition of institution without getting sucked into the debate as to whether it is possible to divide institutions into formal and informal. Institutions might be defined as societally stabilized pattern of behaviour. Therefore, it refers, among other things, to norms, habits, routinized behaviour, procedures, practices, and patterns of interaction (Koelble, 1995). *Institutionalization* then refers to a process wherein norms and rules of the game (here democracy) are established. For Huntington (1968:12): “Institutionalization is the process by which organizations and procedures acquire value and stability.” Thus, a relative stabilization of democracy, predictability and certainty of actions are ensured through institutionalization. This is in fact one of the cornerstone of the process of consolidation, which:

consists in transforming the accidental arrangements, prudential norms, and contingent solutions...during the uncertain struggles of the transition into structures, i.e. into relationships that are reliably known, regularly practiced and habitually accepted by those persons or collectivities defined as the participants/citizens/subjects of such structures (Schmitter 1995b:539).

Similarly, Diamond suggests what a fragile democracy needs to be consolidated is political institutionalization, inter alia:

[S]trengthening the formal representative and governmental structures of democracy so that they become more coherent, complex, autonomous, and adaptable and thus more capable, effective, valued, and binding... institutionalization enhances trust and cooperation among political actors...Thus it helps to draw reliable boundaries around the uncertainty of politics and to facilitate trust, tolerance, and moderation, civility, and loyalty to the democratic system (Diamond, 1999:75).

Thus, institutionalization is crucial even to the development of democratic political culture. Furthermore, viable political institutions in the new democracies are essential to provide the rule of law, to protect basic democratic liberties, and to render representative system working.

Although we accept that political institutionalization is very crucial to consolidation, we do still not know how we can recognize institutionalization when we face it. How can we decide whether or not an institution, say a political party, has institutionalized enough? What are the dimensions and/or indicators of institutionalization? This is clearly another huge topic that requires much more systematic studies before any authoritative decisions could be reached. Therefore, it would be sufficient here to mention some basic arguments concerning how we can understand political institutionalization. Samuel Huntington, who is one that attempted to conceptualize the term of political institutionalization in his path-breaking book- *Political Order in Changing Societies*, identifies four dimensions of institutionalization: adaptability, complexity, autonomy and coherence. Adaptability refers to longevity and ability to survive in case of environmental challenges, complexity is simply understood by sub-units. Autonomy can be known by the degree of differentiation from other social groups. Coherence is the degree of consensus within the organization on its functional boundaries and on procedures.

More precisely, when we debate on institutions and institutionalization, and their relations with democracy, we in fact deal with various points, including party systems, electoral systems, legislative assembly, government structure (Unitarian vs. federalist), central authority (parliamentarism vs. presidentialism), and constitutions.

1.2.1.1.1 Stateness and Its Significance regarding Democratic Consolidation

The most basic institution is the state itself, which is among the “six interacting arenas” (Linz and Stepan, 1996b) where consolidated democracies take place (Linz and Stepan, 1996a:7).

Following the Rustow's legacy (Rustow, 1970)¹³, Linz and Stepan attach great importance to *stateness*. Scholars of democratization think that consolidation cannot be possible without *stateness*. "There is...one rule that all consolidologists are likely to agree upon: *It is preferable, if not indispensable, that national identity and territorial limits be established before introducing reforms in political (or economic) institutions*" (Schmitter, 1995: 29). However, it seems that *stateness* are under great pressures proceeding from *globalization* and *localization* led to emergence of sub-national, ethnic identities, and ethno-nationalism (Evans, 1997). Although scholars of democratization have offered some new models to deal with ethnic problems, such as federalism, autonomy, multiculturalism and consociationalism, it seems that "consolidology" is not well equipped to deal with these problems. Schmitter (1995:30-31) accepts this: "[Concerning ethnic problems] Consolidologists have little to offer here... Worse yet, consolidologists have to admit that there is no reliable democratic way to arrive at such a solution..."

1.2.1.1.2 The Rule of Law and Consolidation

The second point concerning the state is the rule of law or state of law. "All significant actors- especially the democratic government and the state apparatus- must be held accountable to, and become habituated to, the rule of law." (Linz and Stepan, 1996b:18-19) The rule of law is "the form of government in which no power can be exercised except according to procedures, principles, and constraints contained in the law..." (Scruton, 1996:489). The rule of law, a *Rechtsstaat*, or a state of law through which the governments and other state administrations are subjected to "a network of laws, courts, semiautonomous review and control agencies..."(Linz and Stepan, 1996b:19) is vital to democratic consolidation, because "the consolidation of democracy... requires such a law-bound, constraint-embedded

¹³ Dankwart A. Rustow put out that national unity was the "single background condition" for democratization in

state”(Linz and Stepan, 1996b:19). The rule of law cannot be regarded without a constitution. As Linz and Stepan (1996:10) rightly put it the constitution is *sine qua non* to ensure the rule of law or Rechtsstaat. Therefore, the consolidation literature attaches great importance to drafting a new constitution and/or revising old one in the process of consolidation (Baaklini and Desfosses, 1997; Baaklini, 1997). According to Merkel (1998:43), “the fixed constitutional norms represent the first step in the process of democratic consolidation.” Why is it so? Merkel, among other consolidologists, thinks that existence of a constitution would reduce the contingency in the political life. Mutual distrust within the political elites would be prevented by it. “The constitutional set of meta-rules” (Schmitter, 1995:286) defines the norms and procedures of conflict mediation.

1.2.1.1.3 Party Institutionalization

Viable political parties and viable party system, which constitute the most important part of the *political society* in Linz And Stepan’s word, are very important as far consolidation is concerned. Although Philippe Schmitter maintains the declining importance of parties in the contemporary world (1995:22)¹⁴, many students of democratization have been able to satisfactorily demonstrate that parties and party system have a crucial role in the process of democratization, specifically in democratic consolidation. For example, with regard to Southern Europe, G. Pridham (1990:2) contends that “focusing on parties and party systems must remain a basic if not the central theme for examining the quality of the liberal democracy in question but also its progress towards and achievement of democratic consolidation.” Parallel with Pridham, R. Dix (1992:489), argues “...strong parties...are

his seminal article, *Transitions to Democracy*, published in 1970.

¹⁴ Schmitter (1995:22-23) states “To me, the most important of these changes is the decline in the historic role previously played by political parties. Their ideologies are no longer so convincing; their symbols are less present in everyday life; their patronage is less capable of providing welfare; their organizations cannot even replace the militants who die or desert their ranks... They have lost their monopoly on the process of government formation...”

almost certainly necessary for the long-term consolidation of broad-based representative government.” Why are they so important for democratic consolidation? G. Pridham (1990a:110-112) answers this question in five different ways. Pridham begins to explain how political parties are important for consolidation of democracy in a negative way: Doing away with anti-system party or parties. For Pridham, democratic consolidation entails weeding out or at least neutralization and marginalization of them. Secondly, political parties fulfill a significant “legitimising function in the crucial transfer of loyalties to the new regime by exercising decisional authority and expressing social diversity and possibly dissent.” Thirdly, parties may promote liberal democracy in various manners, especially by virtues of “interest optimisation”, and other civic engagements. Finally, “the question of the legitimation of democracy is one where parties may perform a decisive service. Political actors are invariably in a position to facilitate legitimation of a new regime through their active support and setting an example through competent and impressive government performance” (Pridham, 1990a:112).

To be sure, Political parties are so important regarding democratic consolidation. As Scott Mainwaring (1998:67) puts it out, weakly institutionalized party system has been one of the most serious problems that the third-wave democracies have been facing. This is hardly surprising given that unconsolidated democracies constitute significant part of the new democracies. Although it would be an illusion to regard institutionalization as panacea for all problems of consolidation process, the four benefits of more institutionalized part systems are suggested by Mainwaring (1998:69-70) as follows:

1. More institutionalized party systems enjoy considerable stability; patterns of party competition manifest regularity.
2. More institutionalized systems are ones in which parties have strong roots in society.
3. In more institutionalized systems, the major political actors accord legitimacy to parties.

4. In more institutionalized systems, party organizations matter.

In other words, institutionalization of party system, which means in fact a stable system, might engender closer and firmer ties among parties and their grass roots. Socially anchored parties increase legitimacy of the regime, thus people can raise their voices to spell out their policy preferences and organized interests. Institutionalized parties do not suddenly change their ideological postures. It is not so common to see that a rightist party, for example, cannot maintain a leftist ideology over one night. Thus, institutionalized parties ensure ideological coherence and citizens know what policies parties proceed when they govern the state. In a related vein, in an institutionalized system, people and elites put their trust in parties. Furthermore, an institutionalized system might prevent, to some extent, excessive concentration of power in party leaders' hands, and might eliminate what German sociologist Roberto Michels called "iron law of oligarchy" meaning that power tends to fall into the hands of a small number of leaders in all organizations (Michels, 1962). Institutionalization of parties leads to autonomy of parties against individuals who might have established parties for their individual interests. In sum, all of these actually mean substantial increase in legitimacy of the system, which is regarded as the key concept by scholars of consolidation.

Scholars of democratic consolidation clearly show how important more institutionalized parties and party system are for democratic consolidation. How can an institutionalized party be known? It was stated above that Huntington identified four indicators of institutionalization: adaptability, complexity, autonomy, and coherence. Recent literature on party institutionalization seems to cleave to Huntington's analysis to a large extent. Angelo Panebianco, for example, proposes two criteria to measure the degree of party institutionalization: the degree of autonomy vis a vis its environment, and the degree of internal *systemness* (Panebianco, 1988). It seems that Panebianco's 'systemness' involves Huntington's "complexity" and "coherence". Panebianco rules out "adaptability".

On the other hand, according to students of democratic consolidation, a reverse relation exists between democratic consolidation and degrees of fragmentation, polarization and volatility in a party system. In this regard, a higher fragmented party system is more breakdown-prone (Linz, 1978; Sartori, 1976). Any ideological polarization coupled with weak central authority might lead to a chaotic and anarchic political system that results in the breakdown of democracy.¹⁵ Furthermore, W. Merkel (1998:53) rightly puts it out: “The comparatively high volatility has been and is a persistent consolidation problem in practically all post-authoritarian democracies of the ‘third wave’...” This is empirically demonstrated by Mainwaring’s recent calculation: While electoral volatility is 9.7 for the Western states, it is 20.5 for “the older Latin American Democracies”, 15.7 for Portugal, Greece, and Spain, three Southern European states, 30.0 for the newer Latin American states, and 35.5 for the “post-Soviet” states (Mainwaring, 1998:71). To him (1998:71), “these dramatic differences in the stability of patterns of party competition have far-reaching consequences for democratic politics.” Why? It is because:

With low volatility, electoral outcomes are stable from one election to the next, lending a high degree of predictability to a crucial aspect of democratic politics. Parties are long-lasting, and citizens know what they stand for... With high volatility, outcomes are less stable. The electoral market is more open and unpredictable... The rapid rise and fall of parties make the system more opaque to citizens, who have less time to get a fix on where the different contenders stand (Mainwaring, 1998:71-72).

It is now clear that weakly institutionalized party systems are common to most of the third-wave democracies. As Mainwaring (1998:79) states “It has become apparent that democracy can survive with weakly institutionalized party systems, but weak institutionalization harms the quality of democracy and the prospects for democratic consolidation.” However, it would be a mistake to argue that institutionalization leads to consolidation *automatically*. Even

¹⁵ The Weimar Republic of Germany and the Fourth French Republic are frequently mentioned by the literature

“overinstitutionalization” can hinder democratization as “under-institutionalization” does. Institutionalization might mean rigidity in some cases (Diamond, 1999:96-97).

The literature on democratic consolidation reaches a consensus on the importance of institutions, institutionalization, or institution building on the consolidation of democracy. However, this is not the case concerning institutional choice. Which type of institution should be chosen to promote new democracies? Without going into details, it would suffice to state here that, regarding institutional design and democratic consolidation in the new democracies, three main issues continue to be discussed in the recent body of literature of Comparative Politics and democratization: Presidentialism Versus Parliamentary democracy; Two-Party Versus Multiparty Systems; Majority and Plurality Electoral Systems Versus Proportional Representation. Juan Linz, who is an incorrigible supporter of parliamentary system against presidentialism, concludes that a parliamentary system increases the likelihood of democratic consolidation, but presidential system has a negative effect on it (See, Linz, 1990a; 1990b; Linz and Valenzuela, 1994). For Mainwaring (1993), what matters more is not whether the system is parliamentary or presidentialism but, rather, their combinations with a two-part system and a multiparty system. He argues that the disadvantages of presidentialism increase when it combines with multipartism, and a two-party system ameliorates the problems of presidentialism (Mainwaring, 1993). Parallel with Mainwaring’s findings, Stepan and Skach have found that while parliamentary and semipresidential systems could be associated with multiparty system, presidential democracies not (Stepan and Skach). However, an empirical study fulfilled by Power and Gasiorowski (1997) suggests that institutional designs are not so important regarding democratic survival:

[O]ur research suggests that institutional variables may have a weaker impact on democratic *survival* than is commonly imagined... This *may* indicate that when considered alongside the overwhelming historical and

in this context.

socioeconomic obstacles to democratization in the Third World, the architecture of political institutions is simply not a very important determinant of the odds for democratic survival (Power and Gasiorowski, 1997:151).

1.2.1.2 The Behavioural Consolidation

As regards the behavioural dimension of consolidation, as understood from Linz and Stepan's formulation mentioned before, what matters, from the standpoint of the behavioural consolidation, is whether or not there exist any "disloyal" or "semiloyal" organized groups that may attempt to destroy or hijack democracy. These groups can be various including political parties, armed forces, interest groups, or individual politicians. What are the criteria to specify whether an actor or group possesses disloyal characters regarding democracy? Linz's defined clearly this criteria of disloyalty in his book, *The Breakdown of Democratic Regimes*: refusal to give up violence as political means; politics of "knocking at the barracks' for armed forces support"; refusal to accept the elected parties as the legitimate government of the country; bringing systematic discredit on politicians and political parties; the misrepresentation of political adversaries as foreign agents; and proposing anti-democratic and authoritarian policies that restrict fundamental freedoms (Linz, 1978: 30). Linz attaches great importance to political elites in terms of loyalty and regime survival. Democratically loyal elite rejects any kind employment of violence and unlawful means for the pursuit of power (Linz, 1978:27-38). Therefore, the behavioural dimension of consolidation is something that heavily related to the elite level (Merkel, 1998:56).

The literature of consolidation argues that elimination or marginalization of disloyal or anti-system parties constitutes one of the central concerns of consolidation. This is not an easy task to do. In this regard, we face two questions: First, deciding whether or not a party or group is antidemocratic might be problematic. Rival parties sometimes abuse the term to gain political benefits. Gunther et al. highlights this point:

The concept of an antisystem party or movement, however, must be clarified at this point, given the abuses to which this term has been subjected. It has sometimes been used for polemical purposes to stigmatize a democratic party that has no real intention of overthrowing a regime: this is certainly true of the Italian Communist Party (PCI) of the early and middle 1970s... Accordingly, the analyst can identify antisystem parties on the basis of their official ideological and programmatic declarations, speeches by their elites, or probing interviews with party leaders, in conjunction with certain behavioural manifestations (Gunther et al., 1995:13).

Second, it was stated above that a significant anti-system party or group might be detrimental to consolidating democracy. How can we decide whether or not a party or a group is *politically significant* or not? Sizeable support that an anti-democratic party receives might be an answer. But, a well-organized party that might possess some close relations with non-elected centers politically powerful centers or groups can wield significant power even if it does not have sizeable support from the public. According to Diamond (1999:67-8), “to the extent that an anti-democratic party has sizeable support in the society (one standard might be more than 10% of voters), or more modest support but concentrated among soldiers, intellectuals, clergy, or civil servants; or to the extent that its followers are intensely activist and devoted..., an antisystem group becomes politically significant.”

What is more problematic is “semiloyalty”. The existence of a politically significant semiloyal organization is construed as an indicator of fragility of a regime (Linz, 1978). Yet, since semiloyal actors do not overtly reject democratic institutions, rules and norms a semiloyal character is not easy to be identified. They have ambitious attitudes concerning rules and norms of democracy. They may seem to be committed to democracy, but their reactions to political crises are hard to predict. Semiloyalty can hinder a democratic system. Gunther et al. gives the Basque Nationalist Party case as an example to semiloyalty (Gunther et al., 1995:14-5).

1.2.1.3.1 The Attitudinal Consolidation: Political Culture and Legitimacy

Broadly speaking, a country's political culture reflects the basic attitudes the public. The question as to the relevance of attitudes of the general public for the establishment of viable democratic regimes has been in the academic agenda of democratization studies since Inglehart asserted the "Renaissance of Political Culture" in 1988. It was really a *renaissance*, since *political culture* had not been a fashionable topic in Comparative politics after the decay of the studies on "Political Development" led by the Committee on Comparative Politics of the Social Science Research Council in the 1960s.¹⁶ The *Studies in Political Development* focused seriously on the extent to which political attitudes and values were conducive to *political stability* produced three volumes: Pye's *Politics, Personality, and Nation-building* (1962), Almond and Verba's, *The Civic Culture* (1963), and Pye and Verba's collection on *Political Culture and Political Development* (1965). Pye's and Almond and Verba's volumes analyzed the relations between individual attitudes, values, and behaviour, and prospects for democracy and political stability, but they analyzed this from the opposite directions: While Pye tried to indicate that the Asian values, with reference to Burma, had a lot of problems regarding democracy, Almond and Verba's volume focused on the *civic culture* that they supposed to find in Britain and the United States. After these two volumes, no further attempts had been made to design a cultural theory of political development. Although the *Studies in Political Development* series included Pye and Verba's collection on *Political Culture and Political Development*, the collection's main focus was mostly not on political culture, despite its title, but on *elite* theory and comparative history.

¹⁶ As is well known, the Committee sponsored a series of nine volumes analyzed the dynamics of political development. This nine-volume series involved various matters of Political Development, such as culture, communication, and education. For a recent study revisiting Political Development, see Frances Hagopian (2000).

Almond and Verba's *Civic Culture* has been enormously influential on the studies exploring the dynamics of democratic stability, despite its criticisms¹⁷. The main argument in *Civic Culture*, which is whether general public attitudes have a significant causal effect on the stability of democracy, is further elaborated by Inglehart (1988 and 1990). Hence, a *civic* political culture embodies high levels of interpersonal trust, tolerance, compromise, and democratic legitimacy. Inglehart's findings support mainly the proposition that countries possessing high level of *civic* attitudes have more viable democratic regimes than those that have lower level of *civic* attitudes, *regardless of* socioeconomic factors. His estimates assert that while economic development had no major direct influence on the stability of democracy, the *civic culture* variable had a direct effect of + .74 (Inglehart 1990:44). In the lights of what he had found, Inglehart (1990:46) argued: "that over half of the variance in the persistence of democratic institutions can be attributed to the effects of political culture alone." Thus, he came to the conclusion that his findings confirmed "the basic thesis of the *Civic Culture*." (Inglehart, 1990:48). Inglehart's findings concerning the renaissance of political culture coincided with what were happening in the Central and Eastern European countries. There were enormous efforts in these countries to consolidate dynamics of their democracies and market economies. These countries suspected that their really existing political cultures were not conducive to liberal democracy and market economy. Thus, political culture has come to the fore once again. For example, Kaldor and Vejvoda construe East European political culture as the main internal obstacles for democratization: "In the search for democratic institutions, rules and procedures, the main internal obstacle remains the absence of a democratic political culture..." (Kaldor and Vejvoda, 1997:60). Therefore, a shift in political culture towards *democratic political culture*, which finds its full meaning in the term of *civic*

¹⁷ See, Cammack (1997:91-116).

culture is *sine qua non* for consolidation. In other words, “democratic consolidation can thus only be fully understood as encompassing *shift in political culture*”¹⁸. (Diamond, 1999:65).

What characteristics does a “democratic” or “civic” political culture have? The literature dealing with the attitudinal dimension of consolidation answers this question in two ways: One is the *civic* characters of political culture involving interpersonal trust, tolerance towards differences, and lack of support for revolutionary change. These are the component of the civic culture concept proposed originally by Almond and Verba (1963). Inglehart enhanced the operational definition of the civic culture adding the *life satisfaction* to the list. Accordingly, it is expected that countries with high level of interpersonal trust, for example, have more viable and enduring democracies than those that low level ones. However, it must be mentioned here that a consensus among scholars with regard to the civic culture argument does not exist. For example, Muller and Seligson’s empirical analysis rejects the relevance of attitudes of the general public for the establishment of viable democratic regimes: They strongly put forward this argument: “Thus, overall, the results of our analysis of causal linkages between levels of civic culture attitudes and changes in level of democracy are not supportive thesis that civic culture attitudes are the principal or even a major cause of democracy” (Muller and Seligson, 1994:647). However, rejecting that political culture has a major effect on viable democracy does not negate automatically some *reciprocal relations* between them. In this regard, even some scholars of democratization think that a *reverse relation* exists, that is, a democratic culture is in fact not a cause of democracy, but an outcome of it: “I am deeply convinced that the attainment of a civic culture is much more likely to come as a product of democracy than as a prerequisite for it.” (Schmitter, 1995a:33).

¹⁸ Emphasis mine.

It seems very plausible to argue that a democratic culture can only flourish within a democratic regime.¹⁹

Furthermore, Some scholars totally reject the uniform and homogeneous characteristics of political culture. They assert that seeking out homogeneous mass political attitudes in different societies is a critical mistake especially in multiethnic societies. Therefore, as Silver and Dowley (2000) aptly put it, subnational variables should be taken into consideration before deciding a general mass political attitudes of the public. Silver and Dowley show that political attitudes of ethnic groups in nation-states varied:

Our reanalysis of WVS data illustrates the value of bringing ethnicity into the study of political culture. A ranking of the world's ethnic groups on the key indicators of democratic political culture provides a very different picture than a ranking of world societies, many of which are ethnically diverse. We have demonstrated that country scores are often a composite of sharply different scores for ethnic groups. Ethnic groups within countries are often so divergent in values as to call into question the appropriateness of calculating country scores (Silver and Dowley, 2000:543).

1.2.1.3.2 Legitimacy and Democratic Consolidation

The second thing in respect of political culture is the debates on democratic *legitimacy*. *Legitimacy* has been the central concept of scholars across the discipline to explain the stability of democracy: “This chapter makes the case for political culture- particularly, beliefs about democratic legitimacy- as a central factor in the consolidation of democracy” (Diamond, 1999:162). Similarly, Merkel puts it out that “Without a sufficient degree of legitimacy..., democratic systems remain unconsolidated and unstable” (Merkel, 1998:59).²⁰ Yet, few studies combining systematically the theories of democratic consolidation and theories of significance of legitimacy for the stability of democracy are available. What is legitimacy? One of the famous definitions of legitimacy comes from Lipset: “Legitimacy

¹⁹ For a critique of the political culture argument in the context of the Middle East, see Lisa Anderson (1995).

²⁰ Most of the scholars assume more or less explicitly that democratic legitimacy is the central variable in democratic consolidation with the notable exceptions of Przeworski (1986,1991) and Di Palma (1990). For

involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society.”(Lipset, 1960:68). Merkel (1998:59-60) defines legitimacy as “the belief that the ensemble of existing political institutions and procedures is better than all others available. No matter what kind of defects such a system might have, it is legitimate so long as it is perceived by the governed to be the most realistic alternative imaginable.” We can define it as a set of positive attitudes of a public towards its political institutions, which are evaluated as the best form of government (Morlino and Montero, 1995:232). What mostly matters in these definitions above is a general public supports for political regime. That is, a democratic regime must be supported by public to survive.

Different ideas exist among scholars across the discipline as to what kind of support matters for legitimacy. Two main conceptualizations concerning support and legitimacy exist in the literature of legitimacy and political regime: One is the distinction *objects* and *types* of support developed by D. Easton (1975). Easton proposes three kinds of support objects: political community, political regime, and authorities; and two support types: *diffuse* and *specific* supports. Diffuse support refers to long-term support for the entire political system without specific *performance* or output of the system. It is “support that underlines the regime as a whole and the political community.”(Easton, 1975:445). However, *specific* support refers to the support of public for performance of the governments in respect of political decisions (output). Easton thinks that legitimacy (together with trust) is the main component of the diffuse support, therefore diffuse support is more important than specific support, and a commitment to the political community ranks higher than commitment to a particular regime. Morlino and Montero, following Easton’s distinction between diffuse and specific supports, distinguish among the diffuse legitimacy of democracy in general, the absence of preferable

Przeworski (1986:51), “What matters for the stability of any regime is not the legitimacy of this particular

alternatives to democracy, and the perceived efficacy of democratic practices, the equivalent of Easton's specific support.

Whether a preferable alternative to democracy exists is another matter to deal with. Przeworski thinks that what matters for the stability of any regime is not legitimacy *per se*, but presence or absence of preferable alternatives (Przeworski, 1986:51). However,

It is exactly the amount of legitimacy a political system possesses that decides whether 'preferable alternatives' play a role in the elite's calculations or the people's perceptions. No real 'preferable alternatives' will be able to develop in a system based on a solid foundation of legitimacy. On the other hand, the attractiveness of alternative regimes will increase when the legitimacy of a system deteriorates or the system is unable to build up its legitimacy. Legitimacy is, therefore, a necessary if not irreplaceable long-term requirement for the stability of democracy (Merkel, 1998:61).

Legitimacy is not static. A regime can lose its legitimacy or re-gain its legitimacy. Even delegitimation and legitimation can occur at the same time in the different part of the same regime or system.

1.2.1.4 Civil Society and Democratic Consolidation

Larry Diamond (1994:5) defines civil society typically as "the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from 'society' in general in that it involves citizens acting collectively in a public sphere." According to Merkel (1998:57) "...in the long run democracy needs for its consolidation the passive obedience and active support of the citizens... Therefore, each stable and continuous support for democracy has to be rooted in a solid civic culture and vital civil society... Such a stable democratic support possesses *two closely intertwined dimensions: civic culture and civil society.*²¹" *Civil Society* has been one

system of domination but the presence or absence of preferable alternatives."

²¹ Emphasis mine.

of the most cited concepts by both theories of democracy and democratization. Linz and Stepan, among other scholars of consolidation, evaluate “free and lively civil society” among the “five other interconnected and mutually reinforcing conditions *must* (Italic added) be present, or be crafted, in order for a democracy to be consolidated.” (Linz and Stepan, 1996b:17). However, civil society, like other political concepts, is conceptualized and employed differently across the discipline according to the theoretical and normative standings of scholars. As it will be seen below, all empirical, theoretical, and normative arguments with regard to civil society depend upon how scholars conceptualize it. So is the controversial relation between viable democracy and vigorous civil society.

Civil society is in fact a historical concept and can be found in the studies of several great political philosophers, including Hegel, Locke, Tocqueville, and Gramsci. It would not be very beneficial to involve in the historical origins of the contemporary debate as far as this study is concerned, but I have to tackle one significant issue related to the historical employment of civil society. When we look at the employment of civil society particularly in the studies of democratization, we notice that Locke’s and Tocqueville’s understandings of civil society are predominant.²² What matters most in the Lockean liberal tradition as far as civil society is concerned are both its independence from the state and its function to curb the state’s power to protect liberties of individuals²³. On the other hand, the neo-Tocquevillian approach construes civil society as a school that teaches civic-democratic values, such as interpersonal trust, moderation, tolerance, cooperation, and participation. These two traditions have been heavily influenced the students of democratic consolidation and civil society,

²² Of course, there exist other approaches to civil society, such as the pluralist approach and the post-Marxist approach. However, as far as democratization studies are concerned, the Lockean and the Tocquevillian understanding of civil society are heavily employed.

²³ A typical and early study in this context belongs to Andrew Arato (1981).

including R. Putnam, Linz and Stepan, Diamond, and Schmitter.²⁴ L. Diamond (1994), for example, proposes that a robust civil society can contribute democratic consolidation in eight different ways: First, civil society curbs and monitors the state's power that might be arbitrarily used and abused; second, civil society stimulates political participation by citizens; third, it helps to inculcate democratic or civic norms of tolerance, trust, moderation, compromise, and accommodation that facilitate the peaceful, democratic regulation of cleavage and conflict through the process of participation and civic education; fourth, civil society creates ways of articulating, aggregating, and representing interests outside of political parties; fifth, it mitigates conflict through cross-cutting or overlapping interest; sixth, civil society recruits and trains new leaders who may get involved into the political arena; seventh, it improves explicitly democratic process through election-monitoring, human rights-monitoring, and public corruption monitoring, disseminates alternative and independent information, which is especially very beneficial in case of state censorship and/or state disinformation especially about human rights abuses; finally, civil society enhances democratic legitimacy and governability by extending the borders of the accountability and inclusiveness. Therefore, it is possible to notice that all these eight functions of civil society to improve the quality of democracy bear the Lockean and Tocquevillian traditions of civil society stated above.²⁵

However, what brings democracy-civil society relation to mind is indeed Robert D. Putnam's path-breaking study, *Making Democracy Work*. No study until Putnam's had been so influential and produced so much debates concerning viable democracy and robust civil

²⁴ In a similar vein, Michael Foley and Bob Edwards (1996) distinguish between two notions of civil society, which they call *Civil Society I* and *Civil Society II*. Civil Society I is derives from Tocqueville's argument about rich associational life and viable democracy. Civil Society II is similar to the Lockean tradition

²⁵ A similar itemization of the positive contribution of the existence of vibrant civil society, see Schmitter (1997:247). Schmitter proposes five points in this regard.

society with the noble exception of Tocqueville's *Democracy in America*²⁶. This is clearly what A. Seligson (1999:343) argues:

The Putnam study has had an important impact not only on academia but on a number of international development agencies as well, such as the World Bank, the U.S. Agency for International Development, and so forth. These organizations are using Putnam's findings to justify funneling significant sums of aid to projects designed to stimulate civil society organizations. They believe that a strengthened civil society will supply the missing link in the chain of democratic development.

What Putnam says basically is that civil society- citizen participation in formal organization- influences the success of democracy. He said that he proved this neo-Tocquevillian argument through comparing Northern region of Italy that has higher levels of associational activity with Southern Italy that has lower one. He attributes the success of Northern Italy on democracy to the strength of its civic associations of any kind, including "amateur soccer clubs, choral societies, hiking clubs, bird-watching groups, literary circles, hunters' associations, Lions Clubs and the like" (Putnam, 1993:91).

Civil associations contribute to the effectiveness and stability of democratic government... both because of their "internal" effects on individual members and because of their "external" effects on the wider polity. Internally, associations instill in their members habits of cooperation, solidarity, and public-spiritedness... Participation in civic organizations inculcates skills of cooperation as well as a sense of shared responsibility for collective endeavors. Moreover, when individuals belong to "cross-cutting" groups with diverse goals and members, their attitudes will tend to moderate... Externally... a dense network of secondary associations both embodies and contributes to effective social collaboration. Thus, contrary to the fear of faction expressed by thinkers like Jean-Jacques Rousseau, in a civic community associations of like-minded equals contribute to effective democratic governance (Putnam, 1993:89-90).

²⁶ Putnam's findings have stimulated an intense discussions about what roles civil society organizations have in the development of a successful democracy. Critiques of Putnam have stressed some conceptual and methodological shortcomings of Putnam's study. An entire issue of the *American Behavioral Scientist* (1997, Vol. 40, no .5) is dedicated to criticizing and refining the Putnam thesis. See, also Seligson (1999), Booth and Richard (1998), Tarrow (1996), and Goldberg (1996).

In addition, what Putnam calls “Social Capital” is the key term for the role of civic associations on democratic development, and for the connection between the political culture argument and civil society. “Social Capital”, originally devised by famous American sociologist James S. Coleman, “refers to features of social organization, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions” (Putnam, 1993:167). Thus, Putnam concludes that social capital enhances the opportunities for democratic government. However, one question remains to be clarified more: What is the direction of causal nexus between social capital attitudes and civic participation? In other words, Is it people’s participation in civil society organizations *causes* civic “social capital” attitudes to emerge? Alternatively, is it “social capital” leads to vibrant civic associations? This point remains to be clarified. Putnam’s answer is not very clear. He thinks that social capital attitudes and civic participation are “self-reinforcing and cumulative” (1993:117).

What kind of civil society does promote democracy? Are all civil society organizations really *civil*? These are very significant questions that deserve more attention to pay. Putnam, in this regard, does not differentiate the organizations of civil society: “These effects... do not require that the manifest purpose of the association be political. Taking part in a choral society or a bird-watching club can teach self-discipline and an appreciation for the joys of successful collaboration” (Putnam, 1993:90). However, A. Seligson’s findings (1999), while generally confirming the Putnam thesis, propose “Only participation in one form of civil society organization, namely, community development groups²⁷, consistently relates to demand making” (Seligson, 1999:357).

More importantly, it is a “simplistic equation of democracy with a strong civil society” in A. Brysk (2000:151) words, because simply “a strong civil society, however, may not

²⁷ Seligson thinks that the link between demand making and working democracies is the central for the Putnam thesis. Community development groups “demand more effective public service and they are prepared to act collectively to achieve their shared goals” (Putnam, 1993:182).

necessarily be a democratic one.” Both critiques of the Putnam thesis and its advocates agree that civil society organizations must be *civil* and democratic regarding their inner structures, and they must adhere to democratic credentials. Otherwise, civil society hinders consolidation rather than promoting it. “Whether the component elements of civil society will benefit democracy depends on the degree to which they are truly civil and democratic in their spirit and internal structure -pragmatic and willing to compromise, tolerant, and pluralistic” (Diamond, Linz, and Lipset, 1995:30). Putnam himself suggests that all civil society organizations could be beneficial for democracy, provided that the organizations of civil society are organized around “horizontal bonds of mutual solidarity” rather than “vertical bonds of dependency and exploitation”(Putnam, 1993:144-145, 174-175). That is, according to Putnam, the Church and the Mafia cannot be considered real components of civil society because they are “vertically” organized²⁸. In a similar vein, as far as democratic consolidation is concerned, scholars of civil society have started to make differentiation between really *civil* societies against *uncivil* societies. The argument here is that only *civil* and democratic associations can help democratic consolidation in a country, and *uncivil* associations, which might have *disloyal* and/or *semiloyal* attitudes towards democracy, on the contrary, might be harmful to democratic consolidation. Most cited examples of organizations having destructive effects on democratic regime include the Nazi movement in Germany and the Poujadist movement in France led by French right-wing political leader Pierre Poujade, which were all supported by a vibrant associational infrastructure (Berman, 1997a). Therefore, in order to argue that existence of a robust civil society does promote democracy, a *democratic* civil society must be ensured. That is, “a civil society must be representative, accountable, and pluralistic, and it must respect human rights” to be called democratic (Brysk, 2000:152). It

²⁸ However, this is insufficient and unsophisticated differentiation. As Berman (1997a) rightly puts it, how would it be evaluated when the Nazis, for example, were able to use choral societies and bird-watching clubs in their infiltration and eventual takeover of Germany?

should be mentioned in this regard that a differentiation is necessary between individual civil society organizations and civil society as a whole. “For an organization to be democratic, it must accountably represent its members; for civil society as a whole to be democratic, it must be pluralistic” (Brysk, 2000:152).

Building a more representative and accountable civil society can facilitate more conventional approaches to democratization in two ways. First, democratizing the institutions and procedures of civil society can spur the slow process of value change. Practices of pluralism and tolerance, even if they are not adopted for principled motives, may nevertheless help to create new “habits of the hearts”. Second, civic democratization empowers a new set of stakeholders who benefit from openness and accountability. In this way, societal democracy can create another arena of citizen pressure that may trickle up to political structures, building state institutions that have the potential to support further democratization of civil society (Brysk, 2000:164).

The sceptics of the civil society argument have always adduced the Weimar Republic of Germany to demonstrate how a vibrant civil society could be degenerated and even become a threat to the very existence of democracy (Berman, 1997b).

As far as developing countries are concerned, they propose “political institutionalization”, in a very Huntingtonian manner, to alleviate the problems engendered by civil society and to consolidate democracies. They argue that if political institutions are fairly weak, civil society may become an alternative to political institutions for dissatisfied individuals. In such a situation, a vibrant civil society might undermine political stability and exacerbate the existing socio-politic and socio-economic cleavages in a dangerous way. In addition, all these might be destructive to democracy. Those who put forward this nightmare scenario depend heavily upon Huntington’s previous conceptualization of “political decay”(Huntington, 1968:1-92).

1.2.1.5 Economy and Democratic Consolidation

The last thing that I shall briefly tackle is a conventional topic of democratization: the relationship between economic development and democracy. Since Seymour Martin Lipset's seminal 1959 article, which put forward a positive relationship between the level of economic development and a country's chances for stable democracy, this topic has been one of the central concerns of Comparative Politics. He developed fifteen indices of sociopolitical development and applied these to explain the dynamics of the developed democracies in West Europe and North America, and unstable democracies and authoritarian regimes in non-Western part of the world. According to Lipset, "the more well-to-do a nation, the greater the chances that it will sustain democracy"(Lipset, 1960: 31).²⁹ Various studies since then have reviewed Lipset's thesis, and thus it has become one of the "big generalizations" on democratization (Bunce, 2000). Lipset himself has repeated his theory several times: "Contemporary social scientists find that greater affluence and higher rates of well-being have been correlated with the presence of democratic institutions."(Lipset, 1996:431). For example, Huntington (1997) restated five main reasons to explain why there exist a positive relation between economic growth and democratization: First, economic growth leads to high level urbanization, and this facilitates more widespread education. Furthermore, while increased economic growth tends to enlarge the middle class, which has long been associated with moderation, tolerance and democracy in democratization studies (Lipset, 1960:51; also, this relation is clearly stated in a sloganized way by Barrington Moore: "no bourgeoisie, no democracy"³⁰), it results in a decline in size and significance of the peasantry. In addition,

²⁹ Lipset talks about here correlation rather than "cause". He refrains from a deterministic argument. This is stated strikingly as follows: "The various factors I have reviewed here do shape the probabilities for democracy, but they do not determine the outcomes. The record of social scientists as futurologists is not good. Dahl (1971:208) and Huntington (1984), two of the leading explicators of the structural conditions approach, were extremely pessimistic about the prospects for more polyarches or democracies prior to Gorbachev's rise to power... Whether democracy succeeds or fails continues to depend significantly on the choices, behaviours, and decision of political leaders and groups." (Lipset, 1996:443-444).

³⁰ Barrington Moore has also been very influential on the theories of democratization. However, Moore is distinguished from Lipset by his focusing not on some indices of modernization but on some class configurations and long-standing historical development. He specifies the route to democracy wherein there exist commercialization of agriculture, a commercializing and weakening upper landed aristocracy, a robust and

high level of education means high level of participation to civic associations and political parties. Second, increased economic growth produces more resources for societal groups, and this means less of a zero-sum game, and hence more toleration among societal groups in a country. Third, economic growth leads to more complex economy that is more difficult for the state to control it. Thus, as the fourth reason, the less state control over the economy changes the state-society relation in a way that independent centers of power increase. Finally, economic growth produces more egalitarian income distribution, even if it exacerbates inequality in the shorter term. Thus, it mitigates feelings of *relative deprivation* and injustice in the lower classes, and reduces the likelihood of more radicalism in politics (Lipset, 1960:45; Huntington, 1997:5).

What Huntington points are in fact a restatement of the basic arguments stated several times in the literature of modernization and political development since Lipset's 1959 article. However, it seems that recent studies in this regard have revised the Lipset thesis in certain points. First of all, the relation between economic growth and democracy is not so linear process as modernization theorists wish to see. At certain stages, economic growth might even be detrimental to democracy. In particular, today we know that the middle class is by no means always supportive of democracy, even in certain countries and in certain times the bourgeoisie has been sympathetic to authoritarian rule and hostile to democracy. Therefore, it would be proper to argue that the supposed support of the middle class (or even the working class, which is construed as the real defender of democracy by Dietrich Rueschemeyer et al. (1992)). are *contingent* upon various factors, not constant (Bellin, 2000; Jones, 1998).³¹

revolutionary bourgeoisie, and a balance of power between significant classes and the state (Moore, 1966: 430-1).

³¹ "The case studies presented in this article demonstrate that capital and labor are contingent, not consistent, democrats... Support for democratization turns on whether capital and labor see their economic interests served by the authoritarian state. This, in turn, is shaped by two key factors for each social forces. For capital, democratic enthusiasm hinges on its level of state dependence and fear of social unrest. For labor, democratic enthusiasm hinges on its level of state dependence and aristocratic potion in society. The relationship is an

In general, the review literature has seemed to turn away from this structuralist explanation toward a more agent centered, more hopeful explanation emphasizing some contingent factors, including strategic interactions, certain actions and attitudes of the elite which might be inimical or beneficial to democratization³². It is possible to assert that the rigidity and less sophisticated attitudes of the structuralist approach have been moderated³³. To a great extent, new studies on democratization are converging on the role of the individuals (agency) in the regime transformation. The matter now concerns the degree of the effectiveness of the individuals, structure, and institutions.

However, as far as democratic consolidation is concerned, it seems that the balance between agency and structure has changed on behalf of structure, if we rely upon the newer studies dealing with the relation between consolidation and socioeconomic development (Diamond, 1999; Gasiorowski and Power, 1998; Przeworski and Limongi, 1997; Ruhl, 1996; Londregan and Poole, 1996)³⁴. “The level of economic development seems to have considerable impact not so much on whether democracy exists...as on its sustainability over time... What this means is that although democracy can be introduced in poor as well as rich countries, its prospects for enduring increase substantially at high levels of economic development”(Bunce, 2000: 706). Przeworski and his friends (1996:49) also reach a similar conclusion:

inverse one, with higher values of dependency, fear, and aristocracy translating into reduced enthusiasm for democratic reform.” (Bellin, 2000: 205).

³² For this new literature, see Shin (1994), Di Palma (1990), Karl (1990), Arat (1990), Przeworski (1992), Müller and Seligson (1994), Anderson (1995), Shain and Linz (1995), and Linz and Stepan (1996). Two relatively previous studies should be cited: Rustow (1970) and O'Donnell *et al* (1986). Dankwart A. Rustow is considered one of the father of the “transition” and “consolidation” studies with regard to the significance of individual choices and human agency without underrating the role of the structural and cultural conditions.

³³ Of course, this debate over the origin and development (transition to and consolidation of) of democracy is much related to the perennial question of the agency and structure. This fundamental debate embraces the problem of how structures shape what individuals do, how structures are produced, and what are the extent of the agency. For two good studies on this topic, see H. Kitschelt (1992) and T. L. Karl and P. C. Schmitter (1991). Karl and Schmitter developed the concept of “structured contingency” to find out an intermediate formulation between agency and structure. This formulation is similar to A. Giddens’s “structuration” which states the mutual dependency, rather than conflict, of human agency and social structure (Giddens, 1984).

³⁴ For a contrary view, see Remmer (1996).

Our central finding is the importance of economic factors in sustaining democracies... Clearly, we do not think that “consolidation” is just a matter of time, of some kind of “habituation” or mechanical “institutionalization”. We discovered that democracies are more likely to survive at higher levels of development... In sum, the secret of democratic durability seems to lie in economic development...(Przeworski et al., 1996:49-50).

In a different place, Przeworski and Limongi state that they have found two significant variables with regard to the survival of democracy: One is economic affluence, the other, more significant, is growing economy.³⁵

1.3 Conclusion

As discussed above, democracy is among the most controversial concepts of the discipline. The expanded procedural definition of democracy, which includes an effective civilian control over military and the rule of law in addition to what Dahl proposes in this regard, is preferred in the thesis. Furthermore, analyses of the hybrid regimes, which are in the gray zone between a full-fledged democratic regime and an authoritarian regime, are particularly useful to explain basic characteristics of the unconsolidated democracies, like Turkey.

Although the body of literature on ‘consolidation of democracies’ is not in a fully agreement regarding the definition and measurement of the consolidation, most of these studies emphasize the role of political institutionalization, development of democratic political culture, existence of robust civil society, strong political parties...etc. to elucidate the process of consolidation. Some studies in this regard divide consolidation into its components such as ‘behavioral consolidation’ and ‘constitutional consolidation’. Although this approach could be helpful when dealing with such as complicated phenomena, in the last analysis, the

³⁵ “The emergence of democracy is not a by-product of economic development. Democracy is or is not established by political actors pursuing their goals, and it can be initiated at any level of development. Only once it is established do economic constraints play a role: the chances for the survival of democracy are greater when the country is richer. Yet even the current wealth of a country is not decisive: democracy is more likely to survive in a growing economy with less than \$1,000 per capita income than in a country with an income between \$1,000 and \$2,000 that declines economically. If they succeed in generating development, democracies can survive even in the poorest nations.” (Przeworski and Limongi, 1997:177).

position of a general system in terms of consolidation is determinant of democratic consolidation. Then, we reach a conclusion that shift in political culture in a country is key for a country in a process of consolidation to have a democratic regime in full sense. However, the direction of cause, whether existence of democratic political culture cause democracy or a democratic regime causes democratic political culture (a chicken-and-egg question), is not very clear. Nevertheless, we can surely conclude that a democratic political culture can be grown only in relatively democratic soils.

The other point in the discussion of democratization is also very important, as far unconsolidated democracies are concerned: the slow death of democracies. Although, no fully-fledged military coups have been observed in the unconsolidated democracies, what we notice is the gradual erosion of the qualities of democracy. In other words, relatively democratic regimes gets hallowed without classical intervention, which can be observed in several countries including Turkey.

CHAPTER II

INTERNATIONAL DIMENSION OF DEMOCRATIZATION

2. 1 Democratization and International Aspect

The global wave of democratization in the last years of 1980s and during 1990s has stimulated to review the role of the international factors in regime change. Although the international or external dimensions of political change have sometimes been appealed by some scholars, it is possible to argue “the underdevelopment” of international studies of social and political change (Scholte, 1993:11-18). More than two decades ago Peter Gourevitch (1978:900) stated that “students of comparative politics treat domestic structure too much as an independent variable, underplaying the extent to which it and the international system parts of an interactive system.” It can be stated that from Otto Hintze (1975), a “minor” tradition has developed, emphasizing the importance of international factors and connection of “international” and “national”. Some of the leading figures of this “minor” tradition of comparative politics and international relations (IR) studies emphasizing the need for further studies from the point of the intermingled perspective of domestic and international include Charles Tilly (1993), Peter Gourevitch (1986), Peter Katzenstein (1966), and Theda Skocpol (1979), James N. Rosenau (1969 and 1997), Thomas Risse-Kappen (1995; 1998), Matthew Evangelista (1997:202-228), Michael Zürn (1993:282-430), Andrew Moravcsik (1993:3-42), Robert Putnam (1988), Robert Keohane and Helen Miller (1996), and Margaret E. Keck and

Kathryn Sikkink (1998)¹. In other words, while there exist some explorations from domestic to external in the subdiscipline of Comparative Politics, in the IR studies some explorations are emerging from “external” to “domestic”. While one body of international relations scholarship in this regard is the “second image reversed” framework, which provides some theories and explanations on external influences on state formations and institutions (Gourevitch, 1978); the body of literature of “sociological institutionalism” shows how domestic preferences can actually derive from interactions within international institutions and organizations (Finnemore, 1996a, 1996b). These of explorations are partly related to the process of globalization, which might be defined as increasing global interconnectedness.²

These explorations on Comparative Politics have mostly shaped some recent studies on regime change, especially studies on “democratization” which might be simply defined as “political changes moving in a democratic direction” (Potter, 1997:3), because the world has been experiencing unequalled political transformations to democracy from various authoritarian regimes.

It must be at the beginning admitted that evaluation of the international factors, actors, aspects, dimensions of a regime change, including democratization, is highly difficult if not impossible. The recent body of literature of democratization has not been developed enough to analyze the international influence on a domestic regime. Although there exists a growing body of literature on this issue, which will be reviewed below, it has various lacks to explain the international aspect and its influence. Among others, one of the most important deficiencies in this literature is the lack of or underdevelopment of a “causal mechanism” and/or “micro-foundations” of the external dimension. In other words, even though we accept

¹ One of the leading scholars of the IR studies, James N. Rosenau, attempts to explain the immense changes in the world affairs through developing a new concept of “Frontier”. According to Rosenau, the process of globalization and increasing localization are making the conventional boundaries between domestic and international affairs more permeable. Thus, this “glocalization” is producing a “political space” called as “Frontier” by Rosenau. For him, understanding world affairs requires studies “along the domestic-foreign frontier” (Rosenau, 1997). In addition, a similar development exists in the discipline of sociology known as “world polity theory”. For an evaluation of the world polity theory, see Marthha Finnemore (1996b).

² For globalization, see, for example, Waters (1995) and Robertson (1992).

the validity of the analyses within this literature, we cannot find the answer as to what the causal mechanism and/or micro-foundation(s) are. Therefore, I have to draw some theoretical and empirical insights from the IR literature concerning, international norms and compliance with them, “Transnational Relations”, and even from relevant debates of social psychology, along with the conventional regime change analyses. Thus, this study is in fact a bridge-building between the democratization studies and the IR literature. To put it more correctly, what I am doing is in fact insertion some conceptual tools borrowed from the current debates within the realm of International Relations concerning international norms, compliance, and transnational relations to democratization studies and Comparative Politics to extend the analytical borders of them. In sum, in order to explain to what extent and how the EU influences consolidation of Turkish democracy, the tool kits of the IR should be injected into the democratization study.

2.2 Unscrambling The International Context

As Schmitter asserts international factors or contexts are in fact “notoriously” difficult to specify. This is because international environment by definition is omnipresent. Nothing in the world has happened in an international vacuum. Secondly, international factors and context vary on the ground of the geopolitical and geostrategic positions, regional context, size and alliance structure of the country. (Schmitter, 1996: 28-29). In order to overcome this complexity of the international factors, G. Pridham suggests “unscrambling the international context” through differentiating it into (a) background and situational variables, (b) different external actors and (c) forms of external influence (Pridham, 1994a). Though they are expressed by different concepts or formulations, these categorizations are often stated in some of the recent debates within the IR studies.

Table 1

1. Background or contextual factors: International System, International Regime, International Hegemony, International Norms, and Geographical and Geogstrategic Positions.
2. External Actors: Foreign States, Global and Regional Organizations (e.g. UN, EU, OAS, NATO, IMF, and OSCE) and INGOS (International Non-Governmental Organizations).
3. Forms of External Influence: Contagion, Control, Conditionality and Consent.

2.2.1 Background Variables

Within Pridham’s studies, “background” refers to both the situations of the international economy, international system, and external policy patterns of a given country. International, or global contextual factors constitute what Pridham calls “background variable”. It refers to the ensemble of the positions of international hegemony, international rules, international political economy, international norms, international organizations, geopolitical variables, etc. So, even most of these variables are overlapping, it is clear that explaining and clarifying all of them requires a gigantic efforts. Since we have no place and no time to analyze all of these items in-depth, it would be sufficient to deal with the fundamental aspects of the debate, as far as this study is concerned.

One term put by Linz and Stepan summarizes all of these notions at the highest level: the concept of *zeitgeist*: the “spirit of the times”. It in fact belongs to Hegel’s philosophy of history, “denoting the successive stages of development of the universal *Geist* or spirit...” (Scruton, 1996:592). As far as democratization studies are concerned, “[t]he term *Zeitgeist* has come to be used more loosely to describe the general cultural qualities of any period, such as ‘the sixties’ or ‘the romantic era’, and does not carry the strong historicist connotations of Hegelian philosophy” (G. Marshall 1998:712). Linz and Stepan (1996: 74-76) also indicate the significance of the ideological part of the international hegemony of democracy through the concept of *zeitgeist*. The importance of the *zeitgeist* is explained by the authors as follows:

We do not believe in any variant of the “end of history” thesis... But we do maintain that, when a country is part of an international ideological community where democracy is only one of many strongly contested ideologies, the chances of transiting to and consolidating democracy are substantially less than if the spirit of the times is one where democratic ideologies have no powerful contenders (Linz and Stepan, 1996: 74).

This hegemonic position of a specific idea, value, ideology, system... etc. is called with different terms within the IR literature, such as “international regimes”, “international rules” or “international norms”. An “International Regime” defined as “sets of implicit or explicit principles, norms, rules, and decision-making procedures applicable to specific area of international relations” (Keohane, 1993: 778). It seems that Keohane takes this definition largely from Krasner’s seminal study on international regimes. Krasner (1983: 186) also construed international regimes as “ implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations.” “International Norms”, which have recently gained prominence in the IR literature, are defined by Katzenstein in his famous study, *The Culture of National Security*, as “collective expectations for the proper behavior of actors within a given identity” (Katzenstein, 1996b: 5).

Although there are no problems concerning the definition of international norms, a huge debate is going on in the international politics literature as to what role(s) international norms play in the international arena, and how effective they are in it. As is well known, “norms” have been construed as *epiphenomenon* by the realist school of international politics. However, what took place in the late 1980s in the international politics literature was a “sweeping ideational turn” (Finnemore and Sikkink, 1998:888). Thus, international norms have become one of the central themes of discussion especially with the studies of the IR scholars called as the *Constructivists*, including John Ruggie, Friedrich Kratochwill, and

Alexander Wendt.³ Scholars across disciplines have been continuing to discuss several aspects of norms. While some scholars suggest different kinds of international norms (Katzenstein, 1996b), some scholars have tried to find out evolution of the international norms (Finnemore and Sikkink, 1998). Furthermore, some other scholars have studied the relation between international norms and domination through applying Neo-Gramscian approach to international politics underlying ideological hegemony that produce “consent” along with political factors or “coercion” (Germain and Kenny, 1998; Cox, 1983; Enrico and Murphy, 1988).

What is important for us among all these debates on international norms is the domestic impact of these norms, which is sometimes called with another buzzword: *Socialization* or *Compliance*. To put it in a clearer way, without any doubt, democracy and human rights today constitute a powerful international norm⁴ through which the governments and NGOs develop their domestic and international policies (cf. Donnelly, 1986).⁵ Theoretical and empirical insights taken from the socialization process of the norms and compliance with them will shed some light on democratization process. The absence of the causal mechanism within the democratization studies could be compensated to some extent, if not totally, by the analyses of socialization of norms by actors and compliance with these norms.

2.2.2 External Actors

External actors here refer to the states, global and regional international organizations, such as the EU, NATO, IMF, and transnational actors. Although the role of the states and international organizations have been to some extent analyzed (Pevehouse, 2002a, 2002b;

³ See, Kratochwil (1989) and Wendt (1987).

⁴ See, A. Klotz (1995:13-35).

⁵ In his recent study, J. Donnelly argues that “internationally recognized human rights have become very much like a new international ‘standard of civilization’.” (Donnelly, 1998a: 1).

Whitehead, 1996), it seems that the international roles that non-governmental external actors play have not been paid enough attention in regard to international dimension of democratization. Nevertheless, what has been noticed particularly after the end of the cold war is a substantial increase of non-governmental actors both in terms of size and significance. Furthermore, recent developments show that the states and non-state actors cooperate with each other to force norm-breaking countries to comply with international norms. Therefore, in order to describe better the role of the external actors, it is a requirement to pay significant attention to international non-governmental organizations and their alliances with themselves and with the conventional international actors. These co-operations between various domestic and international NGOs, International Organizations, and foreign states are sometimes called “network”.

2.2.2.1 Transnational Actors, INGOs, Advocate Networks, Epistemic Communities

The activities of transnational actors are in fact analyzed by newly developing “Transnational Relations” that tackle a broad area “from informal networks exchanging material and ideational resources (epistemic communities, for example) to large bureaucratic organizations such as Multinational Corporations (MNC) or globally operating International Non-Governmental Organizations (INGO), such as the Amnesty International (AI) or the International Committee of the Red Cross (ICRC)” (Risse, 2000a: 3).⁶

As stated above, various international non-governmental organizations have been one of the most significant agents of internationally backing of democratization. They have been defined and explained a number of names and concepts, including INGOs, transnational social movements (Smith et al., 1997), issue-networks (Keck and Sikkink, 1998), and

⁶ Keohane and Nye in their influential study, *Transnational Relations and World Politics*, defines it as “regular interactions across national boundaries when at least one actor is a non-state agent...” (Keohane and Nye, 1971: xxii-xvi).

epistemic communities (Haas, 1997)⁷. According to Keck and Sikkink (1998:3), “networks” refers to:

[C]ommunicative structures. To influence discourse, procedures, and policy, activists may engage and become part of larger policy communities that group actors working on an issue from a variety of institutional and value perspectives. Transnational advocacy networks must also be understood as political spaces, in which differently situated actors negotiate- formally or informally- the social, cultural, and political meanings of their joint enterprise⁸.

These names are of course overlapping and not mutually exclusive. NGOs or INGOs and Transnational Organizations are more comprehensive and inclusive concepts that might cover the other organizations. The number and significance of the international non-governmental organizations in the international and domestic area have been continuously increasing. When L. Whitehead wrote the chapter in the often-cited *Transitions from Authoritarian Rule* with regards to international aspects of democratization several years ago, he underlined the significance of the international activities of democratic Western political parties, particularly the member parties of the Socialist International (SI), but did not pay enough attention to the role of the other international NGOs. (Whitehead, 1986: 25-31). This underestimation might be partly due to the international positions of the INGOs at the time. However, as stated before, the number of the NGOs has been mushroomed within the last two decades.

The roles of the international human rights NGOs such as Amnesty International in democratization of authoritarian regimes have been stressed in the some studies of the regime

⁷ “Epistemic Communities” has been defined by Peter M. Haas, one of the father of the conceptualization of the epistemic communities, as “network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area.” (Haas, 1997:3).

⁸ Keck and Sikkink rightly put it that “networks” are significant both transnationally and domestically. “By building new links among actors in civil societies, states, and international organizations, they multiply the channels of access to the international system... By thus blurring the boundaries between a state’s relations with its own nationals and the resource both citizens and states have to the international system, advocacy networks are helping to transform the practice of national sovereignty” (Keck and Sikkink, 1998:1-2).

transformation. For example, the role of Amnesty International in Argentina (1976-1983) (Brysk, 1993; Keck and Sikkink, 1998:103-110), and the *Charter 77* in the Eastern Europe during the Cold War (Chilton, 1995) can be considered good examples concerning the role of the transnational non-governmental organizations on the regime change of an authoritarian country⁹.

Furthermore, there is a close relation between international norms, which were mentioned above, and transnational actors. On the one hand, as several scholars (see, Keck and Sikkink, 1998; Finnemore and Sikkink, 1998;) state INGOs and networks have substantial impact upon the creation of international norms and further development of norms¹⁰, on the other hand, existent norms facilitate INGOs' activities. As Thomas Risse (2000a: 18) correctly put it:

International rule structures such as norms embedded in treaties and international regimes provide an enabling environment for transnational network activities. Take the human rights area, for example. The emerging legalization of the international human rights regime went hand in hand with an increasing professionalization and even bureaucratization of INGOs such as Amnesty International and Human Rights Watch.

Today, recent studies (Grugel, 1999; Risse et al., 1999; Checkel, 1999; Finnemore and Sikkink, 1998; Keck and Sikkink, 1998; Checkel, 1997; Klotz, 1995) across disciplines have successfully demonstrated that INGOs- Advocacy Networks, and Epistemic Communities can have a substantial impact on “diffusion process of international norms into domestic practices, particularly in human rights and democratization” (Risse, 2000a: 25). Activities of

⁹ For Amnesty International see, Bouandel (1997:69-95). The significance of the INGOs for the UN, see F. Gaer (1996) and R. Thakur (1994). Jackie Smith *et al* (1998) give a detailed account of the works of the transnational human rights NGOs in the 1990s. See, also Chand (1997).

¹⁰ Finnemore and Sikkink (1998) specify three stages of norm “life cycle”: norm emergence, norm cascade, and internationalization.

international human rights organizations and networks, particularly, the activities of Amnesty International and Human Rights Watch, are very crucial. The “Boomerang effect” or the “Spiral Model”, which will be explained below, have been developed to explain this complex relation between human rights INGOs, domestic NGOs and civil societies, and Western states.

2.2.3 Forms of External Influence

Forms of external influence can change according to ‘openness and ease with which they may be assessed’ (Pridham, 1994: 11). In this unscrambled international context, L. Whitehead proposes three main titles covering the international factors. These are “contagion”, “control”, and “consent” (Whitehead, 1996a: 3-25). Schmitter adds “conditionality” to Whitehead’s classification.

According to Whitehead, “contagion through proximity” is a simple and obvious phenomenon. The cases of Peru-Ecuador-Argentina-Bolivia-Uruguay-Brazil, and Poland-Czechoslovakia-East Germany-Hungary-Romania-Bulgaria as two examples that indicate the contagious character of democratization (Whitehead, 1996a: 5). However, what are the mechanisms that provide such contagion? Whitehead (1996a: 6) argues that “such mechanisms would have to affect the attitudes, expectations, and interpretations of the public at large, regardless of whether or not outside agencies intend to produce this effect, and independent of the strategies and calculations of those holding political power within.” However, it is important to state that the mechanisms of contagion are in fact neutral, that is, regime change through “contagion” could give way both to democracy and to authoritarianism. In other words, ‘contagion’ is vulnerable to both democratic and undemocratic regimes. So, why does ‘democracy’ spread? According to Whitehead (1996a:8), this question could not be properly solved simply by referring to the political and

economic success and attractiveness of liberal democracy. Therefore, we need the other conceptual tools, such as ‘control’ and ‘consent’.

‘Control’ refers to “the promotion of democracy” by one country through certain policies ranging from military occupation to aid and sanctions aimed at democratization of an authoritarian regime. Although Schmitter differs “control” from “conditionality” categorically, it would not be a mistake to regard “conditionality” as a part of “control”. When we think about “control” and “conditionality”, US’ relations with nondemocratic countries, particularly Latin America; the EC/EU’s relations with Southern European, Eastern and Central European, and some African states; and the relations between some Western European states and some less developed states, e.g. the Netherlands-Indonesia relations, come to mind. Scholars engaging in conditionality divide it two main sorts: Negative and positive conditionality (Baylies, 1995: 321; and Carothers, 1997). While the positive conditionality focuses on reinforcing conditions of democracy and human rights through some definite aid projects, negative conditionality, or sanctions, are employed in the positions of the human rights violations, and authoritarian and undemocratic practices of governments.

In addition to “conditionality,” a variety of concepts has been developed to explain the phenomena, including the new donor agenda, foreign political aid, good government approach (Arcer, 1994; and Burnell, 1994), promoting democracy (Diamond, 1997), and democracy assistance (Carothers, 1995). US relations with Japan, Nicaragua, the Dominican Republic, Panama, Grenada, Guatemala, the Philippines, Chile, Haiti, Argentina, Brazil, Iran, Egypt, Israel, Pakistan, Greece, and Turkey regarding democracy and human rights provide some fruitful empirical data for “control” including conditionality.¹¹ Besides the US, some

¹¹ US policy on democratization, including sanctions, “promoting of democracy” and human rights is itself a huge area of study that it is impossible here to pin down systematically. While the US contributions to the democratization in some of the countries cited above are undeniable reality, the extent, effectiveness, and reasons of these sanctions and aid vis à vis *realpolitik* are very controversial topic. See, T. Smith (1994); J. Nelson and S.J. Eglinto (1992); T. Carothers (1991; and 1996); Sara Steinmetz (1994); Whitehead (1996b); A.

European countries, such as Britain, Germany¹², France, the Netherlands¹³, Norway, Sweden, and Canada and Japan have provided aid and sanctions to promote democracy abroad.

In addition to the states, some international organizations, such as the UN, the IMF, the EU, the Organization of American States (OAS), the British Commonwealth, and the Organization for African Unity (OAU) have been employing conditionality to improve democracy and human rights in the authoritarian and the newly democratizing countries. As Schmitter says, the *locus classicus* of conditionality has been the IMF (Schmitter, 1996: 30). However, “what is new” in the IMF conditionality “is the tying of policy responses to political objectives” (Schmitter, 1996: 42)¹⁴. Furthermore, as it is discussed later, this new literature has underlined the role that the EU and its member states have played in the breakdown of and transition from authoritarian rule and in the consolidation of the new democracies in Spain, Greece, Portugal, Turkey and the Eastern and Central European countries which all have strong desires to be and continue to be full member in the EU (Powell, 1996).

Whitehead’s last dimension is “consent”. This is a more subtle and relatively recent phenomenon. “Consent” entails complicated interactions or linkages between international environment, system, actors, and domestic ones that engender democratic norms or hegemony. According to Whitehead, (1996a: 15), “A comprehensive account would need to incorporate the actions and the intentions of relevant domestic groupings, and interactions

Hurrell (1996); A. Angell (1996); T. Evans (1996); S. Poe, S. Pilatovsky, B. Mill and A. Ogundele (1994); Diamond (1997: 311-370); Quandt (1993); and Robinson (1996). William I. Robinson puts forward some different arguments regarding the US foreign policy on democracy. According to Robinson (1996: 16), ‘“Democracy promotion” has a crucial ideological dimensions, given that democracy is a universal aspiration and the claim to promote it has mass appeal. Under the rubric of “democracy,” new policies set out not to promote, but to *curtail*, democratization. Democratization struggles around the world are profound threats to US privilege...’ For Robinson, “polyarchy”, “structural feature of the emergent global society”, is the name of “the low-intensity democracy”, and employed by US to prevent real democracy and hence to “secure the underlying objective of maintaining essentially undemocratic societies inserted into an unjust international system.” (Robinson, 1996: 6).

¹² See Pinto-Duschinsky, Michael (1996: 227-255).

¹³ See Baehr (1997).

¹⁴ See, for the IMF conditionality, Franklin (1997), and Tiongson (1997).

between internal and international processes.... To develop a more elaborate and nuanced understanding of the process would require a more subtle and complex account of its international dimension. Otherwise there is no escape from Rousseau's famous paradox about being 'forced to be free'."

What are the mechanisms of this consent? One answer is coming from S. Huntington. He explains this consent through a "wave of democratization" which is defined as "a group of transitions from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time" (Huntington, 1991: 15). For Huntington, the mechanism of "demonstration effect" was one cause of the third wave of democratization (Huntington, 1991: 100-107). In the age of the increasing speed of the process of globalization, the increasing influence of the demonstration effect shapes the political and non-political selections and desires of the peoples. The critical point in the "demonstration effects" is related to "how an almost universal wish to imitate a way of life associated with the liberal capitalist democracies of the core regions (the wish for modernity) may undermine the social and institutional foundations of any regime perceived as incompatible with these aspirations." (Whitehead, 1996a: 21) In this sense, "international demonstration effects" can be "regime-creating" or "regime-destroying" (Whitehead, 1996a: 22). Here, the key point is connected to the development of the imitated "Western-capitalist-liberal democracy". Of course, there are several overlapping and interrelated dynamics behind the recent success of the "capitalist liberal democracy" *vis a vis* its rivalries to be a prevalent norms with consent.

In this context, the "neo-Gramscian" approaches to the international politics with regard to the global hegemony of liberal democracy might be noteworthy. "Consent" constitutes a very important part of the newly developing neo-Gramscian international politics

(Gill, 1993)¹⁵. For example, as stated before, for Robinson (1996), the “hegemonic” power(s) of the world today has changed its foreign policy from “straight power concepts” to “persuasion”, that is from supporting authoritarian regimes openly to a promotion of “democracy” to continue its hegemonic power and the “asymmetric international order” through promoting polyarchy.¹⁶ In this sense, as Ikenberry and Kupchan (1990) contend that hegemons can socialize elite groups through the manipulation of material incentives.

The last thing that I would like to mention is the modernizing and thus democratizing effect of the international aids. Within the entire literature of democratization, almost no place has been granted to the role of international aid in terms of money or technology in modernization and democratization in the target states (Glenn, 1999). The granted money and technology can help the non-democratic or semi-democratic countries to improve their socioeconomic infrastructures, and thus provide some structural basis for democratization, as it is discussed in the first chapter.

2.3 International Impact and Domestic Response

¹⁵Antonio Gramsci was one of the most important contributors to the Marxist political and social thought in the twentieth century. Gramsci, emphasizing on the autonomy of politics and ideology from economic dynamics, contended that the hegemony of the capitalist class demanded political and ideological “apparatus” that produced the “consent” of the hegemonic powers. According to Gramsci, while “coercion” was limited to the sphere of the state, the consent was secured through the institutions of the civil society (See, Mouffe, 1979). An International hegemony from the Gramscian perspective requires the internalization of the cultural values and norms, and the *weltanschauung* of the dominant groups. These and the other ideas have been applied to the IR mostly by Robert Cox (1983; 1987) and Stephan Gill (1990; 1993) , and the other scholars, such as Enrico Augelli and Craig Murphy (1988), Mark Rupert (1995), and William Robinson (1996). For a critical review of the neo-Gramscian IR theory, see Germain and Kenny (1998: 3-21).

¹⁶ Robinson regards some of the American scholars engaging in “transitions” studies, such as S. Huntington and L. Diamond as “organic intellectuals” from a Gramscian perspective. They are “ ‘experts in legitimization’ who do the political and theoretical thinking of the dominant groups, thereby constructing the ideological conditions for hegemony. ... They theorize on the conditions of existence of a social order as a whole, suggest policies and their justifications, and even participate in their application.” (Robinson, 1996: 42). He concludes that ‘when US policymakers and organic intellectuals speak of “promoting democracy,” they do not, as matter of course, mean promoting popular democracy. But more than this, they mean the *suppression* of popular democracy, in theory and in practice.’ (Robinson, 1996: 62). For another view, see Abrahamsen (1997: 129-152) and Cammack (1997).

Having analyzed the characteristics of the international factors, the study is going to turn to discuss the crux of the *problematique*: To what extent and how can the international factors influence domestic political regime of a country? What are the mechanisms behind any international impact on a democratization process in a country?

2.3.1 Conditionality and Its Effectiveness

As stated above, *Conditionality* refers to a foreign policy instrument aimed at promotion of democracy and respect for human rights through attaching these ideals to mostly economic relations, that is economic *aid* or *sanction* (or as popularly stated *carrot* or *stick*). It seems that *conditionality* is generally used by the states (or the EU) from the rich Western club as a means to force a norm-violating country to democratize its polity and to improve its human rights records.

To begin with, “effectiveness” lexically means having desired effect, producing the intended or wanted result. Therefore, an effective conditionality should result in improvement in democracy and human rights records in norm-violating state. Is *Conditionality* effective instrument to stop human rights abuses and undemocratic policies? Under what condition does conditionality works? Why does a norm-violating country comply with conditionality? All these questions are relevant and significant and should be answered. In this part of the chapter, these questions will be dealt with.

As far as effectiveness of *Conditionality* is concerned, no consensus is available among scholars on whether or how conditionality work to change the behaviour of states or elites within target states. Many scholars across disciplines are sceptical about the effectiveness of conditionality. Morgan and Schwebach (1997:28, 47), among other sceptics, maintain that “most studies in political science have concluded that sanctions do not ‘work’,

at least not in the sense of bringing about a desired change in the policy of the target country” and that “foolish sanctioners may pay dearly little gain.”

Nevertheless, studies of some other scholars conclude its effectiveness over transitions to, and consolidations of democracy. For example, G. Crawford’s comprehensive study demonstrates that conditionality has been an ineffective instrument not due to inappropriateness of conditionality *per se* as a foreign policy instrument but due mainly to the inconsistency and inappropriateness of the state policies (Crawford, 1997).

To evaluate the degree of the foreign policy-role in democratization in a country is indeed a difficult task. Darren G. Hawkins suggests three main reasons responsible for the difficulties. First, it is not easy task to decide what should be regarded as a relevant change for further democratization but not “window dressing”. Second, there exists a “veil of secrecy” behind the decisions of the authoritarian regimes to change their regimes, which makes the evaluation much more difficult. Third, Western governments often over-emphasize some minor changes in the authoritarian regimes, when they have some economic, political, or strategic benefits from the authoritarian regimes (Hawkins, 1997: 404). In addition, the long-term characteristics of democratization, that is transition to and the consolidation of democracy and some of their peculiarities, such as trade-off between significant groups in a transitional country, require both a short-term and long-term characteristics of the democratization and improvements in human rights. Hawkins indicates this differentiation with regard to the case study of the authoritarian Chile from 1973 to 1980. He concludes that:

In the short term, these changes resulted in marginal yet salutary improvements in the human rights situation in Chile; specifically, a decline in murder and disappearances. Their long term implications were more complex. On the one hand, the changes actually shored up the regime’s promise of more democratic institutions and behavior became an important tool for the opposition in the 1980s and eventually helped end Pinochet’s rule.

A similar conclusion comes from K. Sikkink's study (1996), which investigates the effectiveness of the US human rights and democratization policies in Argentina, Guatemala, and Uruguay in the 1970s and early 1980s¹⁷. During this period, the US linked its economic and military aids to improvements of human rights practices in these three Latin American countries. According to Sikkink,

Most discussions of the effectiveness of US human rights policy look only at the *shorter-term impact* of the policy on repressive practices. Although the short-term impact of a human rights policy is important, it is equally essential to evaluate the *longer-term impact* of human rights policies, especially the impact on democratization...I argue that the Carter policy was partially effective in both the short term and the long term in Argentina and Uruguay, but to different degrees, and in different ways. In the short term, the policy helped to limit direct human rights abuses, but also, by helping to isolate military regimes from a traditional ally by removing symbolic and material support, the US human rights policy indirectly contributed to the transition to democracy (Sikkink, 1996: 93-94)¹⁸.

When does the conditionality work? With regard to the effectiveness of the conditionality, scholars put forward some conditions. Some of them are as follows (Crawford and Klotz, 1999; Crawford, 1997; Stokke, 1995):

1. Is the conditionality well-defined? The well-defined and unambiguous requirements of political reforms can increase the effectiveness of the conditionality.
2. What is the significance of a country in economic, political and strategic senses? According to a common view, the greater are donor states' strategic, political, and economic interests in a definite country, the less effective conditionality against the recipient governments is observed.

¹⁷ President Carter stamped in this period. Diamond describes Carter Administration as "a new departure in emphasizing and operationalizing human rights concerns in US policy" in spite of the inconsistent policies of the period. For this reason, the effectiveness of the human rights policies of the Carter period has been investigated by several scholars.

¹⁸ Emphasis mine

3. What is the degree of “political will” of the donor government(s)? Crawford puts two scenarios about the political unwillingness to implement human rights policy against the recipient governments. “One is where restrictive measures are initiated by the donor legislature but not implemented whole-heartedly by the government. The other is where limited sanctions are taken, but for reasons related primarily to donor domestic politics, with governments needing to be seen taking action, yet with little other than symbolic impact on the country in question” (Crawford, 1997: 88). In this context, Crawford gives the examples of US-El Salvador, the European Parliament and Turkey, Swedish-Vietnam, and the UK and Nigeria relations.

4. What is the significance of the relations between recipient and donor states? According to the hypothesis, there exists a correlation between the effectiveness of the conditionality and the size and importance of the bilateral relations between the two parties. Stronger and closer relations, more effective conditionality.

5. How do the beneficiary governments exploit the external pressures? Some recipient governments might use the external pressure to strengthen its domestic position through, for example, provoking some nationalist sentiments. Some governments have been able to become more powerful after the external pressures. The cases of Togo, Cameroon, Guinea, Sudan, and Cuba can be regarded in this context. This case is called *counterproductive* consequence of conditionality and sanction. Crawford and Klotz (1999:32) aptly put it, “External pressure often inspires a sense of isolation and resentment at foreign interference which may provoke intransigence or may even take the aggressive form of economic and military retaliation. *Sanctions may also bolster the credibility and legitimacy of decision makers that claim the outside world is hostile*” (Emphasis mine).

6. What is the extent of the aid dependency? ? How dependent is the target state on the donor state for aid? It seems that economically the poorest countries is more vulnerable to the

conditionality. Unsurprisingly, these countries exist more likely in the sub-Saharan Africa (Diamond, 1997: 349-50).

7. Is the conditionality unilateral or multilateral? Some empirical studies suggest, multilateral actions have much more power to implement the human rights policies effectively than a unilateral one. Crawford gives cases of Kenya and Malawi as examples to the multilateral actions.

In sum, according to the hypotheses mentioned above, a well-defined conditionality carried out by the states multilaterally, rather than unilaterally, which have political will concerning conditionality against norm-violating state that depends significantly on donor States can work. However, one question remains to be solved: the missing link. Why do States comply with human rights and democracy conditions mostly set down by Western states? The answer provided by the Rationalist school is quite easy: cost/benefit analysis or calculation, which refers to analysis of policies in terms of cost and benefits. The crux of this kind of analysis is that a policy is deemed *reasonable* if a balance of benefit over cost exists, and *optimal* if a clear and greater balance of benefit over cost is available.

This approach assumes that the locus of decision making and change resides within the self-interested, rational utility-maximizing decision making elite of the state who respond to actual or anticipated changes in the ratio of costs and risks to benefits... For sanctions to work, they must threaten or actually impose higher costs than the benefits of pursuing a particular policy, and the threat and consequences of suffering must be credible and sustainable (Crawford and Klotz, 1999; 26-27).

The assessments of the rational decision-making elite can be influenced by key policymakers' perceptions or misperceptions of the events (G. T. Allison, 1971; and R. Jervis, 1976) and their cognitive maps and psychologies (Vertzberger, 1990). There is a little place to “non-

rational” variables in the Rationalist explanations, such as norms, socialization, social learning, internationalization, or any other *constructivist* buzzwords (Waltz, 1979: 74-77)¹⁹.

In this respect, Hawkins (1997) analyzes three hypothetical cases on the ground of the cost/benefit analysis. First, if the domestic costs of lowering repression are not high, external pressures can facilitate the authoritarian government’s task to change its despotic behaviors. For some scholars, some authoritarian regimes confronting strong domestic opposition and deep economic crisis benefit from high level of repression and they are less keen to submit the international pressures. Therefore, it is possible to argue that if there do not exist any strong domestic oppositional groups and an important economic crisis, the authoritarian regimes have little to lose by lowering repression. On the contrary, they might benefit from increasing domestic political supports and decreasing international pressures.

Second, a soft-line faction or elite schisms might be emerged within the ruling elite, since some groups within the authoritarian regime regard international pressures and sanctions as very harmful for their benefit and the long term stability of the regime. Soft-liners can exploit the external pressures to prove the costs of the repression.

Third, if an authoritarian regime’s *legitimacy* is vulnerable to charges of violations of human rights, they are more influenced by the pressures (Hawkins, 1997: 408-9). Sometimes the cost and benefit calculations are not so clear. In some cases where the authoritarian regime’s calculated internal costs of suppression are lower than the calculated internal costs of easing repression, the authoritarian regime can still undertake some reforms of democratization and liberalization in response to “expected external benefits of democratization”, such as increasing the international reputation of the country, gaining economic aid, or succeeding in getting a membership in an international organization.

¹⁹ However, it must be stated that new studies written by scholars from rationalist tradition accept that non-rational variables could also be significant. The problem now is not whether or not non-rational variables are significant but how significant they are. (See, Schimmelfennig, 2000)

Two examples of transition to democracy in accordance with the cost and benefit calculations can be given here: The first one is Chile between 1973 and 1980 and Turkey between 1945 and 1950. According to Hawkins, Chile in 1970s was vulnerable to external pressures since it met the three conditions stated above. First of all, for the authoritarian regime, the costs of the democratization was relatively low, secondly, a soft-line faction emerged in 1975-6 within the military regime demanding a more democratic and more liberal regime, called as “protected democracy”. A “legitimacy crisis” was enforced the military to be concerned legitimacy of the regime. Thus, in the short-term, the number of “disappearances” and political murders declined. However, the political implications of the changes in the long-term were more impressive: While some of the old authoritarian institutions were eliminated, some new political institutions were established. In 1980, the military regime approved a new Constitution. Furthermore, the balance of power within the ruling elite changed in favor of soft-liners, which continued until the removal of Pinochet from office. According to Hawkins, rather than direct and short-term influence, the long-term effect was more significant in the discourse and behaviour of Chile’s authoritarian military regime. This long-term influence was seen in the reinforcement of the soft-liners vis a vis hard liners within the ruling elite.

Another example is the transition of Turkey to democracy (1945-1950). According to H. Yilmaz’s account, the democratic reforms during the last period of 1940s were carried out in response to the international factors. The authoritarian regime in the time regarded the cost of the democratization as relatively low vis a vis the high benefit from the external actors: the integration with the US led-West camp. Secondly, a soft-line faction within the “Kemalist Ruling Bloc” (Adnan Menderes and his friends) emerged. Yilmaz draws the conclusion as follows:

Although the expected internal costs of suppression were well below the expected internal costs of toleration, the Kemalist ruling bloc did indulge in liberalization and democratization under the influence of the expected external benefits of democratization. What motivated the Kemalist ruling bloc to inaugurate, maintain, and complete the democratic transition was their foreign policy strategy of integrating Turkey with the international system of the democratic victors of the war (Yilmaz, 1997:32).

To be sure, the cost/benefit analyses of the key decision-makers in a state are crucial in regard to international factors of democratization. However, this analysis cannot provide all part of the general picture. Therefore, a more sophisticated heuristic devise is required to assess the overall influence of the international dimension whereby mutual influences of the international factors can be evaluated. This sophisticated heuristic devise requires two analytical expansions. First, we must include the other explanations of the compliance that do not depend on the cost/benefit analysis, second, non-governmental actors and the complex relations between the states and non-governmental actors must be taken into account to reach more complete explanation.

The literature of *compliance* involves the *constructivist* approach, which argues mainly that the key decision-makers' political attitude and behaviours, hence, and their policy formulations cannot be independent from their structural environments. In other words, the key decision-makers cannot behave so *rationally* as the rationalist models expect.²⁰ New studies of the Constructivist school on compliance do not deny the validity of the decision-makers' rational calculations, but they argue that these calculations occur within a broader structural, ideological and cultural environment. Furthermore, they underline the role of elite socialization, international norms, and internalization of international norms by the ruling elite and masses in the policy-making process (Cortell and Dawis, 2000; Schimmelfennig, 2000; Risse, 2000a, 2000b, 1999b; Checkel, 1999b and 1997a; and Finnemore and Sikkink, 1998).

²⁰ A Growing body of the constructivist literature is available now. See, Hopf (1998), Katzenstein (1996), and Wendt (1987).

This approach provides to some extent the micro-foundation of the *diffuse* of democratic norms across the states, and the *demonstration effect* mentioned in the literature of democratization. I shall be arguing the change in the political culture, which is construed as an indispensable component of democratic consolidation (see the first chapter), could be explained by these processes of *socialization* and *internalization*.²¹

Second, the influence of INGOS, along with States, should find their proper place in this analysis. As stated before, some scholars put forward the role of the non-governmental organizations through more complicated approaches, such as *network* analysis. Regarding *network* analysis, Margaret E. Keck and Kathryn Sikkink argue that they are able to explain some internal and external affairs, including democratization, by borrowing the concept of *network* from sociology and applying it to international politics: *advocacy networks in international politics*. According to them, fundamental actors in advocacy networks include international and national nongovernmental advocacy organizations; local social movements; foundations; the media; religious organizations; trade unions, consumer organizations, and intellectuals; some regional and international intergovernmental organizations, and some parts of the executive and parliamentary branches of governments (Keck and Sikkink, 1998:9). All of these might not involve in all advocacy networks, as Keck and Sikkink (1998:9) rightly put it, the role of the international and domestic NGOs is “central” in all advocacy networks. According to them and some other scholars (Finnemore and Sikkink, 1998) who deal with the human rights NGOs, the central position of the transnational non-governmental organization is due to their places in providing alternative information about human rights abuses and undemocratic practices in authoritarian and semi-democratic countries and thus in internationalization of these abuses. In other words, they are mostly the transnational human

²¹Socialization is “the process that is directed toward a state’s internalization of the constitutive beliefs and practices institutionalized in its international environment” Schimmelfennig (2000: 111-2),

rights non-governmental organizations that spark off the actions of the international human rights *networks* against the state responsible for the human rights abuses²²(Risse, 1999a).

Keck and Sikkink specify four main tactics used by the advocacy networks in their efforts to persuade governing elites and people to change norm-violating policies and socialization of liberal norms. These are *information politics*, *symbolic politics*, *leverage politics*, and *accountability politics*. The first one is the capacity to collect quickly reliable and alternative information concerning human rights abuses in repressive, norm-violating states and use this collected information whenever it is required. Since knowledge is power, reliable and true information would have significant impact. The symbolic politics refers to the ability to design symbols, actions, and stories that should be sharp, innovative and attract people's attention. The Mothers of the Plaza de Mayo in Buenos Aires with white handkerchiefs to draw symbolic attention to the plight of their missing children were good example used quite successfully by the network against the Argentine regime. Third, one is *leverage politics*, which is "the ability to call upon powerful actors to affect a situation where weaker members of a network are unlikely to have influence." (Keck and Sikkink, 1998:16). In other words, activists in advocacy networks try to make significant international and domestic actors involve in networks against repressive states through using especially "moral leverage" or "mobilization of shame". For example, the human rights INGOs frequently try to influence Western states to involve in a campaign against a norm-violating state through using their own principled ideas like human rights and democracy.

The last tactic used by networks is the *accountability politics*, "the effort to hold powerful actors to their previously stated policies or principles" (Keck and Sikkink, 1998:16). Network activists frequently remind norm-violating states about their previous commitments

²² For example, Theo C. Van Broken, a Dutch diplomat and director of the UN Center for Human Rights in 1976, said that "it was thanks to them, in fact, that we could carry on our work, because I've always claimed that 85 percent of our information came from NGOs." (Keck and Sikkink, 1998:96).

regarding international norms or principles- for example respect for human rights and democratic credentials. These commitments can be an international document, agreement, convention... etc. signed by norm-violating state or public statement by leaders of the state. Reminding norm-violating states about their previous legal and non-legal commitments highly embarrass those states' ruling elite. One of the best examples to the accountability politics was the 1975 Helsinki Accords that helped to demise of the Socialist bloc (Thomas, 1999).

The possible influence of the transnational networks might vary considerably in accordance with the state-society relations.²³ Theorizing the impact of external factors on policy-making on the national levels of governance requires some theoretical insights from the liberal approach to the international politics, because it asserts that

[T]he most important factor defining the opportunities for and constraint on cooperation is the level of convergence of national preferences, which in turn reflect the demands of those groups represented by the state... Effective international regimes are likely to emerge only where they have deep roots in the functional demands of groups in domestic political institutions that mediate society and the state... The decisive causal link lies in civil society...(Moravscik, 1995:158).

In other words, as the liberal approach asserts, the national, and sub-national characteristics of states mediate the efforts of the advocacy networks. They firstly have to gain access to the political system of their target states, and secondly, they have to generate “winning policy coalitions with domestic organizations” (Risse-Kappen, 1995: 6, 25). According the literature tackling the transnational access to domestic structure, the more open and the less centralized a domestic political regime, the easier access to domestic policy-making, but gaining access

²³ “State vis a vis society” constitutes an important part of the political sociology and comparative politics. Joel Migdal defines the state power as its capability to penetrate the *periphery*, control the social relations, and use the resources (Migdal, 1988: 4-5). See also, M. Mann (1994), M. Heper (1992), R. W. Jackman (1993), and M. J. Smith (1993).

does not mean automatically policy impact. Although gaining access to domestic decision-making is highly difficult in the more centralized and closed states, if access was granted, more impact would be observed. Matthew Evangelista's study confirms this conclusion. He argues although gaining access to the Soviet decision-making structure was highly difficult for networks of advocacy groups, once Soviet policy-makers decided to listen to networks, impact of networks were great (Evangelista, 1999).

Table 1

Domestic structure	Access to domestic institutions	Policy impact in case of access
State-controlled	Most difficult	Profound if coalition with state actors predisposed toward TNA (Transnational Actors) goals or empowerment of social actors ²⁴
State-dominated	Difficult	Ditto
Stalemate	Less difficult	Impact unlikely
Corporatist	Less easy	Incremental but long-lasting if coalition with powerful societal and/or political organizations
Society-dominated	Easy	Difficult coalition-building with powerful societal organizations
Fragile	Easiest	Impact unlikely

Source: Risse-Kappen (1995:28)

However, although the domestic structure hypothesis is very useful for evaluation of impact of networks, it does not tell whole story. For example, according to Keck and Sikkink (1998:202) domestic structures “cannot tell us why some transnational networks operating in the same context succeed and others do not.” They attribute these variations in the degree of impact to the nature of the issues and the networks (202). Similarly, for Kappen (2000a: 31-32), “the more new ideas promoted by transnational conditions resonate or are compatible with pre-existing collective ideas and beliefs of actors, the more policy influence they might

²⁴ A similar conclusion comes from J. T. Checkel's study in the context of Soviet/Russian behaviour . See, Checkel (1997).

have.” This “resonance hypothesis” has been backed up by several scholars including A. P. Cortell and J. W. Davis, (1996, 2000), Jeffrey T. Checkel (1999a), and Jeffrey W. Legro (1997). Checkel (1999a) asserts that domestic structure and political culture within a state could heavily condition the impact of international norms.

In a similar vein, Cortell and Dawis (1996:452) propose “the domestic salience of the norm” as a condition for an influential external pressure, along with the domestic structural context within which the policy debate transpires. The domestic legitimacy or salience of an international norm has not drawn enough attention by scholars of international norms. Although a growing body of literature on international norm compliance is now available, we have not enough number of studies concerning domestic salience of norms. Cortell and Davis try to fill this gap by analyzing domestic salience or legitimacy of an international norm or institution in their new study (Cortell and Dawis, 2000). According to them,

Not all international rules and norms will resonate in domestic debates. Rather salience requires a durable set of attitudes toward the norm’s legitimacy in the national arena. . . Salient norms give rise to feelings of obligation by social actors and, when violated, engender regret or a feeling that the deviation or violation requires justification (Cortell and Davis, 2000: 69).

How do we know salient norms when we encounter them? How do we understand whether a norm domestically salient or not? Cortell and Davis (2000:72) suggest a five-value scale- very high, somewhat high, moderate, low, and not salient- to determine how salient a norm is.

When an investigation of the domestic discourse, institutions, and policies shows the norm’s objectives, prescriptions, and proscriptions to be uncontested, and when domestic actors routinely invoke the norm to promote their interests, the norm can be said to enjoy *a high a degree of salience*. *Somewhat less salient* are those norms for which the domestic discourse admits exceptions, reservations, and special conditions. As long as such exceptions or deviations are embedded in higher order, principled understandings, and permitted on nonidiosyncratic terms and without invidious discrimination, the norm should retain salience as a guide to behavior and policy choice. Norms

enjoying *moderate salience* then are those that appear in the domestic discourse, producing some change in the national agenda and states institutions, but still confront countervailing institutions, procedures, and normative claims. When norms have entered the national discourse but fail to produce an agenda or institutional change, they can be said to enjoy a *low degree of salience*. Norms that lack domestic advocates or that are used to justify actions in purely idiosyncratic (nongeneralizable) terms are *not considered salient*.

Thus, through the processes of socialization and internalization, democratic norms would become domestically salient norms, and they would be appeared in the domestic political discourse first, and then state's policies (Cortell and Davis 2000:70-71).

2.4 Conclusion: Towards International Politics of Democratic Consolidation

As Karen Remmer recently put it “among the most interesting and important theoretical questions raised by the contemporary context have to do with linkages between international and domestic systems.” (Remmer, 1997:55). This mission seems inescapable given the nature of globalizing world politics. This reality is now accepted even by the *gurus* of democratization studies:

Since 1974, an entirely new structure has been created at the international level for the promotion and protection of democracy. This infrastructure did not exist at the time of the first democratizations, in Southern Europe... Now any country, anywhere in the world, even as its begins experimenting with democracy, is invaded by elements of the international environments- by movements, associations, party and private foundations, firms, and even individual personalities. The network of nongovernmental organizations has certainly contributed to the contemporary wave having, so far, produced few regressions to autocracy, at least in comparison with previous waves... Traditional protestations of “noninterference in domestic affairs” have become less compelling, and the line between the realms of national and international politics has become more blurred (Schmitter, 1995a: 35).

Even the significance of international realm is generally accepted by the leading scholars of the discipline, few theoretically and empirically sophisticated model, approach, devise or tool have been designed to analyze how international variables influence domestic political

development. Thus, the discipline of Comparative Politics has few, if not any, analytical instruments in its conceptual tool kit to analyze and explain it. It seems inescapable to combine these two distinctive sub-disciplines of Political Science to analyze domestic-international interaction and democratization within this border. It seems that recent studies on this matter has reached a similar conclusion (Schmitz and Sell, 1999).

As far as the international factors are concerned, what has been so far demonstrated in this chapter is that two basic foundations of influence exist. One is generally related to coercion and bargaining power, including political conditionality. This kind of relations is analyzed mostly by the realist school of the IR. The other, the idealist school, contends the persuasive power of principled ideas. Governments accept binding international human rights norms and democracy because they are swayed by “the seemingly inescapable ideological appeal of human rights in the postwar world” (Donnelly, 1986:638). In this account, the most fundamental motivating force behind international politics of democratization and human rights is transnational socialization. In this view, transformations in actor identities take place through the impact of INGOs and transnational advocacy networks, epistemic communities, and hegemonic position of human rights and democracy. Thus, socialization of elite and masses occurs eventually.²⁵ So, in this chapter, both realist (cost/benefit) and idealist views (socialization/internalization) have been noticed, which is in fact a new trend in the IR studies (Moravcsik, 2000). This conclusion is also supported by recent studies. Pevehouse (2002:519-20), for example, summarizes that “three potential causal mechanisms can explain the influence of IOs [International Organizations] on regime change. First, pressures (both diplomatic and economic) generated from these organizations can... compel autocratic regimes to liberalize. Second, IO membership can lead to the acceptance of liberalization by certain groups, as it can lower the risks that these groups face during the democratization

²⁵ For example, Audie Klotz (1995) argues that the emergence of a global norms of racial equality is at the heart of the explanation for the ending of apartheid in South Africa, it led to states to redefine interests even though they had material benefits not to do so.

process. This acceptance of liberalization- labeled acquiescence- can occur in two distinct ways: through a hand-tying process or through the socialization of domestic elites.” However, it is also important to take the saliency of the international norms in domestic politics, which condition a lot the influence of international actors.

Although all these theories or approaches cited above are useful to explain the domestic-international linkage and the international characters of democratization, they do not open ‘the black box’ of democratization. No theory has been developed so far in the discipline to realize a comprehensive analysis in this subject. As far as democratic consolidation is concerned, international factors that influence the parameters of consolidation should be revealed to mention any international impact. That is, it is necessary to show how international factors/actors influence structural, behavioral, and attitudinal components of consolidation. More particularly, new studies should be carried out to understand better the role of international f/actors’ influence on development of democratic political culture; the neutralization of antisystem, disloyal, and semiloyal actors; civilian supremacy over the military, the elimination of the tutelary powers and reserved domains; political institutionalization including party building, robust civil society, and economic growth. It seems that both international factors at the governmental and nongovernmental level can exert significant impact on the process of consolidation in new democracies.

CHAPTER III

THE EU'S HUMAN RIGHTS POLICIES IN ITS EXTERNAL RELATIONS AND DEMOCRATIC CONDITIONALITY

3.1 EU's Human Rights Policies Regarding Its External Relations

This chapter involves two main parts to deal with the complex EU policies with regard to democracy and human rights. In the first part of the chapter, I shall be drawing the general human rights policy and democracy considerations of the Union in its foreign affairs. After generally examined and staked out the EU's general concern about democracy and human rights within its foreign relations with the third countries, the second part will examine the EU's position on democracy and human rights in respect of applicant states. Both parts of the chapter are relevant as far as Turkey-EU relations regarding democracy and respect for human rights are concerned. Turkey-EU relations have been affected by the EU's general positions with regard to democracy and respect for human rights in its general external relations; and by the EU's policy against the applicant states in terms of their political regimes. Any analysis of EU-Turkey relations with regard to democracy and human rights would not be adequately understood so long as the question of how the significance of democracy and human rights in the EU's external affairs is not dealt with. This is mostly because the EU's relation with Turkey with regard to democracy and human rights has varied considerably according to the significance of democracy and human rights considerations in the EU's external or foreign policies. In other words, the historical

changes in the EU's (and its member states') foreign and external policies¹ in terms of democracy and human rights, differentiated generally as cold war period and post-cold-war period, have reflected on the sensitivities of the EU about democracy and human rights in its relation with third countries. Therefore, this chapter will examine how far considerations of democracy and human rights² have influenced the EU's relations with third countries.

I shall draw a general framework for the EU's human rights policies towards third countries. This chapter will also demonstrate that the Union's human rights and democracy considerations have been continuing to evolve since especially the end of the cold war.

3.1.2 Human Rights And Democracy in the Main Legal Texts

Although human rights and democratic principles are not cited in Article 2 (ex Article B) of the Treaty on European Union (TEU) among the five fundamental *objectives* of the Union, both the TEU and the Treaty establishing the European Community (TEC) embrace enough number of provisions on the respect for human rights and democratic credentials to state that the Union, at least at the formal and legal level, has considerations over democracy, human rights, and the rule of law (the Siamese triplet) on both its domestic and external affairs.

To begin with, third recital of the preamble of the TEU includes the statement below:

Confirming their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law...

¹ The terms of 'External Relations' and 'foreign policy' are frequently used differently in the EU literature. According to this literature, while 'external relation' refers to international law aspect and trade relations of the EU with third countries, 'foreign policy' refers more to the international or political relations. See I. McLeod I. D. Hendry and Stephen Hynett (1996). I use these terms as interchangeable.

² What the EU means by human rights is an important question as far as this chapter is concerned. However, it would be suffice to say here that the institutions of the EU seems to be in favour of the so-called "indivisibility of human rights", which also includes economic and social rights and minority rights. For this, see, Barbara Brandtner and Allan Rosas (1998: 483-89).

Second, in Title 1 Common Provisions, Article 6 TEU (ex Article F) stipulates:

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

Coupled with TUE, the TEC sets out the provisions in this regard within Title XX (ex Title XVII) TEC, Development Cooperation. Article 177 (ex Article 130u) spells out

Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.

Furthermore, the provisions on the EU's second "pillar" state that human rights and democracy consideration is among the *objectives* of the Union's foreign affairs (Article 11-ex Article J.1-TEU):

The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:
(...)
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

Human rights provisions are relevant to both the Union's internal affairs and external affairs. This is especially true after the inclusion of the Treaty of Amsterdam of 1997 into the consolidated version of the TEU, because the treaty provided for the first time that the EU is founded on the principles of liberty, democracy, human rights and the rule of law. It would be odd if this innovation were to have no significant policy implications and were instead to be treated as a mere rhetorical flourish.

3.1.3 EU's Increasing Consideration Over Human Rights And Democracy in its Relation with Third Countries

The EU was originally an organization that its main consideration was economic cooperation.

One scholar, in 1989, depicted this as follows:

The Community as such is still first and foremost an economic community. The bases for its external relations are therefore mainly trade and development cooperation. The Community institutions have not adopted a comprehensive policy on human rights and external relations of the community, nor on the terms of reference for human rights activities and the use of specific instruments to promote human rights or to intervene in cases of violations (Zwamborn, 1989: 16-7).

This had been a general attitude of the EU until the first years of 1990s. Human rights considerations had not constituted a significant element within the EU's external affairs, which is cooperation agreements between the EU and developing countries, technical and financial assistance to them, the EU's trade preferences, and the European Political Cooperation (EPC), out of which the Common Foreign and Security Policy (CFSP) has developed. The EU, at least in theory, changed its human rights policy in respect of its external affairs when the end of the cold war was approaching. The end of the "Communist menace" was a real impetus for the EU to develop more idealist and human rights oriented external policies.

Furthermore, some developments took place within the Community in the second half of the 1980s, which helped the Community to incorporate human rights into its external policy. With the entry into force of the Single European Act in 1987, the European Parliament (EP) started to use its new assent power to force the Community's other institutions to take human rights considerations seriously in the EU's external affairs. The EP has been deeply and seriously

involved in international human rights issues, and has succeeded in effecting real policy changes within the EU's external policies.

The other impetus for policy changes within realm of the external affairs on behalf of human rights was the EU's failure to stop human rights violations in developing countries through its *ad hoc* initiatives. As D. J. Marantis aptly put, the EU noticed that these *ad hoc* initiatives had minimal impact on developing countries to stop human rights violations and to promote good governance there (Marantis, 1994). Coupled with systemic changes in the post-cold war international arena (Donnelly, 1994), all these factors, inter alia, contributed to policy changes in this regard. The Commission came up with a memorandum to the Council and the Parliament in March 1991 on the incorporation of human rights into the EU's general development cooperation policy. The Luxembourg European Council discussed this memorandum and issued a declaration on human rights, stating that "the community and its Member States undertake to pursue their policy of promoting and safeguarding human rights and fundamental freedoms throughout the world".³

The endeavor in this regard resulted in the Development Council resolution of 28 November 1991. The Council officially declared that "the Community and the member states will explicitly introduce the consideration of human rights as an element of their relations with developing countries."⁴ What was new in this resolution? The first and foremost novelty in it was its emphasis on human rights and democracy. As Simma et al (1999 :576) correctly put, it "gave way to a new era in which considerations of human rights and democracy have in fact become a

³ "Declaration on Human Rights", Luxembourg European Council, *EC Bulletin*, 1991, 6, pp.17-18. Two further points in this declaration draw attention: first, demanding respect for human rights could not be evaluated as interference in state's internal affairs or infringement of sovereignty; second, human rights clauses could be incorporated into economic and cooperation agreements with developing countries.

⁴ "Resolution of the Council and of the Member States meeting in the Council on Human Rights, Democracy, and Development", *EC Bulletin*, 1991, 11, pp.122-3.

central element.” Secondly, the principle of the indivisibility of human rights, putting equal emphasis on economic, social, and political, civil, and cultural rights, could be noticed in the resolution. Last, by the resolution, the EU started to discover that no development could be possible without democracy and respect for human rights. This was a new thinking as far as the EU’ cooperation agreements with developing countries were concerned. The dominant view in the international arena before the second half of the 1980s was that democracy and respect for human rights was an autonomous by-product of industrialization and socio-economic development. It seems that the manner of thinking in the EC’s institutions was not an exception to this hegemonic outlook. Last, the resolution urged the EU to take both positive and negative measures in case of human rights violations (Marantis, 1994: 12-30). The new thinking in the external affairs culminated with the Maastricht Treaty, which was formally signed on 7 February 1992 and entered into force in November 1993. One of the most important innovations of the Maastricht Treaty was its explicit references to democracy, human rights, and rule of law that made in different parts in the text of the treaty (Article 130, for example). The Treaty of Amsterdam, which came into force on 1 May 1999, marks another significant step forward in incorporating human rights consideration in the main legal order of the Union.

All these developments in the EU’s human rights considerations have been to some extent reflected in the EU’s several types of relationship with the developing countries including developmental cooperation, bilateral trade, technical and financial assistance. In this part of the paper, I analyze the human rights considerations of the EU in theory with special references to the content of these agreements between the EU and third states.

3.1.4 Human Rights Clauses in EU Legislation

Since the early 1990s, the EU has started to include more or less systematically different human rights clauses in its bilateral trade and co-operation agreements with third countries, including association agreements such as the Europe Agreements, Mediterranean agreements and Lomé Conventions (now the Cotonou Agreement). The human rights clauses in the external agreements show partly the historical evolution of the EU's human rights considerations. They can answer to some extent the question as to how human rights are important for the institutions of the EU. The last point that the EU has reached in respect of human rights in its external agreements is the standardization of the human rights considerations. Since the 29 May 1995 Council decision on the Commission's communication concerning inclusion of respect for democratic principles and human rights in agreements between the EU and third countries⁵, the human rights and democracy clause has been included in afterwards agreements with a few exceptions (Brandtner and Rosas, 1998: 475). Accordingly, human rights considerations are incorporated in both the preambles of the agreements and the operative provisions as both *essential element* and *non-compliance* clauses. According to Riedel and Will (1999: 732), by the end of 1995, seventy ACP states, twenty OSCE states, fifteen Latin American states, two Mediterranean states, six Asiatic states, and South Africa had agreed to such human rights clauses.

The Lomé Conventions come to mind first in respect of the human rights clause. Although its importance in the eyes of the EU policy-makers is decreasing now (Elgström, 2000: 179-80), the Conventions have had important place in the history of the EU's external affairs and provided many cases in terms of human rights issues between the Community and the South. The Convention, signed in the capital of Togo, Lomé, in 1975, provided a comprehensive framework

for trade and cooperation agreement between the member states of the EU and the ACP states. They have created what has been defined as a “unique relationship”(Cosgrove and Laurent, 1992). In fact, when speaking about the Lomé Convention, it should be kept in mind that there have been four Lomé Conventions. The Lomé I Convention covered the period 1975-1980; the Lomé II Convention covered the period 1980-1985; the Lomé III Convention covered the period 1985-1990; and the Lomé IV and Revised Lomé IV covered the period 1990-2000. After the expiry of the Lomé Convention in February 2000, a post- Lomé period has started with the new EU-ACP agreements on 23 June 2000 in Cotonou, Benin, called the Cotonou Agreement. Human rights became a hot topic in the EU’s external relations firstly after Idi Amin’s (president of Uganda between 1971-79) notorious human rights abuses. In 1978, the Commission issued a memorandum requested an inclusion of references to human rights in Lomé II.⁶ However, it failed. Then, Lomé III explicitly incorporated the human rights promotion as an objective of development cooperation within its preamble and Article 4. In this regard, D. J. Marantis (1994) maintains that despite these references, the EU could not be successful in promoting democracy and in responding properly to human rights abuses. The turning point within the Lomé Conventions came with Lomé IV (1989) and Article 5 (Lister, 1997: 135)⁷. Thus, Lomé IV (1989) became the first development agreement to incorporate a human rights clause as significant part of cooperation. Thus, the “non-political” character of the EU assistance was no longer valid. Though Article 5 of Lomé IV was a real improvement for EU’s human rights policy, it suffered from an absence of any sanction mechanism towards human rights abuses.

⁵ “The Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries”. COM(95)0216 final, 23 May 1995; for the EP’s view on it, see, *Official Journal* (OJ), C 320, 28.10.1996, p.0261

⁶ ‘Memorandum on the Linking of Economic Aid and Human Rights’ COM(78)47 final.

Furthermore, the human rights clause was written in a loose manner. Therefore, a new version of Lomé IV was introduced in the course of the Mid-Term Review of the Convention in Mauritius on 4 November 1995. Two novelties were incorporated in the Convention during this review. First, Article 5 of the Convention was re-written in the light of the 28 November 1991 Resolution. Through the new Article 5, the Convention put human rights, democratic principles, and the rule of law as essential elements of the Convention. New Article 5(1) stipulates as follows:

Respect for human rights, democratic principles and the rule of law, which underpins relations between the ACP States and the Community and all provisions of the Lomé Convention, and governs the domestic and international policies of the Contracting Parties, shall constitute an *essential element* of this Convention.⁸

Furthermore, the new article 366a attaches a suspension clause to the Convention which provides that in case of failing to fulfill the obligations stipulated by Article 5, appropriate measures could be fulfilled, including partial or full suspension of the operation of the Convention for the country infringing Article 5. Although it was previously possible to suspend aid, the trade preferences were generally left untouched. This new Article 366a gives the opportunity to suspend all trade preferences as well (Arts, 1996: 62). The standard human rights clause was thus succeeded in terms of the ACP states. This trend is continuing in the new Cotonou Agreement⁹.

⁷ According to Marantis, two developments during the late 1980s facilitated this development. One was the universalization of the human rights and democracy, the other was the APC states' collapsing economies. This economic crises made the ACP much more dependent on foreign aid. Marantis (1994: 8).

⁸ Emphasis mine.

⁹ See, The European Commission, "The Cotonou Agreement: The new ACP-EC Agreement. General Overview", at http://europa.eu.int/comm/development/cotonou/overview_en.htm

A similar development has taken place in respect of the Latin American context. When an agreement with Argentina was signed on 2 April 1990, a clause entitled “democratic basis for co-operation” was incorporated in Article 1(1). According to it:

Cooperation ties between the Community and Argentina and this Agreement in its entirety are *based* on respect for the democratic principles and human rights, which inspire the domestic and external policies of the Community and Argentina.¹⁰

This “*basis clause*” was later employed in agreements with Chile, Uruguay, and Paraguay. However, though the *basis clause* might be construed as an improvement, it was also suffering from the dearth of a suspension or termination mechanism in case of human rights violations (Riedel and Will, 1999: 738). Therefore, after the problems to suspend the cooperation agreement with Yugoslavia in the middle of the crisis in 1991, Brazil, for example, were exposed to tougher clause known as the *essential element clause*, according to which human rights henceforth constituted an essential element of the agreements.

In 1978, a cooperation agreement came into force between the EU and the ASEAN (the Association of South Asian Nations).¹¹ The European Union is the ASEAN states’ second most important trading partner. As far as Asia is concerned, few agreements between the EU and the Asian countries include a reference to human rights directly. The Council Regulation 443/92 that provides conditionality is deemed a major progress by the observers Simma et al, 1999: 592). However, human rights and democratic values are increasingly being given more emphasis in relations between the EU and the South-East Asian states. Accordingly, a 1996 Communication from the Commission on “Creating a new dynamic in EU-ASEAN relations” stated that “development and consolidation of democracy and the respect for human rights must be

¹⁰ Emphasis mine. OJ L295 1990 p.67

important elements of the dialogue between the EU and ASEAN countries.”¹² Thus, “the European Commission has felt obliged to embrace conditionality as a key feature of a new phase in EU-ASEAN relations.” (Foster, 1999: 750-1)¹³ However, today, no working human rights mechanism is available in the EU-ASEAN relations.

Though the EU had agreements of various types with the countries bordering the Mediterranean, no comprehensive agreement(s) was available between them. It was in the 1994 Corfu European Council that the EU decided to draw a comprehensive Mediterranean policy. The Barcelona Declaration on 28 November 1995 redefined the relationships between the twelve and the MEDA countries and introduced a political dimension to the “Euro-Mediterranean partnership”¹⁴, which was announced by the Commission on 18 October 1994. The declaration formulated a “Political and Security Partnership”, which includes inter alia the approval of a “Euro-Mediterranean Charter for Peace and Stability” adopted at the 4th conference of Ministers for Foreign Affairs of the Partnership (Marseilles, November 2000); economic and financial cooperation and a “Social Cultural and Human Affairs Partnership”. The partnership is given legal effect through bilateral Association Agreements and MEDA Framework Conventions, which include a clause defining human rights as an “essential element” of the agreement. Although the Barcelona Declaration alludes to “respect human rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms” along with rule of law and democracy, it suffers from the dearth of any mechanism in cases of human rights violations.

¹¹ The founding states of ASEAN are Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei joined in 1984; Vietnam in 1995; Laos and Burma/Myanmar in 1997; and Cambodia in 1999.

¹² European Commission, “Creating a new dynamic in EU-Asean relations”, COM(96) 314 final, at 11.

¹³ In this regard, the third informal ASEM (Asia-Europe Meeting) seminar on human rights was held in Paris on 19 and 20 June 2000, after the meetings in Lund (Sweden) in December 1997 and in Beijing (June 1999).

3.1.5 The New Human Rights Regulations

The European Court of Justice's ruling of 12 May 1998 stipulated that the EU's initiatives in the field of human rights and democracy could no longer be carried out without a legal base. Upon this, two new regulations were adopted on 29 April 1999 on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms under Chapter B7-70 of the EU Budget.¹⁵ The new human rights regulations authorize Community support for the process of democratization, the rule of law, and respect for human rights. The new regulations "recognizes the interdependence of all human rights", and the first article of the regulation states that "The purpose of this regulation is to lay down the procedures for the implementation of Community operations which....contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms."

3.1.6 Financial Assistance

Parallel with the developments in the fields of bilateral agreements, it is possible to notice a similar development in the fields of 'technical or financial assistance', which is regulated in autonomous Community regulations. In this regard, the EU's assistance policies towards the Central and Eastern European states, the Newly Independent States (post-Soviet republics-NIS) and Mongolia as well as the Mediterranean countries have aimed at promoting democratic

¹⁴ Including Algeria, "Cyprus", Egypt, Jordan, Israel, and the Palestinian territories, Lebanon, Malta, Morocco, Syria, Tunisia and Turkey.

¹⁵ Council Regulations (EC) No 975 and No 976 of 29 April 1999, OJ L120.

principles, respect for human rights and the rule of law in these countries, and thus at promoting security around Europe.¹⁶

3.1.7 The Other EU Instruments and Initiatives in Relations with Third Countries

The EU continues to employ negative measures/sanctions and other diplomatic instruments against several states accused of violation of human rights and democracy. In addition to the above-mentioned instruments, the EU uses frequently the main legal instruments of the CFSP, including ‘common strategies’, common positions’, ‘joint actions’, high-level visits by the troika or Council president in cases of human rights violations (Articles 13, 14, and 15 of the Treaty on EU) (Fouwels, 1997; Napoli, 1995). Common strategies are a new instrument created by the Amsterdam Treaty. Their purpose is to make the EU more coherent in its international actions. Three common strategies, for instances, have been adopted by the Cologne, Helsinki (1999), and Santa Maria da Feira (2000) European Councils regarding Russia, Ukraine, and the Mediterranean Regions respectively. Joint actions address specific situations where operational action by the Union is deemed required. Hence, joint actions usually include budgetary actions. The joint actions with regard to human rights include the Palestinian authority and Bosnia and Herzegovina. Common positions, on the other hand, define the approach of the Union to a particular matter. During 1999, the EU defined human rights-related common positions in respect of Yugoslavia, Rwanda, Democratic Republic of Congo, Angola, Burma/Myanmar, East Timor, Indonesia, and Afghanistan.

Démarches and declarations on human rights to the authorities of third countries are also important instruments of the EU’s external affairs. Démarches are usually carried out in “Troika”

¹⁶ For more information, see Usul (2002).

format or by the Presidency. While some démarches can be confidential, some can be public. Démarches are usually employed in cases of illegal detention, forced disappearances, the death penalty, extrajudicial executions, freedom of expression and of association, and the right to a fair trial. According to “European Union Annual Report on Human Rights”, which covers the period between 1 July 1999 to 30 June 2000, the EU have delivered lots of démarches to state its concern about human rights condition in third states.¹⁷ Furthermore, human rights issues are raised in political dialogue meetings. In this regard, “critical dialogue” has been a means for the EU to raise its concern over the human rights abuses. For example, the EU was engaged in a critical dialogue with Iran and China (Smith, 1998: 267-8).

There are other instruments of the EU that can be used before going to full suspension of agreements. Most of these are expressed in COM (95) 216. Accordingly, in response to violations of democracy, and human rights, the EU may

- “deliver confidential or public démarches;
- change the content of cooperation programmes or channels used;
- defer signatures or decisions needed to implement cooperation;
- reduce cultural, scientific, technical cooperation programmes;
- defer holding a joint committee meeting;
- suspend high-level bilateral contact;
- postpone new projects;
- refuse to act on a partner’s initiative;
- impose trade embargoes (sanctions);
- suspend arms sales and military cooperation; or
- suspend cooperation with states concerned.”

For example, the EU held consultations with the Niger government in April 1999 upon the coup d’état there in line with the relevant provisions of the Lomé Convention. The Niger government committed itself to a plan for transition to democracy. These procedures were also used in the cases of Togo, the Comoros, Guinea-Bissau and Côte d’Ivoire (formerly Ivory Coast). In these

¹⁷ European Commission, “European Union Annual Report on Human Rights”, 2000, p.29.

cases, employing dialogue to remedy situations instead of any unilateral suspension of the cooperation was preferred¹⁸.

3.2 European Union's Democratic Conditionality and 'Democracy by Convergence'

Although they are highly related to one another, the EU's democratic conditionality concerning the EU membership is different from the EU's general human rights policies and democracy considerations in its external affairs with third countries. The question as to how the EU has developed the ability to pursue policies concerning democracy and human rights towards the applicant states has been of particular importance for three main reasons. First, the EU has developed an ever more extensive portfolio of conditionality demands to promote democracy in the current applicant states. The process of enlargement and its implications concerning democracy and human rights in the applicant states are by its very nature different from EU's other foreign relations with third countries, because quality of democracy and human rights condition in an applicant state, which can be an EU member in future, has been regarded as more 'domestic' issue rather than fully fledged 'international' or 'foreign' issue by the EU. Secondly, since the main strand of this chapter is related to the uneasy relation between the EU and Turkey regarding democracy and human rights, and since Turkey is an applicant state, along with the Central and Eastern European states, putting more emphases on the enlargement process from the point of democracy and human rights is needed.

The new literature on democratization has underlined the role that the EU and its member states have played in the breakdown of and transition from authoritarian rule and in the

¹⁸ European Commission, "European Union Annual Report on Human Rights", 2000, p.33

consolidation of the new democracies in Spain, Greece, Portugal and the Eastern and Central European countries which all have strong desires to be full member in the EU (Pridham, 1991, 1996). With respect to Southern Europe, a body of literature explains some parts or dimensions of democratization process through the EU's influence directly and indirectly (Whitehead, 1996; Schmitter, 1994; Pridham, 1991). This body of literature seeks to evaluate to which the EU and its member states tended or sought to promote democracy in Southern Europe. The Community's relations with Greece during the period of military dictatorship (1967-74), and the period afterwards are evaluated as a good example to the EU's influence over transition to and consolidation of democracy through some policies of an external actor (Tsingos, 1994; 1996; Verney and Couloumbis, 1991; Coufoudakis, 1977).¹⁹ Spain, in this context, can be thought another example (Powell, 1996). Spain could not realize a rapprochement with the EU when its authoritarian regime proved to be the ultimate obstacles. In spite of some sympathy from France, Spain failed to develop closer links in the form of associate status in the 1960s and had to contend with a preferential trade agreement in 1970 (Pridham, 1991: 215; Whitehead, 1996c). As Schmitter put it, none of the Southern European applicants were formally accepted as eventual members until they had succeeded in applying most of these criteria (Schmitter, 1994: 25).

In this context, *the Birkelbach Report* (1962) of the political committee of the European Parliament that specified the condition for eventual membership has been often cited: "Only states which guarantee on their territories truly democratic practices and respect for fundamental rights and freedoms can become members of our community" (Pridham 1991: 215). Furthermore, article 237 of the Rome Treaty, the 1993 *Copenhagen Summit*²⁰ of the European Council and the

¹⁹ Greece's association with the EC was 'frozen' during the Colonels' regime of 1967-1974, and it was forced to withdraw from the Council of Europe in 1969.

²⁰The historically significant decisions of the Summit known as *the Copenhagen Criteria* can be collected under the four main conditions imposed by the union:

new *Amsterdam Treaty*²¹, among others, specified the main criteria that must be complied to be the full EU member state. Pridham asserted in his 1991 article that an explicit definition of democracy existed in neither the Birkelbach Report of the European Parliament nor in the provision of the Treaty of Rome, or other official documents of the EU, and he continued that despite this absence, it was still possible to find out some indicators of liberal democracy in the EU's official documents, which may manifest whether democracy existed or not, such as availability of genuine free elections. This was stated in the European Parliament in February 1976 over democratization in Spain. Others were a predominance of pro-democratic parties, a stable government with pro-European leadership, and the inauguration of a liberal democratic constitution (Pridham, 1991:234-5). Now, this is not the case. It is possible to find a detailed understanding of democracy in the EU's documents, including the progress reports.

In a similar vein, the EU's relations with the CEECs in respect of democracy are often considered as another, even stronger, example to the international aspects of democratization in

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1. the stability of the political institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
 2. the existence of a viable market economy;
 3. the capability to compete with the other market forces within the Union;
 4. the capability to carry out the obligations of membership, including adherence to the aims of political, economic and monetary union. See Alan Mayhew (1998:161-164). Although these criteria were considered firstly with regard to Central and Eastern Europe, they are frequently applied in relation with some of the other countries, such as Turkey.

²¹Article 6 and 7 of the new version of TEU.

Article 7 (ex Article F.1)

1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.
2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons

the form of the EU's influence over the CEECs to build their democracies up (Pridham, 1999a). EU scholars have begun to study how the Union's policies- notably, its application of strict political conditionality- are promoting domestic change among the candidates (Grabbe, 1999).

Although the EU had started to negotiate agreements with some of the CEECs as early as 1989 (King, 1996: 99), the real relations between the EU and the CEECs have been forged with the innovation of the Europe Agreements.²² The Europe Agreements were a new type of association, 'mixed'²³ agreements under Article 238 of TEC (now Article 310). They are sometimes called "second-generation" association agreements (Smith, 1996: 230). The Yugoslav crises and the disputed suspension of the cooperation agreement with Yugoslavia in 1991 led the EU to think of a tough human rights conditionality clause in its agreements with third countries. This concern resulted in the 11 May 1992 declaration regarding the EU's relations with the CSCE states.²⁴ Referring to the 1975 Helsinki Final Act and the 1990 Charter of Paris for a New Europe, the declaration clearly stated that democratic principles and human rights would be an essential element of agreements between the EU and its CSCE partners. From May 1992 onwards, the EU has started to use this *essential element clause* in the agreements with the other CEECs. The agreements with Baltic States²⁵ were the first agreements that incorporated this new *essential element* clause. According to Article 1 of these Agreements:

Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a new Europe inspires the domestic and external policies of the Community and Albania and constitutes *an essential element* of this present Agreement.²⁶

²² There is no enough place to debate the enlargement of the EU and its political implications here. See, Alan Mayhew (1998).

²³ A 'Mixed Agreement' should be signed and ratified both by the Community and the member states, as well as the associated states before it can enter into force. See, I. McLeod *et al* (1996: 142-164).

²⁴ *Bull. EC* 5-1992, pt.1.2.13.

²⁵ [1992] OJ L 403/2 (Estonia), 11(Latvia), 20(Lithuania)

²⁶ Emphasis mine.

Furthermore, Article 21 of the Agreements, which is known the *Baltic clause* (King, 1996: 107), contains a clear *non-compliance clause* that provides a suspension mechanism of the agreement in certain conditions. According to the suspension clause: “The parties reserve the right to suspend the Agreement in whole or in part with immediate effect if a serious violation occurs of the essential provisions of the present Agreement.” It is clearly stated in the suspension clause that the Community might suspend the agreements without giving any opportunity to its treaty partners to defend their positions before suspension. However, the ‘Baltic clause’ attracted vehement criticisms both from some member states and some non-member states, and even the Commission began to think that the ‘Baltic clause’ could be used very harshly and this might frighten the other CEECs and so undermine what the EC had tried to realize so far. Thus, the Commission decided later to modify the ‘Baltic clause’ with some form of consultation in the event of an alleged infringement. Therefore, the Community’s Trade and Cooperation Agreement with Slovenia on 5 April 1993 was the only other agreement with the CEECs to include the ‘Baltic clause’. The Commission’s new form of ‘non-execution’ clause (King 1996:108) was first used in the Association Agreements with Romania²⁷ and Bulgaria²⁸ in February and March 1993, therefore known as the *Bulgarian clause*. The clause states:

If either Party considers that the other Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Association Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the parties... In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the Association Council and shall be the subject of consultations within the Association Council if the other party so requests

²⁷ [1994] OJ L 357/2.

The ‘Bulgarian clause’, along with the provisions that respect for democracy and human rights, has been used by the Commission, following the Council statement of 11 May 1992, as a model for all subsequent agreements with CEE countries, including Romania, Estonia, Latvia, and Lithuania (King 1996:110-111).

However, we still need to know how the EU has been able to transform the political regimes of the applicant states. By what mechanisms does the EU perform as democracy promoter in these countries? Naturally, EU’s great potential to alter the political regime of the candidates cannot be explained merely by some legal clauses in the bilateral and/or multilateral agreements. The democratizing force of the EU over the applicant states is generally explained by *convergence* in democratization theory (Whitehead, 1996). Pridham (2001:4) defines the main character of convergence as:

[G]radual movement in system conformity with a grouping of established democratic states that has the power and institutional mechanisms to attract transiting regimes and to help secure their democratic outcomes. The EU is the most ambitious example, if not the virtual archetype, of this kind of grouping, all the more as its prospect for inclusion (i.e. *incorporation*) gives a direction and purpose to converge and, of course, it reinforces significantly the power to attract. Depending on the determination of new democracies to accede, this provides the EU with a compelling leverage over their elite groups and a channel of influence over their publics.

The convergence and the prospect for incorporation (EU membership) affect prospective member states through policy choice, content and commitment and socio-economic interests. What is particularly significant is the impact on elite mentalities (Pridham, 1999: 61).

²⁸ [1994] OJ L 358/3.

As Schimmelfennig (2000: 119) argues the international system of Europe is an institutional environment, which is “highly institutionalized and based on a common, liberal political culture. In this sense, we can speak of an ‘international community’.” In this “institutionalized regional framework” which “transmits the kind of influences and pressures that may affect the course of democratization” (Pridham, 1999: 60), Vachudova (2001: 4) suggested the concepts of “passive” and “active” leverage functions of the Union. Accordingly, by “passive leverage”, the author means the magnetic attraction of EU membership, and by “active leverage”, she indicates “the deliberate conditionality exercised in the EU’s pre-accession process.” The nature of passive leverage produces “consent” and compliance, discussed in the second chapter of the thesis. The differentiation of the “passive” and “active” leverage function of the EU has already defined by Laurence Whitehead as well. Having accepted the fuzzy border between domestic and international on democratization problems, Whitehead mentions two principal dynamics of the Union. One is its magnetic power, or “the ‘demonstration effect’ of security, prosperity, and moderation rightly or wrongly associated with European integration” (Whitehead, 1996: 281). He defined this influence as “abstract and intangible form of influence”.

In addition, Whitehead’s understanding of “active leverage” function of the EU is its “more direct and observable pressures on various strategic groups” including politicians and businessmen. For Vachudova (2001: 25-6), “active leverage” has been applied in two ways. First, the EU has pressured government through diplomatic channels to influence on particular policies. Second, “the EU publicly expressed its approval and disapproval of government policies, and linked its judgment to a state’s eligibility for EU membership.” In this regard, the keyword is ‘conditionality’ that means, as discussed in the second chapter in details, specifying conditions or even preconditions for support, involving either promise of material aid or political

opportunities, which is the EU membership in our case (Pridham, 1999: 62). The EU has developed an ever more extensive portfolio of conditionality demands for membership.

Without doubt, official and non-official formalities, procedures within the pre-accession and accession process constitutes the most significant “active leverage” for the democratic consolidation in the candidate countries. Formalizing the accession criteria, the Copenhagen criteria, through the Accession Partnership agreements and the process of monitoring candidate countries through the regular progress reports, the EU has developed the most compelling leverage over the governing elites and publics in the candidate countries. In this regard, the relation between the EU and applicant states is asymmetrical in the sense that the Union itself specifies or even imposes the condition for deepening the relation with the EU. The candidate states, which aspire for the EU membership, have to meet the conditions defined by the EU to be incorporated by the Union.

Why do the candidates comply with the EU demands? First, the applicant countries look to the West as ‘promised land’ of security and welfare to which they aspire. This strong asymmetrical interdependence made the EU candidates highly vulnerable to ‘political conditionality’, to the material assistance and international legitimacy in return for norm-conforming domestic and international conduct (Pridham, 1999: 124). However, two principal factors affect the magnitude of EU’s influence. One is the significance of the benefits of membership, the other is the magnitude of the entry requirements. If the calculated benefits of the accession process, which are mainly related to the socio-economic welfare, security and international legitimacy, are prioritized over the calculated costs²⁹, the governing elite would probably comply with the membership requirements. This calculation of the cost includes the

²⁹ They could be more limited national sovereignty, revival of ethnic consciousness in some ethnic minorities, and even some economic and financial losses.

cost of exclusion from the enlargement that endanger the economic and security positions of the excluded state, which is in the danger of being a pariah state.

On the other hand, as stated in the second chapter of the thesis, scholars have recently started to underline the concept ‘international socialization’, which is “the process that is directed toward a state’s internalization of the constitutive beliefs and practices institutionalized in its international environment” Schimmelfennig (2000: 111-2), while explaining the EU’s pressures on the candidates and their compliance. Accordingly, the EU has a powerful socializing role with regard to governing elite and publics in the candidate countries, “grandly called ‘Europeanisation’- where mentalities from élites in established democracies rubbed off on new party leaders and officials... from Central and Eastern Europe” (Pridham, 1999b: 1225).

As Schimmelfennig (2000: 117) states the socialization process requires a “*structural asymmetry* between the socialization agency and the actor to be socialized. The agency acts as a gatekeeper for resources in the social environment which the actor needs or desires to have. In order to get access to these resources, the actor adopts the constitutive beliefs and practices institutionalized in the social environment and taught by the socialization agency.” There exist multiple mechanisms of socialization, including contact and social interaction, which sometimes explained with different terms- deliberation, social learning, argumentation, and persuasion- to characterize the interaction that can lead to socialization.³⁰

In addition, a human rights/democracy network or advocacy network is noticed in Europe, where the EU seems to be in collaboration with the Council of Europe, international human rights organization (like Amnesty International and Human Rights Watch) and national human rights organization. When the EU prepares its progress reports for the applicant states, it

gathers information about the quality of democracy and human rights records in these states mainly from these national and international organizations, along with what the states provided. Accession to the human rights conventions in the CE and the regular control of the ECtHR are particularly important for the EU. It would not be an exaggeration to argue that the CE has been employed as if it is an antechamber connected to the EU for the candidates.

3.3 Conclusion

It is clearly demonstrated in the chapter that the weight of human rights and democracy has been increasing in the EU's foreign affairs. . As Karen Smith (1999: 15) put "Beyond doubt, the EU has incorporated human rights considerations into its relations with third countries, further even than other international actors. And there has been a steady strengthening of this dimension." However, this does not mean that the EU's human rights policy is free from inconsistency. It seems that the EU's human rights consideration in its external affairs does not beat often the EU's commercial, security, and strategic calculations. In other words, if the EU's human rights consideration is at odds with its commercial and security analysis, the EU usually prefers the second one. "Commercial and strategic interests do often 'trump' the conditionality norm" (Smith, 1998: 273-4). This conclusion can be more easily understood if the EU's human rights considerations in different regions are compared. G. R. Olsen did the comparison to a certain extent in his recent analysis (Olsen, 2000). The main argument Olsen puts forward is that while the EU promotes democracy and human rights in the CEECs, its human rights policies in, for example, North Africa is clearly not so 'ethical'. It is clear that when the EU's security consideration is at odds with 'European values' such as democratic credentials and human rights

³⁰ Sometimes socialization includes 'internalization' meaning "the adoption of social beliefs and practices into the

in, for example, Algeria, Tunisia, Egypt, Israel, and China, the Europeans tend to give priority to security. It seems that the EU members consider that a real democratic regimes in these countries would jeopardize anti-democratic but friendly regimes and hence the European interests there (Wharton, 1996). Therefore, “the EU is indeed ‘guilty’ of inconsistency: third countries are treated differently, even though their human rights (and democratic) records are similar” (Smith, 1999: 15) Why the inconsistency? Two main reasons were already mentioned: the EU’s commercial; and security and strategic considerations. In this regard, Angela Ward showed that some of the EU’s important trading partners are not even subject to the human rights clause (sectoral agreements for example) (Ward, 1998). Apart from the EU’s commercial, security, and strategic considerations, there are real doubts as to whether the sanctions or ‘negative measures’ work properly. Some scholars and policy makers rightly consider that sanctions and cutting off the relations with norm-breaking countries would not improve human rights records there. It is a real dilemma to choose “Asphyxiation”, blocking financial aids to stop human rights violations, or “Oxygen”(Lavin, 1996: 104). In the last analyses, although the EU’s human rights policy in its external affairs shows a lack of consistency, compared to the situation at the beginning of the 1990s, the place of human rights consideration in the external affairs has significantly changed. In spite of all the inconsistencies, human rights consideration has become a significant part of the EU’s international identity.

On the other hand, as far as the applicant states are concerned, The EU could use the conditionality effectively. As discussed in the second chapter of the thesis, conditionality can be effective if it is applied consistently. Furthermore, it will be influential provided that the third

actor’s own repertoire of cognition and behaviours.” A fully socialized actor regards these beliefs and practices as its own and follows them autonomously (Schimmelfennig, 2000: 112).

country desires the carrot on offer or fears the stick. As Karen Smith (2000:41) rightly put it, the EU has used the conditionality successfully in this regard:

Still, membership conditionality seems to be doing the job that it was intended to do. It has by and large been applied consistently, the CEECs strongly desire to join the EU and hence are willing to try to meet the conditions, and the prospect of membership is still considered highly likely by all of the CEECs. As an instrument of EU foreign policy, it can be judged to have been pretty effective.

Thus, in order to evaluate better the EU's promotion of democracy, a differentiation between the candidate and non-candidates countries can be useful. Accession process for the candidates provides enormous power to the EU to transform these countries, as discussed above. This enormous influence of EU is absent in relations with other states.

CHAPTER IV

DEMOCRACY IN TURKEY

4.1 The Basic Characteristics of Turkish Democracy

In this chapter, the basic characteristics of the political regime of Turkey and the quality of democracy in Turkey are to be discussed. Before engaging in the possible role that the EU has played with regard to democracy in Turkey, it is necessary to display the fundamental nature of Turkish democracy. Since its commencement, when Turkey formally moved to multi-party democracy with the 1950 elections, democracy in Turkey has not consolidated in its full sense (Özbudun, 1996). Democratic regime in Turkey was interrupted in 1961 and 1980 by two military coups, 1971 intervention by memorandum, and a half coup in 1997, which is sometimes called as “post-modern coup”. These military interventions are not the sole problems of Turkish democracy. The problems that stand on the further consolidation of Turkish democracy include, *inter alia*, the Kurdish problem and ethnic and separatist terrorism; military influence on politics; fragmented party system; the nature of civil society and political culture; widespread human rights abuses and *a la Turca* secularism and its tension with liberal democracy. These problems, which have curbed the further development of Turkish democracy, have been discussed in the several academic studies (Özbudun, 2000, 1996; Heper, 2000, 1992, 1992b, 1992c; Sunar and Sayari, 1987).

One of the most important factors that have influenced Turkey’s political system is its continuing modernization and Westernization since the 17th century Ottoman Empire. Without doubt, the zenith of Westernization in the Ottoman time was the beginning of the 20th century, when the political character of the regime in Modern Turkey was to a great extent

drawn. The elites that established the modern Republic of Turkey after the end of the Empire were socialized in that social and political atmosphere. After the Republic of Turkey was established with an independent war against the European Powers, the political elite decided to establish the new Turkish state with two basic pillars: Nationalism and Secularism. The dominant themes of Turkish nationalism were as follows:

- The People of Turkey is Turkish;
- Turkishness is not racial but cultural issue;
- There is no Muslim minority in Turkey.

With regard to secularism, an *alla Turca* secularism was developed in the first year of the Republic, some characteristics of which were taken directly from the Ottoman times. Its basic characteristic was the state's dominance over religion. The Ottoman-Turkish state had been regarded dissenting Islamic groups as a threat to the central authority during the Empire times. This trend has continued after the Ottoman state was replaced with the Republic of Turkey. Further, the secularizing elites of the new regime were also concerned with Islam, which was regarded by them as the main impediment to progress of the country. Therefore, the Ottoman tradition of state-religion relation coincided with the new secularist consideration of the new regime. The result was *alla Turca* authoritarian secularism, which has been many times in tension with the basic principles of liberal democracy. This is mainly because, the modernizing elites in the center focused on how they could transform the traditional/religious society.

4.2 Strong State Tradition

M. Heper (2000: 64), in a recent article, argues that "Continuity rather than change characterizes Turkish political culture. Ottoman political norms emerged and developed

during the many centuries of the Empire. They persist today, affecting numerous aspects of contemporary Turkish politics.” One of them that have been influencing the character of Ottoman/Turkish political regime is Turkey’s strong state tradition (Heper, 1992a, 1992b; Barkey, 2000). As Metin Heper (1992) rightly put the strong state tradition of Turkey makes it different from other new democracies. It is also different from the continental European countries in this regard. Heper (1992: 144-5) contends that:

[T]he difference between Turkey and many new countries lies in the presence of a strong state in the former, and the state’s weakness... in the latter... As a means of political integration, the Turkish state has filled the void created by increased praetorianism. For many Turks, this particular role has reinforced the legitimacy of the state... But Turkey has also differed radically from the continental European countries...: in the Ottoman-Turkish polity, the state did not develop alongside the politically-influential social groups, but evolved by making these social groups politically impotent. Even at the pinnacle of their powers, the French and Prussian absolutist kings had to grapple with the demands and pressures of their *parlements* and *Stände* respectively. The Ottoman Sultans, on the other hand, faced no aristocracy that could impinge upon the affairs of the centre.

Although the strong-state tradition has sometimes created a favourable atmosphere for Turkish democracy to be flourished by curbing praetorianism, it has often restrained the consolidation of Turkish democracy, basically because of two reasons. The strong-state tradition is propitious for a political regime that has strong authoritarian inclinations. Second, the strong-state tradition inhibits the development of robust civil society and civic culture, which, as discussed below, are vital for a viable democratic regime (Barkey, 2000).

4.3 Center-Periphery Cleavage

Along with the strong state tradition of Turkey, another basic feature of the Ottoman-Turkish politics is that the fundamental cleavage of the country has been along the center and periphery. Drawing heavily from Edward Shils’ “Center and Periphery” formulation, Şerif

Mardin asserted that center-periphery relations in the Ottoman-Turkish society has been a key to understand and explain Turkish politics (Mardin, 1969, 1973; Heper, 1980). The *center*, which is confronted by a heterogeneous *periphery*, composed basically by small farmers, peasantry, artisans and religious organizations (*tarikats* and *tekkes*), regional and ethnic (Kurds for example) groups whose main binding common tenets is their hostility towards the center. The center in the republican period is organized around the Kemalist nationalist and secularist principles.

Today, several students of Turkish politics contend the argument that the center-periphery division continues to be the main political cleavage in Turkey. For example, Kalaycıoğlu (1999: 62), in this regard, concluded that “center-periphery divide, as represented by religiosity, is still the most important source of party preference in Turkey.” In fact, the data gathered in the 1990 and 1996 Turkish Values Survey backed the idea that “the continued importance of the conflict between the values of the center versus the values of the periphery” (Kalaycıoğlu, 1994: 422). This persistence importance of the center-periphery division is also accepted by other scholars.¹

Thus, I would argue that the current problems and issues concerning the nature of democracy in Turkey, are highly related to the historical development of the political regime in Turkey in terms of nationalism, secularism, strong state tradition (including state-dominated political culture and weak civil society), and the cleavage along center-and periphery. These conceptual tools can still be employed to explain the current problems and difficulties of democracy in Turkey. To understand the EU’s influence on democracy in Turkey, we must depict the basic nature of these problems.

¹ See, Çarkoğlu and Ergen (2001), Çarkoğlu (1998), and Sunar and Sayari (1987).

4.4 'Turkish' Nation-State

One of the most difficult problems that Turkish democracy has encountered is the increasing Kurdish problem/nationalism, along with the emergence of the PKK, in the late 1980s. As stated earlier, generally speaking, Turkey's state policy regarding Kurds living in Turkey has been that the Turkish citizens of Kurds belong to "Turkish" majority. In other words, Kurds in Turkey had not been regarded as an entity different from the Turkish majority by the Turkish elites until very recent days. In this sense, according to this official view, there is no Muslim minority in Turkey. This view was, in fact, to some extent, a reflection of the Ottoman's *millet* system. Accordingly, the subjects of the Ottoman Sultan were divided into *millets*, according to religious affiliations.² This reflected on the basic features of *the Treaty of Lausanne* (24 July 1923), which was preceded by the *Treaty of Sèvres* (1920).³ While, Article 62 of the Treaty of Sèvres referred to the need for "local autonomy for the predominantly Kurdish areas", and Article 64 mentioned a possibility that "the Kurdish people" might be granted "independence" (Kirişçi and Winrow, 1997:44), the Treaty of Lausanne, in contrast, does not mention Kurds directly. The third section of the Treaty tackles the protection of minorities in the Turkish soil, and Articles from 37 to 45 are about the minorities in Turkey. Article 39 of the Treaty read:

² There were five major millets or divisions, each under its own religious leaders: Muslim; Orthodox; Jewish; Roman Catholic; and Gregorian Armenian. Tax collection, education and legal matters were organized within each millets. For more information, see Karpat (1982); Goffman (1994); and İnalçık (1973).

³ The Treaty of Sèvres is very important in the history of Turkey and even in Turks' national psychology. It is a peace treaty after World War I, negotiated as part of the Paris Peace Conferences (1919-20) and signed between the Allies and the Ottoman State. According to the treaty, Edirne, Eastern Thrace, and İzmir were ceded to Greece. Rhodes and the Dodecanese Islands were passed on to Italy. A short-lived independent Armenia was created and an autonomy was granted to Kurds. The Empire lost all of its Arab possessions. The Bosphorus and Dardanelles were demilitarized and placed under the control "international" powers. The treaty was never ratified by the Ottoman Parliament. The Turks united around Mustafa Kemal Atatürk and forced the Great Powers to accept the Treaty of Lausanne after a war of independence. The implications of the Treaty of Sèvres have been great in Turkish political culture in two ways: First, it made Turks more suspicious about the European powers and secondly, the political and state elites in Turkey have always been afraid of further division of Turkey by the Western powers. This psychological situation of the Turkish elites and population is sometimes called as "the Sèvres Syndrome", which refers to an extreme sensitiveness of Turkish elites and people concerning the Western pressures in terms of democracy and human rights. It is very important to understand why sometimes some part of Turkish elites and people react so heavily when the European institutions ask Turkey to carry out some reforms about the Kurdish problem.

No restriction shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publication of any kind, or at public meetings. Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of language before their own courts.

The official view of the Turkish state has been that the rights agreed to at Lausanne should be applied only to non-Muslim minorities, which are the Greeks, Armenians and Jews. In other words, the Turkish officials have always argued that according to the treaty of Lausanne there is no ‘ethnic’ or ‘national’ *minority* in Turkey.⁴ A different Kurdish identity was rigorously rejected by the founders of the Republic of Turkey. Following the European state models, they believed that Turkey should be a modern nation-state with a single nation/people. An all-encompassing Turkish sense of identity was created for this cause, which denied any different ethnic identity other than Turkishness. In order to forge a sense of national identity and unity, the founders of the republic had thought, all citizens were to have their previous identities subsumed under the being Turkish (Çeçen, 2001). All these attempts to create a new modern nation-state, of course, entailed sort of liquating cultural differences to conduct a policy of uniformity. The political elite had treated cultural differences as deviant for a long time (Pierse, 1997; Yeğen, 1996).

This denial of the existence of a different Kurdish identity, along with the radical modernization carried out by the modernizing elite in the time, resulted in the first Kurdish rebellion against Ankara: the Sheikh Said rebellion in 1925. It was very important to understand how the Kurdish leading figures reacted against the nationalist and secularist nation-building project of the new republican elite. Although the theme articulated by the Kurdish rebels dominated by their negative attitudes against the radical secularist policies of the new Turkish elite, including, the removal of the Caliphate in 1924, as R. Olson (1989:153-

⁴ There are different views on the interpretation of the section 3 of the Treat of Lausanne. Some believe that, in contrast with the official view of the Turkish officials, it includes the rights of the “Muslim minorities” in Turkey. See, for example, Baskın Oran (2000).

5) pointed out, it was religious and tribal but still “national” insurrection. Some Turkish historians/politicians/authors believe that the Sheikh Said Rebellion was a product of the great powers abroad, particularly Britain, which provoked the Kurds to prevent Turkey from capturing Mousul and Kirkuk where had very rich oil fields (Kılıç, 1999; Çay, 1993; Öke, 1988). This kind of thinking, which regards the Kurdish problem in Turkey as a product of the Great Powers abroad, has been very influential on the cognitive map of the Turkish elite and people, and they have always been very suspicious of the Western involvement in the problem (Erkal, 1998). This “Sevres syndrome”, meaning that the Western Great Powers still look forward to further portioning of Turkey, has created an “insecurity complex” and “sense of territorial insecurity” throughout the history of the republic.⁵ As P. Robins (2000:67) rightly put it: “This sense of territorial insecurity has, furthermore, not been helped by the location of the Kurdish areas adjacent to the Middle East, a region where the revision of the state system has been the focus of active debate from decolonization in the 1940s to the Iraqi invasion of Kuwait in 1990.”

The Sheikh Said rebellion was not the first Kurdish insurrection against the Turkish state and would not be the last one. 14 more revolts, including the Dersim rebellion in 1937, were suppressed by the Turkish army. The Kurdish ethno-nationalism had not come to the fore after the suppression of the Dersim rebellion in 1937, till the PKK’s violent attacks to the towns of Eruh and Şemdinli in 1984, which was in fact the beginning of one of the most violent and long lasting “the low intensity conflict” in the world history, between the Turkish army and the PKK (Kurdistan Workers Party).⁶ The late 1980s were the years that the PKK built an intense network in Southeast Turkey, Northern Iraq and Western Europe. Furthermore, it started a massacring policy to create fear and terror in South-eastern Anatolia.

⁵ See, Kocabaş (1992) for example to see how this is still very vivid among many Turkish people.

⁶ For the history and ideology of the PKK, see I. G. İmset (1992), N. B. Criss (1995), and N. A. Özcan (1999); and Radu (2001).

The Turkish parliament declared the state of emergency in 10 south-eastern provinces in 1987 to combat the PKK effectively. However, it was understood immediately that the measures of the Turkish state against the PKK terrorism was not so effective at the beginning. The PKK could manage attack to security patrols and the gendarmerie stations, sabotage against factories and other governmental facilities, set fire to the schools and kill of several civil and military officials, including school teachers, and stop often the traffic on highways. It seemed that double powers in the area had started to emerge: the state and the PKK, which was the first aim of the PKK.

The Gulf War in 1991 was another turning point in the struggle of the Turkish state against ethno-nationalist Kurdish separatism in two senses. As van Bruinessen (1998) indicates two waves of Kurdish refugees from Iraq in 1988 and 1991 to Turkey had a great impact on public awareness in Turkey, particularly among Kurds about the existence of the Kurds in Northern Iraq and Turkey. Mass media in Turkey call these refugees not “Kurdish” refugees but “*Peşmergeler*”. So, it could be argued that these two waves of refugees fleeing from Iraq contributed to the “national” awareness of the Kurds living in Turkey and Northern Iraq. The second impact was the absence of a state authority in Northern Iraq because of the “no fly zone” in the north of the 36th parallel. The PKK exploited this lack of authority effectively established a liberated zone under its own control on both sides of the Turkish-Iraqi borders. The PKK militants started to attack particularly to the Turkish security forces and the border guardhouses with very large groups. They could even dare to attack to Şırnak to capture it on August 19th.

The Turkish army had started to fight against the PKK in a more professional manner with modern equipments like the Cobras and Super Cobras. The Turkish army had started to win the psychological war against the PKK when the year of 1994 came. In 1994, 1995, 1996, 1997 and 1998 the Turkish troops entered Northern Iraq and destroyed the PKK camps there.

However, The real blow to the PKK came when Şemdin Sakık, one of the very important figure of the PKK, and more importantly Abdullah Öcalan, the leader of the PKK, were captured in Northern Iraq in the early 1998 and, in Nairobi in 16 February 1999 respectively.⁷ After Öcalan's arrest⁸, the PKK, which could not sustain its terrorist activities to reach its political targets, decided to abandon its armed struggle and pursue a policy of legalization and internalization/Europeanization of the Kurdish problem (Alpay, 2000). Accordingly, the leadership of the PKK declared to abandon the armed struggle at its 7th Extraordinary Congress on 7 February 2000 in Northern Iraq. The PKK has constituted its new program by formulating "the democratic transformation strategy" containing "the democratization of Turkey and the Resolution of the Kurdish national question in connection with it" (Öcalan, 1999). One of the main themes in the PKK's new strategy is that it has started to use some of democratic tools, such as civil disobedience and benefited from Turkey's EU perspective to reach its main goals. The PKK changed its name in this strategy and adopted the *KADEK* (Kongreya Azad-u Demokrasiya Kurdistan- Kurdistan Congress for Freedom and Democracy) in its eight congress held on 4-14 April 2002 (Özcan and Gün, 2002).

It seems that the Turkish state has won the low intensity conflict with the PKK, but its price has become too high. One of the most negative ramifications of this war has been deteriorating democracy and human rights records in Turkey. The deteriorating human rights records during the late 1980s and 1990s were related mostly to the Kurdish question. The war against the PKK was very comprehensive so much so that it replaced the Greek threat to Turkey as the first priority in 1990s. The state of emergency was declared in South East

⁷ For the full story of the capture, see, Özkan (2000). According to Yavuz (2001), the construction and 'politicization of Kurdish ethno-nationalism' in Turkey evolved through five stages: the centralization of the Ottoman state in nineteenth century and resistance of the Kurdish tribes against the centralization of the Ottoman state (1878-1925); the transformation from the multi-ethnic Ottoman state to a modern nation-state and the reactions of the Kurdish entities against the nation-building project (1925-1961); the secularization of the Kurdishness among the leftist/Marxist political movements in 1960s and 1970s (1962-1983); the emergence of PKK and its insurgency (1983-1998); and the Europeanization of the Kurdish problem through Turkey's EU candidacy.

⁸ For the events after Öcalan's capture, see Gunter (2000).

Turkey in 1987. Tortures particularly during immonicado detentions, disappearances and extra judicial killing, unlawful killings, arbitrary detention, the forced evacuation of hamlets and villages were usual practice in the South East and other areas where Kurds live. Furthermore, the fundamental freedoms, like freedom of expression, assembly and political associations had been severely curbed. Although the alleged violations are not limited only to the South East, they do arise on the lower scale in other parts of Turkey as they do in that region. Human rights abuses in the other parts are also related to the Kurdish question.⁹ Secondly, the violent rebellion of the PKK has led to more political influence of the military on politics. Third, terrorist activities of the PKK and the state oppression against the Turkish citizens of the Kurdish origin have created a negative avenue for democratic political culture. An ethnic tension between the Turks and the Turkish citizens of the Kurdish origin has, to some extent, appeared throughout the country.¹⁰

4.5 Guardian On Alert: Civil-Military Relations In Turkish Politics And The Revival Of Islam

Another very important issue concerning democracy in Turkey is the role of the Turkish military in politics. Turkey has had three military interruptions of democracy in 1960, 1971,

⁹ There are several reports on Turkey's deteriorating human rights records during its war against the PKK's rebel and violence, prepared by Turkish and international human rights NGOs including Amnesty International, Human Rights Watch, and US Department of State. For example seeing only the Human Rights Watch's reports about Turkey would be enough to consider the huge reports criticized Turkey: "Nothing Unusual: The Torture of Children in Turkey" (1992); "The Greeks of Turkey"(1992); "Broken Promises: Torture and Killings Continue in Turkey" (1992); "16 Deaths in Detention in 1992" (1993); "Kurds of Turkey" (1993); "Killings, Disappearances and Torture: Free Expression in Turkey" (1993); "Killings, Convictions, Confiscations: Twenty-One Deaths in Detention in 1993" (1994); "A Matter of Power: State Control of Women's Virginity in Turkey" (1994); "Forced Displacement of Ethnic Kurds from Southeastern Turkey" (1994); "U.S. Cluster Bombs for Turkey?" (1994); "Weapons Transfers and Violations of the Laws of War in Turkey" (1995); "Violations of the Right of Petition to the European Commission of Human Rights" (1996); "Turkey's Failed Policy to Aid the Forcibly Displaced in the Southeast" (1996); "Torture and Mistreatment in Pre-Trial Detention by Anti-Terror Police" (1997); "Turkey: Violations of Free Expression in Turkey" (1999); "Turkey: Human Rights and the European Union Accession Partnership" (2000); "Small Group Isolation in F-type Prisons and the Violent Transfers of Prisoners to Sincan, Kandira, and Edirne Prisons on December 19, 2000" (2001).

¹⁰ In addition to the Kurds, there exist other non-Turkic ethnic groups in Turkey, most of them have been integrated into the Turkish majority successfully. Although there are some studies on this issue, many of them have serious factual deficiencies. See, Andrews (1989); Türkdoğan (1999) and special issue of *Birikim*, March-April 1995. In addition, it should be mentioned here the Alevi identity. The EU regards the Alevis as religious minority. See, for example, Ataseven (1997) and Noyan (1998).

and 1980.¹¹ While the interruptions of the democratic process in 1960 and 1980 were coups in its full sense, the 1971 interruption was rather “coup by memorandum”, since it did not suspend the constitution, dissolve the Parliament or close the political parties. Rather, the military urged the formations of a non-elected, technocratic government, through which it wielded its influence over the politics (Özbudun, 2000:24). The students of the Turkish democracy suggest that each intervention were moderating coups rather than the creation of a permanent or long-term military regime and democracy was restored swiftly after the interventions (Özbudun, 2000:13; Hale, 1994).

However, the argument above does not demonstrate that the military in Turkey has a democratic orientation in full sense. If the military notices substantial “challenges” of “religious extremism”, which “threatens” the secularism; ethnic separatism, which threatens the national integrity of the country, and a danger of destabilization of the country or public disorder-anarchy, then the military consider intervention in different styles. Former ambassador of Sweden to Ankara Erik Cornell lists these as follows:

- a. Political or
- b. Religious extremism, threatening to take power or lead to
- c. Anarchy or lawlessness,
- d. Majority dictatorship of a legally elected government,
- e. Separatism, ceding territory to neighbours or rebels,
- f. Measures aiming at strangling the capacity of the armed forces to intervene (Cornell, 2001:75).

In addition, the strong influence of the military over the politics is not limited to the coups or half coups. It can wield its influence vigorously in more subtle and sophisticated manners, which were observed in the so-called “28 February Process” The “process” demonstrated the critical threshold, passing it might result in an military intervention, and the

¹¹ For the full analysis of the 1960, 1971 and 1980 interventions, see Özbudun (2000: chap. 2).

limits of the officers' tolerance for the governmental policies, and the military can shape the civil politics without direct intervention.

4.5.1 The National Security Council and Turkish Democracy

It is to be noticed here that the military has been extensively using the NSC to state its opinions concerning almost everything, not just military or security issues. The NSC is in fact a constitutional institutions designed for the military to express its view. Although the NSC was created by the 1961 constitution¹², its role and influence was reinforced by the 1971 constitutional amendment following the military intervention on March 12th, 1971. While Article 111 of the 1961 constitution originally designed the council in a such way that it was composed of ministers to be determined by law, the chief of the General Staff, and *representatives* of the forces (the army, navy, and air forces), and chaired by the president of the republic. The council had the power to submit its views to the council of Ministers to *assist* it in taking decisions about national security. Article 111 of the constitution was amended in 1971 after the military intervention, and the role of the NSC was reinforced in such way that “force commanders” instead of “force representatives” became the members of the council. The wording of the article was changed and *recommends* replaced *submits* and *to assist* was dropped.¹³ The place of the NSC was more strengthened in the 1982 constitution, which was written after the 1980 military intervention in a very authoritarian style curbing the fundamental rights and freedoms. Article 118 of the 1982 constitution reads:

The National Security Council shall be composed of the Prime Minister, the Chief of the General Staff, the Ministers of National Defense, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy, and the Air Force and the General Commander of the Gendarmerie, under the chairmanship of the President of the Republic... The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary coordination with regard to the formulation, establishment, and implementation of the national security

¹² See, Özdemir (1989: 87-120), for the history of the NSC and its predecessors in the military history of Turkey.

¹³ It is not very clear whether *bildirir* (submit) or *tavsiye eder* (recommends) has more democratic connotations.

policy of the State. The Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

This article of the constitution was amended very recently in a way that the number of civilians in the Council has been increased through including Deputy Prime Ministers and the Minister of Justice, thus creating a civilian majority against the Commanders. Furthermore, the third paragraph of the amended article states the NSC's decisions are "advisory". After the NSC meeting on 28 February 1997, the legal position of the 18 points decided in the NSC was debated in the time. While some argued that the government had to fulfill the decisions, some others rejected this arguing that these decisions were just advisory and the government did not have to carry out them.¹⁴ Therefore, adding *advisory* has become very helpful to determine the legal position of the decisions taken in the NSC.

Without doubt, the constitutional amendment, accepted on 03 October 2001 with the law no: 4709, is beneficial from the point of the consolidation of democracy in Turkey, thinking of the extraordinary position of the military in the Turkish democracy. However, this amendment alone will not limit the influence of the military, because, the legal power of the military comes not just from the letter of the Article concerning the NSC but also from the Law on the NSC and the General Secretary of the NSC (Law 2945 dated 1983). The definition of the national security is provided by Law 2945 in an extremely broad manner. Accordingly, "the national security" is defined in the article as "the protection of the

¹⁴ The legal implications of the decisions of the NSC on 28 February 1997 have been heavily discussed in the country. Although the decisions of the NSC, even before the last amendment, were advisory, de facto, it was not the case. For example, Doğan Güreş, the former chief of the general staff, stated openly "the NSC, as it is defined in the constitution, determines the National Security Policy which is the god and constitution of all policies. It is unthinkable to behave against it. Therefore, the 1982 Constitution uses "*bildirir*" instead of "recommends". Therefore, it would be mistaken to argue that the decisions of the NSC are just advisory." An interview with Doğan Güreş, *Milliyet*, 4 March 1997. Thus, the National Security Policy is frequently called as "the hidden constitution of Turkey (*Gizli Anayasa*)". According to the news, 'the National Security Policy' was changed within the 28 February Process. Accordingly, the most significant threat to the Turkish state is no longer from the outside (Greece and Syria for example) but inside (Islamic fundamentalism and Kurdish nationalism). *Hürriyet*, 04 November 1997.

constitutional order of the state, its national existence, and its integrity; of all of its interests in the international field, including political, social, cultural, and economic interests; and of interests derived from international treaties against all external and internal threats” (Özbudun, 2000: 108). Article 4 of the Law 2945 defines the responsibilities of the NSC. Paragraph (e) of the article is particularly related to any threat to the Kemalist principles form either outside or inside (Özdemir, 1989:126).

The General Secretary has so substantial power that a scholars suspects whether he acts like a “shadow Prime Minister” (Özdemir, 1989:126). Therefore, some commentators in Turkey argue that the General Secretary should be a civilian, however, according to the Law, he/she has to be from four-star generals. The other point that influences the officers’ cognitive maps is the love-hate relations with the West. While the officers have been the most vigorous defenders of the European way of life, they are also suspicious of the intentions of the Western power in respect of Turkey’s territorial integrity and stability. In other words, the Sevres syndrome has been often noticed among the Turkish officers. Thus, with regard to Turkey-EU relations, the arguments of the military are ambiguous, if not paradoxical.

Karaosmaoğlu (1993:32) succinctly concludes that three conflicting sets of ideals are noticed in the officers’ pattern of thinking:

staying out of politics because it is harmful to professional integrity, but intervening in politics whenever it is necessary for the protection of the secular and democratic regime; safeguarding the democratic regime and contributing to the process of democratization (because democratization is part and parcel of Westernization), but refraining from acting as an instrument of the political government; joining the Western community of nations to become an integral part of it, but maintaining a guard against the West.

4.5.2 Military and the revival of Islam in Turkey:

As far as this chapter is concerned, what is noteworthy is that, since the late Ottoman era, one of the most pro-Western forces in Turkey has been the military. As Heper (1985) put military emerged first as the object and then the subject of modernization in the nineteenth century. When the Ottoman state elites realized that the state had been losing its military superiority against its European adversaries, which was symbolized by the 1699 Treaty of Karlowitz, they decided to borrow new forms of military organizations, techniques and weapons from Europe.

They thought at the beginning that the Ottoman was behind the time in military senses, ignoring the general socio-economic, political and international situations in the time. However, it was later understood by the Ottoman statesmen and intelligentsia what mattered was not just the contemporary military forms but also their infrastructure they thought: *ulum ve funun* (science and technology) (Hanioğlu, 1986:16). One of the most important attempts carried out by the Ottoman state elite in this regard was to establish new “modern” schools where the Western pure science and technology would be taught. Not surprisingly, the military schools were the first modernized schools, along with the *Mekteb-i Tıbbiye* (the school for the medical science), where positivist and scientific materials dominated the school curricula. This was natural thing when thinking that 19th century was the century of positivism. The military *Rüşdiye* was a significant center of positivism, where, according to Mardin (1993:359), moving upward in the military education was going parallel to acquiring a positivist world-view (Usul, 1994).

As a Turkish historian aptly put it the civil and military statesmen and intelligentsia in the time perceived Islam as a remnant of the *anciént regime*, and thus a hindrance for the progress of the country (Hanioğlu, 1986:39). Religion, particularly Islam as a “theological religion” should be modernized in a sense that all false beliefs (*itikad-ı batıla*) should be weeded out in a very short time (Hanioğlu, 1986:22). For Mardin (1993:358), Islamic beliefs

and practices meant *müstahase* (residue or fossil) by the Ottoman progressive elites. This understanding of religion and science, which dominated the mentality of the Young Turks (Hanioglu, 1986: 54-6), was inherited by the founders of the Republic of Turkey.¹⁵ Thus, as some students of the Turkish history and political system of Turkey argue that Mustafa Kemal, his close friends, and the Kemalist generation were heavily influenced by this trend, even if not directly (Özbudun, 1984; Köker, 1990:70; 1995: 18; Rustow, 1973: 104; Timur, 1968: 114-5; and Mardin, 1983:88).

However, it must be also mention here that despite the revival of Islam in the 1980s and early 90s, the scholars of the Turkish politics noticed a gradual civilization of the regime and increasing professionalism of the military (Özbudun, 1996:130-1). Heper and Güney even concluded that “as the Third Turkish Republic entered its second decade, civil-military relations came close to the liberal-democratic model” (Heper and Güney, 1996:636). However, it was shortly seen that these conclusions were “prematurely optimistic” (Özbudun, 2000:120).¹⁶

4.5.2.1 The 28 February Process

Everything has started with the result of the 27 March 1994 municipal elections. Islamically oriented RP took 18.8 percent of the popular vote, more than double its earlier total, and gained the municipalities of Turkey’s two biggest cities, Istanbul and Ankara, which is Turkey’s capital and the symbol of the secular/modern republic of Turkey, and many other provincial centers. Thus, nearly two-thirds of the country’s population started to live under the municipalities run by the persons affiliated to the RP. RP’s electoral power increased in the 24

¹⁵ Essentially, as Zürcher rightly put it the Young Turk era in the Turkish history covered the period of 1908 and 1950 (Zürcher, 1994: 95).

¹⁶ It must be added here that the military thinks that its intervention to day-to-day politics has a legal basis. According to Article 35 of the Internal Service Act of the Turkish Armed Forces (Türk Silahlı Kuvvetleri İç Hizmet Kanunu, enacted on 04 January 1961 with the Law No: 211), “the military is responsible for defending both the Turkish Fatherland and the Turkish Republic defined by the Constitution.”

December 1995 general election with 21.4 percent of the popular vote. It became the largest political party in the parliament with 158 seats in the 550-seat parliament, while the two big center-right parties, the ANAP and the DYP, garnered 19.6 percent and 19.2 percent respectively.

Though the RP's origins go back to earlier, its predecessors remained small and medium-sized parties and had never exceeded 12 percent before. The increasing popular support to the RP was considered as the rise of political Islam and "Islamic fundamentalism" by the military. Furthermore, some Islamic figures, such as headscarf, were increasingly seen more in the "public sphere" and universities, which has always sanctified by the republican elites as the most distinguished institutions of the republic. The military increasingly suspected more of the Islamically oriented parties, institutions, movements and people of hijacking democracy and imposing the *Sharia*.

In fact, the increasing Islamization of the society had also alarmed the secular civil elites, including journalists, businessmen, workers, and university professors. They considered this Islamization as a substantial threat to the secular character of the state (Ayata, 1996). While some of them think that international Islamic capital was the main reason behind the rise of the political Islam (Yesilada, 1993:189), some other considered Iran's activities as the main responsible for the resurgence of the Islamic fundamentalism in Turkey. Therefore, the rise of the RP as the biggest political party in Turkish politics and the growing presence of the Islamic figures in the public sphere alarmed the secularist elites and some segments of the people in respect of the secular character of the regime. As J. Salt rightly put "although specific issues bore the brunt of the generals' ire in 1997, it was the overall growth of this Muslim environment that appeared to be the real cause of their alarm (Salt, 1999:73)." They believe that the growing political prominence of Islam and the Islamization of the society

“threatens to undo much of Atatürk’s legacy that the armed forces have in the past sworn to protect” (Lombardi, 1997:210).

However, the military, unlike the military in Algeria, did not intervene immediately when the RP forged a government together with the DYP, and preferred observing the activities of the government closely. It was not the first time an Islamically oriented political party had been in government, but it was the first time one it had become the senior partner and its leader had become the prime minister (Salt, 1999:73). The new approach in foreign policy¹⁷ run by the RP-led government and more tolerant policies towards Islamic presents in public sphere¹⁸ irked the secular establishment, led by the military. Thus, as Salt put it “the generals launched a carefully calibrated campaign of destabilization against the Refah (Welfare)—True Path Party coalition government of Prime Minister Necmettin Erbakan” (Salt, 1999:72). This campaign of wearing the government out resulted in the famous demarche on February 28 at the meeting of the National Security Council. The commanders warned the government on the threat of the Islamic fundamentalism and asked the government to take strict measures against it.¹⁹ In the coming days, the commanders established the so-called West Working Group (*Batı Çalışma Gurubu-BÇG*) to monitor closely the activities of the fundamentalists throughout the country.²⁰ Judges, prosecutors,

¹⁷ When Prime Minister Erbakan visited Iran, Libya, and Nigeria, the secularist establishment argued that the RP took an alternative route in foreign policy, which had been pro-Western traditionally.

¹⁸ For example, allowing female officials to wear headscarf at work and adjusting work hours during Ramadan. Furthermore, activities of some members of the party, including Şevki Yılmaz, İbrahim Halil Çelik, and Hasan Hüseyin Ceylan, exacerbated the tension.

¹⁹ After a nine and one-half hours, the NSC declared its adoption of eighteen points. Some of them were: The principle of secularism should be strictly enforced; Activities of the foundations in respect of education must be put under the strict control; The eight-year uninterrupted education should be realized across the country; The Koran courses should only be run by the state agencies; the principle of the Law on Unified Education should be sustained; activities of *tarikats* should be ended; personnel expelled from the military because of religious activities should not be employed by other public institutions particularly municipalities; Iran’s activities to transfer religious extremism to Turkey should be closely observed; and political movements that bases on ‘umma’ and ‘separatism’ should be prevented by legal and administrative means.

²⁰ The Turkish people heard the West Working Group firstly when it prepared the famous briefings for the judges on 10-11 June 1997. The legality of its establishment and activities are still mysterious. Even it is not very clear whether it was established within the General Staff or the Navy. The activities of the BÇG caused a tension between the military and the police as well. The police intelligence department closely followed its activities depending on its internal code (additional Article 7).

senior bureaucrats, journalists and academics were frequently called in by the military for briefings on the fundamentalist threat to the republic²¹. The Islamic fundamentalism was regarded number one enemy of the state and a “total war” against it was launched by the general staff. While military was exercising its influence on the domestic politics in the 28 February process, it also conducted an alternative foreign policy to the governmental one. As İ. Turan observed “the military wing of the NSC, the president and the bureaucracy of the Ministry of Foreign Affairs independently as if there were no government... in the field of foreign affairs” (Turan, 1997:135). While the government tried to normalize Turkey’s relation with Iran, for example, General Çevik Bir blamed Iran for supporting terrorism, after “the Night for Jerusalem”. Furthermore, Turkey’s rapprochement with Israel was developed by the military, in spite of the RP’s anti-Zionist outlook. Even the military deliberately kept the government uninformed of some important decisions, such as the May 1997 military operation in Northern Iraq (Özcan, 1998: 24).

As the pressure on the RP-DYP coalition increased, Erbakan submitted his resignation to the president on June 18th, hoping that the leader of the junior partner of the coalition would be appointed to the post by the president, but the president, Demirel, surprised them by appointing Mesut Yılmaz, the leader of the ANAP, as PM. Later, The Constitutional Court dissolved the RP on 16 January 1998.

The scholars of the Turkish politics have divided in their comments on the role of the 28 February process in the consolidation of Turkish democracy. While some scholars consider the rise of Islamic identity in the country as a threat to the secular character of the state and thus the democratic regime, others see it a “post-modern coup” or “soft coup” which was harmful to democracy in Turkey. For example, a Turkish scholar asserts:

²¹ A well-known Turkish columnist defines what he observed during the briefing: “After what I heard yesterday, I would like to add this: Do not suppose that Turkey is governed by the civilians... What would they [the Officers] do more? The only thing they have not done is to take up the prime ministry.” Sedat Sertoğlu, *Sabah*, 30 April 1997.

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... The WP is the modern-day reflection of the continuing struggle between the two tendencies in Turkey-modernizers and religious reactionaries (Müftüler-Baç, 1999:249-50).

Therefore, from this point of view, the 28 February process was a struggle between the ‘religious reactionaries’ and ‘modernizers’, and the ‘modernizers’ took the first round.

However, some commentators and scholars evaluate it from a different perspective. For example, Jeremy Salt, after concluding that the RP had not introduced radically new things that would legitimize the intervention to save the secular republic, he asks why military moved when it did. He suspects that “the real issue was never “fundamentalism” but the determination of the secular elites, especially the military, to maintain control of the state” (Salt, 1999:77). M. H. Yavuz puts a similar argument:

Two major reasons explain the February 28th coup: First, the military wanted to protect the state from the black Turks and Kurds and cleanse the public sphere of Muslim presence; and second, the Istanbul-based media cartel and bourgeoisie’s determination to gain the lion’s share of benefits from the IMF-required privatization by creating a more dependent government (Yavuz, 2000:38).

Whether it was really a struggle between the good and the bad guys or it was a pretext for the real wars between the old established actors and the newly emerging ones, it is clear that the military heavily intervened to the politics during the 28 February process, and as one of the Turkish scholars concludes

[T]he events that followed the 28 February 1997 meeting of the NSC demonstrated the limits of the military’s tolerance for civilian leadership. Although the military is unwilling to become involved in daily politics and is reluctant to intervene directly, its threshold for intervention would be likely be surpassed if it believed two of its fundamental values— the

indivisible integrity of the Turkish state and the secular character of the republic— were in danger (Özbudun, 2000:121).

It is now clear that the interventions of the military would be in a more subtle way. It was the first time, the military used extensively the mass media²² to “win the war” against the inner “enemies”. It was a “total war” that included “a psychological war” which necessitated manipulation of the people with some new tools. In this regard, the military started to use extensive propaganda against what the officers regarded as ‘enemies’ of the regime.²³

4.6 Political Institutions and Democratic Consolidation in Turkey

4.6.1 The 1982 Constitution and Democracy in Turkey

In this regard, the first thing that should be discussed is the Constitution, that is, the 1982 constitution of Turkey. The tradition of constitutions in Turkey is very old and can be traced back to the proclamation of the first Ottoman Constitution (*Kanunuesasi*) on 23 December 1876. Turks have made new constitutions three times, in 1924, 1961 and 1982. Both the 1961 and 1982 constitutions were made after the military interventions. As Özbudun aptly puts none of the constitutions in Turkey was prepared by a Constituent Assembly representing all segments of the society. Therefore, “ all three constitutions had weak political legitimacy, and judged by the frequency of military intervention in politics, none produced a fully consolidated democratic regime” (Özbudun, 2000: 68-9). Furthermore, both constitutions, but particularly the 1982 constitution, bear myriads of undemocratic provisions.

²² Some commentators believe that it was a coalition between the military and the bosses of the mass media to combat the common enemies. See, one of the most distinguished and leftist journalist/columnist, Mehmet Ali Birand: “ We have always incited the military...We have always waited for a military intervention that would be beneficial to us. We even incited the military to stop the Democratic Party... Now the radicals of the Welfare Party have come. Our new enemies are now them. Now we see that those who has criticized the military on behalf of democracy incites now the military to intervene.” Mehmet Ali Birand, “Askeri Hep Biz Kışkırttık,” *Sabah*, 31 March 1997. The media published several “reports” uncritically to “demonstrate how significantly the Islamic fundamentalism threaten to the secularism.” For example, according to the *apocalyptic* vision of a report prepared by the NSC in May 1997, the RP would be gained 66.94 percent in 2005, if proper measures would not be taken. See, Güneri Cıvaoglu, “Uçurumun Kenarında,” *Milliyet*, 15 May 1997.

²³ ‘*Andıç*’ was the one of the most famous words in the time. For *Andıçs* (memorandums) were published later. See Ilıcak (2001).

The undemocratic nature of the 1982, which was written under the aegis of the military, the Constitution has been discussing since its proclamation. Many scholars of the Turkish constitutions, politicians, journalists, and columnists assert that the Constitution posses several undemocratic provisions, which should be amended immediately. So much so that, Sami Selçuk, the former president of the Turkish Court of Cassation, states often that it resembled “a regulation on the police” (Selçuk, 2000:171). The Constitution has severely restricted the fundamental human rights, including the freedom of expression and freedom of association, and popular participation (Özbudun, 1998: 35-45; Tanör, 1994:192-212; Uygun, 1992). Some Turkish scholars concede that the restrictive nature of the 1982 Constitution is basically due to its “militant democracy”²⁴ understanding (Hakyemez, 2000). As discussed in depth in the chapters 5, 6, 7, the 1982 Constitution has been amended several times.

4.6.2 Parties and Party System and Democracy in Turkey

It was already discussed how political parties and party system is so important for the consolidation of democracy. As the pertinent literature in this regard puts it there exists a reserve relation between democratic consolidation and weakly institutionalized party system and fragmentation, polarization and violaty (Mainwaring, 1998; Linz, 1998; Merkel, 1998; and Sartori, 1976). As it will be demonstrated here, parties and the party system in Turkey have been suffering from a continuous weakening of institutionalization or “deinstitutionalization”, which have been noticed as increasing volatility, fragmentation, and ideological polarization in the Turkish political system.

.....
As the students of Turkish party system clearly proves that the present party system in Turkey is much more fragmented than ever despite the highest national and constituency thresholds in the electoral system in Turkey (Özbudun, 2000:76; Çarkoğlu, 1998: 545-54; and

²⁴ It is argued that the “militant democracy” understanding is designed to defend democracy against anti-democratic forces.

Akgün, 2001:81-89). Fragmentation is the extent of electoral support's spread across multiple parties.

The largest vote-getting party in the 1999 elections (DSP) gathered only 22.1 percent of the vote. According to Özbudun's estimate, Fragmentation of Assembly seats as measured by the index of fractionalization is 0.61 in 1983, 0.51 in 1987, 0.71 in 1991, and 0.77 in 1995. It should be kept in mind that if the threshold had not been so high, the value of fragmentation would have become bigger than that of seats (Özbudun, 2000:76).²⁵ What it is possible to notice is the increased electoral success of former "fringe parties". Thus, it has been increasingly more difficult to reach parliamentary majority and singly party government. Coalitional governments in Turkey have often failed to carry out successful policies.

Another "malady" of the Turkish party system, which indicates the weakly institutionalization of the party system in Turkey, is volatility. As stated before, increasing electoral volatility shows a weak partisan attachment among electorate. When analyzing the Turkish case concerning volatility, the average volatility over the entire 1954-1999 period is 21 percent (Çarkoğlu et al, 2000:41), meaning that on average 20 percent of the electorate gives their votes to different parties in each elections. This indicates that "Turkish electorate has had a very fluid aggregate-voting pattern" (Çarkoğlu, 1998:547). This clearly indicates de-institutionalization of the party system in Turkey and as Özbudun correctly asserts that "To the extent that the stabilization of electoral behaviour is an element of democratic consolidation, the current trend in Turkey seems to be detracting from consolidation" (Özbudun, 2000:78).

The literature on the Turkish party system explains the high volatility and fragmentation by three basic reasons. According to Özbudun (2000:78), "high Turkish volatility stems in part from the destructive effects of military interventions... and impart from the fact that Turkish political parties are not strongly rooted in civil society..." It is a

²⁵ For slightly different fractionalization index, see, Çarkoğlu (1998:549).

reality that cyclical military interventions have hampered party institutionalization in Turkey. This is in fact an irony, because, as Çarkoğlu (1998:551) aptly puts it, the military has often complained of the party fragmentation in Turkey and considered it as a major reason for intervention. However, each military intervention has resulted in higher level of electoral fragmentation and volatility. This also demonstrates that artificial intervention to politics may result in unwarranted developments.

Another reason for the weakly institutionalized party system is the elitist tradition of politics in Turkey. Although the CHP and AP (DP) had managed to use patron-client politics when they were in power, they had not also successfully penetrated into the civil society. Most of the parties in Turkey have suffered from over-centralization. The political participation to the decision-makings within the parties is highly limited. The central executive committees in the most of the parties determine the candidates for the elections. Furthermore, dissolving the local branches of the parties by the central executive committees (in fact leaders) is frequently noticed. It seems that “iron law of oligarchy” could be applicable to politics within the intra-party mechanism with its strong elitism, even personalism. This, naturally, hampers the further institutionalization of the parties and party system in Turkey.

The other worrisome development concerning democratic consolidation and party system is an upsurge in salience of religious and ethnic issues, that is, polarization and radicalization of politics. While nationalist tendencies (both Turkish nationalism and Kurdish ethnic nationalism) in society have been increasing, the moderate center-right and center-left tendencies have been weakening. Furthermore, while religious salience has been increasing, secularist circles are increasingly radicalizing. This polarization of the society alongside religion and ethnicity has been reflected in the increasing power of the ethnically and religiously oriented political parties, the RP and HADEP. Some scholars of Turkish politics

believe that the 1995 general elections were a real turning point in the Turkish politics, because the total votes that the ethno-nationalist, ultra-nationalist and Islamically oriented parties received 35 percent of the total votes (Çarkoğlu et al, 2000:41-2).

The oligarchic nature of the political parties in Turkey²⁶ demonstrates also undemocratic character of the Turkish parties in respect of their inner mechanisms. For Özbudun, central control over candidate selection is “both a cause and a consequence of the oligarchic tendencies... No special procedures exist for socializing party candidates into their respective sets of norms, values, and issue stands-either prior to nomination or after election to office” (Özbudun, 2000:84). It is clear that democracy within parties is very important for the development of the democratic culture and practice. One of the most important issues in this regard is candidate selection.²⁷

Nevertheless, the first thing to be done for intra-party democracy is to weed out the anti-democratic provisions in the Law on the Political Parties (LPP). For example, with regard to the designation of candidates for elections, Article 37 of the law stipulates central nomination or election by local party branches. The law does not make local nomination by election compulsory. Thus, the central headquarter or leaders determine generally who will be candidates for elections.

Some observers of the Turkish politics suggest that one of the very important source of volatility in the party system is the LPP itself, because it destroys all ideological differences between parties and most parties are similar to each other on almost all significant matters (Çarkoğlu et al, 2000).²⁸

²⁶ For an analysis of the oligarchic tendencies in two fundamental parties between 1961 and 1980 (CHP and AP), see A. Bektaş (1993).

²⁷ Therefore, it would not be a mistake to argue that a really intra-party democracy should start with the democratization of candidate selection. It means “the controlling role of an exclusive selectorate diminishes so that more people—i.e. a more *inclusive* selectorate—have a direct say in who is selected and, hence, how they are represented” (Pennings and Hazan, 2001:268).

²⁸ For example, article 4 of the LPP reads “Political parties are the indispensable elements of democratic political life. They operate in loyalty to the principles and reforms of Atatürk.”

4.7 Civil Society and Democratic Consolidation in Turkey

The relations between *civil society* and democratic consolidation were provided before. Here the Turkish case will be briefly dealt with. Civil society, as it was defined before, has always relatively weak in the Turkish sole vis a vis the strong Turkish state since the Ottoman times (Mardin, 1969:264; Heper, 1992:125; Kazancıgil, 1994:221; Sarıbay, 1995: 124-25). Generally speaking, the Turkish state elite has always suspected autonomous civil society of a hub of the activities that may destroy the basic nature of the state and regime. For the state elite, all strong and robust civil society organization might threaten the secular or unitary character of the state, if they do not adhere ideologically Kemalism. Therefore, what we observe is that the activities and formation of the institutions of civil society in Turkey have been heavily restricted by the legal regulations and they have generally controlled often by the security forces. Even the Turkish word *Örgüt*, which means organization, is often used as “terrorist organization” particularly the PKK by the security forces in Turkey. As Göle (1994:214) rightly put it “the military interventions of 1960-1, 1971-1973, and 1980-83 can in fact be perceived as state reactions against the ‘unhealthy’ autonomization and differentiation of economic, political and cultural groups.” Therefore, except some small intervals, where the institutions of civil society could flourish, civil society in Turkey have been relatively too frail and weak to cope with the state, they have no large autonomy from the state, and finally, since no internal democracy exists in most of them, democratic and civic political culture is not cultivated through them. Even some of them put forward authoritarian agendas to combat any movements that threaten the secularist and unitary features of the Republic. This “authoritarian” nature is also valid for the most of the religiously oriented organizations and foundations, which are organized around “vertical bonds of dependency and exploitation” rather than “horizontal bonds of mutual solidarity” (Putnam, 1993:144-145, 174-175).

As far as civil society in Turkey is concerned, it would not be a mistake to argue that the real history of civil society in Turkey has begun after Turkey moved to democracy formally in 1983. According to Göle (1994), new political issues and new social cleavages emerged first in the 1980s before which the existent cleavage was alongside “grand” issues, like capitalism vs. socialism, leaving little room for debate on “light” issues, like women, human rights, pollution, and public health. “Thus, the relative autonomization of the political system and social sphere from the domination of the state elites has characterized the new era in Turkey” (Göle, 1994:217). Göle (1994:214) was right when she was arguing political discourse tended to shift from confrontation to tolerance and a dialogue was established for the first time among Islamists, leftists, and liberals.

However, everything in this regard has begun to change because of two developments: increasing PKK terrorism and Kurdish ethno-nationalism, and political Islam in Turkey in the late 1980s. These two developments, which are regarded as the most vital threat to the Republic of Turkey by the State, provoked the state elite to curb the civil liberties in combating these two “evils”. The increasing authoritarianism at the governmental level against these two “enemies” of the republic²⁹ has influenced the formation and activities of the institutions of civil society.

When looking at the law and regulations of civil society in Turkey, it is quite possible to notice that formation and activities of the institutions of civil society are not encouraged. There exist so much detailed requirements for establishing an association and so much control over its activities; one may think that law-makers deliberately aim to restrict them. The freedom of association is basically regulated by the Constitution and the Association Law (*Dernekler Kanunu*: 2098, 4.10.1983), both of them are the products of the 1980 military intervention and the authoritarianism in both are dominated.

²⁹ Yavuz (1996).

While the provisions in the Constitution concerning the freedom of association and the Association Law were being prepared, the military elite aimed to prevent over-politization of associations, which was thought one of the most important reasons for the social and political disorder in the pre-1980 period. Therefore, the original formulation of the relevant provisions in the Constitution and the Association Law severed the relation between civil society and political parties. In doing so, the officers thought that politics would be done by political parties only, and civil society should not involve in politics. This “depolitization” can be clearly noticed in the constitutional article of 33 before its amendment in 1995.³⁰ The amendment of article 33 on 23 July 1995 by the Law No: 4121 removed the prohibition concerning the relation of associations and political parties (the cooperation ban). The other changes were the relative democratization of suspension from activity and the provision securing the role of the judiciary, and the move to enhance the rights of public servants. In addition, the Law concerning association was amended in 1997 in accordance with the 1995 Constitutional amendment³¹. However, the laws and regulations with regard to the foundations, activities, and membership of the associations; and their control by the state are still highly restrictive.³²

The other very important problem that should be mentioned here is the question as to how the institutions of civil society in Turkey are “civil”? As discussed before, civil society can only contribute to democratic consolidation provided that its institutions sincerely adhere to democratic credentials. However, when looking at the associations in Turkey, it is quite possible to notice that democratic associations in terms of their ideas and inner structure are

³⁰ Article 33:

(...)

Associations shall not contravene the general grounds of restriction in Article, nor shall they pursue political aims, engage in political activities, receive support from or give support to political parties, or take joint action with labour unions, with public professional organizations or with foundations.

³¹ Official Gazette, 8.7.1997. Article 4, 5, 51, 55 and 62 were amended to comply with the constitutional amendment. See, also B. Tanör (1999: 132-5).

³² Since there is no enough place to discuss them in details, it would be enough to mention one of them. According the Law concerning association, associations cannot involve in any activities that are not mentioned their inner codes. For the legal restrictions over associations in Turkey, see İ. Ö. Kaboğlu (2000).

not so common. While some of them have strong relations with the state (professional chambers for example), which renders autonomy of civil society from the state impossible; some of them have very particularistic and oligarchic natures (religiously oriented associations whether they are Sunni or Alevi), some of them have authoritarian tendencies (the Extreme rights, extreme left, and ultra-Kemalist organizations)³³. Therefore, democratization of associations in Turkey, along with democratization of the laws and regulations, is the first priority for the consolidation of Turkish democracy as far as civil society is concerned.

Civil Society in Turkey became directly engaged in the 28 February Process. Turkish Confederation of Employer Association (*TİSK*), the Confederation of Labour Unions of Turkey (*Türk-iş*), the Confederation of Revolutionary Labour Unions (*DİSK*), the Union of the Chambers of Industry, Commerce, Maritime Trade and Stock Exchanges of Turkey (*TOBB*) and the Confederation of Tradesmen and Artisans of Turkey (*TESK*) directly involved in the process and called on a popular support on May 21 to protect Turkey from “the religious reactionarism”, which was defined as the most serious threat to the secular regime in Turkey.³⁴ The declaration called also for a new government.³⁵ While Özbudun (2000:138) argues that this involvement of civil society in the process demonstrates the growing power of civil society in Turkey, some other commentators criticized this involvement.³⁶

4.8 Turkish Political Culture and Democratic Consolidation in Turkey

It is already stated that democratic consolidation can only be understood as encompassing shift in political culture. Therefore, any process of democratic consolidation in Turkey would

³³ For these, see S. Yerasimos et al (2000).

³⁴ For the activities of these five organizations during the 28 February Process, see Refik Baydur’s *Bizim Çete* (Our Gang) (Baydur, 2000). He himself was the among the “Gang”, as the chair of TİSK.

³⁵ “Demokrasi için sivil muhtıra (Civil memorandum for democracy),” *Hürriyet*, 22 May 1997.

³⁶ Ahmet İnsel, “Brifingli Sivil Toplum,” *Yeni Yüzyıl*, 22 June 1997

require a democratic shift in political culture. As far as Turkish political culture is concerned, Kalaycıoğlu (1995:65-66) concludes that tolerance towards difference in Turkey is quite low. This may lead to degenerate the relations between different political parties, political elites and people who have different political ideologies or visions. Parallel to this, interpersonal trust in Turkey is again very low. This leads to low level of associability and participation to politics. This argument is confirmed by a few studies carried out on the democratic political culture of the Turkish society (Esmer, 1999). On the other hand, as discussed in the first chapter, the political culture argument should be used carefully because whether democratic political culture is a reason for democratization of an outcome of democracy is not very clear.

4.9 Behavioural Consolidation in Turkey

As debated earlier, behavioural dimension of democratic consolidation is related to the question of if there exist any “significant” political groups or movements, disloyal or semiloyal, that threaten to the democratic regime. Generally speaking, democracy is accepted by most of the Turkish people, and few, if not any, political parties or movements might be labelled as “disloyal” or “semi-loyal”: some extremist leftist, rightist Islamic groups, Islamic and ultra-Kemalist associations and organizations. Most of them are very small groups and not significant. As already stated, two criteria might be suggested as far as significance is concerned. One is a sizeable support in society (more than 10 percent of votes for example) and more modest support but concentrated among officers and intellectuals. The tradition of the *Refah* Party has sometimes defined as disloyal or semiloyal by some students of Turkish politics, arguing that the parties in this tradition have tried to hijack democracy and bring *Sharia*. They argue that the parties in this tradition benefit from the democratic freedoms to overthrow it. Since 1987, the Constitutional Court banned the *Refah* Party and the *Fazilet* Party on the ground that both were the hubs of the movements that aimed to destroy the

secular and democratic regime. Parallel to this, the European Court of Human Rights approved the closure of the RP.

Heper and Güney (2000:648-9) argue

[F]rom the National Order Party to Fazilet, the religiously oriented parties in Turkey gradually freed themselves from the clutches of an Islamic ideology in order to appeal to larger groups of the electorate... Consequently, Refah increasingly took on the trappings of a pro-system party... When Refah replaced the MSP, secular and religious worldviews were not seen as incompatible.

There are some ultra-secularist groups in Turkey that have often resorted to the politics of “knocking at the barracks’ for armed forces support” when they feel that secularism is threatened by extremist Islamic groups.

5. Conclusion

Turkish democracy has not been yet consolidated. There are many problems concerning democracy in Turkey and its component, Turkey’s human rights records. As discussed in the chapter, one of the biggest problems in this regard is the Kurdish question of Turkey. The Turkish state has not been able to find a substantial ‘solution’ to the problem so far, which, as discussed in the chapter, has been to a great extent ‘Europeanized’. In addition to the Kurdish problem, the authoritarian nature of the Turkish secularism and its tension with the requirements of a democratic regime constitutes the other general problem. It seems that this problem continues to be one of the basic sensitive issues for the regime, which has dominated most of the agendas in the post-28 February process.

In relation to the issues mentioned above, the civil/military relation in Turkey has been highly problematic. The military interventions whether it is soft or not, have been distorted democracy in Turkey. Furthermore, the significance of the army in Turkish state/political

system, apart from the interventions, is the point that underlined in the chapter. In addition, the undemocratic, semi-authoritarian Constitutional and legal characters of the Turkish polity, the non-institutionalized party system, weak and non-democratic civil society, which are directly related to the problems mentioned above, are among the primary problems of the Turkish democracy that should be weeded out for the consolidated democracy in Turkey.

CHAPTER V

TURKEY-EU RELATIONS WITH REGARD TO DEMOCRACY AND HUMAN RIGHTS-I The Özal Period

“Turkey is making considerable progress in the economic, social and political fields and is able to satisfy most of the necessary conditions for entry into the Community from the economic, social and political standpoints.”(Ali Bozer, 1987: 14)

“Nobody will be able to say that democracy in Turkey is different from democracies in Europe in five years.” (Turgut Özal)¹

5.1 Introduction

Turkey’s relation with the European Union started on July 31, 1959 when Turkey applied officially for an association agreement then the European Economic Community (EEC) upon the Greek application for an association agreement with the EEC on January 1, 1959.² On September 12, 1963, Turkey concluded the Association Agreement with the Community, which came into effect on December 1, 1964. The 1963 Ankara Agreement, along with the Additional Protocol signed on November 23, 1970, have constituted the basis of Turkey relations with the Community, whereby the 1995 Customs Union was realized. This chapter is about the EU-Turkey relations with regard to democracy and human rights in the Özal period. While discussing the EU-Turkey relations in this regard, EU’s influence on the Turkish

¹ *Milliyet*, 1 January 1988.

democracy is deliberately dealt with thorough the chapter. As discussed below, the EU had a limited influence on democracy in Turkey during this period.

5.2. Turkey-EU Relations in the Özal Period

5.2.1 Turkey's Application for the EU membership

Although the EP had heavily criticized Turkey on the ground of anti-democratic policies and human rights abuses, the European Commission and the member states had generally proceeded a low-profile policy until 1986, with the exception of Greece's increasing attempts to undermine Turkey-EU relations. In other words, for the period of 1980-1985, the EU, with the notable exception of the EP, had pursued a 'wait and see' policy. As Mehmet Uğur (2000:269-70) argues the EU had not been able to be an effective anchor for Turkey in terms of democracy and human rights in this period because of two main reasons: First, the military intervention on September 12, 1980 precluded Turkey from an application for the EU membership.³ Thus, the EU did not have to forge new political co-operations with Turkey in this regard. Second, the relations between the NATO and the Warsaw pact had been strained in the period⁴, and thus, security considerations, as discussed in the third chapter, once again were prioritized over democracy and human rights consideration, and Turkey's political 'stability' in this international environment could not be jeopardized for any 'soft' issues like democracy.

However, what we notice after 1986 is an increase in the EU pressures on Turkey with regard to democracy and human rights. It seems that the EU commenced to develop a new attitude in terms of democracy and human rights concerning Turkey in the second half of the 1980s. As Uğur (2000:279) rightly asserts that this policy change could be explained basically

² For the full story about Turkey's application, see Birand (1996).

³ For Turkey's preparations for application in the early 1980s, see Tekeli and İlkin (2000:21-34)

⁴ This period falls into the first half of the Reagan period (1981-1989), which was marked with strong anti-

by two factors: One is the increasing consideration of the EU over human rights in its external affairs. The second one is Turkey's application for the membership. Since the historical development of the EC's human rights consideration is analyzed in the previous chapter, I deal with the second one.

It seems that an application for the EC membership had been on Turgut Özal's agenda since 1984. This can be understood by his message sent to a meeting organized by the İKV (İktisadi Kalkınma Vakfı-The Economic Development Foundation) on December 1, 1984 for the 20th anniversary of the Turkey's Association Agreement with the Community. Özal, in his message, stated that "now it is time to apply for the EC membership."⁵

This statement was enough to generate uneasiness among the politicians and bureaucrats in the EU. D. Dankert, former president of the EP and the commissioner responsible for Turkey, clearly stated that neither Turkey nor the Community were ready for such a development in that stage.⁶ West Germany Chancellor H. Kohl and Belgian Foreign Minister Leo Tindemans did not give positive messages concerning Turkey's intent for application when they visited Turkey.⁷ What Özal wanted to achieve with this statement was in fact to put Turkey's application in the immediate future into the agenda of the EU officials and politicians.

However, before an application for the membership, the relations with the EU had to be normalized. At the beginning of 1986, two new developments were welcomed by Ankara. First, Denmark, France and the Netherlands, Norway and Sweden withdrew their complaint that they submitted to the European Commission of Human Rights against Turkey on July 1, 1982 arguing that Turkey did not comply with the European Convention (No. 9940-44/82). The second development was Turkey's inclusion to the project of EUROKA, a research

communist outlook (until 1986). This contributed to a drastic deterioration in the relation with what he called the 'evil empire', the Soviet Union.

⁵ *Milliyet*, 2 December 1984.

project for technological development (Tekeli and İlkin, 2000:74). Upon these developments, Özal required the Ministry of Foreign Affairs to prepare for the application. The first thing to do was to normalize the relation with the EC. For this, Turkey officially requested a meeting of the Association Council, which had not convened for five years. For this purpose, Özal sent a letter to Jacques Delors, the president of the European Commission, stating that integration with the EC constituted the main pillar of Turkish foreign policy.⁸ Özal stated again his intention for application when he visited the UK in February 1986. However, it seems that he could not receive much support from the British government led by Thatcher about Turkey's application, but the British government was supporting a process of normalization for the relation with Turkey.⁹

It was decided in the Foreign Affairs Council, which was held in Luxembourg on 16 June 1986, that the Association Council would be held on 16 September 1986 in spite of Greece's objection. That meeting was very important for Turkey because the Council at ministerial level had not been held since 30 May 1980, just before the military intervention, and thus it signified the normalization of EU-Turkey relations, which had been in a chilly condition since the 1980 military intervention.¹⁰

The EU-Turkey Association Council met in Brussels on September 16, 1986. The most important message of the meeting was the re-invigoration of the relations with the EU, which could be noticed in British Foreign Secretary and the President of the Council of Ministers Howe's statement at the end of the meeting: The EU had given 'the green light' to

⁶ *Milliyet*, 2 December 1984.

⁷ *Milliyet*, 17 July 1985.

⁸ *Milliyet*, 30 January 1986.

⁹ *Milliyet*, 19 February 1986.

¹⁰ Claude Cheysson, the European Commissioner in charge of Mediterranean policy, visited Turkey after the decision taken in the Council. This visit, which was the first by a member of the Commission since the 1980 military intervention, was very important to decide what were the basic problems between the Community and Turkey that had been hindering the relations. Cheysson met with Prime Minister Turgut Özal, the other ministers, the opposition leaders, and the business circles. As far as democracy and human rights are concerned, Cheysson made it clear that the EU was expecting more democratizing reforms from Turkey for normalization of the relations. Turkish government, on the other hand, declared its determination to improve its quality of democracy

the normalization of the relations with Turkey. The political situation in Turkey was among the debated items in the meeting, and the EU representatives made it clear that progress in restoration of democracy and human rights record was the essential requirement for the normalization between Turkey and the Community (Dagi, 2001:23). The Council meeting failed to determine any concrete measures to improve the relation, including releasing of the 4th Financial Protocol. In fact, the Association Council left the preparation of measures for the normalization of Turkey-EU relations to the Commission. The Commission would prepare a memorandum to declare its opinion in this regard. According to some authors, the EU believed that the normalization of the relations would prevent Turkey from the application for the EC membership (Tekeli and İlker, 2000:80). Indeed, Turkey-EU relation was in a real stalemate. Ali Bozer (1987: 11), the minister in charge of the relations with the EU, describes this deadlock as follows:

Considering that the Association Agreement did not well and also bearing in mind that due to economic policies implemented starting by 1980, the Turkish economy was already opened up to external competition to a large extent, and the Government decided that the best solution would be to proceed with an accession request and to reorganize the relations in a clearer and more definite status.

Thus, Turkey's policy makers, particularly Prime Minister Özal, started seriously to think about application in the immediate future to break this deadlock in the relation. Özal, who was the locomotive of the government, had declared his intention to apply when he convened the prominent bureaucrats to debate the relations with the EC on 10 August 1986. In this crucial meeting, Özal stated: "I'd like to take Turkey to the system in accordance with the Common Market. But, the EC does not accept us as an associate member. We have two options; one is to create a mechanism that can take us to the EC membership in ten years... The other is to enter the Customs Union with the EC. The Customs Union will be harmful for

and human rights records.

us” (Birand, 1996:403). The fruitless Association Council meeting increased Turkey’s efforts for this cause.

Along with the impasse between the EU and Turkey, it seems that, Turkey rushed to apply for the membership for two more reasons. First, Greece had increasingly been using the EU in her bilateral relations with Turkey, and it was becoming the real trouble between the Community and Turkey, and increasingly involving in all part of the relation. Second, after the membership of Spain and Portugal, the EU seemed to prepare to close its door to a further enlargement and to engage in ‘deepening’ of the Community (Birand, 1996:406-7).

After the ANAP’s failure on the by-election on 24 November 1986, Özal revised the cabinet, and Professor Ali Bozer became the minister in charge of the relations with the EU on 17 October 1986. This choice was meaningful, because Ali Bozer was a senior professor of law worked as a judge in the European Court of Human Rights in Strasbourg and the International Court of Justice in the Hague. Thus, it seems that Özal deliberately chose Bozer to give a message to the European forces, which had always used Turkish human rights records as a pretext for their reluctance to improve the relations. Bozer also believed that “no alternative is available for Turkey but the application for the full membership.”¹¹ When Bozer visited some European states to make some inquiries about Turkey’s possible application, he met with Belgian Foreign Minister Leo Tindemans, British Foreign Secretary Howe, and Claude Cheysson. Bozer could not get any support from these politicians for the application. Cheysson clearly stated that Turkey’s image in Europe was terribly bad, and its image must be improved before an application (Birand, 1996:414). Furthermore, Richard Balfe stated that an application would be too early and there existed two great obstacles: democracy and economy. According to Balfe, Turkey should prioritize democracy.¹² However, contrary to this entire negative atmosphere about Turkey’s possible application, Özal seemed determined

¹¹ *Milliyet*, 5 December 1986.

to materialize the application in 1987. In a meeting at the beginning of 1987, he stated that 1987 would be the year to rush for the Community and “let’s study hard, because the EC will have to accept Turkey.”¹³

Meanwhile, Turkey attempted to please Europe through recognizing the competence of the European Commission of Human Rights to hear individual complaints with some reservations on 23 January 1987¹⁴. This was very significant decision, because the EU, particularly the EP had always insisted that Turkey should accept the individual application to demonstrate that it was making progress in its democracy and human rights records¹⁵. In other words, it was the one of the weakest point of Turkey vis a vis the EC. Furthermore, Turkey declared that it would fulfill some democratic reforms to improve its polity and human rights record in this regard.¹⁶

However, this ‘democratic opening’ was not adequate to convince the EU to approve the Turkish application. The significant policy makers in the EU, including French Prime Minister Chirac and Belgian Foreign Affairs Minister Tinndemans, stated that Turkey should improve its democratic regime before an application (Tekeli and İlkin, 2000:86). Then, Turkey started to use one of the ‘fundamental fears’ of the West: the rise of ‘Islamic fundamentalism’ in Turkey. The main thesis put by some Turkish officials was that if the EU did not accept the Turkish application, the ‘Islamic fundamentalism’ in Turkey would dangerously rise and jeopardize Turkey’s secular regime. This, doubtless, would be a great threat to the Western security.¹⁷ This discourse, to some extent, had been influential on the European public opinion and policy makers (Birand, 1996:409).

¹² *Milliyet*, 5 January 1987.

¹³ *Milliyet*, 13 January 1987.

¹⁴ *Milliyet*, 25 January 1987.

¹⁵ For example, OJ EC C 342/62, 23 October 1985

¹⁶ *Milliyet*, 30 January 1987.

¹⁷ *Financial Times*, 28 January 1987.

On 11 March 1987, Turkish ambassadors to the EU and the member states of the EU convened in Ankara to debate the Turkish application. The ambassadors generally seemed keen to apply but warned Özal about the serious reactions against the Turkish application. Özal and his friends evaluated the application for the last time. Güneş Taner, one of Özal's close friends, said "Sir, it is not possible to play poker without distributing the cards" (Birand, 1996:418). It seems that Özal agreed with Taner. Accordingly, this was a game between Turkey and the EU and Turkey would adopt necessary measures to gain the play against the EU. This pragmatic approach was one of the dominant leitmotif of Özal' foreign policy understanding (Aral, 2001; Gözen 1996).

Thus, Ali Bozer, the state minister in charge of the relations with the EU, submitted Turkey's official application for the membership to Leo Tindemans on 14 April 1987 at 9.00 o'clock a.m. When Bozer presented the application, he said "We demonstrated Turkey's determination to become European by this application."¹⁸ On the same day, Özal said that Turkey would come across several difficulties in the way of the integration with the EU. As far as democracy and human rights were concerned, he said that Turkey had so far realized significant progress, but it would make more progress if the Constitution could be changed easier.¹⁹ In his vision, Turkey would be a member state in ten years, if the ANAP government could rule the country two more periods (Tekeli and İlkin, 2000:100).

Thus, Turkey became more vulnerable to the European pressures in the realm of democracy and human rights, moving more into the EU's sphere of influence. This fact was noticed by some scholars. Ali Karaosmanoğlu (1994: 129), for example, argues "This move led to a considerable increase in European influence on the process of democratization in Turkey". Similarly, Udo Steinbach thinks "the most significant event in Turkey's international affairs after the return to democracy was its application for full membership in

¹⁸ *Milliyet*, 15 April 1987.

the EC in April 1987” (Steinbach, 1994:108).

The initial reactions from the European public opinion were not positive for Turkey (Tekeli and İlkin, 2000:90-1). Greece, Luxembourg and Denmark, from the beginning of the Turkish application, argued in the Council that only democratic countries could apply for the membership. Therefore, before forwarding the application to the Commission, it must be decided whether Turkey had a democratic regime (Birand, 1996:422-3). Once again, democracy was put as an obstacle in Turkey’s way of more integration with the Community. However, Tindenmans did not agree with Greece and forwarded the application to the Commission on April 27.

5.2.2 Turkey-EU Relations After the Application Regarding Democracy and Human Rights in Turkey

When Turkey applied for the EC membership on 14 April 1987, she in fact accepted also the pressures proceeding from the EU’s institutions as legitimate.²⁰ This point is important because the EU’s (particularly EP) criticisms of Turkey’s anti-democratic practices and human rights records had often been considered as violations of Turkey’s sovereignty and interventions in Turkey’s internal affairs by some strong circles in Turkey. However, this does not mean that Turkey would accept all requirements of the EU institutions and its member states. The main reason for this was that the EU did not provide a clear vision for Turkey in terms of its candidacy bid. This substantially reduced the potential of the EU to be influential external actors on the consolidation of Turkish democracy in this period. Neither the EU provided enough encouragement for Turkey to fulfill democratizing reforms, nor Turkish policy makers could take a risk to eliminate the perennial problems of Turkey in the

¹⁹ *Milliyet*, 15 April 1987.

²⁰ For the atmosphere in the EU countries just after the application, see Edward Martimer, “A Culture Shock for Europe,” *Financial Times*, 17 July 1987.

way of Turkey's integration with Europe with the exception of some important but limited progress.

The European interest in Turkey and its political system increased after the application. The European Parliament had been the place where Turkey had been often discussed by oral or written questions. The Parliament issued a number of resolutions under this favourable circumstance where Turkey was more vulnerable than ever on four basic items: the anti-democratic policies of the Turkish state, the Kurds, the Armenians, and Greece and Cyprus.²¹

Furthermore, the visit of the Turkish leaders to the important European capitals had become a usual issue after the application. Özal visited London on 7-9 April 1988,²² and met with Thatcher. Thatcher stated that the UK would support the release of the 4th protocol and reactivation of the EU-Turkey relations. Thatcher did not state anything supporting Turkey's candidacy bid, said that the Commission report should be waited before any comment on it. Further, despite all efforts of the British human rights organizations, Thatcher did not put undemocratic policies and human rights records of Turkey on the agenda in her meeting with Özal.²³

One of the most significant developments in 1988 was the convention of the Association Council on 25 February 1988. The main issues in agenda to be debated in the Council were democratization and human rights in Turkey, the reactivation of the 4th financial protocol, the free movement of goods and people, and lowering the customs. As far

²¹ See, for example, resolutions between 1987-9; "Resolution on human rights in Turkey", OJ C 049, 22 February 1988, p.91; "Resolution on human rights violations in Turkey" OJ C 012, 16 January 1989, p.154; "Resolution on political prisoners in Turkey", OJ C 326, 19 December 1988, p.210; "Resolution on the arrest and committal for trial of foreign observers at the trial of members of the DEV-YOL in Turkey", OJ C 326, 19 December 1988, p.211; "Resolution on the detention of a prisoner of conscience in Turkey", OJ C 158, 26 June 1989, p.201; "Resolution on the imprisonment of school children in Turkey", OJ C 158, 26 June 1989, p.201; "Resolution on the May Day events and continuing aggravation of the domestic political climate in Turkey", OJ C 158, 26 June 1989, p.200.

²² Meanwhile, Turkey went to the polls on 29 November 1987. The ANAP was again the first party with 36.3 percent of the votes and 292 deputies. Mesut Yılmaz became the Foreign Minister in the new government and Ali Bozer continued to be the minister in charge of the European Affairs.

as democracy and human rights are concerned, the EU representatives welcomed the progress on democracy in Turkey, but these were considered not enough for a country that applied for the membership (Tekeli and İlker, 2000:114). However, the Council meeting ended without start, mainly because of Greece's efforts to put the Cyprus issue on the agenda of the Council and use the Council as the place to try the Turkish state with regard to its 'aggressive' policies toward Greece. When Turkish Foreign Minister Mesut Yılmaz and Ali Bozer noticed that a relation between the EU-Turkey relation and Cyprus problem would be forged, the Turkish delegation did not attend the meeting, and Yılmaz stated that construction any relation between the EU-Turkey relations and the Cyprus problem was unacceptable.²⁴ Thus, the EU-Turkey relations came to the point of severance of the relations. This event was generally regarded as the 'death of Davos spirit' by the Turkish press.²⁵

The decisions reached in the closed-door meeting of the Commission in Torhout, Belgium, were leaked to the press. This was another serious blow to the tenuous EU-Turkey relation. The Commission discussed the possible accession of Austria, Switzerland, and Norway to the EU, although they had not applied officially for the membership. The Commission agreed that these countries would not join the EU until 1992. However, what was the stunning for Turkey was that the Commission reached a consensus that Turkey would not be a member even after 1992 in a very long period of time. Since this decision could spark off enormous reactions in Turkey, which was not of benefit to the EU, the Commission decided to keep it secret (Tekeli and İlkin, 2000:118).

When the Turkish policy makers noticed this gradual worsening of the relation with the EU, they tried to improve the relation through visiting the member states. Özal, for

²³ *Milliyet*, 8-10 April 1988.

²⁴ *Milliyet*, 26 April 1988.

²⁵ Sami Kohen, "Davos Ruhuna Fatiha", *Milliyet*, 28 April 1988. Özal and Papandreu met twice in Davos, Switzerland, on January 30-31, 1988, and discussed issues of mutual concern in an atmosphere of understanding and goodwill.

example, visited Greece on 13-15 June 1988 in the hope that Greece would soften its attitude towards Turkey concerning the membership.²⁶ He also visited Italy on 5-8 October,²⁷ and France on 28-29 November.²⁸ Özal could not receive the support he expected in term of membership. In addition, the membership was the main issue between Turkish delegation and the British one when Kenan Evren, the President of the republic, visited London on 12-15 July 1988²⁹. The president, who went to West Germany on 17-21 October, had the same purpose. He said in Germany that Turkey was being forced to an Islamic Union by the European states. The president of West Germany, on the hand, criticized Turkey's human rights record in a diplomatic wording (Tekeli and İlkin, 2000:122).³⁰

On 9-10 December 1988, twelve Turkish Ambassadors to the EU states, Ali Bozer and Foreign Affairs Minister Mesut Yılmaz convened in Brussels to discuss both Turkey's membership bid and normalization of the relation with the EU and prepare strategies in this regard for short and medium terms. Turkey's poor human rights record was considered as the main impediment to the EU membership within the meeting.³¹ The Turkish policy makers started to think that Turkey's accession to the EU would not be possible until 1993. Therefore, all efforts after the second half of 1988 focused on the beginning of the accession negotiations before 1993 (Birand, 1996:433). For example, Ali Bozer was thinking that Turkey's gaining entry to the EU would be after 1992, but before 2000. 1995 would be the optimum year to join.³²

²⁶ *Milliyet*, 15 June 1988.

²⁷ *Milliyet*, 7 October 1988.

²⁸ *Milliyet*, 30 November 1988.

²⁹ *Milliyet*, 16 July 1988.

³⁰ In this period, alongside the official ones, several non-official initiatives and lobbies tried to influence the European public opinion and effective policy makers in the EU and the member states with regard to the Turkish application for the membership. Furthermore, Turkey endeavored to impinge upon the European public opinion through financing some mass media (such as Financial Times, Euromoney, the Economist), research centers, and universities (Tekeli and İlker, 2000:126). Turkey hired some companies, such as Havas, Saatchi-Saatchi, and Gruner-Jung for Turkey's advertisement.

³¹ *Cumhuriyet*, 10 December 1988; *Milliyet*, 11 December 1988.

³² *Cumhuriyet*, 21 November 1988. Local elections were held on 26 March 1989 in Turkey. The results were serious blow to the ANAP, which became the third party after the SHP and DYP.

Having understood that the EU membership was not the case in the near future³³, Ankara started to insist on getting a clear date to start to discussion of the enlargement. On 29 May 1989, Özal went to Brussels for the NATO summit and he met with Gonzales, the president of Spain, Mitterand, Thatcher, Papandreou, and Delors, the president of the European Commission there about Turkey-EC relations. Özal required them a ‘green light’ to start the official debates on the Turkey’s accession to the EU. However, no leader gave Turkey ‘green light’ that Turkey requested. Almost all leaders glossed over it stating that they should see the Commission report legally before any decision in this regard.³⁴ On 30 May, Özal met with Delors. He expressed once again all the historical, economic and geopolitical reasons as to why Turkey applied for the EC membership, and why the EU should embrace Turkey at great length. Özal once again required the EU to give a green light to Turkey, and continued: “We required you to give a green light in order to make preparations. If you give a green light, we can activate the mechanisms and commence the preparations... It would be enough to say ‘the accession negotiations will start’” (Birand, 1996: 437-8).

When it was understood that the Commission would not give a green light to start the accession negotiations, the Turkish government initiated a last initiative to change the forthcoming decision.³⁵ Ali Bozer visited Brussels and several EC countries in September to impinge on these countries. Özal also went to first Spain on 14-15 September 1989. He also went to Strasbourg on 27 September 1989 to address the Parliamentary Assembly of the

³³ The EU proposed Matutes’ proposal-enhanced partnership, instead of membership. Accordingly, the Customs Union would be created, the fourth financial protocol would be carried out, cooperation in terms of industry and technology would be deepened, and political and cultural dialogue would be developed between Turkey-EU. Commission of the EC, “Communication to the Council on Relations with Turkey”, SEC(90) 1017/final, Brussels, 12 June 1990. However, the Turkish government rejected this sort of intermediate projects. Bozer, for example, clearly stated in the first day of 1989 that “ Our object is well-known, the full membership. We will not accept any intermediate formulations. We are trying for the full membership” (Tekeli and İlhan, 2000:135).

³⁴ *Milliyet*, 31 May 1989.

³⁵ A poll was published in *Le Monde* in July 1989. In the poll the following question was asked to the French people: Which country do you want to be a member of the EC among the following countries: Switzerland, Sweden, Norway, Austria, Hungary, Czechoslovakia, and Turkey? According to poll, only 7 percent chose

Council of Europe. This was the second speech to the Assembly made by a Turkish Prime Minister after Bülent Ecevit's speech on the Cyprus issue ten years ago. Özal replied Delors, the president of the Commission, who had made a speech in the same place one day before and focused on 'Europeanness', and said that according to famous historian Fernand Braudel, Europe consists of Christianity, rationalism, scientific and technological developments, revolution, and social justice. He also said that the EC did not accept any new candidate, even it could not start accession negotiations. It was clear that the country addressed was Turkey. He also said that the Community had no special programme for Turkey.³⁶

Özal, however, underlined the historical place of Turkey in the European state system. He stated that he believed Turkish application for the full membership was just and legitimate. The leitmotiv of the Özal's speech was democratization and human rights in Turkey. He clearly explained the previous progress on the consolidation of Turkish democracy and his plan for more democratizing reforms in the near future. Özal also said that Article 141, 142, and 163 of the Turkish Penal Code would be repealed, and thus the 'crimes of thought' would be eliminated, and Turkey would recognize the compulsory jurisdiction of the European Court of Human Rights as soon as possible. He highlighted that democracy and respect for human rights were the most significant common points of the civilized countries. It seems that this speech was prepared as sort of manifesto by which the Turkish government clearly pledged to fulfill the reforms to consolidate democracy in Turkey.³⁷

Meanwhile, two new events significantly influenced Turkey-EU relations. Turgut Özal was elected President on 1 November 1989 and the Berlin Wall collapsed on 9 November 1989. The collapse of the Berlin Wall and end of the Cold War changed deeply the general international parameters, and particularly Turkey's geopolitical place the European state

Turkey. *Cumhuriyet*, 7 June 1989.

³⁶ *Hürriyet*, 27 September 1989.

³⁷ *Cumhuriyet*, 28 September 1989.

system. Furthermore, the former socialist states had started to aspire to join the rich club, the EU, through employing the slogan of ‘return to Europe’ (Henderson, 1999). Turkey was observing the new systemic changes with concern, because all these new developments might result in devaluation in Turkey’s geopolitical significance, and with regard to Turkey-EU relations, the Central and Eastern European states could jump the EC membership queue where Turkey had been waiting for a long time. Turkey’s fear came true, and the EU has increasingly paid its attention to the developments within its Eastern part from the beginning of the 1990s.

In this international environment, on 17 December 1989, the Commission completed its Opinion on Turkey’s application for the EU membership dated back to 14 April 1987. The Commissar Matutes held a press conference next day to delineate the basic points of the report. The *Avis*, as expected, was negative. The main theme of the report was that Turkey was not ready for the membership in all senses, and a ‘premature step’ might be harmful for the Community, given that the Community had been in a state of flux.³⁸ As far as democracy is concerned, the Commission declared the following statement:

Public life is still marked... by the weight of legislation which. . . has still to become open to the whole range of political forces in Turkey. . . Although there have been developments in recent years in the human rights situation and in respect for the identity of minorities, these have not yet reached the level required in a democracy.³⁹

Thus, “the political and economic situation in Turkey leads the Commission to believe that it would not be useful to open accession negotiations with Turkey straight away.”⁴⁰ However, the Commission, despite in a quite vague manner, seemed to accept the ‘eligibility’ of Turkey

³⁸ “Commission Opinion on Turkey’s Request for Accession to the Community”

³⁹ *Ibid*

⁴⁰ *Ibid*

for the membership:

To contribute to the success of Turkey's modernization efforts, the Commission recommends that the Community propose to Turkey a serious of substantial measures which, without casting doubt on its *eligibility* for membership of the Community, would enable both partners to enter now on the road towards increased interdependence and integration, in accordance with the political will shown at the time of the signing of the Ankara Treaty.⁴¹

After the Opinion was declared, Özal stated that he the Opinion was better than his expectation, given that Turkey was declared 'eligible' for the accession.⁴² Bozer, on the other hand, had a posture between pessimism and optimism. According to Bozer, "The Community has taken an economic and political picture of Turkey. It stated its positive and negative sides , and absences... We need time too."⁴³ Over all, the optimist approach to the report was generally shared by the effective business circles, including TÜSİAD, İTO, İKV, and TİSK, highlighting Turkey's 'eligibility' for accession (Tekeli and İlkin, 2000:164).⁴⁴

The opposition, on the other hand, regarded the report as a failure of the government, and stated that it was the government's fault, given that the government could have fulfilled more substantial democratizing reforms. For example, Erdal İnönü, leader of the social democrat SHP, accused the government, stating that "The deficiencies in democracy are nothing but the failure of the government. The government could have easily provided a country picture in which human rights. . . are respected."⁴⁵

Several Turkish governmental and non-governmental organizations, including influential business organizations, tried last to influence the Council through lobbying. On 10

⁴¹ Ibid, emphasis added.

⁴² *Hürriyet*, 20 December 1989.

⁴³ *Cumhuriyet*, 22 December 1989. See also, Ali Bozer (1990).

⁴⁴ TOBB was highly critical to the report. It seems that the optimism in the Turkish side concerning the report derived from two main reasons. First was that the Community cited Turkey as *eligible*. It was important because the door left open for Turkey's accession in future. Secondly, the government and influential circles thought that a negative atmosphere in this regard would be harmful to Turkey-EU relations. See, Y. Keskin (2001: 337-342) and Çaltış (2001:202-4).

October 1990, the high bureaucrats and ministers convened in Çankaya, under Özal's leadership and decided on a strategy and tactics for the EU-Turkey relations in future. They decided to pursue a policy that aimed at opening accession negotiations in 1993. For Özal, everything must be done to open the negotiation in the time.⁴⁶ Ali Bozer set off again to visit several EU countries, including Germany, Belgium, Italy, the Netherlands, and Ireland, to require them to modify the Commission's Opinion at the Council in the line with Turkey's interest. Bozer, in Brussels, required a political declaration of intention from the EU Council that the accession negotiation would start in a short time after 1993.⁴⁷

However, all these efforts produced nothing, and the Council did not take Turkey's request into consideration and thus the 1987 Turkish application was left on the shelf. This was the end of the period in which Turkey tried to gain accession to the EU. Thus, Ankara had to find another way to materialize more integration with the Union. This was the realization of the Customs Union.

When the Commission rejected Turkey's application for the EU membership in the late 1989 due ostensibly to Turkey's insufficient political and economic system, it was well understood that Turkey would not join to the club in the near future. Thus, the Turkish governing elite (led by President Özal), decided to realize a shift in Turkey's tactics (not strategy) to forge closer relations with the EU. This was the Customs Union. It is known that Özal personally had been against the Customs Union without the full membership (Birand, 1996:403). However, the Commission were interested in the proposals on the Customs Union.⁴⁸

Turkey tried to resist the Customs Union proposal but she eventually threw in the towel. This policy change was noticed firstly in the Özal's speech to the businessmen in a

⁴⁵ *Cumhuriyet*, 19 December 1989.

⁴⁶ *Hürriyet*, 11 January 1990.

⁴⁷ *Cumhuriyet*, 16 January 1990.

TÜSİAD meeting. He said “the Customs Union will be beneficial for them (the EU) but will provide advantages for us as well. Do not afraid of the Customs Union.”⁴⁹ The new association programme was prepared by Comissier Matutes, and submitted to the Council of Ministers on 6 June 1990. While the report stated that Turkey’s completion of its economic and political modernization in the near future would in fact foster the Community’s vital interests, it did not mention a membership for Turkey at all. The central theme of the report was the rapprochement between the Community and Turkey through the completion of the Customs. However, it was not successful.⁵⁰

5.2.3 Turkey-European Parliament Relations Regarding Democracy and Human Rights in Turkey

The European Parliament (EP) had been particularly critical to Turkey’s human rights records and its quality of democracy. When we look at the various resolutions issued by the EP concerning the condition of democracy and human rights in Turkey, we see that the following issues had often come to the fore: Torture, death penalties, the political restrictions on the former politicians, the mass trial (of *Barış Derneği* and *DİSK*), and the Kurdish problem. The EP requested Turkey to eliminate torture in police custody, repeal death penalty, end the mass trial, release the ‘political prisoners’ and recognize the competence of the European Commission of Human Rights to hear individual complaints.⁵¹

⁴⁸ For the debates and new proposal concerning the Customs Union, see *İKV Dergisi*, No:77 March 1990.

⁴⁹ *Milliyet*, 18 April 1990.

⁵⁰ The initial responses of Ankara were not positive. According to the Turkish bureaucracy, the report was insufficient to reflect the realities of Turkey-EU relations and was full of contradictions (Tekeli and İlkin, 2000:213). Greece continued to block the fourth financial protocol in the meeting of the Council of Ministers held on 22 October 1990. The Association Council did not meet in 1990. Thus, the Matutes plan did not work due basically to the Greek opposition. The Greek government blocked the reactivation of the fourth financial protocol in the Council of Ministers on 4 March 1991.

⁵¹ The EP made its demands known by various resolutions and reports in this period, including OJ C 172, 24 April 1984, pp.127-128; OJ C 300, 11 October 1984, p.35; OJ C 122, 18 April 1985, p.120; the Balfe Report of the EP, OJ C 343, 23 October 1985, p.60; OJ C 345, 21 December 1987, p.133; OJ C 049, 22 February 1988, p.91; OJ C 235, 12 September 1988, p.103; OJ C 326, 19 December 1988, p.210, 211; OJ C 12, 16 January 1989, p.154.

When Haydar Kutlu (Nabi Yağcı), the Secretary General of illegal Turkish Communist Party and Nihat Sargin, the Secretary General of banned Turkish Labor Party came to Turkey, with seven parliaments form the EP, in order to legalize Turkish United Communist Party, emerged out of the merger of these two parties, on 16 November 1987, they were immediately arrested. This development cast a shadow over the EP-Turkey relations, and the Parliament issued a resolution, which required Turkey to release Kutlu and Sargin soon.⁵² This development triggered off a wave of protesting about arresting Kutlu and Sargin by police and other “human rights abuses” in Turkey.

The international human rights organizations, including Amnesty International, opened new campaigns against ‘human rights violations’ in Turkey.⁵³ The campaigns set off by the international human rights NGOs started to influence seriously the European organizations, including EU, and more importantly the European public opinion. Amnesty International even advertised in the significant newspaper arguing there were systematic human rights violations in Turkey.⁵⁴ Özal himself was concerned over the increasing effectiveness of the international human rights NGOs. He even sent Bülent Akarcalı to the headquarter of Amnesty International in London to articulate Turkey’s position with regard to AI’s criticism of Turkey.⁵⁵

Turkey’s attempt to normalize its relation with EP was seriously hampered by the allegation that Kutlu and Sargin were tortured in police custody.⁵⁶ The EP, due to mainly the human rights problem, did not accept even some technical issues, such as a protocol between Turkey, Spain and Portugal on 19 December 1987. Although the Parliament passed the

⁵² *Milliyet*, 20 November 1987 “Resolution on the arbitrary arrests in Turkey on 16 November 1987”, OJ C 345, 21 December 1987, p.133; and “Resolution on Turkey and the trial of Kutlu and Sargin” OJ C 235, 12 September 1988, p.103.

⁵³ *Cumhuriyet*, 22 Kasım 1987; *Turkey Briefing: Human Rights Denied* (London: AI, November 1988).

⁵⁴ *Tercüman*, 28 June 1988.

⁵⁵ Personal interview with Bülent Akarcalı, 01 May 2000, Ankara. However, the result was fruitless.

⁵⁶ *Milliyet*, 18 December 1987.

protocol on 20 January 1988⁵⁷, it debated three issues on the same day about Turkey's human rights condition. While the first one was about the death penalties in Turkey⁵⁸, the second one was about former Diyarbakır Mayor Mehdi Zana. The EP requested Turkey to release M. Zana because of his illness. The EP also asked Turkey to re-evaluate the situation of a Frenchman (Michael Caraminot), who was arrested for disseminating 'Armenian propaganda'. Next day, the Parliament asked Turkey to recognize the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which empowered a committee to visit any place within a state party "where persons are deprived of their liberty by a public authority" (Arts.2 and 7).⁵⁹

Furthermore, some groups within the EP, particularly the Socialist and Communist group continued to keep Turkey on the agenda of the Parliament pointing out the trial of the newly established Socialist Party to be closed by the Constitutional Court of Turkey and the hunger strike in Diyarbakır Prison to protest the ban on the Kurdish language in the prison. The socialist and communist groups stated that these violations were against the European democratic standard and hence asked the EU not to open the accession negotiations with Turkey.⁶⁰

The violence on May Day⁶¹ and arrest of some trade unionists by police led the EP to condemn Turkey on 19 May 1988 once again, indicating that Turkey was not very keen to fulfill some progress on the respect or the fundamental rights (Tekeli and İlkin, 2000: 152).

Moreover, the EP debated the Walter report, which was prepared by Gerald Walter, a German parliament from the Socialist group, on 15 September 1988. Walter argued in his

⁵⁷ "Assent to the conclusion of the protocol to the Association Agreement between the EEC and the Republic of Turkey consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community," OJ C 049, 22.02.1988, p. 0052.

⁵⁸ "Resolution on human rights in Turkey", OJ C 049, 22.02.1988, p.91.

⁵⁹ *Milliyet*, 21 January 1988.

⁶⁰ *Cumhuriyet*, 19 February 1988.

⁶¹ The May Day festivals in Turkey have a bloody history. On 1 May 1977, which is known as the 'bloody May Day', 34 people were shot dead in Taksim square, in Istanbul.

report that, despite some progress, human rights violations was continuing in Turkey, and the cultural rights of the Kurdish and ‘Christian’ minorities were being violated. However, one positive point should be underlined: The report also proposed to reinvigorate the Joint Parliamentary Committee (JPC), which had not met since the 1980 military intervention.⁶²

Human Rights violations and non-democratic policies continued to be the principal matter in the relation between the EP and Turkey in 1989. The JPC meeting was held on 17-19 January 1989. It had been the first one since the military intervention in 1980. As expected, the meeting became the place where human rights and democracy in Turkey were mainly debated. The EP delegations stated that Turkey’s recent progress on human rights records was insufficient, and that the legal restrictions, particularly Turkey’s penal code, was as a significant obstacle on the way of further democratization. For the first time, Turkish parliaments in the JPC, particularly from the opposition parties, accepted the EP’s critiques concerning human rights, but they said that Turkey was trying to fulfill reforms to consolidate its democracy⁶³. However, when İbrahim Aksoy, himself of Kurdish origin, got the sack from the opposition party, the SHP, because of his speech in the JPC meeting where he required “cultural autonomy for Kurds”, the relations was badly effected by this event.⁶⁴

Meanwhile, the EP held an election in June 1989. According to the result, the moderate rights, the Christian Democrats, Liberals, and Conservatives, lost its power against the left. This was a significant development for Turkey, because the leftist parliaments in EP were concerned more over the human rights issue. Since the JPC had become the central organization between Turkey-and the EU after failure of the Association Council meeting, this development would influence the relations in this period.

The first JPC meeting, after Turkey’s rejection in 1989, was held on 22-23 March

⁶² Gerald Walter, “Report on behalf of the Political Affairs Committee on Resumption of the EEC-Turkey Association” European Parliament, Brussels, 1988.

⁶³ *Milliyet*, 19, 20 January 1989; Mehmet Ali Birand, “Avrupa Parlamentosu’nda Türkiye Toplantısı”, *Milliyet*,

1990 in Antalya.⁶⁵ While the Turkish delegation emphasized Turkey's disappointment with the decision of the Council regarding Turkey's application, the EP delegation, again, focused on the Kurdish problem, the minority issue, human rights violations in Turkey, and asked Turkey to comply with the European norms in this regard. The Turkish delegation, on the other hand, accepted some of the critique but insisted that Turkey should become more democratic because Turkish people wanted this, not because of the European pressure.⁶⁶

Apart from the JPC meeting, the EP became the locus where Turkey had been often criticized because of its human rights records and non-democratic political regime. Furthermore, the EP issued myriads of resolutions condemning the Turkish state for violating fundamental human rights. The EP started to discuss Turkey on 17 May 1990. The main focus of the EP was on the Kurdish problem of Turkey. Though the EP stated that it condemned all kind of terrorism at the beginning, it continued that a peaceful solution to the Kurdish problem depended on the recognition of the political, cultural and social rights of the Kurds by the Turkish state. İsmail Beşikçi⁶⁷, Haydar Kutlu, and Nihat Sargin⁶⁸ have been often mentioned in the EP resolutions. Once again the EP called Turkey to release them and other 'political prisoners' as soon as possible. The EP also asked Turkey to nullify the decree that declared the state of emergency in South East Turkey. According to the EP, this decree led to

21 January 1989.

⁶⁴ *Milliyet*, 31 January 1989.

⁶⁵ When Turkey applied for the membership in April 1987, the first traces of the unprecedented changes at the global scale had just started to be seen. Tensions between the 'Eastern' and 'Western' blocs had started to decline with the coming to Power of Gorbachev in the USSR. In 1988 the Soviet Union declared officially that it would no longer interfere in another country's internal affairs. This rapprochement resulted in the fall of the Berlin Wall on 9 November 1989, which was erected by East Germany on 13 August 1961. It was this fall that influenced radically politics at global, regional, and even domestic levels.

⁶⁶ *Cumhuriyet*, 23 March 1990; *Milliyet*, 24 March 1990.

⁶⁷ İsmail Beşikçi is a Turkish socialist sociologist and outspoken critic of the Turkish state. Since he gets sucked into the Kurdish problem and criticized heavily Turkish policies towards the Kurds, he often runs into trouble with the Turkish state. Although he himself of a Turkish origin, frequently cited as Kurdish in the debates in the EP. See, for example, "Questions No 52 by Mr. Newman (H-1186/90) to the Foreign Ministers meeting Political Cooperation: Dr İsmail Beşikçi, Kurdish scholar awaiting trial in Turkey" *Debates of the EP*, No:396, p.207.

⁶⁸ Like Beşikçi, Kutlu and Sargin, as stated earlier, had been several times subject for debate in the EP before. See, for example, "Question No 11 by Mr. Ephremidis (H-42/88) to the Council: The Continued Detention and Torture of Mr. Kutlu and Mr. Sargin in Turkey" (Debates of the EP No 364, p.63), OJ C 122, 09.05.1988, p.23.; "Resolution on Turkey and the trial of Kutlu and Sargin", OJ C 235, 12.09.1988, p.103.

severe human rights violations carried out by the state agents under the pretext of combating with terrorism. The violence in the May Day events was also discussed, which was also subject in the previous EP resolutions.⁶⁹ Torture in police custody was the usual issue existed in the EP documents, and debates in the EP.⁷⁰

The human rights problem of Turkey and its nondemocratic political system were again the main thread running the meeting of the JPC held in Strasbourg on 11-13 July 1990. The next meeting was held in Istanbul on 7-9 November 1990. Hot debates with regard to the Kurdish problem and other violations of human rights in Turkey took place in this meeting. The EP delegation clearly stated that an improvement on EC-Turkey relations and reactivation of the fourth financial protocol were definitely conditional on the Turkey's progress in fulfilling the reforms that could consolidate Turkish democracy and improve Turkey's human rights records. Noteworthy was that some Turkish parliamentarians, such as Deniz Baykal, the vice president of the Turkish delegation, gave the due of the EP delegation, stating that Turkey should do away with the anti-democratic practices and human rights abuses soon.⁷¹

The first JPC meeting in 1991 was held in Brussels on 20-22 March 1991 just after the end of the Gulf War, which practically ended with the ceasefire on 28 February 1991. Like the previous meetings, the Kurds and the other human rights and democracy issues constituted the dominant theme in the meeting. The Turkish delegation reacted the decision taken by the Belgian Representative Assembly one week ago, which made Turkey's EU membership conditional on the recognition of the cultural identity of the Kurds by the Turkish state.⁷²

⁶⁹ For example, "Resolution on the May Day events and continuing aggravation of the domestic political climate in Turkey" OJ C 158, 26.06.1989, p.200.

⁷⁰ *Milliyet*, 18 May 1990. Bülent Akarcalı, the head of Turkish Wing of Turkey-EC Joint Parliamentary Commission, criticized the EP's decisions above. *Milliyet*, 30 May 1990.

⁷¹ *Milliyet*, 8, 9, 10 November 1990.

⁷² *Milliyet*, 21,22,23 March 1991.

The next JPC meeting was held in Istanbul on 17-19 July 1991. While the Turkish parliamentarians were emphasizing the necessity of the reactivation of the Association Council and the fourth financial protocol, the European parliamentarians, as usual, focused once again the Kurdish problem, particularly the death of Vedat Aydın.⁷³

The European Parliament had been the locus where Turkey's political regime and human rights records had been often discussed. The EP, in the period, passes several resolutions that condemned Turkey. It seems that the other institutions of the EU deliberately delegated Turkey to the EP, simply because the JPC had been the only working organ between the Community and Turkey throughout the period.

5.3 The Consolidation of Democracy and Human Rights Records in Turkey in the Period

While Turkey applied for the EC membership in 1987, a series of democratizing reforms had been fulfilled. It might be meaningful to notice the overlap between the demands of the EU in respect of democracy and human rights, and the content of the reforms carried out by the Turkish government. These steps were in accordance with Özal's following statement delivered after Turkey applied for the membership: "Nobody will be able to say that democracy in Turkey is different from democracies in Europe in five years."⁷⁴

In this circumstance, Turkey had already carried out some reforms to restore democracy and improve human rights records. The Turkish parliament adopted a partial amnesty bill on 11 March 1986⁷⁵ and another bill in April 1986, which lifted the ban on the expression of opinion on domestic and foreign policy by former politicians through amendments to Law 2969.

⁷³ *Milliyet*, 18 July 1991. Vedat Aydın was the chair of pro-Kurdish HEP's Diyarbakır branch. The HEP accused police of murdering Aydın.

⁷⁴ *Milliyet*, 1 January 1988.

More importantly, as stated before, Turkey recognized the competence of the European Court of Human Rights to hear individual complaints in January 1987⁷⁶. Thus, Turkey tried to appease the EU, particularly EP, which had always forced Turkey to accept the individual application to the ECtHR⁷⁷. Furthermore, Turkey pledged that it would fulfill some reforms to improve its democratic polity and human rights record.⁷⁸

The other issue that the EU, particularly the EP, had pointed out was the restrictions on the former politicians. These politicians had been banned from involving in politics for ten years by provisional article 4 of the 1982 Constitution. Just after the application, Özal himself declared that Turkey would prepare a bill to repeal the constitutional restrictions on the former politicians on 28 April 1987. Provisional Article 4 of the Constitution was abolished with a referendum held on 6 September 1987 in accordance with Law No: 3361 of 17 May 1987⁷⁹. It was well-known that Özal himself was against the abolition of the ban. But, the pressures, particularly the pressures from the EU, enforced Özal to do so (Tekeli and İlkin, 2000:148).⁸⁰ The referendum approved the repeal by a very narrow majority (50.1 percent- 11,636,395 yes and 11,711,461 no)⁸¹. Furthermore, the voting age was lowered to 20 (Article 67)⁸² and the number of deputies in the Assembly was increased from 400 to 450 by this amendment (Article 75).

However, the most important amendment through Law 3361 with regard to the consolidation of democracy was the change in the amendment procedure of the 1982 Constitution *per se* (Özbudun, 1994: 42). On 14 April 1987, when Turkey applied for the membership, Özal explained the progress Turkey had made until the day and declared that

⁷⁵ *Official Gazette*, 19 March 1986, No: 19052.

⁷⁶ *Milliyet*, 25 January 1987.

⁷⁷ For example, OJ EC C 342, 23 October 1985, p.62

⁷⁸ *Milliyet*, 30 January 1987.

⁷⁹ *Official Gazette*, 18.5.1987, No. 19464, Supplement.

⁸⁰ Interview with Hasan Celal Güzel, 16 August 2001.

⁸¹ *Official Gazette*, 6 September 1987, No. 19572

⁸² According to the previous clause “ All Turkish citizens over 21 years of age shall have the right to vote in

Turkey would be speedier in continuing to fulfill democratizing reforms if the Constitution could be more easily amended.⁸³ Since the first version of Article 175 of the 1982 Constitution required a qualified majority of two-thirds of the full membership of the Parliament, it was highly difficult to amend the Constitution. According to the amended version of Article 175, the adoption of a proposal for an amendment requires a three-fifth majority of the total number of members of the Assembly by a secret ballot. If the Parliament adopted an amendment by a majority greater than three-fifths but less than two-thirds majority of the total number of votes of the Assembly, it could become a constitutional amendment inasmuch as it was approved by a referendum. In this case, if the president does not return the bill to the parliament, a popular referendum is necessary. If a bill is adopted by the Parliament by a two-thirds majority of its full membership, then the president can either submit it to referendum or return it the parliament, if he or she does not approve the bill (Özbudun, 1998:125-132).

When Turkey's application was rebuffed in 1989, Turkey did not receive any concrete projections from the EU regarding Euro-Turkey relations in the future. This obviously lowered the potential influence of the EU on Turkey's politics. However, since Özal and his friends were still expecting a clear date for the beginning of the accession talks, the EU-Turkey relations had not reached its rock bottom yet. Thus, the reforms carried out after 1989 could still be connected to Turkey's EU bid.

On December 4, 1990, a Parliamentary Commission consisting of the representatives of all political parties was established within the Parliament to monitor human rights violations in Turkey, to investigate allegations and complaints and to propose amendments to the existing legislation. The Commission started its function in January 1991 by examining petitions received from individuals or organizations. Sub-commissions were created to

elections and take part in a referendum”.

supervise police stations.

Another significant amendment was made in the Turkish Penal code and the Anti-Terrorist Law, through adopting Law 3713 on 12 April 1991. Thus, Article 141, 142, and 163 of the Penal Code were lifted. Thus, communist activities and propaganda were no longer subject to prosecution, and all pending prosecutions were suspended. Article 163 was about the Islamic propaganda, and abrogation of 163 meant that religious propaganda would not be prohibited. According to some official figures, 10,949 people were judged between 1982-1990 facing accusation of violating of these articles (Tanör, 1994: 70).

Furthermore, the abolition of the law banning publications issued in languages other than Turkish (Law No.2932) was another significant development emphasizing the general intention of the government to eliminate some human rights problem on the way of further incorporation to Europe.⁸⁴ The abolition of the law banning publications issued in languages other than Turkish (in practice Kurdish) was not easy. Turgut Özal considered it as a step to solve the Kurdish problem in a democratic way. He stated in his visit to Hakkari that the Kurdish question could be only solved within the parameters of democracy.⁸⁵ Even he did not support federalism or autonomy for the Kurds, he proposed that all possible means of solutions, including federalism, should be discussed to find the proper solution.⁸⁶

When Özal decided to abolish the language ban, the ANAP and the ministers were not very keen about it. The cabinet was not convinced easily. The ministers and the ANAP group in the parliament resisted Özal's demand for a while.⁸⁷ The cabinet was reluctant to approve the removal of the ban on the Kurdish language, because they did not know what the next step

⁸³ *Cumhuriyet*, 15 April 1987.

⁸⁴ The hunger strike in Diyarbakır prison triggered off a hot debate about the Kurds, Kurdish language, and the Act (no. 2932) on the use of languages other than Turkish (practically Kurdish). While Prime Minister Özal stated that speaking in Kurdish would be free in the prison soon, the opposition parties, SHP, DYP and DSP declared that they were against the ban on the Kurdish language. *Hürriyet*, 18 and 21 February 1988.

⁸⁵ *Cumhuriyet*, 14 October 1991; *Hürriyet*, 15 October 1991.

⁸⁶ *Cumhuriyet*, 31 October 1991; *Sabah*, 12 March 1991.

⁸⁷ *Cumhuriyet*, 19 March 1991; *Cumhuriyet*, 29 March 1991; *Hürriyet*, 2 February 1991; Interview with Cemil

was. They feared of opening the Pandora's box that would promote separatism.⁸⁸

When the removal of the language ban was discussed, Demirel, the leader of the main opposition party, criticized harshly Özal stating that this removal was something carried out as a response to the Western pressure.⁸⁹ He also argued that, by this way, Özal damaged the unity of Turkey.⁹⁰

As for Accession to International Control Mechanisms, Turkey intensified its efforts to comply with international human rights standards through accessing to the basic human rights conventions. Turkey stepped up its efforts in this regard for two main reasons. As Metin Heper rightly put it, Özal had deliberately refrained from involvement in some sensitive issues which could have create friction between him and President Kenan Evren since 1983 for a few years. Hence, economy was the main sphere that Özal engaged in. However, Özal later exercised more control over the international and political issues (Heper, 1990). The second factor was, to be sure, Turkey's application for the EU membership, which, as argued earlier, put Turkey into the EU's sphere of influence. Thus, after accepted the competence of the ECtHR to hear individual applications on 28 January 1987 for three years, Turkey was the first member state to ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment by Turkish Parliament on 26 February 1988⁹¹. The Parliament also ratified the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 21 April 1988 with Law No: 3441. It has been in force since 10 August 1988.⁹²

Çiçek on 14 June 2000; Hasan Celal Güzel, 16 August 2001.

⁸⁸ Former justice minister Oltan Sungurlu expressed this in the interview, on 12 July 2000, in Ankara.

⁸⁹ *Hürriyet*, 6 February 1991.

⁹⁰ *Milliyet*, 17 March 1991; However, Demirel stated later that he recognized the Kurdish reality, when he became the Prime Minister, in Diyarbakır. *Cumhuriyet*, 9 December 1991.

Mesut Yılmaz became the leader of that party on 15 June 1991. Although Turgut Özal continued to be to some extent influential on the making of the foreign policy, he was no longer so influential on the domestic politics when Yılmaz became the leader of the party.

⁹¹ *Official Gazette*, 27 February 1988, No.19738.

⁹² *Official Gazette*, 10 August 1988, No.19895.

In addition, the government announced, three months before the Commission completed its Opinion on Turkey, that the crimes leading to death penalty would be reduced from 29 to 13. Turkey had in fact carried out no executions since 1984. According to the proposal to change the Penal Code, incommunicado detention could be 24 hours not 15 days. Furthermore, Özal announced just before the Parliamentary Assembly of the Council of Europe that Turkey would recognize jurisdiction of the European Court of Human Rights in September 1989. And, on January 22, 1990, Turkey recognized the compulsory jurisdiction of the ECtHR. Furthermore, Turkey signed the ninth protocol to the ECHR, which prescribes the right of individual petition to the ECtHR on 5 November 1990; and signed the CSCE Paris Charter on 21 November 1990.⁹³

The 20 October 1991 elections ended the ANAP government and brought to power a coalition government of the DYP and the SHP. This meant end of Özal's term, and beginning of a new era.

5.4 Conclusion

The EU's approach with regard to human rights and democracy in Turkey had been 'wait and see' until 1985. However, an increasing pressure from the EU, particularly EP, after 1985 on Turkey is noticed. The EU, particularly the EP through its resolutions, asked Turkey to improve its human rights records and consolidate its democracy, particularly through solving the Kurdish problem, eliminating widespread torture in police custodies, abolishing death penalties, changing Turkish Penal Code, anti-Terror Act, the Turkish Code of Criminal Procedure, repeal of the anti-democratic Articles of the 1982 Constitution.

As discussed in the third chapter, human rights consideration had become emphasized

⁹³ Turkey ratified the European Social Charter in June 1989. The leaders of 34 nations (among them the newly unified Germany) signed the Charter of Paris for a New Europe, which recognized the end of the Cold War division of Europe and formed the CSCE's first permanent organs.

more by the EU institutions, particularly the EP, in the second half of 1980, had influenced Turkey-the EU relations in a manner that the ‘soft issues’ like human rights and democracy could not be so easily understated pointing out “the hard realities of the world” as it was during the cold war era.

Secondly, after Turkey made it known that she intended to apply for the EU membership and applied in April 1987, both the EU institutions and European public opinion started to put more attention to Turkey, which became the locus of attention. In the line with the criticisms of the EU, particularly EP, Turkey had fulfilled some reforms both to consolidate its democracy and improve its human rights records, though democratization during this period was not so comprehensive (Özbudun, 1994:41).

What about the political reforms during the period? What was the place of the EU in these democratizing reforms? At first glance, noteworthy was the overlap of the EU’s demands and the reforms that Turkey realized. When EU indicated directly or indirectly the human rights violations and anti-democratic practices as the basic impediment to the membership, the democratizing reforms sped up, as if Turkish policy makers to weed out the problems between Turkey-EU. All these overlaps and the speeches delivered by the Turkish policy makers made some researches to conclude that the political reforms carried out in this period were mainly the products of the EU’s pressure rather than a domestic one (Dagı, 2001, 2000, 1999, 1997; Müftüler-Bac, 2000, 1997) . They argued that Özal’s pragmatism was a facilitating condition on it. In this regard, Dagı put it that “[T]he decision was, to a large extent, prompted by the need to prepare the country internally and internationally for the bid to join the EC” (Dagı, 2001:35). Another Turkish scholar, B. Aral, underlines the same point: “This democratic opening appears to have been an outcome of European pressures and part of preparations for the Turkish application to the EEC to be made a few months later, as well as Özal’s genuine concern with human rights” (Aral, 2001:82; Arıkan, 2002).

I partly agree with this argument. Doubtless, the criticisms of the EU had been to some extent, influential on then-Turkish policy makers led by Özal. This is clear through Özal and other then-policy makers' statements and the overlaps. The EU's mark is particularly clear with regard to Turkey's recognition of some of the international human rights instruments, such as the recognitions of the competence of the European Commission of Human Rights to hear individual applications, the compulsory jurisdiction of the European Court of Human Rights, the accession to the European and United Nation Conventions to combat torture and inhuman behaviors.⁹⁴

However, it is not very clear how the EU had been influential on the removal of the language ban and Article 141, 142 and 163. It is known that Özal expressed several times to the European politicians that Turkey would give more liberty to the Turkish citizens of Kurdish origin, and asked them not to support the Kurdish separatists in Turkey, and provide a full membership prospect for Turkey.⁹⁵ What was the main motive behind the reforms? Were there because of the Western pressure or Özal's genuine concern? Özal's close friends, Oltan Sungurlu, Cemil Çiçek, Bülent Akarcalı and Engin Güner in the time, believed generally that reforms during the Özal's time were carried out because of Özal's personal concern and domestic reasons rather than the European pressures.⁹⁶ All they argued that Özal could foresee that the Kurdish question particularly would be main problem that Turkey would encounter in future. Therefore, the problem should be solved before the problem became more serious. Only H. C. Güzel stated that the EU perspective was a serious motive behind the reforms. Thus, the EU had become a serious motive for the democratizing reforms during the time, on the hand, they were also something that the Turkish decision makers, particularly Özal, were keen to implement.

⁹⁴ Interviews with, Sungurlu, Çiçek, Güzel, Akarcalı and Güner.

⁹⁵ For example, *Cumhuriyet*, 9 February 1991.

⁹⁶ Interviews with them.

However, the EU was not very influential to promote Turkish democracy. As Uğur (2000) correctly put it, the EU could not, or more correctly, did not become an anchor for Turkey's democratization in the time. Turkey's aspiration for the membership had not replied clearly by the Community. The EU did not provide a clear membership perspective to Turkey. Its position vis a vis Turkey's application for the membership had always been vague during this period. The basic strategy of the Community was neither totally Turkey's exclusion from Europe nor its clear inclusion. During this period, the institutions of the EU had repeatedly stated that a progress on Turkey-EU relations was conditional upon improvement in Turkey's human rights records and democracy. However, the EU did not provide a clear human rights and democracy agenda to Turkey through which Turkey could have fulfill necessary democratizing reforms in the line with the agenda, if it had been provided. It seemed that the member states delegated Turkey's human rights and democracy problem basically to the EP.

When the Turkish policy makers understood that Turkey would not be accepted as a member state in the near future, they required the EU to provide at least a date for opening negotiation for accession for Turkey. Özal said, in this regard, to the EU politicians and officials he needed a date for starting to the accession talk to speed up the domestic structure in order to fulfill the required reforms. But, the EU had never undertaken to provide a fixed date during the period, simply because it had never seriously believed Turkey's EU bid. Hence, since even the date for opening the negation for accession was not assured to Turkey by the EU, along with the domestic factors, the reforms during the period were not so revolutionary and comprehensive.

Thus, we can conclude that the EU was influential to some extent on the fulfillment some reforms during Özal's time. However, the EU did not encourage Turkey to carry out more radical and comprehensive democratizing reforms through providing Turkey a full

membership perspective. In other words, the EU's leverage function was limited in the time.

CHAPTER VI

TURKEY-EU RELATIONS WITH REGARD TO DEMOCRACY AND HUMAN RIGHTS-II The Customs Union

“We kept our promises. We passed legislation such as the eighth article that was blocking freedom of expression. We gave wider powers to the local governments. I ask my European friends to keep up their own promises” (Tansu Çiller, Prime Minister)¹.

6.1 Changing International Environment, Changing EU and Turkey

The end of the cold war, to be sure, impinged on Turkey’s position on global and regional levels. During the cold war, as is well known, Turkey had been a staunch ally of the ‘Western World’ as an easternmost member of NATO since 1952 and the Council of Europe since its establishment (1949).² It would not be a mistake to argue that Turkey-Europe relations have been depended mostly on the security problem since the beginning of the cold war. Security consideration of the West had and has always prioritized to all other issues. Therefore, since the end of the cold war hollowed out the security considerations of the West with regard to ‘the Communist menace’, Turkey-EU relations has entered into an new phase and new priorities have come to the fore.³ Although security consideration has continued to shape EU-Turkey relations in the post-cold war era, the quality of the ‘threats’ to the West’s security had changed substantially. The new threats no longer proceed from the Communist bloc, but from border disputes, ethnic problems, ‘Islamic fundamentalism’, illegal migrations, and drug trafficking.

¹ *Turkish Daily News*, 21 September 1996.

² For the Turkey’s place during the cold war in its relation with the West, see, Rustow (1987).

³ For Turkey-EU relations in the immediate aftermath of the end of the cold war, see Eralp (1993) and Sayari (1992).

The Turkic people of the USSR, the Central Asian states with the exception of Tajikistan and Azerbaijan, became independent with the collapse of the Union on 31 December 1991. This created a new avenue for Turkey for manoeuvre. Hence, while Turkey started to lose her traditional role in Europe, emergence of these newly independent Turkic states in the international arena pushed Turkey's geopolitical and strategic significance forward. Turkish policy makers regarded this development something like a gift from God, because the EU had rejected Turkey's application and Turkey-EU relations had been in the bottom line. The Turkish governing elite started to think about the possibility of more independent, multifaceted foreign policy that might have been an alternative to the EU (Kirişçi, 1992; Hale 1993; Sander, 1994; Kalaycıoğlu, 1994).⁴

The end of the cold war and the East European states' aspiration for the 'return to Europe', meaning in practice joining to the EU had also changed the EU's policy preferences.

Furthermore, the EU, along with the new challenges of the new world (dis)order, transformed its basic structure by the Maastrich Treaty in this period. Entitled the Treaty on European Union (TEU), the Maastrich Treaty was signed on 7 February 1992 and entered into force in November 1993. The TEU radically changed the Community and created a European Union with three pillars—the European Community, Common Foreign and Security Policy and Home Affairs and Justice Policy. Two new provisions of the Treaty would influence

⁴ On the other hand, the Gulf War also proved that Turkey was still very important for the West's vital interest. Turkey was too much important to loose the ties with her. The Western allies of Turkey once again remembered how Turkey was so significant and the real friend of the West. This fact was expressed the famous British magazine, *The Economist*, as follows: "At the pivot of Europe and Asia, Turkey is of global importance. Its role as NATO's south-eastern flank no longer counts as it did during the cold war, but the country remains crucially poised between the democracies of the European Union, the mayhem of the Balkans and the Caucasus, the surly south-western satellites of the old Soviet Union and the dictatorship of Arabia. It is also the key country in a slew of recently independent Turkic-speaking lands that spread east across the former Soviet Central Asia to the Chinese border. Turkey is a bridge, albeit a rickety one, between east and west, and a vital player in the New World Disorder." "East, West, Which is the Best", *The Economist*, 19 November 1994. For a comprehensive study about the Turkish foreign policy with regard to the Gulf War, see Gözen (2000). Furthermore, for Turkey's changing importance for 'the West', see, "The Forgotten Ally", *The Wall Street Journal*, 13 August 1990; "The Importance of Being Turkey and the importance of helping the Turks become true Europeans", *The Economist*, 24 August 1991, p.13; "The Front-Line Friend: After Bosnia, Europe needs Turkey more than ever", *The Economist*, 12 September 1992. p.18.

Turkey-EU relations later: Article F (1) of the TEU enshrined the existing practice that fundamental human rights are to be a general principle of the Community law; secondly, greater powers were given to the European Parliament. Thus, the EP had a significant power in the appointment of the president and members of the European Commission, and two new institutions, the Committee of the Regions and the Ombudsman. This mechanism is known as the ‘assent procedure’, which was originally introduced by the Single European Act (SEA) to give the EP a right of veto over certain significant decisions taken by the Council of Ministers.⁵

When Portugal took the presidency in the first half of 1992, The Turkish policy makers welcomed it, because, as a Mediterranean country, Portugal was concerned over the shift of the gravity of the EU towards East Europe. Therefore, she was more positive to the Turkish application than other non-Mediterranean member states. At the beginning of 1992, Turkey’s these expectations to some extent came to true. Deputy Prime Minister Erdal İnönü and Martin Bangemann, the vice president of the Commission, accepted a working programme when he was in Turkey on 21 January 1992.⁶ Though Bangemann did not provide a vision for the membership, it was a positive step on the way for better relation with the Community. Even this small step was regarded by some Turkish circles as first signs of policy changes in the Community.⁷

However, both the hot pursuit of the Turkish army in Northern Iraq and the deaths of 31 people in Cizre during the Newroz celebration created a reaction in the European public

⁵ it shares budgetary powers with the Council in voting on the annual budget, rendering it enforceable through the President of Parliament's signature, and overseeing its implementation.

⁶ For a brief evaluation of the working programme, see Tekeli and İlkin (2000:246-7).

⁷ Sami Kohen, “AT’den Yeni Yaklaşım (A New Approach from the EC)”, *Milliyet*, 23 January 1992. Meanwhile, Turkish Foreign Minister Hikmet Çetin and Turkish Ambassadors to the European capitals held a meeting in Brussels on 11 March 1992. According to the information leaked out from the meeting, Turkey would not insist on the full membership. Instead, attempts to reactivate the Association agreement would be more realist and beneficial to Turkey.

opinion.⁸ The Kurdish Diaspora extensively used these two events to create sensitivity in Europe. Meanwhile, when the German TV channel, SAT-1, argued that Turkey was using the tanks donated by Germany in the war against the Kurds, Germany halted the military aid to Turkey on 26 March 1992.⁹ Thus, Turkey-Germany relation hit rock bottom.

This deteriorating relation between the EU and Turkey moved to another phase when the UK became the president of the EU in the second half of 1992. The British Foreign Minister Douglas Hurd had come to Turkey on 2 May before the Presidency passed to the UK. During the visit, Hurd made it known that the UK would support Turkey's attempts to improve its relation with Europe. Furthermore, Britain asked the EU foreign ministers to support Turkey's European vocation in the informal meeting of the foreign ministers in Portugal on 2 May 1992.¹⁰ This trend was reflected in the report about Turkey-EU relations prepared by the UK upon the request of the Council of Ministers during its presidency. The report, which was submitted to the Council in the convention of the General Affairs Council in Edinburgh on 20 July 1992, put at the beginning that Turkey's position in the international arena had been steadily increasing; hence, she deserved enhanced special relation with the Community, which was also advantageous to the Community's interests. It indirectly criticized the Greek hard-core opposition to Turkey stating that an improved relation between Turkey and EC would not do harm to the interests of any member.¹¹

⁸ For some, at least 90 civilians died in clashes with security forces, 45 in Cizre alone. Amberin Zaman "Kurds at the end of the road", *The Middle East*, May 1993, p.8

⁹ *Sabah*, 28 March 1992.

¹⁰ Why this change? According to Tekeli and İlkin (2000:255), basically four reasons exist for the British support. First of all, the end of the Soviet Union and emergence of the Central Asian Turkic speaking state and Azerbaijan had boosted Turkey's geopolitical and geoeconomic significance considerably. Furthermore, 'Muslim but secular' Turkey would have been a model for these new Muslim states with her free market economy. Second, this support was a concession to Turkey, who was not keen to prolong the Operation Provide Comfort. Third, as is well known, Britain had been the die-hard opponents of the EU's deepening more in the line with Federalism, which had been a serious option for the EU after the Maastricht Treaty. Accordingly, enlargement of the EU more would mean making deepening more difficult. Fourth, it seems that the Turkish policy makers stated in Hurd's visit that Turkey would not insist on the membership, and Turkey-EU relation would be shaped in accordance with the Association agreement. Turkey could make a concession with regard to free movement of people.

¹¹ The report's comment on the conditions of human rights and democracy in Turkey, which had been Turkey's

The Association Council convened on 9 November 1992 about one year later. Compared to the previous one, which was held on 30 September 1991, the debates during the meeting were more constructive for Turkey. It seemed that one reason for this was the existence of a new government that pledged to fulfil extensive reforms to improve Turkey's human rights record and democratize the Turkish polity. The other reason was the Turkey's geopolitical position had been increased more with the emergence of the newly independent Turkic states (Tekeli and İlkin, 2000:262). The commence of the political dialogue between Turkey and the EU was once again underlined. This dialogue would be carried out in accordance with respect for democracy and human rights, the basic principles of international law, and the peaceful solution of problems. Thus, one step more was taken for the political dialogue, although the Cyprus problem occupied most of the debates held in the meeting.

Thus, the way to the Customs Union had been opened. Turkish Foreign Minister Çetin also, said "we are rapidly going to the Customs Union." This tactic was regarded by some Turkish observers as entering to the EU from the back door¹², and the Customs Union was

weakest point and constant headache in its relation with Europe, were relatively moderate and positive. While the report accepted that there were serious human rights violations in Turkey, the Turkish governments had been tried to improve Turkey's human rights records through recognizing basic international human rights conventions. PKK was called 'a terrorist organization' in the report, and it was also stated in the report that Turkey was in a highly difficult position while she was combatting with terrorism without violating human rights.

The report asserted that an enhanced political relation was needed as far as Turkey was concerned. More developed political relations at the governmental or parliamentary levels could also contribute to the democratization of Turkey. Furthermore, along with the political one, economic relations should be developed more in the line with the Matutes report. Thus, it was well understood that the UK wanted to develop the relations within the existing framework without referring to the membership. This tolerant approach of the report in respect of human rights was criticized harshly by some member states. It was decided that the report would be revised in the line with the criticisms raised by the member states, and re-evaluated in the Council meeting, which would be held in the fall. The revised report was discussed in the Council meeting on 12 September 1992. The Foreign Ministers agreed to strengthen the political dialogue between Turkey and the Community. However, the reactivation of the Matutes programme was again barred by Greece

Prime Minister Süleyman Demirel maintained in his visit to London on 22 November that Europe was no longer a Geographic entity but it represented a value system. It would be possible to extend this value system from the English Channel to the Great Wall of China. It would also possible to take the European value system to there along with its goods. Demirel also used the 'fundamental fear' of the West, stating if Turkey were allowed to be a bridge between East and West, the threat of Islamic fundamentalism would be prevented through its 'Muslim but secular' and free market oriented political model, that is the 'Turkish model'. Demirel also mentioned some reforms carried out in Turkey to democratize the country. *Milliyet*, 23 November 1992.

¹² Sami Kohen, "Avrupa'ya Arka Kapıdan Açılan Yol (The way opened to Europe from the back door)", *Milliyet*, 13 November 1992.

started to be debated extensively in the country. The decisions taken by the Association Council were welcomed by the Edinburgh Summit held on 11-12 December 1992. The European Council asked the Commission to work for developing more the relations with Turkey.

The conclusion of the Customs Union in 1995 had dominated Turkey-EU relations in the subsequent years. What it is possible to notice in the time was the intensification of the visits to Europe and contact with the policy makers of the EU by Turkish policy makers. In this regard, Prime Minister Tansu Çiller¹³ met with J. Delors and Leon Brittan in Brussels when she came to attend to the NATO summit on 11-12 January 1994. More importantly, the British Foreign secretary Douglas Hurd and German Foreign Minister Klaus Kinkel came to Ankara and met with Turkish FM Hikmet Çetin on 20 January 1994. While Hikmet Çetin focused on the financial protocol between Turkey and the EU, Hurd and Kinkel put more emphasis on the Cyprus issue and democracy and human rights in Turkey. They highlighted that the EU supported Turkey's combat with terrorism but this struggle must be carried out within the limit of the respect for democracy and fundamental human rights. Furthermore, They pointed up that Turkey should solve the Kurdish problem soon within the democratic principles (Tekeli and İlkin, 2000:325-6).

Meanwhile, some significant political developments took place in Turkey. The Turkish Parliament abolished the political immunities of six parliamentarians, members of DEP, and two independent parliamentarians, who were previously DEP and RP members, on 2-3 March 1994. This created significant reactions in the European public opinion, which had considered the ethnically Kurdish parliamentarians as representatives of the Kurds living in

¹³ Meanwhile, after Süleyman Demirel became the president of the Republic, the new government came to the power on 25 June 1993. The programme of the new government highlighted the aim of the Customs Union "within the frame of the application for the membership".

Turkey. Several leaders from the EU members, including Kohl, involved in this event.¹⁴ Thus, the Kurdish problem came to the fore while Euro-Turkey relations had begun to go well.

The second important development was the success of the Islamically oriented party, the RP, in the local elections held on 27 March 1994. Although the DYP was the first party with 23 percent of the votes, the RP became the real winner of the elections. While the RP doubled its votes, the candidates from the RP became the majors of the important cities, including Istanbul and Ankara, two biggest cities of Turkey. Coupled with the RP's Islamic orientation, it had an anti-Western rhetoric that alarmed the EU leaders.¹⁵ Even some circles in Europe started debating whether Turkey would be the next Iran or Algeria, which I call them as *Iranianization* or *Algeriazation* syndrome.¹⁶

The government started using the previous argument that if the EU continued to exclude Turkey, Islamic fundamentalism in Turkey would rise to the extent that Turkey could be the second Iran. Thus, the end of the 'Turkish model' could jeopardize the political stability of the whole region. Even this 'radicalization' could impinge on the Turks living in the Western Europe, particularly Germany. This 'apocalyptic' argument seemed to be truly effective on the both the EU leaders and the European public opinion. This argument had in fact been often exploited by the Turkish policy makers and would continue to be used by them regarding first the conclusion of the Customs Union, later the candidacy of Turkey. For example, Tansu Çiller, Turkey's Prime Minister had often warned the EU that if the European governments did not accept the Customs Union, they would help strengthen Islamic radicalism in Turkey¹⁷.

¹⁴ *Milliyet*, 12 March 1994.

¹⁵ Particularly, the leader, Necmettin Erbakan had been known with his anti-Western, anti-EU outlook. For him, "Turkey's entrance to the EU is betrayal", because "the EU has had one aim: to overwhelm the crescent by the cross", and "the European Community is the Community of the Crusaders." (Erbakan, 1991: 14-55).

¹⁶ "Will Turkey be the Next Iran?", *US News & World Report*, 6 June 1994, p.51-53. "What's the difference between Algeria and Turkey?", *The Economist*, 18 March 1995, pp. 49-51.

¹⁷ "EU warned of Islamic 'threat to Turkey'", *The Daily Telegraph*, 2 November 1995.

Hans van den Broek, the Commissioner who was in charge of the external affairs of the Commission, came to Ankara on 17-19 June 1994 to discuss the problems regarding the completion of the Customs Union. However, one day before his visit, the Constitution Court banned DEP. This closure marked van den Broek's visit. While he welcomed the democratization programme prepared by the government, he clearly expressed his concern over the Kurdish problem, particularly the closure of DEP. He implied that while they expected Turkey to fulfill more democratizing reforms, the situation seemed getting worse.¹⁸

When Prime Minister Murat Karayalçın went to Brussels and met with J. Delors, the president of the Commission, and the other members of the Commission to solve the problems on the way of the Customs Union, the closure of DEP by the Constitution Court and the detention of the DEP parliamentarians had bumped up the tension with the European institutions, the EU and the Council of Europe. Therefore, the Kurdish problem, particularly the DEP issue marked Karayalçın's visit. Karayalçın stated that these unwarranted events had been taking place basically because of the anti-democratic provisions, and he pledged to abolish or change these provisions as soon as possible.¹⁹

While Turkey was thinking of opening of the negotiation for the conclusion of the Customs Union, the Brittan report, prepared by Sir Leon Brittan, the vice President of the Commission, and was discussed in the Council held on 13 July 1994, led to uneasiness among the Turkish officials. According to the report, both the economic and political situation in Turkey was getting worse. The report highlighted the Kurdish question, particularly referring the last DEP event and the reactions in Europe it created. It also underlined that while the military operations were occurring more often in the South East, terrorist acts had started extending to the big metropolis. Moreover, the report also mentioned the electoral success of

¹⁸ *Milliyet*, 19 June 1994. He proposed sort of 'local democracy' in terms of 'substariarity' for the Kurdish question.

¹⁹ *Milliyet*, 29 June 1994.

the RP, and stated that it bumped up the concern of the EU over Turkey's place in Europe. Therefore, the report concluded that Turkey might not be able to fulfill its obligations for the Customs Union (Tekeli and İlkin, 2000:362).

This report, to be sure, was a real blow to the Turkish expectation of the conclusion of the Customs Union in a short period of time. However, Turkey insisted on conclusion of the negotiations with regard to the Customs Union in 1994. Therefore, the conclusion of the Customs Union must be discussed in the General Affairs Council, which would be held on 28 November 1994, before a decision was settled in the Association Council that would be held on 19 December 1994. Turkish FM Mümtaz Soysal²⁰ visited Germany for this purpose on 23-15 November 1994. During the visit, Soysal underlined that Turkey must solve the Kurdish problem, human rights violation, and torture in Turkey. Thus, Turkey gave up the defensive position in this regard, and made to same extent the human rights card in the EU hands

²⁰ Former FM Hikmet Çetin got the axe mainly because of the tension between him and Tansu Çiller, the PM. *Milliyet*, 19 June 1994. This was not a positive development as far as Euro-Turkey relations were concerned. Hikmet Çetin, who was one of ten children from a small town (Lice) in the south east of the country and had been proffered as evidence that Kurds could succeed in Turkey, had been able to forge some personal good relations with some European leaders. His ethnic origin, though never expressed openly, had been a positive factor in the relations with Europe. On the other hand, Professor Mümtaz Soysal, a Professor of the Constitutional Law, was known with his 'anti-imperialist' left-wing outlook. Although I could not be described him as "Turkey's most anti-western foreign minister since the second world war" ("East, West, which is the best?" *The Economist*, 19 November 1994), his postures with regard to the Customs Union, the Cyprus question, free market economy and Turco-European relations had demonstrated some differences from the main pro-Western approach. While he was rather lukewarm towards the Customs Union, and he was also known with his hawkish views on the Cyprus problem. It seems that Karayalçın preferred Soysal for this post basically in order to appease the leftist opposition within the party.

What marked the Soysal term was his efforts to pursue a 'honourable foreign policy' practically meaning more independent and more 'nationalist' foreign policy. It seems that Soysal was not against the Customs Union per se, but, since he considered the attitudes of the Turkish governments too much concessionary, he asked more hawkish foreign policy in this regard. For him, Turkey must struggle hard to defend its rights proceeded from the Agreements. For some, Soysal's negotiationary attitudes would strengthen the Turkey's position against the EU. Furthermore, he insisted that respect for human rights was the first condition to be a honourable nation, but human rights should not be used as an instrument to intervene the internal politics. One the first acts of the new Foreign Minister was to put the visa requirement for the fourteen states, including the EU states that had required visa from Turkish citizens. Although the visa requirement had not fulfilled as strict as the 14 states had done, it was heavily criticized due to basically its negative effects on the tourism revenues.

When Professor Soysal delivered a speech in Bilkent University in May 2000, he said that Europe regarded Turkey as 'Tom cat' and Greece and Cyprus as 'Jerry'. When Turkey attempted to protect its national interest, Europe mobilized to save Jerry, thus Turkey was forced to behave like a mouse and to be permissive. Turkey had usually behaved like a mouse not to be regarded as Tom cat. However, this meant giving up Turkey's vital interest. Therefore, Soysal proposed that since Turkey could not curry forward with the West, she

useless. The German FM Klaus Kinkel stated that Turkey was very important country, and they did not aim to create a Europe without Turkey. He warned that Turkey must deal with the Kurdish question, human rights problem, and the Cyprus problem. He concluded that these problems would be overcome together (Tekeli and İlkin, 2000:376-7).

The General Affairs Council, held on 28 November 1994, discussed the Customs Union with Turkey. It was understood that Greece was the basic problem for this. Greece did not change its tone and required some concessions from Turkey and the EU in return for the Customs Union. Thus, the Council did not bear fruit as far as Turkey was concerned. Turkey left its hope to the Essen Summit, which would be held on 9-10 December 1994. However, just one day before the Essen Summit, a State Security Court reached a verdict, and former DEP deputies, Leyla Zana, Hatip Dicle, Ahmet Türk, Orhan Doğan, Selim Sadak, Sedat Yurttaş, Sırrı Sakık, and Mahmut Alınak were sentenced to various years in prison on 8 December 1994. The verdict of the State Security Court just one day before the vital Essen Summit shocked the Turkish government; because it could undermine all the efforts, the government had done for the Customs Union.²¹

The Essen Summit was very important for the enlargement of the Union. Although the Copenhagen European Council decided what the criteria should be for accessing to the EU, no strategy for the preparation of accession had been yet declared. This was weakening the vision of the candidate countries for the accession. Thus, the summit defined a ‘pre-accession strategy’ based on the Europe Agreements, the ‘structured dialogue’ and the PHARE programme (Mayhew, 1998:29-33). However, the DEP decision of Turkey’s State Security Court made all these hopes of Turkey fruitless. The Troika, Germany, France, and Greece,

should behave like Tom cat at the beginning, thus protect her vital interest.

²¹ According to some news appeared in the daily papers at the time, the Ministry of Foreign Affairs asked the Court to declare its verdict after the Summit, but it seems that it was not regarded as proper. *Milliyet*, 9

condemned Turkey heavily in the summit. The presidency conclusion included “The European Council made a statement to the press expressing its concern that freely elected Members of Parliament had been sentenced to imprisonment in Turkey and urging respect for human rights.”²²

Democracy and human rights dominated the Association Council held on 19 December 1994. The most important speech in respect of democracy and human rights was delivered by Klaus Kinkel, Germany’s Foreign Minister. He underlined that the full compliance with the international human rights norms and standards was the vital condition to forge good relations with the European Institutions. Germany had been particularly interested in Turkey’s domestic political structure, simply because there existed a considerable number of Turks living in Germany. Worse, since some of them were ethnically Kurds, and some part of the Kurds were the PKK militants and/or sympathizers, the German governments had feared that the clashes in Turkey could easily spill over Germany, and the German soils could be scene some bloody clashes between Turks and Kurds in future. Therefore, the German governments believed that Turkey must solve the Kurdish problem soon without the problem harmed it (Bağcı, 1997).²³ Kinkel put it that Turkey’s human rights records and democracy were suffering from lots of deficiencies. Thus, Turkey must live up to the international human rights norms and standards if it wanted to strengthen its relations with Europe.

Murat Karayalçın²⁴, deputy Prime Minister of Turkey and the leader of the junior partner of the coalition government, the SHP, replied to Kinkel, stating that Turkey had been criticizing harshly by the European institutions because of the verdict the State Security Court gave. He insisted that this critique was unfair because the judiciary in Turkey was totally independent, and the Turkish government could not interfere to the judiciary. Karayalçın

December 1994, *Cumhuriyet*, 9 December 1994.

²² <http://ue.eu.int/en/Info/eurocouncil/index.htm>

²³ For the Kurdish separatism in Germany, see Lyon and Uçarer (2001).

underlined two more points in this regard. First, the coalition government was trying to get supports from the various sectors of the society to realize more democratization. Second, Karayalçın also emphasized that Turkey would be encouraged to carry out more radical democratizing reforms if the EU allowed Turkey to be closer to the EU. He also stated that Turkey was expecting to conclude the Customs Union in the first Council meeting, which would be held on 6 March 1995 (Tekeli and İlkin, 2000:396).

Karayalçın attended the second five-partite meeting with key European Union foreign ministers held in London on 2 February 1995. Attendance of the foreign ministers of Germany, Britain, France, and Italy showed that the EU states attached great importance to the meeting and the Customs Union with Turkey. The French and British ministers clearly stated that they were expecting more progress from Turkey in the field of democracy and human rights.²⁵

On 6 February 1995, ‘agreement in principle’ was hammered out in the meeting of the Council of Ministers. Accordingly, Cyprus would get a date for opening the negotiations for the EU membership; a happy Greece would lift its veto on the EU aid to Turkey and the conclusion of the Customs Union with Turkey. Thus, “a grateful Turkey would not try to sabotage the reunification of Cyprus and its entry into the Union.”²⁶ However, three days later Athena rejected the deal.

Eventually, the Customs Union between Turkey and the Union was concluded in the Association Council meeting on 6 March 1995, following months of negotiations and bickering

²⁴ Soysal resigned in November 1994 and Karayalçın became the new FM on 12 December 1994.

²⁵ *Turkish Daily News*, 2 February 1995; However, the Cyprus issue was the leitmotif of this informal meeting. *Turkish Daily News*, 4, 6 February 1995. On 6 February, German Foreign Minister Klaus Kinkel declared ‘the diplomatic breakthrough’: “Greece has lifted its block... on the understanding that six months after the end of the (1996) inter-governmental conference (on the Maastricht treat), the European Union will open negotiations with Cyprus.” *Turkish Daily News*, 8 February 1995. However, Greece rejected the deal on 9 February. Upon this, Kinkel expressed “regret and incomprehension” at Greece’s decision to keep blocking the Customs Union with Turkey. Even Greek deputy Foreign Minister Yorgos Alexandros announced that he would resign if the government did not agree to remove its veto the conclusion of the Customs Union with Turkey in exchange for a timetable for Cyprus membership. See, *Turkish Daily News*, 9, 10, 11 February 1995.

due basically to Greece's politically motivated veto. Greece was persuaded to lift its opposition with the promise that negotiations on the admission of Cyprus into the EU as a full member would begin once the 1996 Intergovernmental Conference was over.²⁷

The French Foreign Minister Alain Juppe made a very important speech on behalf of the Council in the meeting. What Juppe underlined most during his speech was the conditions of democracy, fundamental human rights, and the rule of law in Turkey. He stated that any further improvement in the relations would be depended on Turkey's human rights records and the constitutional amendments that were necessary for a viable democracy. He reminded again that the EU was against terrorism, but Turkey should combat with it within the democratic principles. Juppe continued that Turkey was obliged to comply with the OSCE principles, which Turkey was a part. For him, censorship of newspapers, detentions of journalists, writers, human rights activists, and even the deputies clearly showed that there existed human rights abuses in Turkey. In addition, Juppe asked Turkey to release the Kurdish deputies from the DEP. He also reminded that the EP was also expecting democratizing reforms from Turkey. He said they considered a constitutional amendment in this regard as the first step.²⁸

Murat Karayalçın said in the meeting that the present aim of the Turkish government was to amend 21 articles in the Constitution.²⁹ He argued that when Turkey fulfilled these reforms, the quality of democracy in Turkey would have reached the same level with Turkey's Western allies. However, Karayalçın warned the Europeans that the realization of the reforms might take some time, and thus Turkey needed support and encouragement from the EU member states (Tekeli and İlkin, 2000:427).

²⁶ "Ever Wider Union", *The Economist*, 11 February 1995, p.45.; "Veto-Mania", *The Economist*, 18 February 1995, p.48.

²⁷ *The Daily Telegraph*, 6 March 1995.

²⁸ *Turkish Daily News*, 6, 7, 8 March 1995; *Milliyet* 7 March 1995.

²⁹ "Eye on the EU", *Europe*, July/August 1995, 348, p.4.

Just about two weeks later, the troika of the EU, the term president French FM Alain Juppe, the previous term president German FM Klaus Kinkel, and the next term president Spanish FM Javier Solana, and Hans van Der Broek, the Commissar in charge of the EU's external affairs, came to Ankara on 23-24 March 1995 to remind Turkey what she should do to have the Customs Union come into force on 1 January 1996. They particularly emphasized democratization and improvement of human rights records. Before coming to Ankara, Solana met with Klaus Hensih, the President of the European Parliament, and debated the EP's position on the Customs Union. Not surprisingly, the Kurdish problem and human rights abuses were talked much. It was understood that both the troika and the EP were highly concerned over the human rights violations in Turkey, particularly the recent cross-border attacks of 35,000 Turkish troops against separatist rebels of the PKK.³⁰

In addition, the troika queried Karayalçın about the 'democratization at six points' announced by Prime Minister Tansu Çiller on 15 March during an address at Bilkent University in Ankara. Karayalçın assured the EU ministers that the government planned to fulfill the six-point plan by *the end of the June*.³¹

³⁰ "35,000 Turkish troops seek out rebels in Iraq", *The Daily Telegraph*, 21 March 1995. No sooner was the ink dry on the signatures than 35,000 Turkish troops entered northern Iraq to wipe out the bases from which the PKK militants had been waging their separatist campaign in southeastern Turkey. The foreign ministers of three key European Union members expressed their serious concerns to the Turkish delegation over the cross-border operation and fate of civilians in the region and called for an early end to the operation. Actually, the troika meeting, announced just after the conclusion of the Customs Union on 6 March, had been planned for the discussion of political and economic matters in respect of the customs union, but the scale of the incursion, which was the largest one, into Northern Iraq created mounting expressions of international concern over the operation. Thus, the troika could not ignore it. *Turkish Daily News*, 24 March 1995

³¹ *Turkish Daily News*, 24 March 1995. When the Turkish troops continued to stay more in Northern Iraq, uneasiness in the EU member states increased. The EU criticized the Turkish military incursion into northern Iraq "as breaking basic principles of international law." French Foreign Minister Alain Juppe, who was holding the chair of the EU Council of Ministers, said on 21 March "We support, in Turkey as elsewhere, the principle of territorial integrity and sovereignty... This applies to all, including the current incursion of Turkish troops into Iraq." Juppe said that while the EU regarded the PKK as a terrorist organization, Ankara had a duty, whatever its difficulties, to abide by basic principles of legality and human rights as an associate member of the EU. He also said that "We have drawn (Turkey's) attention to the fact that these principles are not currently being respected." *Turkish Daily News*, 22 March 1995. The German Foreign Minister Kinkel openly declared that "even if a civilian was injured, Turkey would not enter into the EU." French Minister Lamassoure, who was in charge of the European affairs, stated to Özdem Sanberk, the undersecretary of the Ministry for the Foreign Affairs, that if the Turkish troops did not withdraw immediately, the decision of the Customs Union might be revisited (Tekeli and İlkin, 2000:430). Meanwhile, the 'Kurdish Parliament in exile' convened in the Netherlands on 12 April

While the ratification of the Customs Union was approaching, pressures on Turkey concerning human rights and democracy, seemed to increase. When Çiller said some European politicians, including British Foreign Secretary Rifkind, that the amendment of Article 8 of the Anti-Terrorist Law seemed not possible until the end of December due to some political reasons, German FM Klaus Kinkel and the President of the Commission Santer made it known that the abolition of Article 8 was the condition that EP put to ratify the agreement.³² The EU declared that if Turkey did not carry out the necessary reforms, the ratification of the agreement would probably be postponed³³. This was the last thing that the Turkish government wanted. Furthermore, some influential groups, like the TÜSİAD, started exerting great pressure on the government concerning democratization (Tekeli and İlkin, 2000: 468). As examined thoroughly later, Article 8 of the Anti-Terrorist Law was amended on 27 October 1995. Just after four days later, Prime Minister Çiller (third Çiller government), said that the amendment of Article 8 showed their commitment to democratization in Turkey.³⁴ The EU-Turkey finalized details of a landmark economic and trade pact and asked the EP to ratify the accord.³⁵ Thus, there was no technical problem between Turkey and the EU in terms of the Customs Union. The ball was now in the EP's court, which will be analyzed later.

1995. This increase tension between Turkey, the Netherlands, and the EU.

³² On 9 September, EU foreign ministers decided to pursue a 'two-pronged strategy', which announced by Kinkel: "First to persuade Turkey that its constitutional changes are not enough, and second to put pressure on the European Parliament to approve the accord. *Turkish Daily News*, 11 September 1995.

³³ *Turkish Daily News*, 6 October 1995.

³⁴ The meeting of Turkey-EU Association Council was held on 30 October 1995 in Luxembourg. While the head of the Turkish delegation was the Turkish FM Coşkun Kırca, the Spanish Foreign Minister Solana was the current president of the Association Council. The general expectation before the meeting was that a green light would be lit in tribute to the steps Turkey had taken until the day. The Turkish government tried to benefit from the amendment of Article 8 just before the Association meeting. Solana underlined again that the EP would say the final word on the Customs Union. He continued that the EP was looking forward to the release of the all-former DEP deputies. Furthermore, Solana also said that the EU was against terrorism, but Turkey should find a political solution to the Kurdish problem within the framework of the OSCE and the Council of Europe which Turkey was part to. *Turkish Daily News*, 30 October 1995; (Tekeli and İlkin, 2000:474).

³⁵ *Turkish Daily News*, 31 October 1995.

After the EP gave its assent to the Customs Union agreement with Turkey, the Turkish government commenced carrying out intense efforts for the full membership of the EU. However, It would not be a mistake to say that the deteriorating Turkey-Greece relations marked the EU-Turkey relations in 1996, along with Turkey's disappointment over not being invited to the European Summits with regard to the enlargement of the EU. Although Turkey was not invited to the Madrid summit, held on 16 December, Prime Minister Tansu Çiller met with the 'Troika' consisted of the leaders of France, Spain and Italy. The EU troika meeting with Turkey was a compromise solution, reached after the Turkish government stated it wanted to attend the summit meeting between the EU leaders and prospective member states of central and eastern Europe, as well as Cyprus and Malta. Çiller made it known in the meeting that Turkey wanted to catch the EU train, arguing that the Customs Union made Turkey most eligible for the full membership. However, it seems that the Troika did not agree with her. As far as Turkey was concerned, the EU summit joint declaration noted Turkey's efforts to introduce democratic reforms with satisfaction, and voiced hope that such reforms would continue in the future.³⁶

Turkey had not invited to the Madrid summit in the end of 1996, and it was not also invited to the Union's intergovernmental Conference which began in Turin on 29 March 1996 and would examine ways of making EU institutions and working procedures more efficient, given that the Union would include ten countries from eastern and central Europe, as well as

³⁶ The presidency conclusions included "The European Council reiterates the priority it attaches to the development and strengthening of relations with Turkey and welcomes the assent given by the European Parliament which will enable the final phase of the Customs Union with Turkey to enter into force on 31 December 1995, together with the arrangements for strengthening political dialogue and institutional cooperation. It hopes that the Regulation on financial cooperation with Turkey will enter into force as soon as possible.

The European Council recalls the importance it attaches to respect for human rights, the rule of law and fundamental freedoms and strongly supports all those in Turkey endeavouring to put reforms into practice. In that spirit, it welcomes the measures already adopted by the Turkish authorities and urges them to continue along that path." <http://ue.eu.int/en/Info/eurocouncil/index.htm>. *Turkish Daily News*, 18 December 1995.

Cyprus and Malta.³⁷ Meanwhile, the Association Council meeting, originally scheduled for March 26, did not take place when the EU could not overcome the Greek veto over the financial assistance to Turkey as a retaliation for the Kardak/Imia incident.³⁸

Foreign Minister Tansu Çiller attended the EU summit on December 13-14.³⁹ During the meeting in Dublin, Çiller stated that the EU had not fulfilled its customs union obligation and a mistake like leaving Turkey out of Europe would be more to Europe's harm than to Turkey. She asked the EU to include Turkey in its first expansion. French President Jacques Chirac noted at a press conference following the summit that there were problems in Turkey's ties with the EU. He added that it was a normal thing for modern Turkey to want to join the EU "in this way or that way". Chirac also criticized Greece's frequent use of its veto power. He added that he emphasized to Çiller the necessity to approach the issue of human rights more realistically.⁴⁰

As far as the customs union is concerned, the Turkish officials though even of the withdrawal from it. Turkey's ambassador to the EU Uluç Özüiker warned that the customs

³⁷ *Turkish Daily News*, 30 March 1996; Orya Sultan Halisdemir, "Left out of the queue for the EU", *Turkish Daily News*, 1 April 1996.

³⁸ What badly influence Euro-Turkey relations was the Kardak crisis . Turkey and Greece came to the brink of war on 25 December 1995 after a maritime accident in the uninhabited rock islets of Kardak/Imea, situated under 4 nautical miles off Turkey's Aegean coast. According to many observers, Greece started using its EU membership to prevent any improvement in Turkey-EU relations. When Dimitrios Reppas, the Greek government spokesman declared on 6 February 1996 that Greece would seek to block the European aid to Turkey, Ankara maintained that the EU had already guaranteed financial assistance to Turkey and it had to act accordingly. The Turkish government also concerned that Greece would use the meeting of EU foreign ministers on 26 February to obstruct furthers the EU-Turkey relations. Although Greece failed to convince the EU leaders to adopt a common condemnation of Turkey during the European Union foreign ministers' meeting mainly due to the objections of Britain, France and Italy, Turkey-EU relations started deteriorating by basically the Greek efforts. The Greek policy in 1996 was to use its EU membership to isolate Turkey.

³⁹ When the foreign ministers of the European Union issued an invitation to Turkey for a dinner in Dublin during the European Union summit on December 13-14, which was considered as 'half-invitation' by Ankara, Turkish Prime Minister Necmettin Erbakan announced on December 3rd that he had turned down the invitation. He said that he would send in his place Deputy Prime Minister and Foreign Minister Tansu Çiller. Erbakan underlined that Turkey wanted to be treated as a partner not as an odd man out: "If they sit with me and debate issues and then we reach common decisions that's fine. But if they simply invite me to a dinner and then dictate to me their decisions this is unacceptable." Foreign Minister and the leader of the junior partner of the governing coalition Tansu Çiller supported Erbakan said at a press conference in London that the decision of the EU to exclude Turkey from the list of possible future members at the coming Dublin summit was unjust.

Turkish Daily News, 27 November 1996; *Turkish Probe*, 29 November 1996, issue 206; İlnur Çevik, "Only when we are treated as equals", *Turkish Daily News*, 7 December 1996; İlnur Çevik, "Erbakan did the honorable thing", *Turkish Daily News*, 6 December 1996; *Turkish Daily News*, 7 December 1996

union between Turkey and the EU could not continue under the prevailing circumstances. He said “we have arrived at such a point that the EU does not fulfill any of its obligations (towards Turkey) because of the Greek veto, the obstructions of the EP, and its own lack of political will.”⁴¹

EU-Turkey relations continued to deteriorate in 1997. What dominated the relation in 1997 were the reluctance of the EU to accept Turkey as a candidate for the EU, the deterioration of Turco-German relation because of Germany’s negative attitude towards Turkey’s candidacy, the 4 March declaration of the European Christian Democrats, and most importantly the Luxembourg summit, after which Turkey decided to continue its relation only within the framework of the Customs Union, and reject to talk with the EU about political matters including Cyprus, the relation with Greece, and human rights.

Foreign Minister Çiller attended a meeting with EU foreign ministers in Rome on January 28, and she met with the ministers of the five major states of the EU—Britain, France, Germany, Italy, and Spain— for “informal pentagonal talks”. This informal meeting was very important for Turkey, because it was expected that the meeting would melt the ice between Turkey and the EU and it would add to the list of prospective members. Çiller required the ministers to include Turkey into the list of would-be members. French Foreign Minister Herve de Charette said that Turkey was theoretically eligible for EU membership but there were still certain problems to be ironed out. The British Foreign Secretary Malcolm Rifkind agreed this point. Although the European ministers accepted that Turkey had a right to be treated in the same manner as other candidates, they underlined that Turkey should “facilitate the European countries to help Turkey in its European vocation” by making progress on human rights, and the Kurdish problem as well as on the problem with Greece,

⁴⁰ *Turkish Daily News*, 16 December 1996.

⁴¹ *Turkish Daily News*, 27 December 1996.

along with Cyprus question. Turkey should iron out these difficulties before the EU formally accepted Turkey in the EU enlargement process.

Meanwhile, Turkey should be anchored in Europe, rather than turned elsewhere. However, this rhetoric of “yes” was not translated into an invitation to the Euro-conference, a meeting of the Fifteen with prospective members after the Intergovernmental Conference, and a date for the EU-Turkey Association Council. Thus, the attitudes of the big five was in fact a continuation of the Turkey’s rebuff in 1989 because after years and a customs union agreement achieved, the rhetoric of “theoretically eligible but not now” did not change.⁴² The big five made it clear that the public opinion in their countries suggested that people were growing increasingly impatient with the slowness of democratizing reforms and improvement in human rights records. Çiller underlined that Turkey had implemented very serious reforms so far, and the Turkish government would carry out very important decisions in this regard that would satisfy the European governments. Furthermore, the Turkish government started signalling that it could block NATO’s enlargement plans unless the EU members accepted Turkey’s candidacy⁴³.

While the Turkish government was planning to introduce a new human rights package to the parliament before the meeting of the EU foreign ministers in Apeldoorn, the Netherlands on March 16⁴⁴, a consensus decision in a meeting of the mainly Christian Democrat European People’s Party (EPP) shocked Turkey. According to this declaration, “Turkey is not a candidate to become a member of the European Union, short term or long” because basically of the civilizational difference of Turkey. What shocked Turkey was that the leading EU politicians—including German Chancellor Helmut Kohl, Spanish Prime

⁴² It might be interesting to note here that Abel Matutes, who wrote the report of the Commission in 1989, was sitting at the table in Rome as the foreign minister of Spain.

⁴³ *Milliyet*, 29, 30 January 1997; *Sabah*, 30 January 1997; *Turkish Daily News*, 31 January 1997; Nazlan Ertan, “Anchored, But Not Fully Integrated, in Europe”, *Turkish Probe*, 31 January 1997, issue 214; Sami Kohen, “‘NATO kartı’ ile ‘AB kumarı’”, *Milliyet*, 1 February 1997.

⁴⁴ *Milliyet*, 3 March 1997.

Minister Jose Maria Aznar and Italian Prime Minister Romano Prodi⁴⁵—attended the meeting. Although the decision did not talk directly about religion, it was understood in the Turkish public opinion that the EU was an Christian club and it would never allow Turkey into the EU because of its Muslim identity, which had in fact been arguing by the Islamically oriented groups in Turkey.

Even some Western-oriented Turkish commentators started to think that “at least some people who have long been claiming to be friend of Turkey are starting to show their true faces.”⁴⁶ The Christian Democrats, particularly German Chancellor Helmut Kohl was criticized a lot.⁴⁷ The declaration of the European Christian Democrats also confused the Turkish people because they had been known as the main supporter of Turkey’s bid, as it was in the EP’s approval of the Customs Union. However, the socialists and Greens, which have been considered a handful of troublemakers, started to put forward that the decision of the Christian Democrats were unacceptable, and the EU was not a Christian club. They said what mattered between Turkey and the EU was not religious or “civilizational” but political, referring to human rights abuses and anti-democratic practices in Turkey.⁴⁸ Dutch Foreign Minister Hans van Mierlo, whose country was holding the EU’s rotating presidency, came to Turkey on March 9 to tell that he disagreed with the European Christian Democrats’ claim that, he claimed, was not in the line with the EU’s 1989 decision on Turkey’s EU membership. He also warned that Turkey had not been able to meet the European standards

⁴⁵ Italian Prime Minister Romano Prodi later declared that he was not in agreement with all the views of other European Christian Democratic leaders regarding Turkey’s EU bid. *Turkish Probe*, 14 March 1997, issue 219.

⁴⁶ İlnur Çevik, “Has the EU been misleading us for 30 years?”, *Turkish Daily News*, 6 March 1997.

⁴⁷ Hasan Cemal, “Kültürel İrkçi Kohl! (Cultural Racist Kohl)”, *Sabah*, 8 March 1997.

⁴⁸ *Milliyet*, 6 March 1997; Zeynep Göğüş, “Avrupa’da Türkiye için kavga: Sol bu kez Türkiye’nin yanında”, *Sabah*, 11 March 1997. The leader of the European Peoples Party of the EU and former Belgian Prime Minister, Wilfred Martens, reiterated on March 11 in a press conference that Turkey’s candidacy was impossible. *Sabah*, 12 March 1997; *Milliyet*, 12 March 1997. What was interesting in this regard was Greece’s attitude towards the Christian Democrats’ decision. Greek Prime Minister Kostas Simitis stated that Turkey had always been a part of Europe and if Turkey not, Greece was not a part of Europe too. He also said that it was not Greece that blocked Turkey but the other member states. *Milliyet*, 14 March 1997; *Sabah* 14 March 1997.

on human rights and democracy so far, which was the most serious problem in EU-Turkey relations.⁴⁹

When the EU foreign ministers met in Apeldoorn, the Netherlands, on March 16, Euro-Turkey relations, and the European Christian Democrats' claim was on the agenda. The EU foreign ministers told that nothing had changed in the relations with Turkey with the European Christian Democrats' claim, and Turkey would be treated equal to other EU candidates. French Foreign Minister Herve de Charette stated in a press conference that Turkey was a part of Europe and should be called for the Euro-conference.⁵⁰ The Turkish government welcomed the decision held in the meeting. Deputy Prime Minister and Foreign Minister Tansu Çiller commented in a press conference "A new door has opened... Turkey has been put on the track for full membership of the European Union for the first time." The Turkish government and officials regarded the decision of the EU ministers as a victory particularly for the tactic of linking a threat to block NATO expansion if Turkey was not allowed to take a place in the EU enlargement. Generally, the announcement of the EU ministers was regarded as a "historic decision" rejecting the European Christian Democrat leaders, led by Chancellor Kohl.⁵¹

The German position with regard to Turkey's EU membership, the EU Christian Democrat leaders' announcement, led by German Chancellor Helmut Kohl, and whether or not Turkey would be invited to the Euro-conference, were held in German Foreign Minister Klaus Kinkel's official visit to Turkey on March 26.⁵² The Turkish officials were of opinion

⁴⁹ *Milliyet*, 9 March 1997.

⁵⁰ *Sabah*, 17 March 1997.

⁵¹ M. Ali Birand, "AB, Türkiye'de din engelini reddetti, ancak...", *Sabah*, 18 March 1997; İlnur Çevik, "So are we in or out of Europe?", *Turkish Daily News*, 18 March 1997. When an arson attack on the house of a Turkish family in The Hague took place on March 26, which caused the death of a mother and her four children, the Turkish government blamed anti-Turkish statements by the European Christian Democrats for indirectly encouraging the attacks on Turkish citizens.

⁵² When Turkey's Prime Minister Erbakan stated at a Welfare Party parliamentary group meeting a few hours before Kinkel's departure from Germany that Germany should show Turkey respect and that Kinkel would have to "bow his head in shame" during his visit to Ankara, Kinkel refused to board his plane before an official

that Germany had been dragging its feet on Turkey's EU membership and its invitation to the European Conference on expansion. It seemed during the visit that Germany wanted to strengthen the EU-Turkey relations within the framework of the Customs Union, rather than a membership. Kinkel, at a press conference, said that until Turkey's human rights record was improved and solutions were found for the Cyprus and Kurdish questions, full EU membership was out of the question. Kinkel also visited Turkish Human Rights Association members during his visit.⁵³

The Turkish-European Union Association Council met on April 29 in Luxembourg, after its lengthy suspension since 1995 because of the Greek prevention. Although the meeting was unsuccessful to persuade Greece to lift its veto over the EU aid package to Turkey within the framework of the customs union agreement, the member states of the EU approved a common position, which reconfirmed Turkey's theoretical eligibility for the EU membership. Accordingly, Turkey "will be judged on the same objective criteria" as other applicants of the EU. Thus, from this point, the council meeting was in fact an endorsement of the Apeldoorn decision held by the EU Foreign ministers on March 16. In addition to the EU's promise to treat Turkey in equal manner, the Presidency Statement of the Council urged Turkey to fulfill the reforms to bring Turkey's human rights standards to internationally accepted levels and to combat terrorism within a democratic framework. The Presidency statement on behalf of the EU noted:

While aware of the extent of the problem Turkey is facing in the south-east, the Union nevertheless stresses that the fight against terrorism must be conducted with due respect for human rights and the rule of law, and calls for a *political solution*. It is, therefore, imperative that Turkey fulfils its undertakings as a member of the Council of Europe and of the OSCE.

retraction from the Turkish Foreign Ministry was issued. When he was in Turkey, he said "I came to Turkey as the German foreign minister. At the same time, I represent the EU. I have no intention of apologizing or bowing my head." *Milliyet*, 27 March 1997.

⁵³ Ayşe Karabat, "Kinkel in Turkey: 'No easy trip, but very necessary'", *Turkish Probe*, 28 March 1997, issue 221.

Turkey should have no doubt that the Union upholds the territorial integrity of Turkey and all countries in the region, and condemn terrorism.⁵⁴

6.2. Turkey-European Parliament Relations Regarding Democracy and Human Rights in Turkey

Turkey's relations with the European Parliament had usually been in tension because the EP increasingly continued to be the place where Turkey's political regime and human rights records had been harshly criticized.

With the advent of the new coalition government and its pledge to fulfill extensive political reforms led to arise new expectations in the EP. This positive expectation from the new government was also reflected in the reports written by the parliamentarians of the EP (Wilson, Galenzi, and Dury) in the time (Tekeli and İlkin, 2000:281). However, 1991 and particularly 1992 were the years during which the PKK's violence had gone through the ceiling and reached its peak. Parallel to this, the Turkish army had intensified the military operations against the rebellious. Since there was a power vacuum in Northern Iraq, the Turkish soldiers had frequently accessed to Northern Iraq in hot pursuit. These hot pursuits had created so many reactions in the European public opinion and the EP.

The EP turned up the heat on Turkey insisting on putting Turkey's Kurdish problem as a minority problem into the agenda of the JPC meeting, which was expected to be held on 23-25 March 1992. The Turkish side underlined again that according to the 1923 Lausanne Treaty, the Kurds were not a minority. However, the Turkish parliamentarians stated that they could accept to discuss the Kurdish issue within the general frame of human rights. Thus, the JPC meeting was cancelled.

The real thing that ruined the relation came when the Newroz festival turned an ethnic rebel in Cizre on 21 March 1992, which resulted in 31 deaths. This event sparked off a series

⁵⁴ Emphasis added.

of violence in Europe conducted by the Kurds in Europe to protest the Turkish state.⁵⁵ The EP was not late to condemn heavily Turkey on this event. The resolution prepared by the liberal, socialist groups and the Christian Democrats was issued on 9 April 1992, which criticized Turkey harshly for the events took place during the Newroz Day. The EP asked for opening an international investigation of the events, and a peaceful solution to the Kurdish problem, which was stated the essential condition for Turkey's democratization. The Euro-deputies urged the Turkish government to forge a dialogue with the HEP parliamentarians, to establish a Kurdish institute, and allow the Kurds to set up their TVs and radios that could broadcast in Kurdish.⁵⁶ The Turkish government, who had intended to forge a good relation with the EP at first, rejected the EP's criticism.⁵⁷

Another blow to the EP-Turkey relations when Italian liberal parliamentarian Jas Gawronski came up with a report in the mid-June 1992 with regard to Turkey's Kurdish problem. The report basically asked Turkey to recognize the cultural rights of the Kurds, and condemn Turkey for trying to solve the Kurdish problem through just military measures. However, the EP did not allow to the proposal that change the report by including self-determination rights for the Kurds to the report. Abel Matutes argued in his speech that granting self-determination to the Kurds would pave the way for a chaos and instability in the region, which would be the last thing that the European states wished.⁵⁸

The JPC meeting was held on 29-30 June 1992. The meeting was again the scene of the hot debates between the two sides on the Kurdish problem. The head of the Turkish wing, Tunç Bilget, criticized sharply the EP's position on Turkey's Kurdish problem with strong wording, particularly the Gawronski report. He asked the EP to be more careful in its style

⁵⁵ The supporters of the PKK attacked to Turkey's embassy in Brussels and broke the windows and doors of the embassy. Furthermore, a group of them accessed to the EP building and protested Turkey there. When the Brussels police came to the Parliament to intervene the protest, some protesters were taken by some Greek and French parliamentarians.

⁵⁶ "Resolution on the situation of the Kurds in Turkey", OJ C 125, 18.05.1992, p.218; *Milliyet*, 4 April 1992.

⁵⁷ *Hürriyet*, 10 April 1992.

when it criticized Turkey.⁵⁹ Bilget's harsh style was unexpected in the EP and created a reaction among the parliamentarians of the EP. Marc Galle, the head of the EP delegation, underlined that Turkey was not 'any' state for the Community and none of them could be indifferent to the situation in Turkey. This polemic continued even after the meeting. Marc Galle, co-chair of the JPC, sent a letter to Bilget in which he denounced Bilget for his harsh style. Bilget replied to Galle stating that the Turkish side regretted that the JPC had been a forum to discuss the Kurdish issue. Bilget also stated that if the EP did not give up its prejudice against Turkey in this regard, Turkey-EP relations would be null⁶⁰.

In addition, the EP issued a report on Euro-Turkey relations in November 1992. The report, which was prepared by Belgian parliamentarian Raymond Dury, asked Turkey to fulfill the democratizing reforms that the government had before pledged as soon as possible, and to respect fundamental human rights in its conflict with PKK. It also called Turkey to withdraw the Turkish troops from Cyprus. Thus, the Dury report made Euro-Turkey relations conditional on Cyprus and human rights including the Kurdish issue (Tekeli and İlkin, 2000:284-5). Thus, relations with the EP were on the rocks.

The debates in the next two JPC meetings held in Brussels and Antalya on 25-27 November 1992 and 5-7 May 1993 respectively were to a large extent identical to the previous ones. However, the debates took place during these meetings were not so harsh as the previous ones, mainly because of Turkey's commitment to the Customs Union and progress on this way.⁶¹

The Constitution Court banned DEP on 16 June 1994 because of the 'separatist' tendencies of the party. Thus, 13 DEP deputies were stripped of their parliamentary rights

⁵⁸ *Milliyet*, 10 June 1992.

⁵⁹ *Milliyet*, 30 January 1992.

⁶⁰ *Milliyet*, 15 October 1992.

⁶¹ The Parliament declared more resolutions on human rights and Kurdish issue in Turkey. . "Resolution on EC-Turkey Relations", OJ C 337, 21.12.1992, p.218; "Resolution on human rights in Turkey", OJ C 72, 15.03.1993, p.122; "Resolution on the Problem of the Kurds in Turkey", OJ C 150, 31.05.1993, p.262.

according to Article 84 of the Constitution.⁶² While this event was taking place, the elections for the EP had just finished, and hence the Parliament could not respond to it promptly. However, when the EP convened with its new 567 members on 18 July 1994, the DEP case constituted the main theme of the debates. It accepted the draft prepared by the seven political groups in the EP with a great majority (254 yes, 4 abstentions without any no). According to the resolution, the EP criticized heavily the Turkish state for the closure of DEP and detention of the DEP members, asked Turkey to release them soon. What was more important was that the activities of the JPC would have been frozen until the conclusion of the case.⁶³ The decision to freeze the JPC activities shocked Turkey, because the EP had before frozen the EP-Turkey relations only when the military intervened in 1980.⁶⁴

Upon this, some Turkish politicians and bureaucrats started commenting that the conclusion of the Customs Union did not need to be ratified by the EP, because the Customs Union, according to this view, was the last phase of the Association Agreement. However, this was not the case, and Turkey-EP relations had been heavily deteriorated. Thus, Turkey's negotiatory strength against the EU had been decreased. Turkey must strengthen the cards in its hands to continue the negotiations with the EU without significant losses. Thus, Turkey had to carry out the democratizing reforms to appease the Europeans.⁶⁵

⁶² However, since four deputies were not member of DEP when the Supreme Court of Appeals chief prosecutor filed a suit against DEP on 2 December 1993 on the ground of DEP's acts against the unity of state and nation, the Court decided that they were not the members of DEP.

Third paragraph of Article 84 of the Constitution (before the amendment of 1995): "The membership of a deputy, whose acts and statements are cited in a judgement of the Constitutional Court as having caused the dissolution of a political party and that of other deputies who belonged to the party on the date when the action for dissolution was brought, shall end on the date when Presidency of the Turkish Grand National Assembly is notified of the dissolution order.

⁶³ "Resolution on the trial of members of the Turkish Grand National Assembly", B4-0111, 0145 and 0154/94. Thus, the Parliament "denounces the whole trial against the six DEP members of the Turkish Grand National Assembly and the outlawing of the DEP Party as an attack on pluralist democracy in this country, and requests the immediate release of these Members of Parliament; insists that this trial should be seen to be absolutely fair and therefore urges the Turkish authorities to allow international observers to be present, including some appointed by the EU; resolve to freeze the EU/Turkey joint parliamentary committee pending the outcome of the trial."

⁶⁴ *Milliyet*, 1 October 1994; *Hürriyet*, 30 September 1994.

⁶⁵ This also necessary to appease the reactions of SHP, the junior partner in the ruling coalition, to the privatizations of the state institutions. In other words, SHP had come to the point that if DYP and Çiller would

Meanwhile, the European Parliament started debating the situation in Turkey on 15 December 1994, just three days before the meeting of the Association Council. Turkey's calculations on the Customs Union came badly unstuck, when the EP asked the Council to freeze out the negotiations between Turkey and the EU for the Customs Union and postpone the Association meeting expected to be held on 19 December 1994. The EP also underlined that the conclusion of the Customs Union needed of the EP's assent. The Parliament also reiterated that the JPC would have been frozen until Turkey fulfils the EP's conditions.⁶⁶

Some political groups attempted to soften the EP's decision particularly in terms of the conclusion of the Customs Union. Van Den Broek, the Commissioner in charge of the External Affairs, stated on behalf of the Commission that he met with Tansu Çiller, Turkey's Prime Minister, in the OSCE meeting in Budapest, and she pledged to initiate the democratizing reforms soon. He insisted that the conclusion of the Customs Union would increase the EU's negotiatory power against Turkey and influence on Turkey. Thus, he argued, the EU could wield more influence in Turkey to help it fulfill the reforms to democratize the country and improve its human rights records through the completing the Customs Union. However, he could not soften the EP decision with regard to the Customs

like to realize the privatizations, she must fulfil the democratizing reforms simultaneously.

⁶⁶ "Resolution on the trial of Turkish Members of Kurdish origin of the Turkish Grand National Assembly", B4-0515. The EP "condemns the fact that the parliamentary immunity of the victims of this political trial was withdrawn on the grounds of their opinions; 2. Condemns all the aspects of the trial, the verdict handed down against the eight members of the Turkish Grand National Assembly and the outlawing of their party, the DEP, as a persistent violation of the principles of Turkey's representative and pluralist democracy and of fundamental human rights; 3. Expresses its solidarity with the convicted MPs and calls for the verdict to be quashed, for the sentences handed down to be rescinded, for the MPs to be released and restored to their duties and for the decision to dissolve their party to be revoked; 4. Is horrified by the fact that Mr Faik Candan, one of the lawyers defending the Kurdish MPs and who disappeared on 3 December 1994, has been found dead in Ankara, his body riddled with bullets; 5. Resolves to maintain the suspension of the EU - Turkey Joint Parliamentary Committee until Turkey takes note of Parliament's demands; believes, however, that unofficial contacts with Turkish parliamentarians with democratic views should be continued; 6. Decides to submit to the Council a call for the immediate suspension of the talks on the establishment of a customs union between Turkey and the EU and, therefore, the postponement of the meeting scheduled for 19 December 1994; 7. Points out that the agreement on a customs union with Turkey is subject to the assent procedure; 8. Calls on the Council of Europe to urge Turkey to embark on a process of dialogue in order to seek a democratic solution to the legitimate aspirations of its 15 million citizens of Kurdish origin, thereby removing a source of tension and conflict which

Union.⁶⁷ Prime Minister Çiller reacted heavily to the EP decision, and she said the only concession to EU that Turkey could make was the establishment the ministry for human rights.⁶⁸

As stated above, the EP was not keen to give its assent to the conclusion of the Customs Union due apparently to Turkey's Kurdish problem and alleged human rights abuses. The EP was obviously expecting more democratizing reforms, particularly for Kurds, from Turkey to approve the Customs Union. Although Turkey did not accept the human rights condition arguing that it was interference to the internal affairs, unofficially and behind the scene, the Turkish government was well aware that the EP could not be persuaded without fulfilling some political reforms.

As a matter of fact, the EP had not given up its 15 December 1994 decision, though the Council failed to comply with it. The political groups in the parliament prepared a new draft, which made the conclusion of the Customs Union conditional on the release of the Kurdish MPs (DEP). However, the pressures exerted by the German, British, and French governments softened this draft. Noteworthy was A. Lamassoure's speech. Lamassoure, the French minister in charge of the EU affairs, spoke as the president of the Council that the conclusion of the Customs Union would contribute significantly to the solution of the Cyprus problem and to the process of democratization in Turkey. He also reminded that when Spain and Portugal applied for the EU membership, their democracies were not viable, but the process of Europeanization did help them significantly democratize the countries. Hence, he asked the EP to give a chance to Turkey too. This was in fact Turkey's argument. The Parliament accepted the draft with 244 votes against 114 votes with 25 abstentions on 16 February 1995. It regretted that the Council did not take its 15 December 1994 decision into

is threatening peace and stability in the countries of the region and in Europe.”

⁶⁷ *Milliyet*, 16 December 1994.

⁶⁸ *Sabah*, 16 December 1994.

account. The resolution pointed out that despite the several talks on democratization in Turkey, Amnesty International's last report on Turkey and the Turkish Human Rights Association and the Human Rights Foundation all "record a serious deterioration in the human rights situation in Turkey". The EP proposed also insertion of the human rights clause into the agreement with Turkey. Thus, the EP decided that the human rights situation in Turkey was "too serious to allow the formation of the proposed customs union at present." In addition, the EP appealed to the Turkish government and the TGNA to carry out the democratizing reforms. Furthermore, the parliament called on the Commission to form "a system of interim reporting on" the amendments in the constitution and the other laws and codes. Lastly, the EP reminded that the planned Customs Union agreement between Turkey and the EU "must be submitted for Parliament's assent."⁶⁹

Contrary to the 15 December 1994 EP decision, the EP did not call the Council to stop the negotiations between Turkey and the EU on the conclusion of the Customs Union or cancel the Association Council meeting. Even the EP did not lay down any condition to the conclusion of the Customs Union, with the exception of those related to the Assent procedure.⁷⁰

Furthermore, the international organizations and the EP reacted heavily to the cross-border operation of the Turkish army to struggle with the PKK militants on 20 March 1995.⁷¹ 35,000 Turkish troops had entered Northern Iraq to root out the bases of PKK. The operation was the largest military action in the history of the Turkish Republic—only 10,000 soldiers

⁶⁹ "Resolution on the draft agreement on the conclusion of a customs union between the EU and Turkey", OJ C 56, 6 April 1995, p.99.

⁷⁰ Furthermore, the EP also condemned the charging of Yaşar (Yashar) Kemal on the same day. Although the resolution was prepared for the general infringement of human rights, Yaşar Kemal was the leitmotiv. "Resolution on human rights in Turkey and the charging of the author Yashar Kemal by the State Security Court in Istanbul in connection with 'separatist propaganda'", OJ C 56 06.03.1995, p.113. The State Security Court in Istanbul decided to institute proceedings against Y. Kemal on the grounds of 'separatist propaganda' by his article published in the 2 January 1995 edition of the famous German weekly *Der Spiegel* where he criticized harshly the polices of the Turkish state towards the Kurds.

⁷¹ "A Push to destroy the Kurds", *World Press Review*, July 1995, 42(7), p.14.

took part in the 1974 operation in Cyprus. The EP accepted the draft prepared by the seven groups in the parliament. Accordingly, the EP asked Turkey to stop the military operations against PKK and to find a political solution to the problem. More importantly, the EP underlined that the human rights situation in Turkey was so bad that it did not allow realizing the Customs Union.⁷²

Meanwhile, Paulin Green, Claudia Roth, and Catherine Lamumier, the heads of the Socialist, Green, and radical groups in the EP respectively, came to Turkey and met with the representatives from the various segments of Turkish society, particularly in order to observe the political situation in Turkey. Çiller mentioned the difficulties of democratization that Turkey confronted in the situation in which a very violent struggle took place between the Turkish state and the PKK terrorism. She underlined that they would amend catchall Article 8 of the Anti-Terrorism Law, but this requirement of the EU was relatively new one, the EU put it into the agenda just before 5 months.⁷³

The Council sent the agreement on the conclusion of the Customs Union to the Parliament to be discussed and ratified. The Parliament forwarded it to the Foreign Affairs and Security on 10 July 1995. The head of the committee was Carlos Carnero and who made a four-day information tour to Turkey on 13-16 December 1995. He met with Prime Minister Tansu Çiller and several people from the major political parties and business circles. As expected, he welcomed some democratizing reforms carried out so far, but these were not

⁷² “Resolution on the visit of the Troika to Ankara and the Turkish military intervention in northern Iraq”, B4-0636, 0644, 0684, 0716, 0723, 0726 and 0727/95, “Strongly condemns Turkey's military intervention in northern Iraq and the resulting violation of international law and human rights.”

The Turkish government remained calm against these development. Süleyman Demirel, the President of the Republic, stated that “if Turkey was excluded from Europe, this would not be the end of the world... [However] we will ease their works. We shall take all measures to eliminate the correct criticisms.”

⁷³ Some Turkish politicians went bananas when these three women parliamentarians criticized harshly the Turkish state's practices that were, for them, infringing the fundamental human rights. Even a Minister, Ayvaz Gökdemir, called them three prostitutes. This severed the relations, and Tansu Çiller, Turkey's Prime Minister, apologized to them for this later.

Meanwhile, Turkey's Foreign Minister Erdal İnönü visited the European Parliament and the Council of Europe to restate that Turkey was dead set on fulfilling the democratizing reforms. He said here that “the dominant view is that respect for human rights is no longer the internal affairs of the states, and I agree with this

enough to forge better relations with the EP. He maintained that the constitutional amendments made in July needed to be supplemented with new changes to be considered satisfactory by the EP. Carnero clearly expressed that the approval of the agreement by the EP was conditional upon “the realization of the new constitutional amendments, DEP deputies’ release, respect for fundamental human rights and abolition of Article 8 of the Anti-Terror Law.” He also visited the DEP deputies in Prison, indicating that the EP attached great importance to it. He denounced as ‘unacceptable’ the continued detention of the six former DEP deputies for allegedly supporting PKK. Their case was due to be reviewed by the Supreme Appeal Court (*Yargıtay*) on September 21. He said, “The deputies are imprisoned for their ideas. They are people who want the good of the country.”⁷⁴

When Carnero returned to Strasbourg, he submitted his opinion to the Committee, which was negative for Turkey. For him, the EP should not approve the agreement so long as Turkey did not change. If it were approved, the EP would miss the historic opportunity to promote democracy in Turkey. Nevertheless, French parliamentarian Catherine Lolumiere warned that if the EP rejected the ratification of the agreement, this would create great uneasiness both in EP-Turkey relations, and Turkey’s domestic politics. Therefore, it would be better to postpone the ratification of the agreement instead of its rejection. The EP was clearly steering a middle course in this regard. They did not think of Turkey democratic enough, however, they were aware that rejecting Turkey would produce so great problems in Turkey. They were particularly concerned over the rise of ‘Islamic fundamentalism’ in Turkey in case of the rejection of Turkey.⁷⁵

view” (Tekeli and İlkin, 2000: 443).

⁷⁴ *Turkish Daily News*, 18 September 1995.

⁷⁵ See Carnero’s words in this regard, “Türkiye Konusunda Bir Orta Yol Bulmalıyız”, *Milliyet* 4 October 1995. The Supreme Court announced its ruling on the imprisonment of the former pro Kurdish Democracy party deputies on 26 October 1995. Accordingly, while Ahmet Türk and Sedat Yurtaş acquitted, Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak would remain in prison until 2005. While some commentators argued, this ruling was among ones that were described as ‘half solutions aim to appease EU and European Parliament’ some other described it ‘a half-baked effort’. İlnur Çevik, “Half solutions aim to appease EU and European

Members of the Foreign Affairs Commission of the European Parliament discussed Turkey and the draft report prepared by Cornero on October 16. The points that the draft report raised could be analyzed under the six titles. Acknowledging that the Customs Union meant Turkey would be anchored to the EU more, the report argued that the pressure exerted on Turkey for democratization and human rights should be continued longer, particularly with regard to the Constitutional amendments, the former DEP deputies who were in prison, the amendment of the Anti-Terrorist Law, fundamental human rights in Turkey, the Kurdish question, and the Cyprus problem. It concluded that if the EP approved the agreement without strong signals of democratization, this would be a ‘serious mistake’ (Tekeli and İlkin, 2000:477-8). This draft report would be re-written under the light of the debates taking place in the Foreign Affairs Committee, and be debated again there on 22 November 1995. The final version of the report would be forwarded to the General Assembly and put to a vote there on December 22. Rapporteur Carnero re-stated what he argued in the draft in the meeting. Addressing the Foreign Affairs Commission on October 31, he termed the recent steps taken in Turkey in the direction of democratization as “positive but insufficient”.⁷⁶ However, some Euro-deputies did not agree with the rapporteur. For example, Daniel Cohn-Bendit of the Greens Group, called for the “ice to be melted” with Turkey.⁷⁷ After the debates ended, three basic views appeared: The Customs should be approved, it should be deferred to the end of the elections, and it should be rejected. It was decided to re-debate this issue on

Parliament”, *Turkish Daily News*, 27 October 1995; Sami Kohen “Turkey Whips Up a Batch of Reforms Before EU Vote”, *Christian Science Monitor*, 30 October 1995.p.6.; Sami Kohen, “AB Tatmin Oldu mu?”, *Milliyet*, 28 October 1995.

⁷⁶ He also said that the ruling of the Turkish Appeals Court on the four pro-Kurdish former deputies was “disappointing”. Furthermore, Carnero also referred to the recent amendment of Article 8 of the Anti-Terrorism Law as “insufficient”. For him “such half-measures would not satisfy the European Parliament.” He was also quoted as saying that considering as “sufficient” the “small steps” taken by the Turkish governments in the line of democratization would be “stupid”. He said that they were expecting Ankara to “give some signals” and “record some developments” in the line of democratization. *Turkish Daily News*, 1 November 1995.

⁷⁷ Bendit was quoted as saying “We must openly tell Turkey we want its full membership in the EU. If Turkey’s full membership in the EU is not realized this will take the forms of a political embarrassment.” *Turkish Daily News*, 1 November 1995; *Milliyet*, 1 November 1995.

November 22, when Carnero submitted the revised report. Thus, the committee meeting on November 22 became the target that Ankara locked onto.⁷⁸

For this purpose, Ankara started off a week of intense lobbying to enhance the prospects for the ratification of the Customs Union agreement in the EP voting on December 14. Ankara's intense lobbying was being conducted on various sides. The key group in the EP was the strong socialist group. While the Christian Democrats and the Liberals were against a delay of the customs union, the socialist group and Greens were ambivalent on it.⁷⁹ Out of 626 seats in the EP, the Socialists were holding 221, while the Christian Democrats was holding 172, and the Liberals had 52 deputies. The Greens had 22 seats in the EP. The socialists could vote for Turkey but they concerned over the Kurdish issue and human rights violations. Turkey particularly exerted heavy pressures on the governments of the EU member states to persuade their Euro-deputies, particularly the Socialist ones. The French government, which was the most enthusiastic supporter of Turkey's bid regarding the Customs Union among the great European powers, urged its Euro-deputies to vote in favour of Turkey's bid.⁸⁰ Michael Barmier, French minister responsible for European Affairs, announced that the French deputies would act in accordance with the Council of Ministers.⁸¹ British Prime Minister John Major also urged the EP members to ratify the Customs Union agreement on November 22 after he met with Tansu Çiller at Downing Street.⁸²

Prime Minister Tansu Çiller met with the leader of the labour party Tony Blair, who was very influential person on the socialist group. When Çiller required support from Blair, Blair said that Turkey should take more steps in the line with democratization and human

⁷⁸ Mehmet Ali Birand, "Ordular, İlk Hedefiniz Avrupa Parlamentosu'dur", *Sabah*, 4 November 1995.

⁷⁹ As for 14 November, British Euro deputy Richard Balfé, from the Socialist group and known in Turkey as 'a friend of Turkey's' said that 60 percent of the deputies in the Socialist group favoured delaying the vote on the agreement. *Turkish Daily News*, 15 November 1995.

⁸⁰ France had 87 seats in the 626-member Parliament.

⁸¹ *Turkish Daily News*, 8 November 1995. As for Germany, Hans-Joachim Vergau, the German ambassador to Turkey, said on November 9 that "All I can say is that most German parliamentarians in the European Parliament will vote for Turkey's admission to the customs union." *Turkish Daily News*, 9 November 1995.

rights. Çiller replied that the approval of the Customs Union agreement would facilitate democratization in Turkey. It seems that Çiller pledged some reforms after the elections.

Çiller visited Germany and met with Chancellor Kohl and other opposition leaders on 4-5 December. Turkey exerted pressures on the other EU members. Even the term president Spain also worked for Turkey. Addressing the EP on November 15, Spanish Foreign Minister Javier Solana called on Euro deputies to approve the Customs Union Act. He characterized Turkey as “one of the Europe’s most important partners in economic and strategic terms”, and stated that the EP must give support to Ankara on the ground of this.⁸³

Turkish FM Deniz Baykal also made contact with several European leaders. When Baykal attended the Euro-Mediterranean conference in Barcelona, he met with his German, Irish, Swedish, Finnish and Portuguese counterparts.⁸⁴ He also met with the British Labour Party leader Tony Blair on December 4 and attended the European Socialist Party leaders’ meeting in Brussels on December 6 together with Erdal İnönü to seek support for the Customs Union Act. The British Labour Party declared clearly that they supported the Customs Union with Turkey.⁸⁵ Furthermore, the Commission threw its full weight behind the approval of the agreement in a report submitted to the EP deputies. The report strongly maintained that a rejection of the customs union agreement would strengthen the hands of religious fundamentalists and anti-European forces in Turkey.⁸⁶

Apart from the government, several Turkish organizations, the İKV, the TÜSİAD, former ministers, including Hikmet Çetin, Murat Karayalçın, Coşkun Kırca and other well-known Turkish individuals tried to have the agreement approved. Noteworthy was the DİSK (Turkish Confederation of Revolutionary Labour Unions) leader Rıdvan Budak’s contacts

⁸² *The Daily Telegraph*, 23 November 1995.

⁸³ *Turkish Daily News*, 16 November 1995.

⁸⁴ *Turkish Daily News*, 29 November 1995. During the EU-Med conference, the former DEP deputies Remzi Kartal and Ali Yiğit, and the chairman of the ‘Kurdish Parliament in-exile’, Yaşar Kaya participated to the Euro-Mediterranean civil forum meeting. Turkey protested it modestly.

⁸⁵ *Hürriyet*, 5 December 1995.

with the socialist group. It seems that Rıdvan Budak's personality was influential on the EU deputies, because he was tried for capital punishment during the military government in the early 1980s.⁸⁷ Furthermore, Turkish business circle representing the TÜSİAD told EU diplomats, politicians, and European business circles that the decision to postpone the vote on the customs union might create grave risks for Turkey.⁸⁸

Furthermore, noteworthy was the US' position in this regard. The US particularly concerned on the Euro-Turkey relations. US ambassador to the EU, Stewart Eizenstat, along with US ambassadors to the 14 EU member states, lobbied on behalf of Turkey in Strasbourg and the other capitals of the EU member states. Furthermore, the president of the foreign affairs council of the US Congress sent letters to the heads of the political groups in the EP warning that if Turkey was rebuffed, pro-reform parties would lose their strength. Furthermore, President Bill Clinton raised the question of Turkey's custom union bid with the EU during a landmark summit in Madrid with the EU leaders. The declaration of the New Transatlantic Agenda supported "Turkey's efforts to strengthen democracy and advance economic reform to promote its further integration into the transatlantic community." A day before the summit, Spanish Foreign Minister Javier Solana, whose country was holding the term-presidency of the EU, said that "Both the United States and Spain firmly support the accession of Turkey into the customs union as scheduled."⁸⁹ Noteworthy were the uncharacteristically supportive editorial of the famous *Washington Post* entitled "Fair is Fair". The *Washington Post* endorsed Turkey's bid for the Customs Union by suggesting that time to reward the Turkish government's efforts to improve Turkey's human rights records had come. The editorial argued:

⁸⁶ *Turkish Daily News*, 17 November 1995.

⁸⁷ Ertuğrul Özkök, "İdam sehbasından Gümrük birliği lobisine" *Hürriyet*, 12 November 1995.

⁸⁸ *Turkish Daily News*, 11 November 1995.

A human rights lobby argues that reform is cosmetic and reversible and that premature reward would remove Turkey's incentive to keep going. If Turkey's customs union bid is not to be rejected, the new argument goes, it should at least be delayed. Moving the goalposts...seems to us here particularly unfair and counterproductive... The American-educated prime minister Tansu Çiller, asserts that the country's secular Muslim outlook would come under even heavier pressure from resident Islamic fundamentalists, if Europe were to deny Turkey credit for hard-won gains made at Europe's own insistence... Absorption in Europe is the best guarantee that Turkey, a friend and ally of high strategic value, will become progressively more democratic and prosperous—that it will be in the West and of the West as well.⁹⁰

The governments of the EU member states, Turkish government and organizations, the US and even Israel called on the EP deputies to ratify the agreement referring to three basic interrelated reasons for supporting Turkey's bid. To begin with, all of them underlined the geostrategic importance of Turkey for the West's vital interest. As *The Economist* argued "Europe—and not only its EU countries—needs Turkey, for years a bastion of relative stability at a dangerous global crossroads, just as Turkey needs Europe."⁹¹ If Turkey was rebuffed, this exclusion might pave the way for a political instability in Turkey and its near abroad that included the Middle East, Balkans, and the Caucasia, and the Central Asia. According to NATO's new threat evaluation, twelve out of new sixteen potential of conflict were directly related to Turkey. Accordingly, governing of Turkey was too important to be left to the Turks alone, and any chance of instability that could be a threat to the Western security and interest must be eliminated. It was noteworthy to mention US Assistant Secretary for European and Canadian Affairs Richard Holbrook's clear and concise speech in this regard. Expressing full US support for Turkey's accession to the European Customs Union, he maintained that

⁸⁹ *Turkish Daily News*, 1, 4 December 1995

⁹⁰ *Washington Post*, 17 November 1995. Former US ambassador to Ankara Morton Abramowitz's essay published in *International Herald Tribune* where he argued that in case of rebuff, the subtle internal balance of Turkey might be broken and the country might be driven into chaos For US lobbying, see Mehmet Ali Birand, "GB için ABD Lobisi", *Sabah*, 15 November 1995.

Turkey in particular now at the crossroads of almost every issue of importance to the United States on the Eurasian continent—including NATO, the Balkans, the Aegean, Iraq sanctions, Russian relations with the New Independent States, peace in the Middle East, and transit routes for Central Asian oil and gas... As a democratic Muslim nation, a committed member of NATO, and a moderate, secular, pro-Western country in a politically unstable region, our support for Turkey's economic program will be critical in safeguarding important ongoing US security interests at the critical intersections of Europe, Asia and the Middle East.⁹²

The other related argument was that if the agreement was not approved, Euro-Turkey relations might be seriously severed, which might lead to a situation where Turkey might escape from the EU's gravity. Furthermore, the Turkish government, particularly Çiller, and the governments of the EU states, the US and Israel all often used the fundamental fear of Europe: Islamic fundamentalism. Çiller often played on the European fear of Islamic fundamentalism. She warned European governments that a rebuff, or even a delay, would serve to strengthen the Islamic fundamentalism in Turkey and the Middle East.⁹³ At a briefing for the foreign press, Çiller openly said that closing Europe's doors to Turkey would give vital ammunition to the Islamically oriented the RP. She also argued "Fundamentalist forces come to power to end democracy."⁹⁴ Contrasting the 'Turkish model' and the 'Iranian model' was the tactic that Çiller had often resorted in order to frighten the West through the worst scenario⁹⁵: "He who witnesses death is content with his fit of trembling", death here referred to the Iranian model, while the other was pro-Western, secular and semi-democratic Turkey.⁹⁶

⁹¹ "Turkey facing Europe", *The Economist*, 21 October 1995.

⁹² *Turkish Daily News*, 6 March 1995.

⁹³ *Turkish Daily News*, 3, 10 November 1995.

⁹⁴ *The Daily Telegraph*, 2 November 1995.

⁹⁵ "Dancing with Wolves", *Times*, 20 November 1995.

⁹⁶ Spanish Socialist euro-deputy Juan Colom y Naval said that the Turkish Foreign Minister Baykal raised the specter of the boost that a negative vote on December 13 would give the Islamic fundamentalist movement in Turkey and the destabilizing effect this would have on the whole region. He liked Turkey's rejection to the impact on Spain that a rejection by the EC would have had as the country emerged from Franco's rule, saying "I am very worried that a rejection would encourage fundamentalists..." *Turkish Daily News*, 28 November 1995.

While Pauline Green was answering to the question of how true were the comments that Islamic fundamentalism forced the EP to vote in favour of Turkey, she said “This was a factor. Mrs. Çiller played that card very well... Of course, we didn’t want to encourage votes for the RP.”⁹⁷ It would not a mistake to say that the EP deputies found themselves between Scylla and Charbdis, in other words, the EP had to choose between the devil and the deep blue sea.

In addition, the EU member states tried to induce the Euro-deputies arguing rightly that the Customs Union would anchor Turkey more to Europe, and the EU could become more influential on Turkey’s domestic politics. Thus, Turkey would have to comply with the European standards of democracy and human rights. For example, the leader of the Socialist group in the EP, Pauline Green answered the question of “what made you approve Turkey’s custom union with the EU” as such “we have chosen to do it purely on the trade agreement in order to exercise leverage on democracy and human rights.”⁹⁸

The lobbying of Turkey was so intense that the EP deputies complaint of pressures to ratify the agreement. It is noteworthy to mention the chairwoman of the Greens in the EP, Claude Roth’s complaint that the EP “faced pressures from all directions” to approve the Customs Union agreement. She said “We have been facing pressures from NATO, from the United States and from all governments of the European Union and even from Socialist Party leaders... For the first time in my life, the US representative to the European Union held a meeting with me to discuss the issue.”⁹⁹ Even it was stated as “over-lobbying”.

While Ankara was working to prevent customs union delay, the EP’s Sakharov Prize for freedom of thought was awarded to Leyla Zana, the jailed former deputy from the banned

⁹⁷ *Turkish Daily News*, 30 December 1995

⁹⁸ *Turkish Daily News*, 30 December 1995. In addition, the EU governments tried to persuade the EP members maintaining the economic benefit that the EU member states would get from the Customs Union. This is because, it was clear that Turkey, at least at the beginning of the Customs Union, would import much more goods than exporting. Thus, the balance of trade between Turkey and the EU member states would be more advantageous to the second.

pro-Kurdish Democratic Party (DEP). 217 members of the Socialist group for the prize had nominated Zana. When it was announced that Zana had been awarded the Sakharov prize¹⁰⁰, Pauline Green, the leader of the socialist group in the EP, Green called on Prime Minister Tansu Çiller to release Leyla Zana to collect her prize. She said:

The award recognizes the steadfastness of Leyla Zana, her courage and leadership in the face of the heartless repression... We in Europe are appalled by Turkey's record on human rights and treatment of minority groups within the country... If Turkey entertains serious aspirations to custom union next year with the countries of the European Union, significant reforms will have to be made in a number of areas—not least in terms of respect for human rights.¹⁰¹

Ankara's reaction to this was moderate. It was stated in the official resolution of Turkey that it was not prestigious for the EU to give a prize to a person whose relations with a terrorist organization was determined by the court (Tekeli and İlkin, 2000:481).

The Foreign Relations Committee of the European Parliament met to discuss as to whether the EP would approve the Customs Union agreement. It put the customs union on the agenda of December 11. The final version of the Carnero report was not so positive too. Carnero maintained that progress on democratization was not enough. He called on the Euro-deputies to vote for the customs union “only if substantial progress is made” in a short time. However, Michael Rocard, the former leader of the French socialists, said that “We have no alternative but to say yes to Turkey... Nothing can be more logical than to give Turkey the same support we have given to Spain, Portugal and Greece.” Another Euro-MP Gijs de Vries

⁹⁹ *Turkish Daily News*, 1 December 1995.

¹⁰⁰ The Sakharov prize winners included Nelson Mandela, Alexander Dubcek, Aung San Quu Kyi, and Taslima Nasrin.

¹⁰¹ *Turkish Daily News*, 11 November 1995. According to some news, there had been an interesting bargaining between the socialist, liberal and the Christian democrats in the EP for the Sakharov Prize. Accordingly, While the candidate of the Socialist group was Leyla Zana, the Christian democrats in the EP was supporting Nacip Mahfuz for the prize. Though the socialist seats in the parliament were more than the Christian democrats', the Liberal votes would determine who would get the prize. The Liberals in the EP, on the other hand, was not very keen to support Zana, but when she was not released through the amendment of Article 8 of the Anti-Terrorist Law, some liberals decided to support Zana to show their reactions to it. According to a scenario, the Liberal group were abstentions thus the prize went to Zana in return of the Socialists' absence while the agreement was being voted (Tekeli and İlkin, 2000:480; M. Ali Birand, “Avrupa Parlamentosunda Büyük Pazarlık”, *Sabah*, 11 November 1995.

maintained that any postponement would “benefit the Welfare Party.”¹⁰² The Committee supported the conclusion of the customs union with 42 yes, 13 no and 4 abstentions. Thus, Turkey inched towards customs union with EU.¹⁰³

Meanwhile, the EP reactivated the Turco-European Joint Parliamentary Commission, which was suspended on 29 September 1994 when the DEP deputies were sentenced to jail, on 15 November 1995, stating the necessity to forge relations again upon the new developments in Turkey. The Turkish and European deputies met on December 1 resumed fighting on human rights. The Euro-deputies started their visit to Turkey by going to see Leyla Zana in Prison on December 1. The European wing of the JPC created a tense atmosphere by bringing up the question of Leyla Zana¹⁰⁴. Thus, the unique official link between the EP and Turkey was forged.

Turkey’s Prime Minister Tansu Çiller sent a letter to the all EP deputies, stating that Turkey would have been strongly anchored to the West. Reminding that there existed a strong lobby in Turkey that was against the EU, she put that if the delay was the option, those who had tried to realize democratization during the year would be disappointed.¹⁰⁵

The European Parliament voted for the Customs Union agreement 344 to 149 with 36 abstentions on 13 December.¹⁰⁶ The EP also voted for the special financial cooperation assistance during a five-year term on the same day. However, a human rights clause was

¹⁰² *Turkish Daily News*, 23 November 1995.

¹⁰³ *Turkish Daily News*, 23 November 1995.

¹⁰⁴ *Turkish Daily News*, 2 December 1995.

¹⁰⁵ *Yeni Yüzyil*, 12 December 1995.

¹⁰⁶ The Customs Union agreement with Turkey was started to be debated with G. Carnero’s presentation of the summary of his report on Turkey. As stated previously, his report had generally negative attitude towards Turkey’s accession to the Customs Union due basically to the human rights violation and Turkey’s Kurdish problem. He insisted on his negative outlook in the General Assembly of the EP. He maintained that human rights violations, tortures, and political detention had reached the zenith in 1995, and the Turkish state did not behave in accordance with the rule of law. He also called on Ankara to release the former DEP deputies, including Leyla Zana, in jail, and asked a political solution to the Kurdish question, indicating that military tools could solve the problem. He concluded his words saying that a ‘no’ in the EP meant ‘yes’ to more democratization in Turkey (Tekeli and İlkin, 200:506-9).

enshrined in the agreement, which stipulated that in case of a deterioration of human rights, the financial aid could be suspended.¹⁰⁷

The EP, finally, voted for a draft on the human rights situation in Turkey prepared by the Socialists and Liberals. This resolution was irritating Ankara, mainly because it was calling on the “PKK and other representatives of the Kurdish people” to do everything in their power for a non-violent solution to the problem in Southeast Turkey. After ‘three days of wrestling between Turkey and the Socialists’¹⁰⁸, the wording was changed in the final accord. According to the resolution, the European Parliament

Appeals to the Turkish Government, the PKK and other Kurdish organizations to do all in their power to find a non-violent and political solution to the Kurdish issue, calls upon the PKK to refrain from violence and calls upon the Turkish Government and Grand National Assembly to lift the curfew operating in the south-eastern region and to consider ways and means of allowing citizens of Kurdish origin to express their cultural identity while ensuring that the territorial unity of Turkey is guaranteed and respected.¹⁰⁹

The EP also reminded Turkey that “its assent is to be considered as an encouragement to the Turkish Government to continue the process of democratization and improvement of the human rights situation.” Furthermore, the resolution mentioned ‘terrorist actions by the PKK’ and the evacuation of Kurdish villages by the Turkish government. The EP also called on the Commission and the Council to monitor human rights and democratic development in Turkey and requested the Commission to present a report on the situation in Turkey to the EP at least once a year.

¹⁰⁷ Later, the proposal prepared by Roth and her Green friends, that asked a prospect of the EU membership for Turkey in future, was suggested. It was rejected with 412 negative votes against 56 positive votes. This clearly demonstrated that the EP was not keen to give a full membership perspective to Turkey. It seemed that the Customs Union was regarded the final stage of Euro-Turkey relations. In this regard, the leader of the Greens, Claudia Roth’s words were noteworthy: “We Greens are genuine friends of Turkey and that is why we have made heavy weather... I have never seen any debate in Parliament so filled with hypocrisy. Turkey is not given membership which would seriously anchor it in the European Union, but given simply a status that would make it an open market and not an open society.” *Turkish Daily News*, 14 December 1995.

¹⁰⁸ *Turkish Daily News*, 14 December 1995

The approval of the Customs Union was reflected in Turkey as if Turkey became the EU member. The voting in the EP was broadcast live by three Turkish TV channels. One of those of daily news whose circulation were very high, *Sabah*, entitled as “We are now Europeans-Artık Avrupalıyız”, the other news, *Milliyet*, “ We are finally in Europe -Nihayet Avrupadayız”. The governing parties, particularly DYP started using extensively the Customs Union in their party propagandas.¹¹⁰ Even the Chief of the General Staff, General İsmail Hakkı Karadayı announced that “Turkey’s access to the Customs Union is a historic event. Turkey has reached the point which Turkey has been struggling for.”¹¹¹ On the other hand, the DSP, but particularly the RP had suspicions on the Customs Union.¹¹²

After the EP gave its assent to the Customs Union act, the general EU-Turkey relations had been deteriorating mainly because of Greece’s attempts to use the EU against Turkey with regard to the Aegean problem and Cyprus. Parallel to this, the EP declared a resolution on 18 January 1996, which was written in a very strong wording. The resolution tackled almost everything about Turkey. Accordingly, the Parliament called on the forthcoming government to implement further democratizing reforms and improve Turkey’s human rights records. The EP reiterated in particular “its appeal to find ways and means of allowing citizens of Kurdish origin to express their rights to cultural identity...” The EP “welcomes the announcement of a unilateral ceasefire made by *the President of the PKK* ... express its hope that the Turkish Government will view this gesture as a positive contribution to finding a peaceful solution to the problem and calls upon all concerned in Turkey to seize the present opportunity to consider ways and means to start a *national dialogue*...”¹¹³ The EP also condemned the murder of the Journalist Metin Göktepe, and asked the Council and the

¹⁰⁹European Parliament, “Resolution on the human rights situation in Turkey”, OJ C 017, 22.01.1996, p.46.

¹¹⁰ *Milliyet*, 14, 15, 16 December 1995.

¹¹¹ *Milliyet*, 14 December 1995.

¹¹² *Milliyet*, 18 December 1995.

¹¹³ Emphasis added.

Commission to investigate some photos which were showing Turkish soldiers holding the severed heads of “presumed anti-government fighters.”¹¹⁴

In this environment, the JPC convened on 24 June 1996. As usual, human rights dominated the meeting. At the opening ceremony, while Mehmet Sağlam, the co-chairman of the JPC, stated that the amendments in the Constitution, the Penal Code, and the Anti-Terrorist Law implemented last year were an important step forward on the path of improving democracy; both the European delegation and European Union representative to Turkey, Michael Lake, put that more efforts were needed by the Turkish officials for democratization and human rights.¹¹⁵

On 19 September 1996, the Parliament announced a resolution written in a strong wording, and called on the Commission to suspend the financial aid from the MEDA funds, except for human rights development projects.¹¹⁶

¹¹⁴ The European Parliament “Resolution on the situation in Turkey and the offer of a ceasefire made by the PKK”, OJ C 032, 05 February 1996, p.93. What was also interesting in the resolution was that the Parliament defined those who supported RP as religious fundamentalists and religious extremists.

Furthermore, the EP, unlike the Commission and the member states, which did not back the Greek argument immediately, supported Greece openly in respect of the Aegean crisis by a resolution issued on 15 February 1996. It directly supported the Greek argument saying that the islet of Kardak/Imia belonged to the Dodecanese group of islands according to of the 1923 Lausanne Treaty, the Protocol between Turkey and Italy of 1932 and the 1947 Paris Treaty. Through its resolution, the EP declared acts of Turkey as “provocative military operations in relation to the isle of Imia in the Eastern Parliament.” While the parliament accused Turkey of violation of Greece’s sovereign rights, it also reminded that “Greece’s borders are also part of the external borders of the European Union.” The European Parliament, “Resolution on the provocative actions and contestation of sovereign rights by Turkey against a Member State of the Union”, OJ C 065, 4 March 1996, p.156. Thus, the parliament actually meant that Turkey violated in fact the sovereignty of the Union in the Kardak incident.

¹¹⁵ *Turkish Daily News*, 26 June 1996.

¹¹⁶“The European Parliament,

- having regard to its previous resolutions on Turkey,

A. with particular reference to its resolution of 13 December 1995 on the human rights situation in Turkey ((OJ C 17, 22.1.1996, p. 46.)), adopted in connection with its assent to the EU-Turkey customs union, in which the improvements promised by the then Prime Minister Tansu Ciller in the areas of democratization and human rights, progress in the Cyprus question and a peaceful solution to the Kurdish problem were emphasized as the firm expectations of the new contractual relationship between the European Union and Turkey (...).

E. deeply concerned at the military operations recently conducted by the Turkish armed forces in eastern Turkey and their refusal to seek ways of reaching a peaceful settlement of the conflict in Kurdistan (...).

1. Demands that the Turkish Government explain clearly its position to the European Union in the four areas - human rights, democratization, the Cyprus question and the Kurdish problem - raised in Parliament's abovementioned resolution of 13 December 1995, which was the basis for its assent to the customs union (...);

Foreign Minister Tansu Çiller criticized the EP's resolution, saying "We are facing a very biased group. We see the Greek lobby among this very biased group. *We kept our promises. We passed legislation such as the 8th article* that was blocking freedom of expression. We gave wider powers to the local governments. I ask my European friends to keep up their own promises."¹¹⁷

On October 24, in the first reading of the 1997 EU budget, the EP, angered by Turkey's human rights records, voted again to block hundreds of millions of dollars of aid because of Turkey's failure to honour the commitments which Turkey had promised to implement before the EP approved the Customs Union agreement in December 1995, as well as Turkey's "provocations in the Aegean Sea and Cyprus and aggression in northern Iraq."¹¹⁸ Furthermore, the Parliament decided to review substantial financing for Turkey from the MEDA programme, through which up to 842 million ECUs was envisaged for the Mediterranean states in 1997. Accordingly, aid from the MEDA programme became conditional on Turkey's investing the money on social projects in the southeast.

This created a strong reaction in Turkey. The Turkish officials blamed the Greek-led propaganda for the EP's decision to suspend the aid, and the EP as being destructive, instead of being constructive, through cutting the aid to Turkey, which would antagonize the Turkish public and fueled anti-Western sentiments. The Turkish foreign ministry said in a statement on October 25 that the Parliament's decision was "unacceptable" As a political commentator

4. Decides, therefore, to begin the procedure for entering in the reserve the appropriations relating to the EC-Turkey agreement;

5. Calls on the Commission, for the same reason, to block, with immediate effect, all appropriations set aside under the MEDA programme for projects in Turkey, except those concerning the promotion of democracy, human rights and civil society, pending clarification of unresolved questions and improvements in the abovementioned areas", "Resolution on the political situation in Turkey", OJ C 320, 28.10.1996, s.187.

¹¹⁷ *Turkish Daily News*, 21 September 1996.

¹¹⁸ *Turkish Daily News*, 25 October 1996. Also, "B4-1111, 1131, 1164, 1167, 1171 and 1199/96 Resolution on the murder of a Greek Cypriot in Cyprus", 24. 10. 1996.

put, the vote came at the time when the Turkish government was introducing new democracy package to the parliament to improve Turkey's human rights record.¹¹⁹

Deputy Prime Minister and Foreign Minister Tansu Çiller, addressing a Joint Turkish-EU committee in Brussels on December 13 called on the EU to place full confidence in the coalition government and expressed the new democracy and human rights package which would increase reforms in the police, the state security courts and the judiciary. Meanwhile, the EP voted on December 12 to authorize the payment of 100 million ECUs to Turkey from the MEDA programme even though the Socialist, Green and Communist Euro-deputies were against it. However, the Parliament did not authorize the payment of 53 million ECUs allocated to Turkey as part of the customs union agreement on the grounds that human rights abuses were continuing unabated.¹²⁰

6.3 The Consolidation of Democracy and Human Rights Records in the Period

¹¹⁹ İlnur Çevik, "If only they were sincere", *Turkish Daily News*, 25 October 1996. On the same day, the EP declared a resolution to express its concern over "violations of religious freedom in Turkey", meaning the religious freedom of Christians in Turkey, upon the bombing of the Cathedral Church of St. George, Istanbul on 30 September 1996. The EP called on the Turkish government "to distance itself unequivocally from the declarations concerning the conversation of Saint Sophia into a mosque and to condemn firmly all attacks on religious freedom." What might be underlined in the resolution are that it described Saint Sophia as "the church of Saint Sophia" and its concern over the "conversation of the church of Saint Sophia into a mosque.", and it called the Patriarch of Istanbul as "the Patriarch of Constantinople" and "the Ecumenical Patriarchate." It also called "for the immediate reopening of theological college of "Chalki" (Heybeliada in Turkish), which is directly linked to the Patriarchate. The European Parliament, "Resolution on violations of religious freedom in Turkey", OJ C 347, 18 November 1996, p.162. However, it seemed that Turkey made it known that it would reject EU's "conditional credits", when Çiller held talks with Van Den Broek, the commissioner in charge of foreign affairs at the European Commission, in Ostende, Belgium, on November 19, on the sidelines of a meeting of the Western European Union's ministerial council and in the meeting of the Turkish-EU Joint Parliamentary Commission held in Brussels November 19. *Turkish Daily News*, 21 November 1996

¹²⁰ *Turkish Daily News*, 14 December 1996. On December 12, the EP issued a new resolution concerning the freedom of the press and "the continuing deterioration of the human rights situation in Turkey. The European Parliament, "Resolution on freedom of the press and human rights in Turkey", OJ C 020, 20 January 1997, p.143. The EP expressed its concern over the new press law that could restrict freedom of the press. However, Turkish Foreign Ministry stated that this resolution was in fact another example of prejudice on the part of the EU. *Turkish Daily News*, 18 December 1996. Furthermore, the 40th Turkey-EU Joint Parliamentary Committee meeting started with a speech made by head of the EP delegation Peter Dankert on April 15. He said that the Apeldoorn meeting ratified Turkey's European vocation. The debate between Green Claudia Roth and Çiller on the situation of human rights in Turkey marked the meeting; *Sabah*, 16 April 1997. Furthermore, October 10 1997, The EP's Budget Commission suspended the EU's financial aid, within the framework of the customs union, to Turkey of approximately \$60 million, calling for improvement in human rights and democracy, respect for EU borders, and concrete steps in the solution of the Cyprus problem. *Turkish Daily New*, 11 October 1997.

Turkey cast a vote on 20 October 1991. According to the result of the general elections, the DYP, previously the third largest, came first in the election, albeit with only 27 percent, won 178 seats. The ANAP received 115 seats with 24 percent of the vote, the SHP got 88 seats, and the DSP took 7 seats from the parliament. The relatively biggest winner was the RP, which was in fact an ally of the ultra-conservatist the *Islahatçı Demokratik Parti* (IDP) and ultra-nationalist MHP, with 62 seats and 17 percent of the vote. This 20 October 1991 election marked the end of the ANAP domination over the Turkish political arena and the re-emergence of Süleyman Demirel, who, for the seventh time in his life, was called on to form a government.¹²¹ Since no party could get enough seats to govern the country alone, the era of coalition government has started emerging. The DYP and the SHP forged a coalition government under the leadership of Süleyman Demirel.

The most significant part of the coalition government, as far as this study is concerned, was the pledge of the coalition government to fulfill the democratizing reforms soon.¹²² The governmental programme, which was read in the parliament on 30 November 1991, included a comprehensive ‘democratization package’. Accordingly, the governing coalition would fulfill several constitutional amendments in the line with democratization. Torture in police custody would be prevented, the rules relating to the states of emergency would be improved, the Universities would be more autonomous, and the working conditions would be up to the ILO standards. This democratization package was welcomed in the EU member states.¹²³

The coalition government could fulfill a small amount of the reforms that they pledged in the governmental programme after one year they formed the government. Turkey removed all the reservations except the reservation to Article 5 of the ECHR on 5 May 1992. The most

¹²¹ “Turkey Steps Back to Demirel”, *The Economist*, 26 October 1991.

¹²² <http://www.tbmm.gov.tr/ambar/HP49.htm>

¹²³ Europe’s expectation of democratization in Turkey was diluted when the Turkish troops moved into Northern Iraq on 10 March 1992, and the Nevruz spring festival turned bloody upon PKK attempted to take advantage of the Nevruz to launch an uprising on 21 March 1992. Many people died in this event. As already mentioned, these events created a huge reaction in Europe, and Germany, a fellow NATO member, suspended

significant improvement was the partial change in the Turkish Code of Criminal Procedure that came into force on 1 December 1992 (Law No.3842).¹²⁴ Accordingly, a number of offences, which were previously within the jurisdiction of the State Security Courts, were removed from its scope. Thus, the State Security Courts had jurisdiction over fewer crimes, including arms and drug smuggling and offences related to the state of emergency. The amendment was also related to the prohibited methods of interrogation (torture and mistreatment), which was made to apply also for crimes of terror (Ünal, 1999: 13). Prime Minister Demirel commented that Turkey could live up to the European standards through this amendment (Tekeli and İlkin, 2000: 261-2).

When the President Turgut Özal died on 17 April 1993, Süleyman Demirel became the President of the Republic May 16. Tansu Çiller, on the other hand, was elected as the leader of DYP on June 13 and Prime Minister on June 26. The governmental programme of the new government underlined the preparations within the framework of the application to the EU membership.¹²⁵

The coalition government announced the basic points of the new ‘democratization package’ on 18 May 1994. Accordingly, the constitution would be amended to a great extent,

arms deliveries to Turkey on 26 March. “Unhappy new year: Turkey”, *The Economist*, 28 March 1992.

¹²⁴ The Turkish Code of Criminal Procedure, which was prepared in the line with the 1877 German Code of Criminal Procedure, was enacted on 20 April 1929, Law No. 1412.

¹²⁵ A local elections was held on 27 March 1994. The DYP came again first in the election with 23 percent of the vote. However, the biggest winner of the elections was the RP, which could win the election in 23 provinces out of 76. The success of RP sounded alarm bells across Europe. The Welfare Party was known its anti-Western and anti-European Community rhetoric. Ironically, the raise of the political Islam in Turkey strengthened Turkey’s negotiatory power against the European states with regard to Turco-European relations. The Turkish politicians and officials, as mentioned earlier, started playing on the Europeans’ fundamental fear of Islamic fundamentalism, arguing that if the EU failed to include Turkey soon, the ‘mad fundamentalists’ in Turkey could get the power, which was the last thing that the EC and European states wanted. According to an apocalyptic scenario, if the ‘religious radicals’ got the power, this would mean the end of the ‘Turkish model’ possessing Muslim but ‘democratic and secular’ political system. Furthermore, it was very clear that Turkey with an Islamically oriented government would threaten the regional stability and the vital interest and security of the West. Further, and religious zealotry would infect Europe’s cities and the Turks living in the European countries, particularly in Germany, could become more radical that would threaten the inner stability of these countries. In other words, ‘Islamic fundamentalism’ would spill over the EU member states. “Turkey Eyes Islam”, *The Economist*, 2 April 1994, p.46.

thus anti-democratic provisions of the constitution would be weeded out. Furthermore, several amendments to the penal code and the State of Emergency Law of 1983 would be fulfilled.

The positive atmosphere in the European states created by the democratization package was ruined partly when the Turkey's constitutional court ruled to ban the DEP on 15 June 1994 and the former DEP deputies were detained.¹²⁶ As discussed earlier, the reactions from the EU, EP¹²⁷ and the council of Europe were so immense that the coalition government felt that it had to do something to appease the Europeans' anger. This deteriorating relation with the EP had rung alarm bells in Turkey, which was planning to realize the Customs Union as soon as possible. The Turkish government must speed up its democratization efforts both in order to normalize the relations, particularly with the EP, along with the inner problem within the junior partner of the coalition, SHP.¹²⁸ For this purpose, the government put an urgent bill into the agenda of the Turkish parliament regarding formation of the human rights institution and its duties and responsibilities on 24 June 1994.¹²⁹ Although the minister responsible for the human rights had existed before, it was not so functional due to the absence of the law in this regard.¹³⁰

However, though Tansu Çiller pledged to realize the reforms, the package was never fulfilled. Probably, the DYP did not dare to carry out the democratizing reforms not to

¹²⁶ Famous *The Economist*, mistakenly stated "This summer the government *foolishly* banned the Kurdish-based, professedly non-violent, Democratic Party...", "East, West, Which is the best?", *The Economist*, 19 November 1994. However, it was Turkey's Constitutional Court, not the Turkish government that could rule to ban a party in Turkey.

¹²⁷ The had suspended unilaterally the JPC.

¹²⁸ Privatization was one the most important policy that the government should conduct to combat deteriorating economy, which had hit the rock bottom on 26 January 1994 when Turkish currency lost its value up to 13.6 against the US dollar. Turkey was in real fix in the economic sense and privatisation was regarded as the cornerstone of the new economic programme announced on 5 April 1994 to have the economy recovered soon. However, an opposition wing of SHP, led by Professor Mümtaz Soysal, was against the privatisation. A compromise solution was reached when SHP made the privatisation conditional on the fulfilment of the democratizing reforms. In other words, both privatisation and democratization should be carried out simultaneously.

¹²⁹ Interview with Mehmet Sağlam, 12 August 2001.

¹³⁰ However, the bill failed.

alienate its ‘nationalist’ grassroots in the eve of the general elections.¹³¹ If the expected amendments had been fulfilled, these would have been very beneficial to Turkey’s cause of Europe. But, it seems that the European pressure or influence was not bigger than the costs calculated by the governing elite, which was in fact a decreasing support in the approaching election.

In the eve of the Essen Summit, which was very important for Turkey’s European vocation, the State Security Court announced its ruling on the former DEP deputies. Accordingly, while Leyla Zana—who called the trial ‘Kafkaesque’¹³², Hatip Dicle, Ahmet Türk, Orhan Doğan, and Selim Sadak were sentenced to 15 years in prison, Sedat Yurttas was sentenced to 7 years and 6 months in prison, and Sırrı Sakık and Mahmut Alınak were sentenced to 3 years and 6 months in jail. This fanned the flames of the tension between Turkey and the EU, particularly the EP, and the EP issued its 15 December decision, which, as mentioned already, made the Customs Union impossible.

The government put the urgent bill into the agenda of the parliament immediately. The government again rushed headlong into the law. The deputies from the opposition parties criticized this. For example, Engin Güner, from the ANAP, criticized the government, stating that it was very pity to see that the government tried to change the agenda of the Parliament suddenly within 24 hours upon the requirement of the EU to appease Europeans (Tekeli and İlkin, 2000:391).¹³³ The bill was accepted by the parliament. For some observers¹³⁴, the realization of the bill and its approval by the parliament showed that the Turkish state did no longer reject the European pressures with the argument that they were in reality infringement

¹³¹ Some deputies of DYP were particularly against the amendments in the Anti-Terror Law, which constituted one of the most vital part of the democratization package, on the ground that this amendment would weaken Turkey’s combat with PKK

¹³² *Turkish Daily News*, 10 January 1995.

¹³³ Mr Güner affirmed it when I interviewed him on 25 April 2001, in Ankara.

¹³⁴ Mehmet Ali Birand, “AB’ye Önemli Ödün”, *Sabah*, 18 December 1994.

of sovereignty or interventions to the internal affairs of Turkey. Thus, the Turkish governing elite seemed to become more vulnerable to the European pressure.

The Deputy Prime Minister Murat Karayalçın, just after he returned from the Association Council meeting held on 19 December where the European leaders harshly criticized the Turkish government, met with Prime Minister Tansu Çiller to decide how to conduct a policy in response to the European pressure.¹³⁵ The government had to fulfill some reforms until the next Association Council meeting that would be held on 6 March 1995. In other words, the government had just 2,5 months. The basic points decided in the meeting were as follows: The Constitutional Amendments should be realized to do away with the European criticisms; the Anti-Terror Law should be amended in the line with the principle of the freedom of expression; The legal changes should be fulfilled to allow the state officials to unionize (Tekeli and İlkin, 2000:397-9).¹³⁶

Prime Minister Tansu Çiller gave one of her first signals of democratization in early January of 1995,¹³⁷ when she deliberately said “*Ne Mutlu Türkiye vatandaşıyım diyene*” (Happy is whoever says I am a citizen of Turkey), appealing to the different ethnic groups in Turkey, rather than well known maxim of Atatürk: “*Ne Mutlu Türküm Diyene*” (Happy is whoever says I am a Turk”. Furthermore, the İKV, which was the organization de facto involved in basically Euro-Turkey relation, issued a report on the Kurdish question of Turkey

¹³⁵ On January 3, Prime Minister Tansu Çiller and Deputy Prime Minister and Foreign Minister Murat Karayalçın and other significant Turkish officials met to talk about the conclusion of the Customs Union. Acknowledging that the trial and verdict against the former pro-Kurdish Democracy Party (DEP) deputies had created havoc for Turkey and played a key role in the delay of the conclusion of the Customs Union, they expressed their concern that similar incidents might be taken place in future. The government decided to take all measures to make sure cases as the trials of the Turkish Human Rights Association (İHD) and the Turkish Human Rights Foundation (TİHV), whose chairman—Yavuz Önen—was being tried for the separatist propaganda, did not turn to new DEP trials that would further deteriorate Euro-Turkey relations and cause a major uproar in the European states. *Turkish Daily News*, 6 January 1995.

¹³⁶ It seemed that the conclusion of the Customs Union was Çiller’s top priority, and Karayalçın wanted to use democratization and the Customs Union when he would compete with his political rivals. CHP and SHP were in the trend of merging in the time.

¹³⁷ *Milliyet*, 2 January 1995.

entitled “the Kurds and Turkey.”¹³⁸ Considering the functions of the İKV, it was clear that the report basically appealed to the EU, particularly the EP. Furthermore, the Turkish Parliament ratified the UN Convention regarding the children rights on December 9, 1994 with a reservation on the religious and ethnic groups.¹³⁹

The bill to amend the constitution submitted to the parliament in January 1995 was debated in the constitutional commission of the parliament. The proposal, signed by 301 deputies, tackled the amendments to the preamble and twenty articles of the Constitution.¹⁴⁰

Nine days after the signing of the customs union agreement¹⁴¹ Prime Minister Tansu Çiller proposed the ‘six point democratization plan’, in accordance with the constitutional amendment proposal, in her Bilkent University address—delivered in English to an international and local audience—on 15 March in Ankara. This plan included the gradually phasing out of the State of Emergency in the southeastern provinces; a serious of the constitutional amendments, which would provide broader participation in politics and more freedom of expression; and the seeking of a consensus on amendments to weed out articles within the Anti-Terrorist Law that had restricted the right of free expression.¹⁴² Çiller said

¹³⁸ “Kürtler ve Türkiye,” *İKV Dergisi*, No.121, November-December 1994, ss.7-14. According to the report, Kurds should be expressed their cultural identity in a more liberal manner.

¹³⁹ It was published in the Official Gazette (No. 22184) on 27 January 1995.

¹⁴⁰ Accordingly, the first two paragraphs of the preamble stipulating the legitimacy of the 1980 coup would be removed; Article 15 would be amended so that the second paragraph, which did not permit claims on the unconstitutionality of the laws and regulations made during the 12 September 1980 regime, would be removed; Article 33 and 52 would be changed, thus the ban on the political activities of associations trade unions, foundations and public professional organizations and limitations on political cooperation between civil society and political society would be abolished. Article 51 would be changed so that public employees were to be given the right to organize trade unions; The voting age would be lowered to 18, the age of becoming a member of a political party would be lowered from 21 to 18, instructors and students at institutions of higher education could be member of political parties by the amendments to Article 67 and 68. Political parties would establish their women and youth branches and foundations by an amendment to Article 68 again. Article 76 would be amended to reduce the minimum age to be elected to the Parliament from 30 to 25.

¹⁴¹ After the Customs Union was concluded by the Association Council on 6 March 1995, Çiller maintained the economic benefits of the Customs Union, Karayalçın, on the other hand, underlined that the agreement was “very important step on the way of civilization” and stated that Turkey would confront “new and universal values” (Tekeli and İlkin, 2000:421).

¹⁴² *Turkish Daily News*, 24 March 1995; I personally listened to her speech at the time. Meanwhile, SHP merged into CHP WHEN, and Hikmet Çetin was elected as the leader of the party, but his leadership, in reality, was sort of sequestrator. Thus, a cabinet reshuffle occurred, and Erdal İnönü became the new FM on 27 March 1995.

similar things in her speech at the opening ceremony of the European Young Journalists Forum in Ankara University on 10 April.

However, in spite of all these speeches, Euro-Turkey relations were not so brilliant. The cross-border operations of the Turkish troops in Northern Iraq fanned the flames. As stated earlier, the EU and the council of Europe denounced Turkey heavily. What was so appealing was the reaction coming from the Turkish governing elite. Under the heavy criticisms of the European institutions, President Demirel, referring to the rejection of the conclusion of the Customs Union, said that “We know that our European friends did not accept the exclusion of Turkey. We shall make their works easier. We shall take measures to do away with the rightful criticisms.” Furthermore, the deputy Prime Minister and the leader of the junior partner of the coalition, CHP, Hikmet Çetin underlined a similar thing with a very concise explanation: “you cannot play *pişpirik* in the club of bridge.”¹⁴³

When the Turkish governing elites, who were looking forward to concluding the Customs Union, understood that the EP would not ratify the agreement if Turkey did not make some progress on carrying out some reforms, they pricked up their ears to understand better what the EP required. Actually, what the EP practically was requiring were some constitutional amendments, but particularly the amendment of Article 8 of the Anti-Terrorist Law. It seemed that the EP had decreased the standard for Turkey. However, in a short time, it was understood that the realization of these amendments the EP required was not an easy task, mainly because of the incompetence of the government. There existed a strong opposition within the DYP, who opposed to the amendments. Furthermore, the army was not keen to the amendments.

Even the President of the Republic, Süleyman Demirel, had mixed feelings about the European pressures regarding human rights particularly the Kurdish problem. He stated on 1

¹⁴³ “Briç kulübünde pişpirik oynanmaz”, *Hürriyet*, 28 April 1995.

May 1995 that the West wanted the Treaty of Sevres again for Turkey.¹⁴⁴ Later Demirel said to retired ambassador and columnist Şükrü Elekdağ that his words were a reaction to the resolution of the EP, which, for Demirel, was full of prejudices and ‘evil intentions’. Referring to EP’s consideration of the Kurds living in Turkey, Demirel said he did not accept any bargaining on Turkey’s territorial unity. Furthermore, as for Article 8 of the Anti-Terrorist Law, Demirel added that only if the amendments of the Article did not weaken the combat with the terrorism, he could support the amendment. He also put that there was a strong probability that the EP would not ratify the 6 March agreement.¹⁴⁵

However, Turkish FM and 17 Turkish ambassadors to the European capitals did not agree with the President. After they convened on 5 May, they underlined that all the problems with Europe were in fact stemming from Turkey’s reluctance to make progress on democratization, after they assessed the ‘Kurdish activists-Europe-Turkey triangle’ The ambassadors warned that if Turkey continued to be late to fulfill the reforms soon, it would be excluded from Europe. Even the foreign minister underlined that today human rights consideration eroded the non-intervention principle of the sovereignty¹⁴⁶

Meanwhile a by-election was held in 36 provinces on 4 June 1995. This election was important because Çiller had often indicated it as an excuse for the delay of the realization of the democratic reforms. Çiller had also promised that if the DYP became successful in the 4 June elections, she could pass the reforms easier.¹⁴⁷ Thus, the European government and Euro-deputes observed the elections closely. The DYP became the first party with more than 35 percent of the vote. Thus, there was no excuse for the government. However, although the procedure of the constitutional amendments was changed on 17 May 1987 with Law No:

¹⁴⁴ *Milliyet*, 2 May 1995.

¹⁴⁵ Şükrü Elekdağ, “Cumhurbaşkanı’na Kulak Verelim (Let’s Listen to the President)”, *Milliyet*, 7 May 1995.

¹⁴⁶ *Turkish Daily News*, 6 May 1995.

¹⁴⁷ Yalçın Doğan, “Çiller’in Avrupa’ya 4 Haziran sözü”, *Milliyet*, 7 June 1995.

3361, it was still difficult to amend the constitution. Çiller had a go at getting supports from all political parties, but she got nowhere.

Addressing a luncheon hosted by the İKV following its 32nd general assembly on 30 June 1995, Çiller stated that it would be a mistake to see the Customs Union just from the economic point of view. She underlined that the standards in terms of human rights and democracy must be met. She said Turkey had to realize the amendments to the Constitution in this way. Çiller once again to give signals to the Europeans to reassure them that democratization would be eventually carried out.¹⁴⁸

In fact, the Turkish policy makers thought that the EP had not been expecting very comprehensive and radical reforms. Thus some proposals of limited constitutional amendments were started to be debated in the Assembly on 14 June 1995 and Turkey at last took one step forward on July 23rd by lifting some of the restrictions on civil liberties in the 1982 constitution. The proposed texts had been changed somewhat by the Constitutional Committee in a less liberal manner (Özbudun, 2000:65). Only seven articles were adopted by the required three-fifths majority (270 votes). Fifteen articles failed to get even a three-fifths majority.¹⁴⁹

However, the fifteen articles were adopted finally because of a new procedural resolution (Özbudun, 2000:66-7). The 15 constitutional amendments removed honourable mention of the 1980 military coup from the constitution preamble and allowed trade unions, associations, foundations, cooperatives and public professional organizations to engage in

¹⁴⁸ *Turkish Daily News*, 1 July 1995. Part of the reason for the lack of movement in this regard was the problems within the Republican People's Party (CHP). The CHP had not been able to establish its parliamentary grouping as different factions compete for the deputy chairmanships of the parliamentary group. This had not only stalled the implementation of the coalition protocol but it had also stalled legislative changes. Secondly, many deputies believed that "First we get rid of terrorism then we improve human rights." *The Economist* described it as follows: "And on the home front Mrs Ciller is being stymied by the more right-wing of her own party's members of parliament and by other parties reluctant to soften the laws affecting human rights. ..The idea of being 'nice to terrorists' and other perceived trouble-makers may actually make her more unpopular than she already is, with her worthy but wrenching economic reforms still causing hardship... The snag is that Mrs Ciller may not even be able to persuade the more conservative of her own party to vote for such a change." "Chilly for

politics and form links with political parties. They allowed civil servants to join trade unions (though not to strike); university professors may join parties. Local authorities would get more autonomy. The voting age and the age of party membership came down from 21 to 18. Turkish citizens abroad could vote, and political parties could establish women's and youth branches. Furthermore, suspension of activities of associations and public professional organizations by an administrative authority became more difficult. Only those deputies who had their party closed by their own words or deeds would lose their membership, if the Constitutional court closed their party.

The subsequent evaluations of the amendments generally supported the argument that they were realized to a great extent as a response to the European pressures, particularly to convince the Euro-deputies, whose assent was needed for the conclusion of the Customs Union. Turkey relaxed a little with these new amendments against Europe. *The Economist* expressed this view as follows: "The avowed purpose was to increase democratic rights and develop power in one of the most centralized systems of government in Europe. The real purpose was to hold on to Turkey's chances of joining the European Union some day... The Turks hope that the constitutional revisions will be enough to change the MPs' minds."¹⁵⁰

The EP, holding the power of giving an assent to the Customs Union agreement, welcomed the amendments, although it regarded them insufficient. The EP deputies were expecting most to release the former DEP deputies and to scrap the notorious Article 8 of the Anti-Terrorist Law. However, what was the most important for the EP were not the content of the amendments, but the realization of some progress eventually. Thus, the Turkish

Ciller", *The Economist*, 6 May 1995. p.50.

¹⁴⁹ For an evaluation of this impasse, see Özbudun (2000:65-69).

¹⁵⁰ "Progress at last", *The Economist*, 29 July 1995. In a related vein, Turkey's standing representative to the EU, Uluç Özülker, said that "Turkey relaxed a little with these new amendments against Europe. An important step was taken by these changes on the way of the Customs Union. Europe, which wanted to include us to the Customs Union, also relaxed" (Tekeli and İlkin, 2000: 459).

government made an attempt to do away with one of the biggest obstacles on the way of the conclusion of the Customs Union (Tekeli and İlkin, 2000:464-6).¹⁵¹

However, as already mentioned, the ruling of the State Security Court on the former DEP deputies on 26 October 1995 and its reactions in the European countries and the EP almost ruined the relatively positive atmosphere in Euro-Turkey relations. The obnoxious Article 8 of the Anti-Terrorist Law had become the locus of attention of the European governments and the Parliament. After Article 141, 142, and 163 of the Turkish Penal Code on 12 April 1991, Article 8 had been used in a very broad and ambiguous manner: Indeed the wording of the Article was so general that it was possible for Article to include anything as propaganda.¹⁵² Not surprisingly, most of the ‘victims’ of the article were sentenced because of the Kurdish problem. Thus, Article 8 was one of the most criticized items by the EP and the European governments. Since the acceptance of the law in 1991, over four thousand persons, including the former DEP deputies, had been sentenced to jail on the ground of the offences cited in the article (Tekeli and İlkin, 2000:467). The EP had requested several times to abolish or change the article, and even it almost made the ratification of the Customs Union agreement conditional on abolition or amendment of the article. The Turkish government had pledged several times for change in the article, and even the coalition government included it into the governmental programme.¹⁵³ However, the article had not been amended until the time.

When the DYP-CHP coalition government was broken up¹⁵⁴, Çiller said to the European governments that an amendment of Article 8 in the line with more democratization

¹⁵¹ As stated earlier, Carlos Carnero, the EP’s rapporteur for Turkey, stated in his four-day information tour to Turkey that the constitutional amendment made in July needed to be supplemented with new changes to be regarded adequate by the EP.

¹⁵² Article 8 of the Anti-Terrorist Law: “No one shall, by any means or with any intention or idea, make written and oral propaganda or hold assemblies, demonstrations and manifestations against the indivisible integrity of the state of the Turkish Republic with its land and nation...”

¹⁵³ <http://www.tbmm.gov.tr/ambar/HP51.htm>

¹⁵⁴ The governing coalition of DYP and CHP were broken up on September 20 upon the speech addressed by the

was not so possible in the time, because, Çiller believed that, she would not receive enough support from the DSP and the MHP to change it.

When the DYP's minority government failed to take the vote of confidence, Deniz Baykal, the CHP's leader, accepted to forge a new coalition government with the DYP on the condition that the new government would put the amendment of Article 8 into the agenda of the Parliament immediately and the general elections would be held on 24 December 1995.

Article 8 of the Anti-Terrorist Law was eventually amended on 27 October 1995 with Law No: 4126/1 before the governmental programme was submitted to the parliament. The most important change in the new article was that the revision removed the wording in the first paragraph which had led to the ambiguity: "Whatever method, objective and though..." Secondly, prison sentences 'from two to five years' in the previous version of the article were lowered in the new version to 'from one to three years'. Thirdly, the revision in Article 13 of the Anti-Terrorist Law enabled the courts to suspend the execution of punishment or to commute the to fines. Thus, the amendments introduced the possibility of commuting punishments to fines. The new law also stipulated that the courts should re-examine the cases of those in jail within a month of the effective date of the law. Thus, the courts started reviewing the cases and releasing those in jail. Moreover, the amended version of Article 8 introduced the concept of intent (to disrupt the unity of Turkey) in written and oral propaganda.¹⁵⁵ Noteworthy were the grounds for the amendments, which explained the rationale of the amendment when it was submitted to the Parliament:

The first paragraph of Article 8 as currently in force has been responsible for a good deal of debate and criticism nationally and internationally... In view of the practical problems currently experienced in connection with freedom thought and expression and the international agreements to which

police chief of Istanbul, Necdet Menzir, who heavily criticized CHP indirectly due to its alleged concessions to the 'terrorist activities'.

¹⁵⁵ According to information provided by Turkey's Ministry of Foreign Affairs, as a result of the amendment, the courts ruled 141 release decisions and 7 acquittals as of 8 January 1996: <http://www.mfa.gov.tr/grupa/ac/aca/hmnr09.htm>

our State is a party, it is necessary to revise the existing Article 8... In making this revision, we aim to create the circumstances that will be conducive to the free expression of thought, thus *meeting the standards of Western democracies* (emphasis added).

While the amendment of Article 8 was debated in the Turkish parliament, the opposition parties, the ANAP and the RP, underlined two points to criticize the government. First, arguing that the amendment was proposed mainly to appease the EU pressures on Turkey, the opposition parties focused on the infringement of the national sovereignty and intervention of the EU on Turkey's internal affairs. They regarded these 'external pressures' unacceptable and totally against the national independence. The second point the opposition parties raised was their concern that the proposed amendment would weaken the struggle with the ethnic terror in Turkey. They also rose that the 'hidden amnesty' would be very dangerous for Turkey. The Justice Minister, however, defended the proposal arguing that they aimed to restructure Turkey in the line with the universal democratic values. The bill was approved by the TGNA with the votes from the DYP and the CHP.

The new coalition government, which would have been in power until 24 December 1995, submitted its programme to the TGNA on 31 October. The programme underlined democratization and the conclusion of the Customs Union.¹⁵⁶ It was clear that the *raison d'être* of the coalition government was, along with some domestic issues, to realize the Customs Union. The deputy Prime Minister and Foreign Minister, the leader of CHP stated in this regard that the customs union was the main priority for the new coalition government.¹⁵⁷

Meanwhile, the RP could take 21 percent of the national vote on the general elections

¹⁵⁶ Democratization is "the fundamental aim of the coalition government." The governmental programme confirmed once again that Turkey's EU consideration played significantly in the realization of the constitutional amendments: <http://www.tbmm.gov.tr/ambar/HP52.htm>.

¹⁵⁷ Interview with Deniz Baykal, *Turkish Daily News*, 8 November 1995. He also said "The Customs Union will constitute one of the most important links in Turkey's journey towards integration with the western world for seventy years. With the customs union, Turkey will put a crucial phase behind it in the attainment of the objective of contemporary civilization as formulated by Atatürk." It was noteworthy to mention that Mehmet

held on 24 December 1995. It was their strongest showing, enabling them to quadruple to 158 their share of seats in the 550-member parliament.

The Parliament gave its vote of confidence to the RP-led government, supporting the coalition between Prime Minister Necmettin Erbakan's RP and Tansu Çiller's center-right DYP on July 8.¹⁵⁸ The RP led-coalition government produced concern in the domestic and international circles over the secular character of the Republic of Turkey and its Western orientation.¹⁵⁹ Prime Minister Erbakan's Egypt, Libya and Nigeria visits caused tensions in Turkey and the EU and America. The tour had angered the junior partner of the coalition, the DYP, provoked stern warnings from the Turkish Military and brought open disapproval from Washington. The US State Department spokesman, Nicholas Burns, stated Washington's concerns about the new Turkish government's relation with states like Sudan, Libya, and Iran.¹⁶⁰

Furthermore, when President Hashemi Rafsanjani of Iran came to Turkey on December 19 for a four-day visit some political observers started the question as to whether the Islamically oriented Erbakan would shift secular Turkey's orientation away from the West

Adnan Ekmen, who was deputy of Batman, of Kurdish origin and among the founders of former pro-Kurdish party the HEP, became the minister responsible for human rights.

¹⁵⁸ The coalition was approved in a vote of confidence by 278 to 264. The closeness of the vote reflected the deep division in the parliament.

¹⁵⁹ For example, according to a British daily, "the Turkish parliament yesterday endorsed the country's first Islamist-led government, *bringing to an end more than 70 years of pro-secular rule*" *The Daily Telegraph*, 9 July 1996. Emphasis added.

¹⁶⁰ *The Daily Telegraph*, 2 October 1996. An unprecedented political storm broke out in Turkey on October 6, 7 when Col. Gaddafi, the Libyan leader, condemned Turkey's Kurdish policy. He impolitely told Turkish Prime Minister Erbakan that "the state of Kurdistan should take its place in the spectrum of nations under the Middle Eastern sun... Turkey should not fight against people seeking their independence." Erbakan, stunned by Gaddafi's words, replied "We don't have a Kurdish problem, we have a terrorist problem... There is no racial or sexual discrimination in Turkey. We are all united by Islam." *The Daily Telegraph*, 7 October 1996. Sami Kohen, "To us, Turk leader's tour goes to all the wrong places", *Christian Science Monitor*, 03 October 1996.

and towards such Islamic states as Iran, Egypt, and Libya.¹⁶¹ This new inclination in the foreign policy was coupled with the deteriorating relation with the EU analyzed before.¹⁶²

On 9 April 1997, the government established the High Coordinating Committee on Human Rights (chaired by the Minister of Human Rights and bringing together a representative of the Prime Minister and officials from the ministries of foreign affairs, the interior, justice, national education and health) Its role is to co-ordinate and monitor the implementation of measures aimed at improving the human rights situation. It may also submit proposals to that end to the Government. The Committee has prepared a draft law on the prosecution of civil servants and public officials, a draft Civil Code and the draft Criminal.

The most significant legal reform in March 1997 was the amendments in the Criminal Procedure Code, which shortened the maximum period of detention for people detained for offences within the jurisdiction of State Security Courts from 30 days to 10 days in provinces under state of emergency, and from 14 days to seven days throughout the rest of the country. Accordingly, while the maximum detention period of ordinary offences was reduced, in all cases, the extensions to detention periods exceeding four days required a judge decision.

Reading between the lines of Çiller's statement on the adoption by the parliament of the amendment, it seems that the new amendments in the Criminal Procedure Code was, to a great extent, a response to the European pressures:

This [the amendment] is an answer also to certain circles in Turkey and abroad who unjustly criticize and campaign against our country... For years, several of our European friends told us that inadequacies in the legislation regulating human rights were the most important obstacle in

¹⁶¹ "Crumbling Castle", *The Economist*, 12 July 1996; "A Fundamental Shift?", *The Economist*, 6 August 1996; "Turkey Tilts Eastward", *The Economist*, 17 August 1996; "Who Runs Your Foreign Policy", *The Economist*, 28 September 1996; Rasit Gurdilek, "Africa Tour Brings Coalition Under Fire", *Turkish Probe*, 4 October, issue 198; "Putting his foot in it", *The Economist*, 12 October 1996.

¹⁶² İlnur Çevik, "Victory in the East, setbacks in the West", *Turkish Daily News*, 17 December 1996.

the way of Turkey's integration with the European Union. In particular, they claimed that the length of the detention periods led to increase in allegations of torture and encouraged ill treatment of the suspects. Now, the new law is the best reply to these claims. From now on, Turkish norms conform with *European norms* on detention periods.¹⁶³

However, despite these positive development through some amendments to the Constitution and some Laws, we have also observed deterioration of democracy in Turkey with the 28th February process where the military's influence over politics has been increased.¹⁶⁴ The pressures on the Islamically oriented people, officials, foundations, and civil society institutions had been increased in the process. Even the RP was closed in the process by the Constitutional court on 16 January 1998 with the argument that the RP had become the hub of the anti-secularist activities.¹⁶⁵

6.4. Conclusion

The EU was to some extent influential on the consolidation of Turkish democracy particularly with regard to some important amendments to the 1982 Constitution and some legal codes, during the period that discussed. As discussed in the chapter in detail, the strong desire of the Turkish government to conclude the Customs Union with the EU was the key in the EU's influence. What it is possible to observe during the period is that, rather than the EU member states, the EP, having the power of the assent of the Customs union agreement between Turkey and EU and becoming more powerful through realization of some reforms in the EU that discussed above, was particularly important, in promoting Turkish democracy. It seemed that the EU member states addressed deliberately the human rights issues in Turkey to the EP. The member states performed a relatively low profile compared to the EP's insistence on

¹⁶³ *Milliyet*, 11 March 1997. However, Amnesty International criticized this new detention law, saying although they welcomed "the long-awaited" reduction in detention periods, it was insufficient in scope "to combat what has become an ingrained system of abuse. *Milliyet*, 13 March 1997; *Turkish Probe*, 21 March 1997, issue 220.

¹⁶⁴ This issue is discussed in the seventh chapter.

Turkey's political regime. Later in the thesis, it will be demonstrated that, the importance of the EP would diminish when Turkey became candidate for the EU membership and the initiatives in all fields, including democracy and human rights in Turkey, would pass to the Council of the EU, representing member states in the Union.

The period discussed in the chapter involved the years where the PKK terrorism and the pressures of the Turkish state on some societal groups in Turkey to end the violence and Kurdish armed resurgence dramatically escalated. This resulted in the deteriorating human rights records in Turkey that affected badly Turkey's relation with the EU, particularly the EP. Some events, including the 1992 Newroz case and the detention of the DEP deputies were particularly important regarding worsening EU/ EP-Turkey relations. During the period, the Kurdish issue had been "Europeanized" meaning that the Kurdish Diaspora in the European states had highly politicised and radicalised. Thus, the Kurdish problem of Turkey became one of the big problems in the Europeans countries like Germany where both Kurdish and Kurdish people existed.

Though the EU was influential on amendments to the 1982 Turkish constitution and some legal changes including changes in Article 8 of the Anti-terror law and the Criminal Procedure Code, it can be argued that the EU was not so influential on changing radically Turkey's political regime and human rights records because of basically the reluctance of the EU members to give Turkey a clear EU membership perspective. The EU members had never been serious on Turkey's EU membership in the period. They thought that forging a Customs Union with Turkey would be enough to keep Turkey in EU harbour, which in fact did not necessitate radical changes in Turkey's semi-democratic political system and negative human rights records. Thus, smoothing some sharp points in the Turkish legal system, like Article 8 of the anti-terror law, would satisfy the Europeans for the Customs union.

¹⁶⁵ For the more information about the nature and the process, see, Bayramoğlu (2001).

What is particularly important to mention was that it seemed that the influence of the EU on the Turkish democracy depended much more on the rational calculation of the Turkish governing elite that realization of some legal movements could lead to the conclusion of the customs union, which was very important for the domestic politics, rather than 'internalization' of the 'European values'.

CHAPTER VII

TURKEY-EU RELATIONS WITH REGARD TO DEMOCRACY AND HUMAN RIGHTS-III 1997-2002

7.1 Introduction

The history of the EU-Turkey relations should be divided into two main parts: Pre-Helsinki period and post-Helsinki period. The 1999 Helsinki Summit was the real watershed in the relations. The EU gave a clear EU membership perspective to Turkey, on the condition that Turkey complied with the Copenhagen criteria. Most of the Turkish governing elites, who had been aspiring for the EU membership because of its benefits regarding security, welfare and civilizational issues, perceived the Helsinki decisions and subsequent developments as a real stimulation to fulfil significant legal and political reforms to improve Turkey's human rights records and the quality of democracy in Turkey. In this chapter, the EU's requirements and Turkey's responses with regard to democracy and human rights within the post-Helsinki period are provided. The chapter demonstrates that the EU had become a real leverage between 1999 and 2002 concerning democracy in Turkey. However, it is clear that the EU had been more influential in this regard, if it would have been less averse about Turkey's EU membership, as it has been towards the CEECs.

7.2 Agenda 2000 and Subsequent Developments

July 1997 was very important date for both Turkey and all other applicant states, because 1,300-page study, *Agenda 2000*, which was described as a "detailed strategy for strengthening and widening of the Union in the early years of the 21st century", was completed on July 15 and presented to the Parliament on July 16. *Agenda 2000*, among other things, embodied the Commission's assessment of the applicant states. While the Commission's analysis led it to

recommend that the EU should open negotiations with five countries in Central and Eastern Europe—the Czech Republic, Estonia, Hungary, Poland and Slovenia—as well as (Greek) Cyprus next year, the Communication on Turkey proposed some measures to improve and deepen Euro-Turkey relations within the framework of the Customs Union agreement, without clear prospects for membership in the near future.

According to the Commission,

Turkey's record on upholding the rights of the individual and freedom of expression falls well short of standards in the EU. In combatting terrorism in the south east, Turkey needs to exercise restraint, to make greater efforts to uphold the rule of law and human rights and to find a civil and not a military solution... Recent developments in the administration and the education system, while intended to strengthen secularism, nonetheless underline the particular role of the military in Turkish society... There are ambiguities in the Turkish legal system with regard to civilian political control of the military.¹

Turkey reacted to the Commission's recommendation that the EU not begin accession talks with Turkey but begin such talks with the Greek Cypriot community. Deputy Prime Minister Bülent Ecevit said that if the EU continued to negotiate the Greek Cypriot community, Turkey would have no choice but to unite with the northern part of the island.² He also told a daily that the Turkish government was reviewing the implementation of the customs union agreement with the EU.³

This deteriorating relation with EU continued in the succeeding months. Luxembourg's Foreign Minister and then-president of the EU, Jacques Poos, said in Ankara on September 12 that Turkey could not become a full member of the Union unless it solved the Kurdish problem through initiating a dialogue⁴. Similarly, Dutchman Arie Oostlander, appointed by the EP to be the rapporteur for the EU enlargement process, said on September

¹ Agenda 2000 states also that Turkey should give "a firm commitment to resolve a number of problems in the region and contribute actively to a just and lasting settlement of the Cypriot question."

² *Turkish Probe*, 18 July 1997, issue 236.

³ *Hürriyet*, 22 July 1997.

⁴ *Hürriyet*, 3 September 1997.

18 Turkey should not be invited to the European Conference on the enlargement of the Union.⁵

While the crucial EU summit in Luxembourg on Dec. 12-3 was approaching, the rift between the EU member states on their perplexity about “how to deal with Turkey” was growing. Germany’s position particularly was still unclear. German Foreign Minister Klaus Kinkel had already declared that Turkey had no chance of realizing its ambitions to be full EU member in the near future. He argued that “ Turkey has had a place reserved for it on the European train since 1963 but there is no chance of it getting on the train in the near future... [Turkey] has to deal with its domestic tasks... The first of these are human rights, the Kurdish problem and economic problems.”⁶ Turkish Prime Minister Mesut Yılmaz visited Germany on September 30 and met with Chancellor Helmut Kohl and Foreign Minister Klaus Kinkel to soften Germany’s stance on Turkey’s EU membership. After the meetings, Yılmaz declared that he had got what he wanted, meaning that Germany would support Turkey’s EU membership bid, but first expected Ankara to make progress in the area of human rights, Cyprus, and the relations with Greece. Kinkel stated this time that “the Turkish train remains on the rail line to Europe but the path to full membership goes via the human rights situation, the Kurdish situation, relations with Greece, the Cyprus question and naturally over several economic problems.”⁷ The Turkish government and officials evaluated the German stance as a positive step because, this, they argued, eliminated the rhetoric that Germany was not very keen to see Turkey as a candidate of the EU.⁸ Even Turkish Foreign Ministry undersecretary Onur Öymen argued that “after the visit of our prime minister to Germany the impression that this country is against Turkey’s membership was erased.”⁹

⁵ *Hürriyet*, 19 September 1997.

⁶ *Turkish Probe*, 19 September 1997.

⁷ *Turkish Probe*, 3 October 1997, issue 247.

⁸ *Turkish Daily News*, 2 October 1997.

⁹ *Turkish Probe*, 24 October 1997, issue 250.

However, it was understood later that this optimism was not true when German FM Kinkel announced that Turkey still had a long way to become a full EU member and underlined Turkey's human rights record was still very bad. While Birand (2000:504) explained "Germany's U turn" by a simple misunderstanding between Yılmaz and Kohl,¹⁰ some other commentators argued that this was a reaction to deteriorating human rights situation in Turkey, when Eşber Yağmurdereli, a blind 52-year-old 'human rights activist' was jailed on October 20, and Human Rights Association chief Akın Birdal was sentenced one year in jail one day later. German FM Kinkel had heavily reacted to the detention of two leading Turkish human rights figures on October 22, saying that Ankara was destroying its reputation, and warned that good human rights record was a precondition for the EU membership.¹¹

French President Jacques Chirac and Chancellor Helmut Kohl discussed Turkey's position on November 5, and it was understood once more that Germany did not provide Turkey an equal footing with all the prospective EU membership, and the EU was preparing to invite Turkey to the Euro-conference with a special status.¹² However, Ankara made it known that any special status for Turkey without a prospect of membership and a pre-accession strategy was unacceptable. According to this view, if a pre-accession strategy were not formulated for Turkey, its participation in the European Conference with or without a special status would lose its very meaning. Thus, Ankara got frustrated with the formula of "customs union plus". Even Turkish State Minister Işın Çelebi put that Turkey would review

¹⁰ Accordingly, Kohl promised to support the Turkey's membership bid *in future*. However, Yılmaz understood it that Germany was supporting Turkey's bid to be included to the candidate list of the EU.

¹¹ İlnur Çevik, "An invisible hand is running the country", *Turkish Daily News*, 29 October 1997; İlnur Çevik, "Turkey has to take vital human rights decisions", *Turkish Daily News*, 1 November 1997; *Turkish Daily News*, 3 November 1997. While Germany had been the target of Turkish criticism in the time, a press release by the German embassy emphasized that Germany supported Turkey's full membership aim that would be achieved at a later date, and warned "every other candidate as well as Turkey had agreed that it has to achieve EU standards before accession talks can start... Germany agrees with Turkey's participation in the conference on equal terms with the other candidates." *Turkish Daily News*, 25 November 1997.

¹² İlnur Çevik, "Did the French really convince the Germans on Turkey?", *Turkish Daily News*, 8 November 1997.

the customs union unless it was included in the EU's enlargement programme. He argued that "if it is democracy and human rights, we will complete those within the expansion period. We will do it quicker if we are in the enlargement programme."¹³

The Turkish authorities released Eşber Yağmurdereli on medical ground on November 9 to appease the Europeans. Although the EU members welcomed his release, France declared that Paris required Turkey to implement a large-scale reform that would guarantee freedom of expression. French Foreign Ministry spokeswoman stated that France had asked Turkey to set Eşber Yağmurdereli free rather than suspend his sentence on health ground.¹⁴

As time was swiftly running out before the summit, Turkey accelerated its diplomatic efforts to enhance Turkey's EU bid. Prime Minister Yılmaz sought the support of Italy and Spain on November 24, and he warned the EU leaders against "erecting a cultural Berlin wall" to prevent Muslim countries joining the Union. Foreign Minister İsmail Cem met EU Commissioner Hans van den Broek and Belgian Minister Eric Dereyke on November 25 for the purpose¹⁵. According to Birand (2000:504), the Turkish government and officials had realized 48 persuasion tours to the EU member states for Turkey's EU bid after the Yılmaz-Kohl meeting.

7.3 The 1997 Luxembourg Summit

On December 13, the Luxembourg summit named 10 Eastern and Central European countries and Cyprus as candidates for full membership while shutting the doors on Turkey in this regard. Ankara was not named among countries that the EU included in its enlargement in the foreseeable future and no pre-accession strategy was granted to Turkey. The EU was given a

¹³ *Turkish Daily News*, 8 November 1997.

¹⁴ *Turkish Probe*, 16 November 1997, issue 253.

¹⁵ *Turkish Daily News*, 25, 26 November 1997; *Turkish Probe*, 30 November 1997, issue 255.

“policy of rapprochement” under the title of “A European Strategy for Turkey”¹⁶. Upon this, the frustrated Turkish government announced one day later that political relations with the EU had been frozen, and the relation with the EU would continue under the framework of the customs union agreement. Turkey would no longer debate Cyprus and human rights situation, including the south-east problem in Turkey, with the EU.¹⁷

Although Turkish-European Union relations over 1998 had been characterized by non-dialogue, it was not a ‘lost year’. One of the most significant developments in 1998 was the European Commission’s new proposal to Turkey¹⁸. The ‘European Strategy for Turkey’, which was released on March 4, was prepared in line with the European Council’s call to the Commission during the Luxembourg European Council on 12 December 1997 to formulate a strategy on Turkey. The document contained some proposals, which were regarded as “customs union plus” as it included the fields of agriculture, services and some industries not included in the customs union. With regard to the communication, EU Commissioner Hans van den Broek stated “the commission report demonstrates that the EU is doing its part to define a strategy for preparing eventual EU membership.” The document did not put any human rights condition to the strategy.

¹⁶ “A European strategy for Turkey

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

35. The European Council recalls that strengthening Turkey's links with the European Union also depends on that country's pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions.” <http://ue.eu.int/en/info/eurocouncil/index.htm>

¹⁷ *Sabah*, 15 December 1997. Turkish Prime Minister Yılmaz even threatened to withdraw Turkey’s 1987 application for the EU membership. However, deputy Prime Minister and leader of the junior partner of the coalition Bülent Ecevit said that withdrawal had not been discussed in the cabinet. *Sabah*, 18, 19 December 1997; *Turkish Daily News*, 19 December 1997.

¹⁸ Commission of the European Communities, “European Strategy for Turkey. The Commission’s initial

Ankara's reply to the European strategy came on 17 July 1998. It was not so positive. The Turkish policy makers believed that "even if they were fully implemented, the proposals contained in the 'Strategy Document' would still fall far short of the possibilities made available to the other candidates and be insufficient to integrate Turkey with the EU."¹⁹

The European Council held a summit in Cardiff on 15 and 16 June 1998. As far as Turkey was concerned, the presidency conclusions of the Council stated:

The European Council also welcomes the Commission's communication of 4 March 1998 on taking forward the European Strategy to prepare Turkey for membership. It agrees that, taken as a package, this provides the platform for developing our relations on a sound and evolutionary basis. The European Council invites the Commission to carry forward this strategy... The Strategy can be enriched over time, taking into account Turkey's own ideas. The European Council further invites the Presidency and the Commission and the appropriate Turkish authorities to pursue the objective of harmonising Turkey's legislation and practice with the *acquis*, and asks the Commission to report to an early Association Council on progress made.²⁰

However, though the Turkish officials announced that the conclusions of the Cardiff summit would not change Turkey's previous strategy of freezing political dialogue, the Foreign Ministry of Turkey evaluated it in an official statement issued on June 17 as follows: "First, the change in wording from 'eligible for membership' to 'candidate for membership'—however implicit that mention might be; second, a monitoring mechanism similar to the 28th article of the 1963 Ankara Agreement to prepare Turkey for accession; and last, the EU Council's approval of the European Strategy for Turkey... Thus providing Turkey with a legal

operational proposals", COM (1998) 124 final, 4 March 1998, Brussels.

¹⁹ "A Strategy for Developing Relations between Turkey and the European Union", 17 July 1998.

²⁰ Cardiff European Council, Presidency Conclusions. In addressing the reports to be prepared by the Commission on each candidate's progress towards accession, the text accepted in the Cardiff Summit categorized Turkey differently than the other applicants, expressing "In the case of Turkey, reports will be based on Article 28 of the Association Agreement and the conclusion of the Luxembourg European Council."

platform in which an association and relationship between Turkey and the EU could develop.”²¹

7.4 The First Progress Report of Turkey

The Commission announced its first composite paper and progress reports in November. In the light of the Copenhagen Criteria, the composite paper and the progress reports attempted to answer the question of how the CEECs, Cyprus, Malta and Turkey met the membership criteria. Accordingly, the reports differentiated political criteria, economic criteria, and other obligations of membership in the line with the method adopted by Agenda 2000. As far as the political criteria were concerned, which were stability of institutions guaranteeing democracy, the rule of law, human rights, and the respect for and protection of minorities, the composite paper asserted that “only Slovakia did not satisfy the political conditions”, along with Turkey.²²

As for the progress report on Turkey, it was very important document for Turkey’s European Union bid, because the Commission prepared very comprehensive official document that analyzed Turkey’s political and economic situations thoroughly first time. As stated below, the Union specified openly the basic problems standing in the way of closer dialogue with the EU and more importantly EU membership. Secondly, although the report was based on Article 28 of the Association Agreement²³, different from the legal base of the reports for other candidates, it created a new base for ties between Turkey and the Union,

²¹ Turkish Foreign Minister İsmail Cem told the Turkish parliament “I cannot say it was a great success. But there were positive developments.” *Turkish Probe*, 21 June 1998, issue 284. *Turkish Daily News*, 19 June 1998. One of the major incidents at the summit was the telephone conversation between US President Bill Clinton and Greek Prime Minister Costas Simites. At Blair’s request, Clinton called him at 1:30 a.m. on June 16 to convince Greece to lift its block on Turkey’s application. However, it was not successful attempt. *Turkish Daily News*, 18 June 1998. In September 1998, the first technical discussions took place between the Commission and the Turkish authorities to decide on a work schedule and the arrangements for implementing the European strategy.

²² “Composite Paper: Reports on progress towards accession by each of the candidate countries”, 1998, p. 3

²³ Article 28 states that “as soon as the operation of the Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community.”

referring Turkey as candidate. Furthermore, as the first comprehensive progress report on the nature of Turkey's political regime, the next reports have been penned in line with the 1998 report.

After the report noted some basic historical points of the EU-Turkey relations at the beginning, it reminded that "The present analysis consists of a systemic examination of the organization and functioning of the public authorities and of the system for protecting fundamental rights. Rather than simply a formal description, it seeks to evaluate the effective functioning of democracy and the rule of law."²⁴ Accordingly, in the light of the Copenhagen criteria, the report deals with the political criteria in terms of 'Democracy and the rule of law' and 'Human Rights and the Protection of Minorities'. As far as 'Democracy and the rule of law' is concerned, one of the most serious problems that the report underlines is the lack of real civilian control over the army and the increasing influence of the military within the political issues. The report put that:

The existence of [the National Security Council] shows that, despite a basic democratic structure, the Turkish constitution allows the Army to play a civil role and to intervene in every area of political life... The army is not subject to civil control and sometimes even appears to act without government's knowledge when it carries out certain large-scale repressive military operations (p. 14).²⁵

Concerning the executive, though the report admitted that the Turkish administration functioned to a satisfactory standard, it also underlined many cases of corruption, favouritism and influence peddling, as well as the illegal "links between certain parts of the state apparatus and organised crime", referring to the "Susurluk" scandal in 1996 (p. 12).

As to the Turkish judicial system, the report criticizes the State Security Courts, arguing that:

²⁴ "Regular Report From the Commission on Turkey's Progress Towards Accession", 1998, p.9.

²⁵ In this regard, in a different place, the report argues "In 1997, according to many Turkish newspaper reports, two operations by the Turkish armed forces against the bases of the Kurdistan Workers Party (PKK) in northern

There are reasons to believe that by their very nature these courts do not offer defendants a fair trial. The key problem areas include over-reliance on obtaining confession rather than on traditional investigative methods; the relative status of the prosecutor...; and the extreme slowness of trials... There are also doubts about the impartiality of judges: one in three SSC judges are military judges... This is the only example in Europe in which civilians can be tried in part by military judges... The judicial excessive workload tends to undermine efficiency. The dependency of judges on decision of the Supreme Council of Judges and Public Prosecutors is also a matter of concern...

As far as Human Rights is concerned, according to the report, cases of torture, disappearances and extra-judicial executions were regularly recorded. It underlined that cases of torture occurred basically during periods of detention incommunicado in police station. Furthermore, the report regarded the new law adopted in March 1997 that reduced the duration of police custody as insufficient. The report also mentioned “excessively narrow interpretation” of Articles 7 and 8 of the Anti-Terrorist Law, Articles 158, 159, 311 and 312 of the Penal Code, along with the Constitution, as obstacles for freedom of expression. For the report, it “is used to charge and sentence elected politicians, journalist, writers, trade unionists or NGO workers for statements, public speeches, published articles or books that would be acceptable in EU Member States” (p. 16). Regarding the freedom of press, the report accepted that “the media is generally free to express its views.” However, it also underscored that newspapers had been censored on certain sensitive issues at the printing stage: “Public criticism of the armed force or the peaceful advocacy of alternatives to the basic principles of the Turkish State (e.g. territorial integrity and secularism) may both lead to criminal charges being pressed” (p. 16). In addition, the report also stated that freedom of association and freedom of assembly were subject to limitations, without giving the details.

The report does not mention the so-called 28 February Process directly, however, it asserts that :

Iraq took place without the Chief of the General Staff giving the government any prior notice”, p.12.

The army plays an active role in upholding the principle of secularism in the Turkish society against certain strands of Islam that are considered to be opposed to this principle. The army has issued a number of warnings to the government in the framework of the National Security Council. Furthermore, the army regularly excludes from its ranks persons deemed to be involved in activities incompatible with secularism (p. 19).

Concerning Minority Rights and Protection of Minorities, although the report does not mention Turkey's Kurds as national, linguistic or ethnic minority directly, it deals with the Kurdish question under the subtitle of Minority Rights and Protection of Minorities. After arguing that Kurds were economically and socially disadvantaged and had suffered a lot because of the negative atmosphere of the state of emergency in the south-east, the report strongly called on Turkey that it "will have to find a *political* and *non-military* solution to the problem of the south-east."²⁶ For the Commission, the military solution was hampering the region's social and economic development and had damaged "Turkey's international image". A "civil solution" would include "recognition of certain forms of *Kurdish cultural identity* and greater tolerance of the ways of expressing that identity, provided it does not advocate separatism or terrorism."²⁷ For the first time, the Commission asked Turkey so strongly that Turkey would have to solve its Kurdish problem *politically*. Furthermore, it underscored that a political solution meant recognition of Kurdish identity, which was in fact very contrary to the basic founding paradigms of the Republic of Turkey.²⁸ Although the EP had asked Turkey to recognize the Kurdish cultural existence several times, Ankara had generally passed over them.

The Commission concluded in the Regular Report:

On the political side, the evaluation highlights certain *anomalies* in the functioning of the public authorities, persistent human rights violations and major shortcomings in the treatment of *minorities*. The lack of *civilian control of the army* gives cause for concern. This is reflected by the major

²⁶ Emphasis added.

²⁷ Emphasis added.

²⁸ This point is discussed in the next chapter of the thesis.

role played by the army in political life through the National Security Council. A *civil, non-military* solutions must be found to the situation in *south-eastern* Turkey, particularly since many of the violations of civil and political rights observed in the country are connected in one way or another with this issue... The process of democratic reform on which Turkey embarked in 1995 must continue.²⁹

Table 1
1998 Progress Reports
Political Criteria
Democracy and the rule of law

Democracy and the rule of law	Points Concerned
Parliament	
The executive	1. The autonomy of the military 2. Corruption, favouritism and influence peddling
The judicial system	1. Problems concerning fair trial 2. Military judges in the SSCs 3. Trials of civilians in the military courts 4. Independency of the judges
The National Security Council	Intervention of the Army in every area of political life; The army is not subject to civil control.

Table 2
1998 Progress Report
Political criteria

²⁹ “Regular Report From the Commission on Turkey’s Progress Towards Accession”, 1998, p.21; emphasis added.

Human Rights and the Protection of Minorities

Human Rights and the Protection of Minorities	Points Concerned
Civil and political rights	<ol style="list-style-type: none"> 1. Persistent cases of torture, disappearances and extra-judicial executions; 2. Duration of police custody; 3. Freedom of expression is not fully assured (Particularly, Articles 7 and 8 of the Anti-Terror Law; Articles 158, 159, 311 and 312 of the Penal Code) 4. "Objective and independent reporting by Turkish media of the Kurdish issue is not possible." 5. The conditions in Turkish prisons 6. Freedom of association is subject to certain limitations. 7. Freedom of assembly is also subject to limitations.
Human rights protection instruments	"Turkey is the only country to have been convicted for hindering the submission of complaints to the ECHR."
Economic, social and cultural Rights	<ol style="list-style-type: none"> 1. Practice of religion other than (Sunni) Islam (Alevi) is subject to restrictions. 2. The Assyrian Orthodox religion is not recognized as a religious minority.
Minority Rights and Protection of Minorities	"Kurds who publicly or politically assert their Kurdish ethnic identity risk harassment or prosecution"; Turkey will have to find a political solution to the problem of the south-east.

In its 'conclusions and recommendations' section, the composite paper states that "The evaluation of the situation in Turkey according to the same criteria as for the countries of central and eastern European reveals a singularity of this candidate country with regard to the political criteria for membership... But it is the sole responsibility of Turkey to improve the situation with regard to the pressing need to reinforce democracy and to protect human and minority rights."³⁰

The initial reactions from Ankara to the report were positive. Turkish foreign minister İsmail Cem announced from Brazil that with this report, Turkey had become a de facto

candidate. It “opened the way for improvement of ties between Turkey and the European Union.”³¹ The general attitude towards to the report was positive. Even some commentators argued that “Turkey was wrong to react so strongly by cutting dialogue. Now it is time to begin once again.”³² However, Turkish officials in Ankara underlined certain “misconceptions” in the report within particularly the political section. For them, the report did not pay enough attention to the dimension of terrorism in Turkey, which had in fact been the basic reason of the anti-terrorism law and human rights violation in the south east.³³

However, EU-Turkey relations continue to follow *the permanent zig zag pattern*, meaning that there exist so many potential pitfalls in the relations, even if the relations seem developing in a good manner, another problem might be emerged. Turkey’s relation with Germany, France and Italy, three big powers of the Union, had started to sour in the late 1998.

The first one was the worsening relation with Germany in 1998, which had hit the rock bottom till the Germany’s Social Democrats toppled the 16 year-old conservative-led government in the general elections on September 27. When it was understood that Bonn was against Turkey’s joining the EU, a series of anti-German outbursts by Turkey’s German-educated Prime Minister, Mesut Yılmaz, had soured relations between Turkey and Germany in March and April. He compared the German approach to the EU expansion to Hitler’s “Lebensraum” plans for German settlement of Eastern Europe and charged that Germany had been using “intolerable delaying tactics” in the EU which were aimed against Turkey. He told “Deutsche Presse-Agentur” that “The federal government is the architect of discrimination” against Turkey. Yılmaz even called German Chancellor Helmut Kohl an “enemy” during a

³⁰ “Composite Paper: Reports on progress towards accession by each of the candidate countries”, 1998, p.30.

³¹ *Turkish Probe*, 8 November 1998, issue 304.

³² Hüseyin Bağcı, “Will Non-Dialogue End?”, *Turkish Probe*, 8 November 1998, issue 304.

³³ *Turkish Probe*, 8 November 1998, issue 304.

tourism conference in Antalya, Turkey, where he also said he would not mind if tourists from Germany stayed away.³⁴

However, this trend halted with the Social Democratic victory in September. The first positive signals from Germany's future chancellor Gerhard Schroeder came when he declared that Turkey should not be barred indefinitely from joining the Union on September 29. He also added that the Turkish government had a long way to satisfy the Copenhagen criteria.³⁵ Thus, it seemed that human rights and democracy became at stake within Turco-German relations concerning the EU, rather than the civilizational or cultural issues. The Turkish authorities generally welcomed the victory of the Social Democratic Party (SPD) and though it "a new era is opening in relations between Turkey and Germany."³⁶

Turco-French relations had been witness to difficulties when the Socialist deputies proposed a resolution that asked to recognize "the Armenian genocide" allegedly carried out by the Ottoman Empire between 1915 and 1921. Since France had been the main 'engine' of the Turkish drive to the EU³⁷, a deterioration of the relation with France was the last thing that Turkey wanted in the time.

The other issue was the presence of Abdullah Öcalan in Rome, which had become one of the biggest issues for both Turco-Italian and Euro-Turkey relations. The relation between Turkey and Italia had already started to deteriorate because of the Kurdish question when Turkey warned Italy over a two-day meeting of "the Kurdish parliament-in-exile" in the Italian parliament with participation of Italian deputies in September. However, the real blow to the relation came when Abdullah Öcalan, the leader of the separatist Kurdistan Workers' Party, was arrested in Rome after he fled to Italy from Russia on November 13. However, the

³⁴ *Turkish Probe*, 15 March 1998, issue 270; *Turkish Probe*, 5 April 1998, issue 273.

³⁵ *Turkish Probe*, 5 October 1998, issue 299.

³⁶ *Turkish Daily News*, 29 September 1998. Hüseyin Bağcı, "New German Chancellor Gerhard Schroeder and Turkey", *Turkish Daily News*, 29 September 1998.

³⁷ One day Pangalos called Chirac "the frontrunner in a beauty contest for Turkey's benefit." *Turkish Probe*, 21 June 1998, issue 284.

anger against the Italian government increased when it was known that Öcalan, who was being kept in a hospital instead of keeping him in jail, was freed on November 21. The Turkish government reacted against Italy at the highest level. Turkish Prime Minister Mesut Yılmaz warned Italy that Italy “cannot carry this shame. If it does, Turkey will not leave this unanswered.”³⁸ Thousands of Turks angered by Italy’s release of Öcalan held demonstrations against Italy and hundreds of Turkish companies and business groups announced a boycott of Italian goods. When Italian Prime Minister Massimo D’Alema declared in Brussels that Öcalan was not just Italy’s problem but Europe’s problem, the EU supported the Italian government and the Commission President Jacques Santer warned Turkey on November 24 that Turkey could face retaliatory sanctions from the EU and its all members if it boycotted Italian imports.³⁹

EU-Turkey relations was marked also by the arrest and trial of Öcalan as well as the verdict of death penalty given by the Ankara State Security Court against him on 29 June 1999.⁴⁰ After his capture in Kenya in February 1999, Öcalan was taken to Turkey, the İmralı prison-island in the Sea of Marmara. The capture triggered violent PKK demonstrations in some EU states. Then, while the EU declared that such acts of violence were “inadmissible and under no circumstances tolerable”, it also asked Turkey to “resolve its problem by political means with full respect for human rights, the rule of law in a democratic society...[EU] welcomes all genuine efforts to separate the fight against terrorism from the search for political solution and to promote conciliation.”⁴¹ The EU presidency reacted the

³⁸ *Turkish Probe*, 29 November 1998, issue 307.

³⁹ *Turkish Probe*, 29 November 1998, issue 307.

⁴⁰ German Ambassador to Ankara Dr. Hans-Joachim Vergau stated that if Öcalan were executed Turkey would forget the EU. He said “500 thousands Kurds live in Germany. If you do not have a Kurdish problem we have in Germany.” *Milliyet*, 24 November 1999.

⁴¹ Bulletin EU 1/2-1999, 1.4.19

verdict of the death sentence against Öcalan on 29 June 1999 in its declaration of 29 June 1999, along with the EP's reaction.⁴²

Noteworthy was the rapprochement between Turkey and Greece that followed the catastrophic earthquake of 17 August 1999 in Turkey and a minor one Greece several weeks later. In the wake of earthquakes, a new diplomatic initiative started and Greek Foreign Minister George Papandreou visited to Ankara, who was the highest-ranking Greek official to visit to Turkey in 38 years (Larrabee and Leseer: 85)⁴³. Following days, Turkish Foreign Minister Cem visited to Athens.⁴⁴ This rapprochement has continued with regard to Turkey's EU bid, which Greece had seemed one of the most serious obstacles against. It seemed that while Turkey has promoted melting ice between two countries primarily because of Turkey's EU perspective, Greece has started to support Turkey EU membership, expecting that the perennial problem with Turkey, including the Cyprus and Aegean problems, could be solved easier if Turkey was in the sphere of the EU's influence.

7.5 The Second Progress Report of Turkey

The Commission issued the second progress reports, along with the Composite Paper, on 13 October 1999. As far as Turkey's candidacy is concerned, positive signs were given before the Helsinki Summit in the Composite paper, despite the EU's concern over the decision of the Supreme Court of Appeals upholding the death penalty for the PKK leader Abdullah Öcalan:

Turkey has expressed the wish to be a candidate country and should be considered as such. To date the European strategy for Turkey has been more narrowly focused than for the other candidate countries. In particular the financial support from the EU that could have underpinned the process of

⁴² Bulletin EU 7/8-1999, I.2.1

⁴³ For the domestic effect of the earthquake, see Kubicek (2002a, 2002b).

⁴⁴ See, Alan L. Heil (2000).

alignment has been limited. To encourage in-depth reforms, it is now time to take a step forward and to further develop the strategy with regard to Turkey. While retaining specific features linked to the current situation of the country it can in future be aligned more closely on the strategy followed with the other candidate countries.⁴⁵

It was clear that the Helsinki Summit would develop its relation with Turkey. However, the 1999 Progress Report was full of criticisms of Turkey under the title of political criteria.

Table 3
1999 Progress Report
Political Criteria
Democracy and the rule of law

Democracy and the rule of law	Points Concerned
The Parliament	The national threshold of 10%
The Executive	
The Judiciary	The existence of the SSCs
Anti-Corruption Measures	“Since the last regular report, no new legislation against corruption has been introduced.”
The National Security Council	the military and NSC’s major role in political life.

Table 4
1999 Progress Report
Political Criteria
Human Rights and Protection of Minorities

Human Rights and Protection of Minorities	Points Concerned
Civil and political rights	torture, disappearances, extra-judicial executions, detention procedures, freedom of expression, freedom of press, the conditions of Turkish prisons, freedom of association, freedom of assembly, and death penalty.
Human Rights protection instruments	
Economic, social and cultural Rights	“no particular development concerning these rights.”
Minority Rights and Protection of Minorities	TV broadcasting in Kurdish, Kurdish language, emergency legislation in six provinces

The 1999 Progress Reports concluded that

⁴⁵ The European Commission, “Composite Paper: Regular Report from the Commission on Progress towards Accession by each of the candidate countries, October 13, 1999,” p.5.

Recent developments confirm that, although the basic features of democratic system exist in Turkey, it still does not meet the Copenhagen political criteria. There are serious shortcomings in terms of human rights and protection of minorities. Torture is not systematic but is still widespread and freedom of expression is regularly restricted by the authorities. The National Security Council continues to play a major role in political life. Although there have been some improvements in terms of the independence of the judiciary the emergency court system remains in place.⁴⁶

7.6 The Helsinki Summit and a Paradigmatic Change

The decisions taken at the European Council in Helsinki (10-11 December 1999) were a very significant watershed in EU-Turkey relations. It would not be an exaggeration to argue that the decisions taken at the Helsinki summit represented a paradigmatic change in EU-Turkey relation because the EU first time clearly stated that Turkey could be an EU member insofar as Turkey complied with the Copenhagen criteria.

The historic paragraph of the presidency conclusion of Helsinki European Council in respect of Turkey states that:

The European Council reaffirms the inclusive nature of the accession process, which *now* comprises *13 candidate States* within a single framework. . . Turkey is a candidate State destined to join the Union on the basis of the same criteria as applied to the other candidate States. Building on the existing European strategy, Turkey, like other candidate States, will benefit from a *pre-accession strategy to stimulate and support its reforms*. This will include *enhanced political dialogue*, with emphasis on progressing towards fulfilling the political criteria for accession with particular reference to the issue of human rights, as well as on the issues referred to in paragraphs 4 and 9(a)⁴⁷. Turkey will also have the opportunity to participate

⁴⁶ “1999 Regular Report from the Commission on Turkey’s Progress Towards Accession,” Brussels, 13 October 1999, p.16.

⁴⁷ The fourth paragraph stresses “the principle of peaceful settlement of disputes in accordance with the United Nations Charter and urges candidate States to make every effort to resolve any outstanding border disputes and other related issues. Failing this, they should within a reasonable time bring the dispute to the International Court of Justice. The European Council will review the situation relating to any outstanding disputes, in particular concerning the repercussions on the accession process and in order to promote their settlement through the International Court of Justice, at the latest by the end of 2004.” Paragraph 9(a) states “ The European Council welcomes the launch of the talks aiming at a comprehensive settlement of the Cyprus problem on 3 December in New York and expresses its strong support for the UN Secretary-General’s efforts to bring the process to a successful conclusion.” Paragraph 9(b) states that “The European Council underlines that a political settlement will facilitate the accession of Cyprus to the European Union. If no settlement has been reached by the completion of accession negotiations, the Council’s decision on accession will be made without the above being a precondition. In this the Council will take account of all relevant factors.”

in Community programmes and agencies and in meetings between candidate States and the Union in the context of the accession process. An *accession partnership* will be drawn up on the basis of previous European Council conclusions while containing priorities on which accession preparations must concentrate in the light of the political and economic criteria and the obligations of a Member State, combined with a *national programme* for the adoption of the *acquis*. Appropriate monitoring mechanisms will be established... The European Council asks the Commission to present a single framework for coordinating all sources of European Union financial assistance for pre-accession (Emphasis added).⁴⁸

The decision reached in Helsinki was welcomed by most of Turks, from the right to the left, with the exception of a small minority comprising some ultra-leftists groups. Thus, the EU and the criteria that Turkey must meet became one of the most important issues to be discussed at the elite and popular levels. Both the political and state elite, who supports Turkey's accession to the EU and Turkish people started more increasingly to refer to the EU entrance criteria when they need to substantiate their arguments for further democratization. Thus, it would be quite meaningful to assert that the Union have really started to be real leverage for Turkey's further democratization when it recognized Turkey's candidacy in Helsinki.

At the elite level, Turkish prime minister, after stating that "things have occurred in the period of the 57th government that have had a very positive effect on Turkey-EU relations" (referring to the legal and constitutional amendments), underlined abolishing the death penalty for EU membership⁴⁹. Turkish Foreign Minister İsmail Cem stated that the

⁴⁸ "Presidency Conclusions, Helsinki European Council 10 and 11 December 1999", SN 300/99. Emphases added. The Turkish government was suspicious about the content of the presidency conclusion concerning Turkey, particularly the reference to Cyprus. Even Turkish Foreign Minister had opposed accepting the EU's offer and supported a continuation of Turkey's stance of "no dialogue". However, when a letter from Paavo Lipponen, Finland's Prime Minister and EU term president arrived for Prime Minister Ecevit claimed that "no new criteria added to those of Copenhagen and that the reference to Para. 4 and 9(a) was not in relation with the criteria for accession but the political dialogue. The accession partnership will be drawn up on the basis of today's Council decisions. In Para.4 the date of 2004 is not a deadline for the settlement of disputes through the ICJ but the date at which the European Council will review the situation relating to any outstanding disputes." For the full text of the letter and other related development, see *Turkish Probe*, 19 December 1999, issue 362.

⁴⁹ For the speech delivered by Turkey's Prime Minister Bülent Ecevit with regard to the decision of the Helsinki summit, see Birand (1999:541-544). On the other hand, the Prime Minister underlined that the Turkish state would not "grant freedom to those who oppose secularism" in the same speech. Furthermore, Ecevit also argued that there were not any ethnic minorities in Turkey and the National Security Council was not an impediment to

government was happy with the decisions taken in Helsinki but warned that deep changes were needed if Turkey was to “rid itself of human rights violations and a sprawling, inefficient state.”⁵⁰ More importantly, while Motherland Party Chairman Mesut Yılmaz was criticizing Turkey’s state system, he declared that “the road to the European Union passes through Diyarbakır”, a significant province in southeastern Turkey where the population is predominantly Kurdish, in his historic speech in Diyarbakır on December 16, just 4 days after the Helsinki summit.⁵¹ Turkish Foreign Minister Cem declared after he met EU officials, including EU Enlargement Commissioner Guenter Verheugen, on February 1 in Brussels that the decision in Helsinki would Turkish government to make necessary political reforms and Turkey could make quick progress towards EU membership terms following the Helsinki summit.⁵² The Turkish Parliament constituted a committee without delay to review the Turkish Constitution and weed out its undemocratic provisions. It would prepare a report, on which provisions must be amended, taking the EU’s Copenhagen criteria into consideration.⁵³

Nevertheless, the permanent zigzag pattern of the relation continued in first months of 2000. When police arrested the pro-Kurdish People’s Democracy Party (HADEP) mayors of Diyarbakır, Siirt and Bingöl on charges of having links with the PKK and providing funds to its militants on February 19, the Kurdish question reappeared as the most difficult problem standing in the way of the EU membership. Police arrested them, while Swedish Foreign Minister Anna Lindh was visiting Ankara and saying that Turkey should improve its human rights records to match its enthusiasm for European Union membership, and asking the

Turkey’s democracy.

⁵⁰ *Turkish Daily News*, 14 December 1999.

⁵¹ The first problem that “candidate Turkey” confronted after the Helsinki summit was the interim measure issued by the ECtHR which called for Turkey to stay the execution of Abdullah Öcalan on Nov. 25, the same day that the Turkish Court of Appeals had upheld the conviction and death sentence delivered to Öcalan on the grounds of separatism by the Ankara State Security Court at the end of June. The coalition government, due mainly to repression from the EU, decided on January 12 to postpone the execution until the ECtHR gave its final judgment on the case, after the leaders of the coalition debated the issue for 7.5 hours, which was welcomed by the EU. *Milliyet*, 13, 14 January 2000. *Turkish Daily News*, 14 January 2000.

⁵² *Milliyet*, 2 February 2000.

⁵³ *Turkish Daily News*, 25 December 1999.

Turkish government to allow broadcasting and education in Kurdish.⁵⁴ On February 22, police broke up street demonstrations in Diyarbakır and Siirt. The German Foreign Minister Fischer called Cem and asked him more information about it. Furthermore, Germany asked Portugal, which was holding the EU presidency, to call on Turkey to release the mayors immediately.⁵⁵ The EP's president Nicole Fontaine urged the Turkish authorities on February 23 to release three pro-Kurdish mayors, saying that "the arrest of these elected representatives is unacceptable."⁵⁶ However, the EU did not officially condemn Turkey, though the troika and the leading EU member states discussed the problem with the Turkish officials *non-officially*.⁵⁷

The Kurdish issue continued to appear as the most difficult question again between EU and Turkey relations when EU Commissioner for Enlargement Verheugen mentioned the "Kurdish problem" in the meeting with the Turkish officials and Prime Minister Ecevit on March 10, where Ecevit objected to using the phrase of "Kurdish problem" because, for him, Turkish society had no tradition of ethnic discrimination.⁵⁸

The Kurdish question and human rights violation dominated once again the Turkish-European Union Association Council meeting took place on April 11 in Luxembourg after a three-year break. The council was very important for two basic reasons. Firstly that a meeting by the council had not been held since the 1997 EU Luxembourg summit; secondly that it was the first meeting after Turkey was declared as a candidate in the Helsinki summit. As it was

⁵⁴ *Milliyet*, 18 February 2000.

⁵⁵ *Yeni Binyıl*, 23 February 2000.

⁵⁶ *Turkish Daily News*, 25 February 2000

⁵⁷ *Yeni Binyıl*, 25 February 2000.

⁵⁸ *Turkish Daily News*, 11 March 2000; *Yeni Binyıl*, 11 March 2000. When Verheugen was delivering a speech in Boğaziçi University in Istanbul on March 9 about the EU-Turkey relations, he had used "the Kurdish problem". *Yeni Binyıl*, 10 March 2000. He stated that Turkey should make progress on the Kurdish issue before starting the accession talk with Turkey. *Yeni Binyıl*, 17 March 2000.

The *Nevruz* or *Newroz* celebrations, which had been the cause of friction, in the Southeast were peaceful in 2000. However, when some pro-Kurdish circles started to use the non-Turkish letter 'W' in their newspapers or magazines to differentiate Kurdish "Newroz" from Turkish "Nevruz", it produced tension between them and the Turkish authorities in the region. For example, Turkish judicial authorities opened investigations into six regional newspapers for their use of 'W' in Batman.

expected, the Copenhagen criteria occupied generally the meeting. The European interlocutors, including Verheugen, stated that the EU was disappointed with the slow pace of the reforms to improve Turkey's human rights records, notably for Kurds, and its quality of democracy after Turkey was declared a candidate for EU membership in December. Verheugen plainly told Turkey's Foreign Minister Cem that "We have unfortunately noted with some concern that not much progress has been made since Helsinki." Furthermore, the commissioner continued to express at the press conference what the EU was expecting from Turkey: "We are expecting a firm commitment to continue the process... and to proceed now on issues such as the revised penal code, the new civil code and enhanced independence for the judiciary."⁵⁹ Turkish Foreign Minister Cem said at the same conference that Turkey's objective was to shorten as much as possible the time before accession. One of the significant decisions held in the meeting was to set up the eight committees that would screen Turkey to observe whether or not Turkey complied with the *acquis*.⁶⁰

The EU started more plainly to express the fact that Turkey did not meet the Copenhagen criteria. Verheugen, for example, put in the end of October that Turkey did not meet the Copenhagen criteria and thus the accession talk with Turkey would not be opened in 2001.⁶¹ He articulated a similar view in the EP, just after the European Commission made public the Accession Partnership Document for Turkey on November 8, that Turkey did not satisfy the Copenhagen criteria. He expressed their concern about the role of the Turkish military in politics and inadequate respect for human rights and minority rights by the Turkish state. He underlined that Turkey must improve the condition of Kurds living in Turkey and the emergency rule must be abolished. On the other hand, Verheugen also underscored that

⁵⁹ *Turkish Probe*, 16 April 2000, issue 378; *Turkish Daily News*, 12 April 2000; Şükrü Elekdağ, "AB ile yeni dönem", *Milliyet*, 17 April 2000.

⁶⁰ In a similar vein, Alain Servantine, head of the EU Commission's Turkey Desk—who replaced Eric Van den Linden on 16 June 2000, stated on September 26 that Turkey had made little progress since Helsinki. *Yeni Binyıl*, 27 September 2000.

⁶¹ *Milliyet*, 21 October 2000.

the process started by the 1999 Helsinki summit had led to launch a reform process in Turkey and start serious debates about the Copenhagen criteria and democracy in Turkey. He mentioned the torture report prepared by the Parliamentary commission for human rights as a concrete product of this process.⁶²

7.7 The Accession Partnership (AP) with Turkey

When the European Commission announced the long-awaited Accession Partnership (AP) for Turkey, which is the “centerpiece of the pre-accession strategy” and sets out the reforms to be fulfilled by Turkey in order to be a member of the EU, on November 8, the Pandora’s box had been opened more and the EU expressed what they were expecting from Turkey in a more concrete terms. As stated in the AP document, the purpose of the AP is “to set out in a single framework the priority areas for further work identified in the Commission’s 2000 Regular Report on the progress made by Turkey towards membership of the European Union... This Accession Partnership provides the basis for a number of policy instruments, which will be used to help the candidate States in their preparations for membership.”⁶³ The AP states that Turkey should prepare a National Programme for the Adoption of the Acquis “before the end of the year” on the basis of the AP document. This programme should include a timetable for achieving the priorities and intermediate objectives mentioned in the AP. The AP also warns that it indicated “the priority areas for Turkey’s membership preparations. Turkey will nevertheless have to address all issues identifies in the Regular Report.” In other words, the AP does not include all issues that Turkey must comply with. The priorities in the AP are classified into two main groups-short and medium term. Accordingly, Turkey should complete the issues under the short term or “take them substantially forward” by the end of

⁶² *Yeni Binyıl*, 9 November 2000.

⁶³ The European Commission, “Proposal for a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey”, Brussels,

2001. The priorities classified under the medium term are “expected to take more than one year to complete although work should, wherever possible, also begin on them during 2001” (p. 7).

The issues that Turkey must tackle in short-term include freedom of expression, freedom of association, torture, state security court, and maintain moratorium on death penalty. Moreover, the AP asks Turkey to “Remove any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting” in a *short-term*. In addition, the AP includes settlement of the Cyprus problem within the short-term criteria, which Turkey should carry out till the end of 2001: “Support strongly in the context of political dialogue the UN Secretary General’s efforts to bring the process of finding a comprehensive settlement of the Cyprus problem to a successful conclusion.”⁶⁴. The EU expects from Turkey to “guarantee full enjoyment by all individuals... of all human rights and fundamental freedoms”, review of the Constitution and other relevant legislation, abolish death penalty, ratify the ICCPR and the ICESCR, improve detention conditions in prison, “align the constitutional role of the National Security Council as an advisory body to the government in accordance with the practice of EU member states”, end of the state of emergency in the Southeast, and “ensure cultural diversity and guarantee cultural rights for all citizens...” in the medium-term.

In addition to the priorities that Turkey should tackle within the short or medium term, the AP underlined the conditionality of the EU’s assistance to Turkey. The document clearly states that the assistance to Turkey is conditional on “the fulfilment of essential elements, and in particular on progress towards fulfilment of the Copenhagen criteria”⁶⁵, and “respect by

8.11.2000, COM(2000) 714 final, p.5.

⁶⁴ According to some news appeared in Turkish dailies, the Cyprus issue was placed in the preamble in the previous draft of the document, but the Cyprus dispute was placed within the short-term priorities with much more strong wording. *Yeni Binyıl*, 9 November 2000; *Turkish Probe*, 12 November 2000, issue 408.

⁶⁵ The European Commission, “Proposal for a Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey”, Brussels,

Turkey of its commitments under the Association Agreement, Customs Union and related decisions of the EC-Turkey Association Council...” (p. 16).

Although the first reactions to the document in Turkey were generally positive, a reference to the issue of Cyprus within the document’s short-term priorities was the only significant hitch in the document for the Turkish government. The first official reaction from the government, which had previously asked the Commission not to include the Cyprus and Aegean disputes into the document, was to refuse to make any connection between the EU membership and the Cyprus problem. Şükrü Sina Gürel, the spokesman of the cabinet, stated the decision of the government in this regard: “Turkey sees only the Helsinki summit decisions and the official correspondence between the EU authorities and Turkey as binding on the issue of Cyprus”, after the Cabinet evaluated the AP.⁶⁶

It seems that, leaving aside the Cyprus issue, the document was carefully prepared and penned, so much so that even the words of “Kurds” and “minority” were not used in the document.⁶⁷ The government also stated that the requirements of the EU stated in the AP coincided to a great extent with the report entitled ‘The Necessary Measures to be Taken in Light of the Copenhagen Criteria’ prepared by the Human Rights High Coordinating Council of the office of the Prime Minister and accepted by the government as the reference document.⁶⁸

However, the relations between Turkey and the EU soured once again when Turkish Prime Minister Ecevit accused the EU of not keeping its promises, and stated that the Union had “duped” Turkey on certain topics, that is, Cyprus and the Aegean disputes. He sent letters to the leaders of the EU on November 15 and asked them to remove the Cyprus issue from the short-term priorities of the AP document. EU member states’ ambassadors in Ankara and the

8.11.2000, COM(2000) 714 final, p.3.

⁶⁶ *Milliyet*, 10 November 2000; *Hürriyet*, 10 November 2000; *Turkish Probe*, 12 November 2000, issue 408.

⁶⁷ Because of that, pro-Kurdish People’s Democracy Party (HADEP) mayors criticized the Commission on

representative of the EU Commission in Ankara, Karen Fogg, were summoned to the Foreign Ministry.

The situation was complicated further when the EP had agreed that a resolution should include a reference to the alleged Armenian genocide.⁶⁹ Furthermore, since the Greek Foreign Minister Yorgo Papandreu insisted that the document should include the Cyprus and Aegean disputes within the section of the political criteria, the EU foreign ministers failed on November 20 to reach consensus on the final content of the document, and they delayed the ratification of the document until December 4.⁷⁰ Later, Turkey sped up its diplomatic efforts and Foreign Ministry Undersecretary Faruk Loğoğlu and Deputy Undersecretary Akın Alptuna started an EU tour to defend Turkey's position on the document on Nov 30.

On December 4, it was declared that the EU foreign ministers agreed on the wording of the text of the AP for Turkey. According to the new text of the document, which was considered as “acceptable” by the Turkish government, the Cyprus and Aegean disputes were placed under a new paragraph defined as “enhanced political dialogue”.⁷¹ Thus, the ball was

November 13 for not placing sufficient importance in the AP.

⁶⁸ *Milliyet*, 10 November 2000; *Hürriyet*, 10 November 2000. The report will be analyzed below.

⁶⁹ *Milliyet*, 16 November 2000. Ankara also reacted angrily to the Italian Parliament's approving the EP's resolution on November 18. Ecevit repeated on November 22 that the EU had duped Ankara with regard to Cyprus and the Aegean, and stated that Turkey would not be fooled by nonsense on Kurdish minority rights. *Milliyet*, 23 November 2000. Furthermore, On January 10, the Foreign Relations Committee of the French National Assembly approved a bill draft recognizing the alleged Armenian genocide, and on January 18, the French National Assembly approved a resolution recognizing that Armenians were subjected to a genocide at the beginning of the 20th century. Turkey immediately reacted to this and recalled the Turkish Ambassador to Paris for an “evaluation meeting” to be attended by Foreign Minister İsmail Cem and several high-ranking authorities. Cem also delivered a protest note to French Ambassador to Ankara. *Turkish Probe*, 21 January 2001, issue 418. This problem might potentially deteriorate even the EU-Turkey relations. The European Commission called on Turkey to tone down its reaction to France's decision on February 2, 2001. It seemed that the tension lowered when Turkey's ambassador to Paris, Sönmez Köksal, returned to France on May 13.

⁷⁰ *Milliyet*, 21 November 2000. On the eve of the Dec. 4 meeting of the European Union General Affairs Council at which a decision on the endorsement of the Accession Partnership document might be taken, it was shocked Turkey that Alain Servantine, a senior European Union official responsible for Turkey, sent an official letter to the ‘presidential council’ of the outlawed PKK on behalf of the President of EU Commission, Romano Prodi, stating that Turkey should accept different ethnic groups living in Turkey as national minorities. Later, Servantine, whose wife was Turkish, declared that he was unaware of the content of the letter while he was signing it. Prodi said he was not aware of the letter and stated that the letter was an administrative mistake. *Hürriyet*, 3 December 2000.

⁷¹ According to some Turkish dailies, this new paragraph was created by the pressures coming from the US on behalf of Turkey. *Hürriyet*, 5 December 2000; for the full text of the new paragraph, see *Turkish Probe*, 10 December 2000, issue 412.

in Turkey's court, and Turkey had to show how it would bring about the required political and economic reforms within a certain period of time through a National Programme. The Council, eventually approved the AP on 8 March 2001.⁷²

Table 5
The Accession Partnership with Turkey
Enhanced political dialogue and political criteria⁷³

Short-term (2001)	Medium-term
Settlement of the Cyprus problem;	Settlement of border disputes (the Aegean Disputes).
Safeguarding freedom of expression in line with Article 10 of the ECHR;	Guaranteeing full enjoyment of human rights, freedom of thought, conscience and religion;
Safeguarding freedom of association and peaceful assembly;	Reviewing of the Turkish Constitution and other relevant legislation
Preventing torture;	Lifting the death penalty and signing and ratifying Protocol 6 of the ECHR.
Further aligning legal procedures concerning pre-trial detention;	Ratifying the ICCPR and ICESCR.
Combat with human rights violations;	Improving prison conditions.
Intensifying training on human rights issues;	Making the NSC an advisory body in accordance with the practice of EU Member States;
Improving the functioning and efficiency of the judiciary	Lifting the remaining state of emergency in the south-east.
Maintaining the moratorium on death penalty;	Ensuring cultural diversity and guarantee cultural rights for all citizens irrespective of their origin. Any legal provisions preventing the enjoyment of these rights should be abolished, including in the field of education.
Removing any legal provisions forbidding the use by Turkish citizens of their mother language in TV/radio broadcasting;	
Developing a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the south-east, with a view to enhancing economic, social and cultural opportunities for all citizens.	

7.8 The Third Progress Report and Strategy Paper

⁷² OJ L 85, 24.3.2001, pp. 13-23.

⁷³ OJ L 85, 24.3.2001, pp. 16-9.

The European Commission declared the third progress reports and the Strategy Paper on 8 November 2000, along with the Association Partnership document. Since the Accession Partnership document cast a shadow over the report and paper, they had not been given enough attention in the time. However, the report and paper were important, because the Commission evaluated Turkey's progress for the first time after Turkey's candidacy was officially declared in the Helsinki Summit. The report, at the beginning, stated that "Turkey has not fulfilled these political criteria"⁷⁴, with which compliance is a prerequisite for the opening of accession negotiations. As far as the political criteria are concerned, the report concluded that, compared to 1999, the situation had "hardly improved" (p. 21). However, the report underlined that "a positive development since the last report is *the launching in Turkish society of a wide-ranging debate on the political reforms necessary with a view to accession to the EU.*"⁷⁵ The report also welcome the endorsement by the Turkish government of the work of the High Board of Co-ordination for Human Rights.

The Strategy Paper, on the other hand, stated that "important changes have occurred" over the past year. These were:

1. the government adopted a number of 'priority objectives' in September 2000 for reforms and legislation to meet the political criteria on the basis of the report prepared by the Supreme Board of Co-ordination for Human Rights;
2. Turkey signed the ICCPR and ICESCR;
3. The public debate about the Copenhagen criteria and Turkey's accession to the EU.⁷⁶

⁷⁴ Commission of the European Communities, "2000 Regular Report from the Commission on Turkey's progress towards Accession," 8 November 2000, Brussels, p.7.

⁷⁵ Ibid, p.20.

⁷⁶ Commission of the European Communities, "Strategy Paper. Regular Reports from the Commission on Progress towards Accession by each of the candidate countries," Brussels, 8 November 2000, p.16.

Table 6

2000 Progress Reports

Political Criteria

Democracy and the rule of law

Democracy and the rule of law	Points Concerned
The Parliament	Only limited parliamentary work could be recorded on the much-expected political reforms.
The Executive	<ol style="list-style-type: none"> 1. Civilian control over the military still needs to be improved. 2. Contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister. 3. The Council of Higher Education and the Higher Education Supervisory Board include one member selected by the Chief of General Staff. 4. Strong centralization at the level of local administration.
The Judicial system	<ol style="list-style-type: none"> 1. The SSCs 2. Incorporation of the ECHR's decisions into Turkish legislation.
Anti-Corruption Measures	Corruption continues to be widespread.
The National Security Council	The NSC is still very influential on politics, limits the role played by the government, and is not accountable to the Parliament.

Table 7
 2000 Progress Report
 Political Criteria
 Human Rights and the Protection of minorities

Human Rights and Protection of Minorities	Points Concerned
Civil and political rights	1. Death penalty 2. Torture and ill treatment exist 3. Procedures concerning pre-trial detention 4. Human rights training for law-enforcement officers 5. Prison conditions 6. Serious problem concerning the freedom of expression, particularly “the situation of the population of Kurdish origin.” 7. RTÜK continued to suspend the broadcasting of some TV/radio stations. 8. EU was concerned over Akın Birdal and N. Erbakan. 9. Freedom of Association and assembly was not still fully respected. 10. Freedom of religion, “concrete claims non-Muslims, whether or not they are covered by the 1923 Lausanne Treaty, should be duly examined.” 11. The official approach towards the Alevis.
Economic, social and cultural rights	1. Ethnic groups in Turkey cannot use their mother language in education and broadcasting. 2. High gender disparity 3. legal discrimination between men and women.
Minority rights and the protection of minorities	1. Ethnic groups have not cultural rights to broadcast in their mother tongue; no education in mother languages. 2. The question of cultural rights is of particular importance in the Southeast.

7.9 Turkey’s National Programme for the Adoption of the Acquis (NPAA)

The preparation and adoption of the NPAA is one of the very crucial points in the EU-Turkey relations and Turkey’s democracy. Although Turkey’s NPAA fell behind what the EU requested from Turkey in terms of democracy and human rights, it was still very important

document because the Turkish ruling elites, after intense discussion and deliberations on this topic, decided to give a road map to the EU, through which Turkey would transform its political structure.

This was not an easy process. The coalition leaders discussed the programme several times before reaching the final version. On December 13, 2000, the coalition leaders came together to discuss the last details of the Program but they could not reach a consensus and postponed the final decision until January. Both Turkish authorities had already stated that they aimed to prepare the NPAA until the end of the year 2000 to start routine negotiations. The Coalition partners met in a summit to discuss the NPAA on January 15. However, they did not reach a consensus and postponed once again a possible compromise on substantial issues such as Kurdish TV broadcasting. On February 8, it was declared that the NPAA had completed and was waiting for the government's approval.

Finally, Turkey adopted its NPAA on 19 March 2001 and promised new political, economic and legal reforms aimed at eventually gaining membership in the EU. Foreign Minister Cem officially presented it to Günter Verheugen on behalf of the EU Commission on March 26, and Verheugen said that this document was a turning point in Turkey's preparation to the EU membership and the essential point of Turkey's transition to modern democracy and he called on Turkey to carry out more concrete reforms, particularly in the field of human rights.⁷⁷

The NPAA is a wide-ranging document addressing most of the priorities stated in the Accession Partnership. It introduces a wide agenda of political and economic reforms. However, it seems that the document was prepared in a loose manner in the sense that clear timetables and deadlines are not provided. Furthermore, the document does not specify some

⁷⁷ *Milliyet*, 27 March 2001.

points that are among the priorities of the AP, such as guaranteeing cultural rights and signing of Protocol 6 of the ECHR.

Table 8

Turkey's National Programme

Political Criteria	Short-Term	Medium-Term
Freedom of Thought and Expression	<ol style="list-style-type: none"> 1. Reviewing the provisions of the Constitution on human rights and freedoms of expression, science, arts, and press. 2. Reviewing Article 312 of the Penal Code. 3. Reviewing articles 7 and 8 of the Anti-Terror Law. 4. Reviewing RTÜK 5. Reviewing the Press Law. 	<ol style="list-style-type: none"> 1. Reviewing the Law Concerning Political Parties. 2. Reviewing the Acts of security forces (Police, Gendarmerie, and Coast Guard). 3. Reviewing the Act on Cinema, Video and Musical works. 4. Enacting the new Penal Code. 5. Reimbursement of payments of reparations.
Freedom of Association and Peaceful Assembly and Civil Society	<ol style="list-style-type: none"> 1. Enacting the Draft Law on the Establishment and Working Principles and Procedures of the Economic and Social Council. 2. Enhancing constitutional protection of NGOs. 3. Enacting the Draft Law on Job Security. 	<ol style="list-style-type: none"> 1. Reviewing restrictions on trade union rights 2. Reviewing trade union rights on the basis of ILO Convention and the European Social Charter. 3. Reviewing the legislation on the freedom of association and peaceful assembly.
Fight Against Torture	<ol style="list-style-type: none"> 1. Reviewing the Acts of security forces. 2. Modernizing the Forensic Medicine Institution. 	<ol style="list-style-type: none"> 1. Enacting the new Penal Code. 2. Enacting the new CMUK 3. Training security forces 4. Introducing legal provisions against perpetrators of torture.
Pre-Trial Period		<ol style="list-style-type: none"> 1. Reviewing Article 19/6 of the Constitution. 2. Enacting the new Law on Criminal Procedure. 3. Amending the Act concerning the SSCs.
Strengthening Opportunities to Redress the Consequences of Human Rights Violations		<ol style="list-style-type: none"> 1. Enacting the new code of Criminal Procedure. 2. Enacting the Draft Law on the Indemnification of Losses

		Resulting from Terrorism and the Fight against Terrorism.
Training of Security forces and other Civil Servants on Human Rights Issues.	<ol style="list-style-type: none"> 1. Extending education at Police Academies from 9 months to 2 years. 2. Putting into action the Human Rights Education 3. Training security forces 	
Improving the Functioning and Effectiveness of the Judiciary, including the SSCs.	<ol style="list-style-type: none"> 1. Reviewing the constitutional provisions and Law on the SSCs 2. Strengthening legal defence 3. Strengthen the independence of the Judiciary, and restructuring the Supreme Council of Judges and Public Prosecutors. 4. Undertaking legal arrangements to modernize the Forensic Medicine Institution. 5. Training of Turkish judges and prosecutors in EU Members. 6. Providing regular in-service training for Turkish judges and prosecutors on human rights and the decisions of the ECHR. 	<ol style="list-style-type: none"> 1. Reviewing the Act on Prosecution of Civil Servants and other Public Employees. 2. Reviewing the Military Penal Code, procedures of Military Courts, and Military Administrative High Courts. 3. Reviewing the Act on the State of Emergency.
Abolition of the Death penalty		It will be considered.
Cultural Rights	None	None
Alleviating Regional disparities		A serious of measures for socio-economic development.
Full enjoyment of all human rights, fundamental freedoms; freedom of thought, conscience and religion.	<ol style="list-style-type: none"> 1. Concluding the UN Convention on the Elimination of All Forms of Racial Discrimination; 2. Reinforcing men-women equality in the Constitution; 3. Enacting the draft Turkish Civil Code to improve gender equality; 4. Concluding the ILO Convention concerning Child Labour; 	<ol style="list-style-type: none"> 1. Concluding the Optional Protocol to the UN Convention of All Forms of Discrimination against women; 2. Concluding Protocol No.4 to the ECHR; 3. Concluding Protocol No. 7 to the ECHR. 4. Concluding the revised European Social Charter; 5. Concluding Protocol No.12 to the ECHR. 6.Improving Disabled

		persons' condition
Alignment of the Constitution and other Legislation with the EU acquis.	Reviewing the Constitution in the light of the ECHR	Reviewing other legislation
ICCPR, its Optional Protocol; the ICESCR	no time table	no time table
Prison Conditions	1. Effective supervision over prisons; 2. Extension of open visits and workshop activities to the prisoners convicted of terrorism.	
The National Security Council		reviewing the Constitution and other legislations "to define more clearly the structure and the functions of this Council."
State of Emergency	no time table	no time table

The EU summit in Göteborg on 15 and 16 June regarded the Programme as a "welcome development." However, the Union expressed that "in a number of areas such as human rights, further progress is needed. Turkey is urged to take concrete measures to implement the priorities of the Accession Partnership which is the cornerstone of the pre-accession strategy."⁷⁸

A very significant Turkish-EU Association Council meeting was held on June 26 in Luxembourg in the wake of the FP's closure. Sweden's Foreign Minister Anna Lindh, who chaired the EU wing at the meeting as the term president of the EU, announced that they discussed human rights, the death penalty in the Turkish Penal Code, prevention of torture, freedom of expression and organization, the closure of the FP, and the Cyprus problem at the meeting. While Lindh said that the problem existed in Turkey's compliance with the Copenhagen criteria, the EU Commissioner for enlargement, Günther Verhaugen stated that Turkey's European partners were confident that the closure decision of the Turkish Constitutional Court against the FP was in conformity with the Turkish Constitution but the

problem in Turkey was the Constitution itself.⁷⁹ He said that particularly the articles within the Constitution concerning the freedom of expression and organization were lagging behind the Copenhagen criteria and that Turkey should comply with them if it desired accession. However, Turkey's Foreign Minister Cem, countering the criticisms, argued that the FP was similar to the Nazi movements or parties in Western Europe and it had tried to undermine democracy in Turkey. He also underlined that it was the priority of Turkey's coalition government to realize constitutional amendments to consolidate democracy in Turkey.⁸⁰

7.10 The Fourth Progress Report

The Commission announced the 2001 regular reports and the Strategy Paper on 13 November 2001. This report was particularly important because, for the first time, the National Programme that Turkey introduced would be evaluated by the Union. In addition, the broad amendments to the Constitution, adopted in September 2001,⁸¹ would be also taken into consideration by the Commission in the report. The report underlined that the constitutional amendments were very crucial in Turkey's democratization. But, on the other hand, the Commission stated that "compared to last year, the situation on the ground has hardly improved and Turkey still does not meet the Copenhagen political criteria."⁸² The 2001 progress report, with its 123 pages (with annexes), 20 pages for the political criteria, and a separate part for the evaluation of the National Programme was different from the previous

⁷⁸ "Presidency Conclusions, Göteborg European Council 15 and 16 June 2001," p.2.

⁷⁹ The Presidency statement on behalf of the European Union on the closure of the Fazilet Party on 26 June was as follows: "The European Union notes with concern the decision of the Turkish Constitutional Court on 22 June to order the closure of the Virtue Party, to confiscate its assets and to ban certain members from being members of the Turkish Grand National Assembly or from further political activities for five years. This decision has implications for democratic pluralism and freedom of expression in Turkey, a candidate for membership of the European Union. The decision highlights the need for Turkey to move ahead with political reforms in order to implement the priorities of the accession partnership adopted by the EU on 8 March 2001." *Bulletin EU* 6 2001, point 1.6.22

⁸⁰ *Hürriyet*, 27 June 2001.

⁸¹ The reforms will be tackled later.

⁸² Commission of the European Communities, "2001 Regular Report on Turkey's Progress Towards Accession," Brussels, 13.11. 2001, SEC (2001) 1756, p.13.

ones. It seems that the Union has started to see Turkey's membership in a more serious manner, after the Commission announced the AP and Turkey declared the NPAA. Though the report accepted that the recent constitutional amendment were "a significant step towards strengthening guarantees in the field of human rights and fundamental freedoms and limiting capital punishment", it also asserted that a number of restrictions on the exercise of fundamental freedoms had remained (p. 19). It also highlights that the details of implementing legislation and the practical application of the amendments were more important (Devil is in details).

In addition, as stated before, "D" section of the report analyzes the AP and NPAA. The Commission asks Turkey to revise the NPAA in a manner that it should introduce clearer timetables and deadlines, particularly as regards the priorities of the AP. It also states that

The NPAA falls considerably short of the Accession Partnership priority of guaranteeing *cultural rights* for all citizens irrespective of origin. Furthermore, the priority on the removal of all legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting is to be included. With respect to the death penalty, a commitment in the NPAA to sign Protocol 6 of the ECHR is lacking. The document should specify how Turkey intends to guarantee freedom of religion, in particular with respect to *minority religions not covered by the Lausanne Treaty (Muslim and non-Muslim communities)* (p. 103).⁸³

Thus, for the first time, the EU mentions Muslim or non-Muslim "minority religions" that not covered by the Lausanne Treaty. It seems that by Muslim minority religion the EU means Turkey's *Alevis*.

Table 9
2001 Progress Report
Political Criteria

⁸³ Emphasis mine.

Democracy and the rule of law

Democracy and the rule of law	Points Concerned
The Parliament	
The executive	Little sign of increased civilian control over the military
The judicial system	<ol style="list-style-type: none"> 1. Several problems to be tackled to ensure fair trial in the SSCs. 2. Trials of civilians in the military courts; 3. Problems concerning the juvenile courts; 4. Continuing concern regarding the extent of the independence of the judiciary; 5. The judgments of the ECHR should be incorporated into Turkish legislation.
Anti-corruption measures	
The National Security Council	The NSC involves in almost everything concerning governmental issues.

Table 10

2001 Progress Reports

Political Criteria

Human Rights and the protection of minorities

Human rights and the protection of minorities	Points Concerned
Civil and political rights	<ol style="list-style-type: none"> 1. The actual human rights situation needs improvement. 2. Death Penalty 3. New pre-trial detention should be applied for the SSCs. 4. Torture and mistreatment are still problem, particularly in the Southeast and in the case of the “incommunicado detention.” 5. Several serious problems concerning the freedom of expression (notably Article 159 and 312 of the Penal Code; and Article 7 and 8 of the anti-terrorist law) 6. The list of terms prohibited in official documents and government owned media. 7. The procedure to establish NGOs remains cumbersome and they are subject to harassment and intimidation, particularly in the Southeast. 8. The grounds for banning political parties remain unchanged. 9. No improvement in the situation of non-Sunni Muslim (Alevi) communities has taken place.
Economic, social and cultural rights	Minorities outside of the scope of the Lausanne Treaty should use their mother

	tongues in education and broadcasting.
Minority rights and the protection of minorities	<ol style="list-style-type: none"> 1. No improvement for ethnical groups to express their linguistic and cultural identity. 2. Turkey should sign the Framework Convention for the protection of National Minorities. 3. The HADEP faces often difficulties from the authorities.

Table 11

The Progress Reports	Total Pages	Pages for Political Criteria
1998	52	11
1999	58	12
2000	82	11
2001	123	20
2002	161	32

After the parliament adopted the constitutional amendments adopted in September 2001, the ruling elites and people in Turkey were expecting some positive steps from the EU regarding Turkey's EU candidacy. However, the 2001 progress report did not herald a new improvement in this regard. Turks then turned their eyes towards the Laeken Summit. The European Council of Laeken held in December 2001 concluded:

Turkey has made progress towards complying with the political criteria established for accession in particular through the recent amendment of its constitution. This has brought forward the prospect of the opening of accession negotiations with Turkey. Turkey is encouraged to continue its progress towards complying with both economic and political criteria, notably with regard to human rights. The pre-accession strategy for Turkey should mark a new stage in analysing its preparedness for alignment on the *acquis*.⁸⁴

⁸⁴ Laeken European Council (14-15 December 2001), Presidency conclusion, p.3

Although some political commentators argued that Turkey had entered a new stage with the Laeken decision in the status of Turkey's candidacy, it was later understood that no change had taken place in this regard.

The Seville Summit was another important point in the relations. Concerning Turkey, the summit concluded:

The European Council welcomes the reforms recently adopted in Turkey. It encourages and fully supports the efforts made by Turkey to fulfil priorities defined in its Accession Partnership. The implementation of the required political and economic reforms will bring forward Turkey's prospects of accession in accordance with the same principles and criteria as are applied to the other candidate countries. New decisions could be taken in Copenhagen on the next stage of Turkey's candidature in the light of developments in the situation between the Seville and Copenhagen European Councils on the basis of the regular reports to be submitted by the Commission in October 2002 and in accordance with the Helsinki and Laeken conclusions.⁸⁵

The Seville Summit encouraged Turkey to carry out more political reforms by implying starting the accession negotiations in Copenhagen Summit on the basis the progress reports declared in the end of the year.

7.11 The Fifth Progress Report

Contrary to the expectations of the Turkish government, the 2002 regular reports did not provide Turkey a clear timetable for the starting of the accession talks. As discussed later, though the coalition government could realize constitutional and legal amendments to comply with the Copenhagen criteria, the EU did not change Turkey's status forward.

Table 12

2002 Progress Report
 Political Criteria
 Democracy and the rule of law

Democracy and the rule of law	Points Concerned
The Parliament	
The executive	Little sign of increased civilian control over the military
The judicial system	<ol style="list-style-type: none"> 1. The SSCs need to be brought in line with European standards; 2. No progress regarding the establishment of intermediate courts of appeal; 3. Inconsistencies in the judicial system; 4. Persecutors tend to curb the freedom of expression; 5. Trials of civilians in the military courts; 6. Problems concerning the juvenile courts; 7. Continuing concern regarding the extent of the independence of the judiciary;
Anti-corruption measures	
The National Security Council	<ol style="list-style-type: none"> 1. The NSC involves in almost everything concerning governmental issues, despite the constitutional amendment that increased the number of civilians in the Council; 2. The Armed Forces enjoy a substantial degree of autonomy in establishing the defence budget.

Table 13
 2002 Progress Reports
 Political Criteria
 Human Rights and the protection of minorities

Human rights and the protection of minorities	Points Concerned
<ol style="list-style-type: none"> 1. Turkey has not carried out the decision of the ECtHR fully, including former DEP deputies and the Loizidou case. 2. Turkey has not ratified several international human rights convention. 	
Civil and political rights	<ol style="list-style-type: none"> 1. The actual human rights situation needs improvement. 4. Torture and mistreatment are still problem, particularly in the case of the “incommunicado detention.” 5. Several court cases exceed the statute of limitations. 6. F-Type Prison 7. No legal certainty; no consistent

⁸⁵ Seville European Council (21-22 June 2002), Presidency conclusion, p.7

	<p>interpretation of legislation;</p> <p>8. The new RTÜK Law imposed tighter restrictions of freedom of expression</p> <p>9. New restriction on the Civil Code;</p> <p>10. The exercise of freedom of association is still subject to restrictions.</p> <p>11. The pressure on NGOs was extended to German foundations</p> <p>12. Non-Muslim communities face legal obstacles.</p> <p>13. There has been no improvement in the status of the Alevis.</p>
Economic, social and cultural rights	<ol style="list-style-type: none"> 1. Article 42 of the Constitution remained unchanged. 2. the closure of the Alevi-Bektashi associations. 3. Some music cassettes of Kurdish songs were banned; 4. Books on the Laz culture and on Pontus culture were subject to investigation and prosecution.
Minority rights and the protection of minorities	<ol style="list-style-type: none"> 1. No improvement for ethnical groups to express their linguistic and cultural identity. 2. Turkey should sign the Framework Convention for the protection of National Minorities. 3. Village guards and return to village remain a matter of concern

7.12 The Consolidation of Democracy and Human Rights Records in the Period

When the Helsinki summit declared Turkey as a candidate for the EU membership, and included it into the general framework for the enlargement of the EU, Turkey for the first time, had confronted with a real impetus to become democratic and improve its human rights records in its full sense, to meet the Copenhagen criteria and thus to enter the EU club. The EU, pledging in the 1999 Helsinki Summit that if Turkey could satisfy the Copenhagen criteria the Union would accept Turkey as a full member, has become a real leverage for Turkey's further democratization.

The basic problems standing in the way of a democratic Turkey have been debated mainly with references to the accession to the EU.⁸⁶ The phrase of the Copenhagen criteria has been usually cited in the debates about democracy and human rights in Turkey. The Kurdish problem with or without the problem of minority rights, the role of the Turkish army and the NSC, the undemocratic provisions of the Constitution and other legal codes, including Penal Code and criminal procedure code, and the anti-terrorist code; and particular Articles within these codes (such as Article 312 of the Penal Code) have been changing in the EU context.

The EU-Turkey relations in the post-Helsinki period is very significant in the history of democracy in Turkey in terms of two main levels: State and Society levels. The State level consists of the amendments to the Constitution and basic laws of Turkey, and the socialization of the Turkish elite. It also includes the significant change in the basic understanding of the nation-state. Social level, on the other hand, involves civil society and political culture.

Table 14

EU's role in Turkey's democracy after Helsinki

State	Society
Democratizing amendments to the constitution and fundamental laws	Civil Society and Political Culture
Elite socialization	

7.12.1 The EU's Impact on Turkish Democracy at State Level

7.12.1.1 Restructuring the Polity

After the EU granted a full membership perspective to Turkey in the 1999 Helsinki Summit and revealed what Turkey should do in order to comply with the Copenhagen political criteria

⁸⁶ The 2000 Progress Report rightly stated that "a major development in Turkish political life has been start, soon after the Helsinki European Council, of a wide debate in the Turkish society on the conditions of Turkey's

through the progress reports and the AP, the Turkish state has engaged seriously in restructuring itself in the light of the EU criticisms over Turkey's political regime and human rights records.

The "Political Criteria Subcommittee Report", prepared by the Turkish Republic's Prime Ministry State Planning Organization (DPT) General Directorate for Relations with the European Union Eight Five-Year Development Plan Ad Hoc Committee on Turkey-European Union Relations, is very significant in this regard. This report, giving a detailed list of the measures, was the first official report prepared by a state institution to show the necessary measures to be taken by Turkey to meet the Copenhagen criteria.⁸⁷ The draft of the report, dated 2 February 2000, proposed some *radical changes*, including change of Article 118 of the Constitution so that the NSC would be a consultative body that made recommendations to the cabinet. Furthermore, the number of civilian members in the council should be increased and more importantly, the secretary-general of the council could be appointed from among ministries in addition to the Turkish Armed Forces. The report also proposed to carry out radical amendments to the legal aspect of Turkey, including the Turkish Penal Code, the Turkish Code of Criminal Procedure, the State of Emergency Law of 1983, the Police Duties and Powers Law, anti-Terrorist Law, and the Political Parties Law to abolish freedom-curbing laws and provide the freedom of expression. It also urged the Turkish government to lift the death penalty and sign the Sixth Annex protocol of the ECHR.

The report underlined one of the very important characteristics of the Turkish politics: "it may be said that it has been a tradition for Turkish society for so many centuries to give priority to the state while relegating the individual to a secondary position. For this reason, it

accession to the EU." 2000 report, p.11

⁸⁷ The report, prepared by an ad hoc committee headed by Gürsel Demirok, the chair of the Supreme Board of Co-coordinating for Human Rights, is known as the Demirok Report.

has not been easy in Turkey to firmly establish democracy, to acknowledge the individual's rights and to have everybody respect one another's rights."⁸⁸

Some of the proposals in the report, entitled "the Necessary Measures to be Taken in Light of the Copenhagen Criteria", were objected by another report prepared by the General Secretariat of the NSC. This five-page report, dated 11 May 2000, was lukewarm over some proposals including broadcasting in Kurdish, a civilian secretary general of the NSC and its advisory character, and the judicial review of the decisions held in the Higher Military Council (YAŞ). The NSC's report contended "It is known that the reports concerning the EU, which are written to show Turkey's insufficiency on the rule of law and human rights, are prepared to a great extent in accordance with the views of the institutions which are biased and subjective. Therefore, the excessive and unjust requirements of the European Union, which are not proper to Turkey's national unity... and its special realities, should not be carried out." The report also underlined that a proper situation or environment should be waited for implementing the amendments to the Constitution and to the various laws, which would be harmful to Turkey's national interests. It also proposed that the EU's exaggerated desires, appeared in the progress reports with regard to Kurds, should not be valued. "In this regard, it is not proper to propose some proposal that will increase the separatism and break the national unity, such as recognition of the Kurdish identity or permitting broadcasting in Kurdish..." On the other hand, the report agreed with the Demirok report in abolishing the SSCs and the death penalty and increases the number of civilians in the NSC.⁸⁹ Meanwhile, when the Supreme Board of Co-ordination for Human Rights Secretariat Chairman Gürsel Demirok quit his post on June 15, it was speculated that deliberations between the military

⁸⁸ *Milliyet*, 3 February 2000; Mehmet Ali Birand, "DPT: Big changes needed for the EU", *Turkish Daily News*, 2 March 2000; Mehmet Ali Birand, "Lift the death penalty, change the MGK", *Turkish Daily News*, 3 March 2000.

⁸⁹ *Radikal*, 14 June 2000.

and the Human Rights Board over possible amendments to the NSC had disturbed the military circles which in turn led to Demirok's leaving.⁹⁰

The reports war between different state institutions was intensified when the EU department of the Ministry for Foreign Affairs submitted a report about the minority rights to the Supreme Board of Co-ordination for Human Rights Secretariat. According to the report, Turkey should include the notion of "comprehensive citizenship" to solve the minority problem with regard to the EU accession. Accordingly, education and broadcasting in Kurdish should be allowed in individual levels. In other words, the report advised to recognize the Kurdish language in an individual level not collective level. In this regard, the Foreign Ministry indicated France as an example for Turkey, because France, like Turkey, did not recognize existence of any minority officially but permitted different ethnic groups in France to use their mother tongue without disturbing France's unitary structure: "While the central nationalism increases, peripheric nationalism, as a reaction to the central nationalism, grows. In order to settle this problem, an element of 'comprehensiveness' should be added to the constitutional equal citizenship."⁹¹ However, the final report, which encompasses and intermingle all the views of the different state institutions, did not include the 'comprehensive citizenship' concept that the Foreign Ministry had proposed.⁹²

In a landmark move, the government declared on September 21, 2000 that this report mentioned above was adopted as "reference and working documents" on reforming rights, consolidating supremacy of law and furthering democratization, in the line with the Copenhagen criteria. Furthermore, the Prime Minister said European Union adaptation laws

⁹⁰ *Radikal*, 16 June 2000. The objections were regarded in Turkish press as the military resisted the EU: "Ordu AB'ye direniyor", *Yeni Binyıl*, 17 June 2000.

⁹¹ *Radikal*, 19 June 2000.

⁹² "Başbakanlık İnsan Hakları Koordinatör Üst Kurulu Sekreteryası Eşgüdümünde Hazırlanan Rapor: Kopenhag Siyasi Kriterleri Işığında Türkiye'nin Alması Gereken Önlemler; Demokrasi, Hukukun Üstünlüğü, İnsan Hakları Takvimi"

should be given priority by Parliament. He declared that the Cabinet had decided that all claims of human rights violations must be pursued with determination while work for adaptation to EU norms and criteria in all fields should be accelerated. The same statement indicated that the government, in its historic meeting, set a number of priority objectives:

1- All works required for adaptation to EU criteria need to be accelerated. Among these, laws pertaining to labour rights, meeting and demonstration rights, the law on political parties and the law on the establishment of an ombudsman need to be included.

2- Freedom of thought and expression need to be broadened.

3- Necessary measures should be taken to eradicate the malfunctions that have been observed in the operation of the judicial system.

4- Headed by torture, all ill-treatment claims should be pursued diligently and with determination. Those responsible for such practices should be determined and sentenced to appropriate punishment. To reinforce such supervision, a human rights department affiliated to the Prime Ministry needs to be established.

5- In order to eradicate discrepancies between regions, social and economic programs need to be developed for the southeastern and eastern parts of the country, and 'the Return to Villages program needs to be accelerated.

6- In tandem with success against terrorism, conditions that would speed a return to normal rule need to be created.

7- The training of staff on issues regarding the EC legislation.

8- Attention will be focused with priority on parliamentary handling of the EU adaptation bills. Within this framework, amendments to be made to the Penal Code and the Civil Code should be given priority.

In this regard, the prime minister stressed that in the new legislative year the government would closely monitor developments in Parliament regarding human rights reforms, democratization and consolidation of the rule of law and would do whatever needed to facilitate the process.⁹³

Although, the MHP disagreed with its partners on the issue of minority rights, abolition of death penalty and Article 312 of the Penal Code⁹⁴ - therefore, both Article 312 and the cultural rights were not dealt with in the paper- this declaration seemed to be as a manifesto of the government to show its determination to implement the reforms in the way of the EU membership

In order to fulfill all these decisions, a government decree with power of law concerning the establishment of the Human Rights Department attached to the Prime Ministry was approved in the Official Gazette on October 5, 2000 to maintain contact with all bodies and institutions working in the field of human rights and coordinate their activities.⁹⁵ Furthermore, an additional body, the Human Rights Advisory Board was also established. The board would perform as a liaison function between governmental and nongovernmental human rights organization.

7.12.1.2 Democratizing Amendments to the Constitution and Fundamental Laws

⁹³ *Radikal*, Turkish Daily News, 22 September 2000;

⁹⁴ *Yeni Binyıl*, 23, 24 September 2000.

⁹⁵ The decree stipulates that

1. The Human Rights Department will maintain contact with all bodies and institutions working in the field of human rights and will coordinate their activities;
2. It will monitor and ensure that the laws and regulations pertaining to human rights are being observed... It will coordinate work that will eradicate loopholes and shortcomings observed in the relevant laws and regulations and their practice as well as bring Turkey's national laws into line with international human rights agreements and accords that Turkey is signatory to. The department will make relevant proposals on these matters;
3. It will monitor, evaluate and coordinate pre-service and refresher human rights training courses run by public bodies and institutions;
4. It will investigate all allegations of human rights violations, evaluate the results of these investigations and coordinate work concerning the measures to be taken. *Turkish Daily News*, 6 October 2000.

As far as the amendments to the Constitution and some basic Laws, Turkey have so far carried out one major reforms package that involves several amendments to the 1982 Constitution and three reforms packages that altered several laws in light of the Constitutional amendments and the EU's critique of Turkey in the progress reports and the AP.

7.12.1.2.1 The Constitutional Amendments

Before Helsinki, as far as democratization is concerned, the only amendment to the Constitution within the sphere of the chapter was fulfilled on 18 June 1999, which was about Civilianization of the State Security Courts.⁹⁶ Civilianization of the State Security Courts (DGMs) of Turkey, which had been on the agenda of the country ever since these courts were established in 1984 to replace the martial law courts, was accomplished within five days by the Turkish Parliament because of the trial of Abdullah Öcalan. Thus, the trial of Kurdistan Workers' Party (PKK) chieftain Öcalan had helped Turkey to achieve a major democratization goal.⁹⁷

One of the most significant development was announced on May 23 2001 by the parliamentary committee, formed to prepare a draft bill for the amendments to the Constitution in compliance with the European Union criteria, that it had reached a preliminary consensus to amend 51 articles, drafted by a sub-committee. Accordingly, the democratization package included change of the current provision saying “The language of the Turkish Republic is Turkish” into “The official language of the Turkish Republic is Turkish.” In another step to carry out a National Program commitment, the package involved an increase of civilians in the number of the NSC. Accordingly, the Finance and Justice ministries would

⁹⁶ *Official Gazette*, Law No. 4388, 18 June 1999.

⁹⁷ The presence of the military judge on the three-judge panel of the DGMs had been a source of criticism from European Court of Human Rights and human rights groups. European states and human rights groups had been claiming that the presence of a military judge on the three-member panels raises questions as to the impartiality and independence of the courts.

also be members of the NSC. The amendment proposal also stated that the decisions of the NSC would be advisory. Furthermore, the current provisions in the Constitution about the death penalty would be annulled in line with Protocol 6 of the ECHR. The proposal also introduced measures to extend the boundaries of individual privacy. Thus, police could not have searched the private documents without an authorization from a judge. Another improvement was about the right to public demonstration, which would be in line with the ECHR.⁹⁸ Later, it was understood that the inter-party parliamentary reconciliation committee had reached consensus on the amendment of some 37 articles, not 51, of the Constitution.

The inter-party parliamentary reconciliation committee declared the draft on 14 June 2001. The draft with 37 articles was submitted to the Parliament on 6 September 2001. It was discussed between 24 September and 3 October 2001 in Parliament and three articles out of 37 were rejected, and 34 articles were accepted by the Parliament. The “general reason” of the bill included the following rationale: “It is inevitable to amend the Constitution as a prerequisite for the necessary legal regulations to meet economic and political criteria in the process of the full EU membership.”⁹⁹

The President approved the 33 articles of the package but called a referendum on the 27th article, which was related to an increase in the salaries of the deputies, on 15 October 2001 and the law entered into force on 17 October 2001. The amendments included the introduction of equality of men and women, an increase in the number of civilian members in the NSC and some welcome steps to an improvement of human rights in Turkey. These included the reducing of detention periods; the abolition of the death penalty for criminal offences; the introduction of the right to a fair trial into the Constitution; and the lifting of the ban on statements and publications in Kurdish. The restrictions and prohibitions of abuse of fundamental rights and freedoms (Article 13 and 14 of the Constitution) were reworded to

⁹⁸ *Turkish News*, 24 May 2001.

large extent. The principle of proportionality has been introduced. Previous explicit restrictions which refer to the indivisible integrity of the state have been removed from Article 13, but retained in Article 14. The Turkish Regulation on Apprehension, Police Custody and Interrogation provides clear guidelines for the registration of people taken into custody and their right to inform their relatives "unless informing the relatives will harm the investigation". In the amendment of Article 19 of the Constitution such a restriction was lifted. The amendment of Article 14 on the prohibition of rights abuse introduced a reference to "acts"

A positive step is the abolition of Article 26 (3) on freedom of expression and article 28 (2) on freedom of the press that had banned statements and publications "in a language prohibited by law". These provisions had apparently been targeted at the Kurdish language without mentioning the latter. The law that had allowed the ban on Kurdish had already been lifted in 1991. The amendment of the Constitution's Article 33 on freedom of association aimed to alleviate restrictions on the civil society. Together with the Law on Associations this provision has been used to seriously impede the activities of associations.¹⁰⁰ The amendment of Article 19 reduced of the maximum period for police and gendarmerie custody to four days.

As far as the amendments are concerned, Özbudun concluded that

[M]ost of these amendments deal with matters of detail or are simply changes in language which did not create a new legal situation. However, some of them are in the nature of genuine democratic reforms such as the shortening of pre-trial detention periods, the limitation of the death penalty, the changes that made the prohibition and dissolution of political parties more difficult... In short, while these amendments are not sufficient to fully satisfy the European Union criteria, they constitute a modest but important step in the right direction (Özbudun, 2002: 12).

⁹⁹ http://www.belgenet.com/2001/anayasa3/_03html

Although, it is clear that the package of the amendments are highly modest and did not change radically the political regime in Turkey, it is very significant because it was a commencement of the process of change through the EU leverage in the post-Helsinki period.

7.12.1.2.2 The First Harmonization Package

The DSP-MHP-ANAP coalition partners agreed to submit the so-called “mini-democratization package” on January 15, 2002 in parallel with the 34-article constitutional amendment litigated in line with the AP and the NPAA to supposedly expand the scope of democratic rights and freedoms. Accordingly, Article 312 of the TPC would be amended in a manner that “concrete danger” rather than “abstract danger” would be taken as the basis of the punishment. In the rationale of the bill, it was stated that the amendment in Article 312 was in accordance with the US Supreme Court’s description of “clear and present danger”.

Amending Article 159 of the TPC, the bill would re-arrange the crimes against the state apparatus. Accordingly, “Republic” and “against the government’s moral being” expressions would be replaced by “Turkish nation” and “Turkish state (*Türkiye Devleti*) and council of ministers.” The upper threshold for the punishment would be lowered to three years from the six years. Thus, those who openly incite and deride “the Turkish Community, nation, state, Parliament, Cabinet, ministries, jurisdiction, military or security forces, or those who represent them” would be sentenced to imprisonment of up to three years.¹⁰¹

The first harmonization law package was finally accepted in the Parliament with some change on February 6, 2002. The first change in the draft bill was to abandon the inclusion of

¹⁰⁰ See Özbudun (2002) for the further details on the amendments.

¹⁰¹ The “mini-democratization package” created a rift within the uneasy three-party coalition. While the ANAP stated its dissatisfaction of the bill due to its restricted scope, the MHP accused ANAP of being too much submissive to the EU’s demands (*Hürriyet*, 31 January 2002, 1 February 2002; *Turkish News*, 25, 26, 31 January 2002). The DSP, on the other hand, played the intermediary. Justice Minister Hikmet Sami Türk stated that the

the mention of “some sections of the state apparatus or a portion of these representing them” in Article 159 of the TPC. Furthermore, the wordings like “the Turkish state and the Turkish nation” as well as the mention of the “council of ministers” instead of the government were not included in the article. Thus, the existing Article 159 left unchanged in terms of its content. The penalty limits for offenders are diminished from 1-6 years to 1-3 years imprisonment. The concept of the “heavy imprisonment” foreseen under the first paragraph of the article is changed to “imprisonment”. Furthermore, the “heavy fine” foreseen for the offence defined in the third paragraph was deleted from the article.

The Parliament also approved some changes in Article 312. Accordingly, the amended Article 312 is to be used to punish those who “incite people to hatred and enmity on the basis of religious, ethnic and class differences in a way to endanger the public order” instead of the draft text that says “the possibility of danger.” Furthermore, fines stipulated for the offences under the first and second paragraphs of 312 were abolished.

Concerning Article 7 of the Anti-Terror Law, the amendment to the second paragraph of the article adds the phrase “in a manner encouraging terrorism” is criminalized, rather than propaganda in general. As for Article 8 of the Anti-Terror Law, the duration of bans imposed on radio and television-broadcasting institutions for offences under the third paragraph is diminished from 1-15 days to 1-7 days; the aggravating situation clause in the last paragraph is changed to limit the penalty increase to “one third” instead of “from third to half”.

The bill also lifts the second and third paragraphs of the 16th Article of the law regarding the establishment and trial procedures of the SSCs. The provision in the second paragraph for “up to 7 days” of the pre-trial detention in collective crimes is removed. The pre-trial detention in the state of emergency areas was reduced from the 7 days to 4 days. The maximum period pre-detention periods is diminished from 10 days to 7 days. According to

harmonization laws could have been penned better but it reflected a minimum consensus in the government.

the new law, the detainee must be brought before the relevant judge before a pre-trial detention extension can be granted. Furthermore, according to the bill, the relatives of the arrested people would be informed promptly on the arrest or the prolongation of the arrest through amending Article 107 and 128 of the Criminal Procedure Code (CMUK). This amendment also provides an opportunity to the arrested people and detainee to contact one of his relatives if this does not jeopardize the goal of arrest.

7.12.1.2.3 Second Harmonization Law Package

The draft of the second harmonization law was submitted to the Prime minister on March 4, 2002 and adopted by the Parliament on March 26 with some changes that the MHP had objected. Accordingly, as a result of the amendment of Articles of the Law on the Organization, Duties and Powers of the Gendarmerie, military officers are no longer entitled to act in provincial administrations as deputy for the sub-governors in the absence of such officials. Thus, the role of civilian control in local administration has been strengthened.¹⁰² Furthermore, with the amendment, it becomes possible to recourse to the personnel responsible for the cruel, inhuman or degrading treatment for the compensation paid by Turkey in compliance with the ECtHR.¹⁰³ Thus, the package introduced a deterrent against torture. With the amendment in the articles of 101 of the Political Parties Law, “deprivation of the political parties concerned from the state aid, in part or in full” is introduced as an alternative to permanent closure of the political parties. In line with the last Constitutional amendment, the definition of “the hub of execution” is defined, and added to Article 103 of

(*Turkish News*, 31 January 2002).

¹⁰² “Only those of the executive category of the gubernatorial administrative service may act as sub-governors ad interim”.

¹⁰³ The following paragraph is added to Article 13 of the Law on Civil Servants: “The provision in above paragraph shall also apply with respect to reimbursement of the compensation paid by the State, in compliance with the decisions of the European Court of Human Rights for offences of cruel, inhuman or degrading treatment, by the personnel responsible.”

the Political Parties Law.¹⁰⁴ Thus, the law made it harder for the Constitutional Court to close down parties.¹⁰⁵

7.12.1.2.4 Third Harmonization Law Package

In the process of preparing accession to EU, Turkey gave priority to amending the Constitution and the Turkish parliament adopted a law amending 34 articles of the Constitution (Law No. 4709) on October 3, 2001 and former two harmonization law packages that discussed before. However, the toughest problems between Turkey and EU, including the abolishment of death penalty and minority rights left untouched.

According to the 14-point landmark reform package¹⁰⁶, the Turkish Parliament has scrapped the death penalty, in line with Protocol No. 6 to the ECHR, although it will remain in the books to be used in times of war or during the imminent threat of war. Under normal circumstances, the most severe penalty has been replaced with life imprisonment without parole. This means that PKK leader Abdullah Öcalan and other leading PKK militants will not be executed.

Article 159 of the Turkish Penal Code, which is related to crimes against the State or state institutions, was amended such that, from now on, the Republic, Turkish Parliament, the government, the ministers and the security forces (including military) can be criticized, provided such criticism does not contain insults. As discussed before, this article had previously been amended through the so-called “first EU harmonization package” accepted

¹⁰⁴ “A party shall be considered to have become the hub of execution of such acts if acts of this nature are committed intensively by the members of that party and if this attitude is tacitly or overtly endorsed by the general convention or the chairman or the central decision-making or executive organs of that party or by the general board or executive board of the party group in the Turkish Grand National Assembly, or if these are directly committed in a determined manner by the said party organs.”

¹⁰⁵ “Bazı Kanunlarda Değişiklik Yapılmasına İlişkin Kanun”, Official Journal, 09 May 2002, 24712, Law No: 4748. It was stated in the rationale of the amendment that the draft was for the EU. “Bazı Kanunlarda Değişiklik Yapılmasına İlişkin Kanun Tasarısı”, 15 March 2002, <http://www.belgenet.com/yasa/uyum2-02.html>

¹⁰⁶ *Official Journal*, 9 August 2002, No: 24841

on February 6, 2002. According to the earlier changes, prison sentences had been reduced, but these changes were criticized in Turkey as being insufficient.

The new laws allow those non-Muslim minority communities established by the 1923 Lausanne Treaty (Greeks, Armenians and Jews) greater rights over religious property, such as churches, and greater freedom to satisfy their cultural, religious, educational, social and health needs through their foundations, provided they first receive governmental permission to do so.

The amendments introduce provisions that make retrial possible for civil and criminal law cases, provided they are approved by the ECtHR. Under the new law, a Turkish citizen subject to a conviction that the ECtHR has found to contravene the ECHR can force Turkish courts to review the original verdict. Thus, the ECtHR's jurisprudence can be directly applied to Turkey's legal system, thereby addressing the European Commission's 2001 regular report criticisms on this matter¹⁰⁷. This amendment will go into force only a year after being published in the *Official Journal* however, and therefore will not be applicable to past applicants to the ECtHR (including Kurdish former deputies Leyla Zana, Hatip Dicle, Orhan Doğan, and Selim Sadık).¹⁰⁸ This delay clause was promptly criticized by Human Rights Watch.¹⁰⁹

The EU adaptation laws also allow Kurds and other ethnic groups in Turkey to make broadcasts in their mother tongues, provided they do not violate the "national unity and the principles of the Republic". Moreover, minorities will be allowed to establish language courses. The measure does not, however, specifically provide for Kurdish and/or other

¹⁰⁷ The European Commission, 2001 Regular Report on Turkey's Progress Towards Accession, Brussels, 13.11.2001, p.17.

¹⁰⁸ In July 2001, the ECtHR ruled their trial had been unfair. In January 2002, the Council of Europe called on Turkey to order a new trial, but Turkey has not given a positive answer to it.

¹⁰⁹ "Turkey's Bold Reforms Fail Imprisoned Legislators: Death Penalty, language restrictions abolished; Kurdish parliamentarians still jailed", <http://www.hrw.org/press/2002/08/turkey080702.htm>

minority language courses in state education, nor do they cover the use of these languages as a medium of instruction.

One of the most important aspects of the new package is the official recognition of a Kurdish presence as well as that of other ethnic groups including Laz, Circassians, and Arabs. For the first time in the history of modern Turkey, the official Republican ideology, which has so far stated that everyone living in Turkey is Turkish, has been radically altered. It would not be an exaggeration to argue that, through these amendments, Turkey's mosaic structure has been officially acknowledged. Furthermore, by granting more civil rights to the non-Muslim minorities in Turkey, the Turkish Republic has expanded the minority rights defined by the 1923 Lausanne Treaty, upon which the modern Turkish Republic was created.

The new laws have been applauded and praised by many both within Turkey and abroad. According to a leading Turkish political commenter, the new laws are “steps of a revolutionary nature” because “from now on, not the narrow-angled Kemalist view but the wide-angled Atatürkist approach will prevail in the implementation of the principles of the Republic. Certain taboos, which had remained untouchable for so many years, have come to be broken.”¹¹⁰ In a similar vein, Deputy Prime Minister Mesut Yılmaz, who is responsible for EU affairs, has commented that the EU harmonization laws constitute “the most comprehensive and deepest” reform package in the history of the Republic”.¹¹¹ In addition, as quoted in *the Economist*, Volkan Vural, the Turkish diplomat in charge of EU affairs, stated that the new laws “represent a fundamental change in our [Turkish] identity... They recognise cultural diversity and undertake to respect that diversity.”¹¹² As one human rights activist stated in the British daily paper, *the Observer*, the reforms are the “most positive changes

¹¹⁰ M. Ali Birand,, “Happy is the one that calls himself a Turk”, *Turkish Daily News*, 6 August 2002.

¹¹¹ *Hürriyet*, 07 August 2002.

¹¹² “Turkey: Great- if they really happen- Turkey’s reform program”, *The Economist*, 10 August 2002.

made during the whole history of the Turkish republic”.¹¹³ Similarly, the executive director of the US-based Human Rights Watch’s Europe and Central Asia division, argued that while “much of what passed as reforms since the beginning of Turkey’s candidacy for EU membership has been little more than cosmetic gestures, these new reforms are “truly significant”.¹¹⁴

7.12.2 Elite Socialization

As discussed before, the Europeanization/Westernization has been the official route for the Turkish state for at least 200 years. However, it seems that the Helsinki declaration, where the EU leaders gave Turkey a membership perspective, is a turning point in terms of elite socialization in Turkey. This is mostly because the governing elite in Turkey started to think that if they carried out some reforms concerning democratization of the regime and respect for human rights, Turkey could become a full EU membership, which, they believe, bring welfare, security and modernity to Turkey. Secondly, and because of the first one, the governing elite could dare to fulfill some radical reforms that otherwise they would not dare to propose these reforms.

In this regard, in the post-Helsinki process, it is quite possible to observe that significant decision-makers, including President, Prime Minister, and several ministers and bureaucrats of Turkey, have declared several times that Turkey should comply with the ‘European standards’, meaning practically the EU conditionality if it wanted to be a part of the EU. “Turkey’s adaptation to the EU” in terms of the Copenhagen criteria has been the key phrase in the post-Helsinki period with regard to both Turkey-EU relations and domestic politics in Turkey. In this regard, the EU-Turkey relations have been an important factor in

¹¹³ *The Observer*, 4 August 2002.

¹¹⁴ “Turkey’s Bold Reforms Fail Imprisoned Legislators: Death Penalty, language restrictions abolished; Kurdish parliamentarians still jailed”, <http://www.hrw.org/press/2002/08/turkey080702.htm>

Turkey's domestic politics. This has resulted in very significant cognitive change in the Turkish elite perception.

An interview with former President Süleyman Demirel revealed the cognitive structure of the governing elite in Turkey within the post-Helsinki process with regard to 'Turkey's adaptation to the EU': "We must comply with the European Law system. If we will European and if we do not comply with European framework, if we do not *internalize* this, we will be regarded as odd."¹¹⁵ Similarly, Demirel asserted that

If we do not want to comply with the necessary standard to be EU member, it would mean that we have some deficiencies in our intention [to be EU member]. If we are sincere in our intention concerning the EU, we must comply promptly with the European standards in all area, and we must realize a mentality-change that includes the all areas of the life. We are in a hurry.¹¹⁶

Demirel also said that the European institutions wanted to export high standards to the candidates.¹¹⁷ While answering Taha Akyol's question in the CNN-Turkish, he said that "Will we become European or not? ... We had accepted the European law. We took our civil law and penal law from Europe. Thus, we should become European completely."¹¹⁸ "We have to comply with Europe's pattern, if we'd like to be European."¹¹⁹

Similarly, in important speech delivered by president Ahmet Necdet Sezer on June 30, he stated that Turkey needed a comprehensive change in its Constitution in order to gain an access to the EU. Sezer put that the existent constitution had been curbing the fundamental freedoms and it was not in accordance with the international norms. Thus, he proposed that it

¹¹⁵ *Yeni Binyıl*, 26 December 1999

¹¹⁶ *Yeni Binyıl*, 10 May 2000. The President expressed his view on 9 May Schuman/European day. The receptions for the day had been held before by the EU Commission's representation in a small circles. In 2000, it was held in the place of the President of Turkey.

¹¹⁷ *Radikal*, 25 January 2000.

¹¹⁸ *Milliyet*, 12 December 1999

¹¹⁹ *Yeni Binyıl*, 26 December 1999

must be reviewed in line with “the universal standards” in terms of democracy, the rule of law and human rights.¹²⁰

In an similar vein, while Prime Minister Ecevit said relations with the EU would be the top priority issues for the government in 2001, on December 24 2000, he also said that the government aimed to meet EU membership standards within one or two years through making progress in democracy and human rights.¹²¹ Furthermore, we understand clearly that several ministers who have been in key positions internalized the European values and/or they have thought that Turkey should carry out the requirements of the ‘European standards’ to enter the European club.¹²² When Turkish government announced the NPAA on 19 March 2001, Yılmaz declared that the NPAA is “a grand project for transformation” and argued that the NPAA would “change fundamentally Turkey’s political, economic, social and administrative structure, and thus the Turkish people will meet the criteria and standard of the contemporary civilization.”¹²³

7.12.2.1 Turkish Military and the EU

Despite the sceptics’ frequent appeals to national security arguments, the military has remained almost unnaturally quiet throughout the membership debates. The Chief of Staff made the announcement that EU membership was a geopolitical necessity—a statement that

¹²⁰ *Yeni Binyıl*, 30 June 2000. Similarly, when the President was sworn in he urged reform to push the country closer to its decades-old ambition of joining the EU on May 16. “Turkey must join the values of the European civilization. Our success in the rule of law and democracy will increase our credibility among the society of the contemporary nations.” *Yeni Binyıl*, 17 May 2000. In the same conference, the Justice Minister Hikmet Sami Türk introduced a series of proposals for amending the constitution in the way for the EU membership. Some of them included the abolition of the ban on languages enshrined in Article 26 and 28 of the Constitution, enhancing the fundamental freedoms, making closing political parties more difficult, and the concept of sovereignty in Article 6 should be amended according to the EU candidacy.

¹²¹ *Yeni Binyıl*, 6, 7 June 2000.

¹²² For example, Foreign Minister Cem declared that Turkey’s need for a radical transformation after the Helsinki Summit was quite clear (*Hürriyet*, 14 December 1999). Cem also declared just after the Helsinki Summit that, “with the Helsinki decision, it was revealed that Turkey’s political regime needed a deep change” *Hürriyet*, 14 December 1999. He also said the EU candidacy has shortened and intensified our targets in terms of democracy and human rights. (*Milliyet*, 21 May 2000). Similarly, Mesut Yılmaz also announced just a few days after the Summit that Turkey’s route to the EU passes through Diyarbakır. *Cumhuriyet*, 17 December 1999.

can be interpreted as countering the sceptics' arguments about security risks.¹²⁴ In fact, what has become clearer of late, is that the fundamentals of EU membership and its discourse, such as modernization and westernization, overlap with the basic long-standing philosophies of the Turkish military. Denying the EU discourse would mean denying their own primary mission since the inception of the Republic, and they are obviously not willing to do that. The military's position of not saying a clear 'no' to the membership issue is likely taken as a tacit 'yes' by the pro-EU activists, isolating even further the anti-EU front.

However, all these do not mean that the military has supported the EU cause without any reservation or consideration. Several cases have revealed that the military has intervened to the government's EU policy inasmuch as it would threaten Turkey's national unity and its secular regime. For example, When Deputy Prime Minister Mesut Yılmaz, who is in charge of EU affairs, visited the Chief of the General Staff on October 4, 2000 to discuss the reforms for the EU membership, the military made it known that the political reforms, which Ankara must implement for the EU membership, should be done taking secularism and the unity of the country into consideration. In other words, for the General Staff, the reforms should not "threaten" the regime and unity of Turkey.¹²⁵

Later, Deputy Prime Minister Mesut Yılmaz was quoted as saying that Turkey's powerful military fears that adopting the reforms required for the EU membership could lead to a breakup of the country or a revival of fundamentalism in Turkey. Therefore, the military opposed to radical amendment to Article 312 of the penal code.¹²⁶ In addition, when Turkey's Prime Minister Ecevit was in Nice for the European Union's summit in December 2000, the general staff declared in its "2000 yılı İç Güvenlik Harekatı Değerlendirmesi (The Evaluation of the Domestic Security Operation regarding the year of 2000)" on December 7. The general staff declared that the arguments such as "ethnic identity, education and broadcasting in mother tongue and strengthening of local

¹²³ <http://arsiv.hurriyetim.com.tr/hur/turk/01/03/19/turkiye/71tur.htm>

¹²⁴ Turkish News, 07 March 2002.

¹²⁵ *Yeni Binyıl*, 5 October 2000.

¹²⁶ *Yeni Binyıl*, 8 October 2000

administration” had been being used by the PKK for its separatist cause. Furthermore, the military put that the PKK was “encouraged” by the Turkey’s EU membership bid, sending clear messages to the EU and pro-European circles in Turkey.¹²⁷

Another example to the military consideration over the issue is that while the debate about the Copenhagen criteria and the education rights in mother tongue was going on, the Chief of the general staff, Hüseyin Kıvrıkoğlu, made it clearer in his visit to the Prime Minister Ecevit, just 24 hours before the elaboration of the National Programme by the summit of the leaders of three partners of the coalition parties, that the military were very concerned about the Kurdish broadcasting and the efforts carried out by the parliamentary group to make the closing down of parties more difficult through changing Article 69 of the Constitution.¹²⁸

7.12.2 The EU’s Impact on Turkish Democracy at Societal Level

7.12.2.1 The Power Of Pro-EU NGOs

What we observe in this period is the surprising effectiveness of the pro-EU civil society organizations and their influential activities. Turkey’s most influential business organization, Turkish Industrialists’ and Businessmen’s Association (TÜSİAD) urged the government to implement the political reforms, adaptation to the Copenhagen criteria and changes in the several laws. The TÜSİAD prepared several reports on democratisation and Copenhagen criteria and Turkey’s compliance with them.¹²⁹ One of report suggested a way out from the death penalty deadlock and the other providing Turkish education and broadcasting rights in “languages traditionally spoken” in Turkey or foreign languages that has contributed to the

¹²⁷ *Hürriyet*, 8 December 2000

¹²⁸ *Hürriyet*, 12 December 2000.

¹²⁹ Most of them were prepared by Professor Süheyl Batum, the dean of the Law Faculty of the University of Bahçeşehir in Istanbul: “Avrupa Birliği Üyeliği’ne Doğru: Türkiye’de Siyasi Reformlar (2002); “Türkiye’de Demokratikleşme Perspektifleri ve AB Kopenhag Siyasal Kriterleri”, No. 1, 2, 3-4.

enhancement of science and culture.” The TÜSİAD’s proposal was very similar to the military’s plans revealed to the public through the statement of the unnamed general, which the newspaper branded “The Rudolf Hess model” in reference to the Nazi leader who was tried at Nuremberg after World War II. Hess spent 46 years in prison for his crimes before committing suicide.

The TÜSİAD declared its full support for Turkey’s EU membership bid in full-page advertisement in newspaper on May 29, 2002. It called on the politicians to stop bickering, political feuds and join forces to undertake pressing reforms required for the EU bid of Turkey. The ads bore the signatures of 34 prominent TÜSİAD members, including Rahmi Koç, Sakıp Sabacı, Selçuk Yaşar and Bülent Eczacıbaşı, which meant to show TÜSİAD’s full consensus on EU issue and to increase its impact on public opinion. The ads argued that “Turkey is at a crossroads”. Entitled, “Turkey: What kind of a future”, the ads stated as follows: “What kind of a country are we going to live in during the first quarter of the 21st century, depending on the decisions related to the EU, and what kind of a Turkey will be inherited by our youth, which constitutes half of the population, will become clear this year.” The TÜSİAD asked people whether they wanted a Turkey with a high standard of living where political and democratic standards are implemented at the highest level, with a strong economy, which provides modern education and employment opportunities to its youngsters, or a Turkey where recurrent economies crises erupt, with an unstable political environment and it is sentenced to a \$2, 000 per capita income. It argued that the EU membership was the guarantee of the future of Turkey’s young people. EU membership was described in the ad as “*the most significant project in Turkish history*”¹³⁰ and it added that “Turkey’s future lies in the EU”.

¹³⁰ Emphasis added.

Another very important development in this regard was the establishment of a platform formed by 175 NGOs, coordinated by the Economic Development Fund (İKV), which released a declaration on June 5, 2002, after a meeting in Istanbul arguing that Turkey belongs to the EU and it has no time to lose in its accession process. The platform declared that:

We support the goal of integration with the EU as Turkish society... We support this goal because it coincides with our nation's goal of becoming a democratic, modern, secular state governed on the basis of the rule of law and also having a stable economy with sustainable growth. We believe that the full membership obligations are necessary reforms which our country needs in the economic, political and social fields. We believe that Turkish people deserve the modern lifestyle that will be provided by these reforms.¹³¹

Another influential pro-EU civil initiative was the European Movement 2002. One of its tactic that could be considered as influential on the deputies was the August 2 mounting of a digital clock opposite the entrance to the Parliament, counting the days, hours and minutes left until the December summit in Copenhagen.

The pro-EU circles includes some Alevi organizations as well.¹³² The representative of the EU in Turkey met some Alevi organizations, including 'Pir Sultan Abdal Kültür Dernekleri' and 'Cem Vakfi' in June 2000.¹³³

7.12.2.2 Euro-Sceptic NGOs

However, some anti-European and euro-sceptics¹³⁴ civil society organizations, which consist of nationalist, leftist, anti-capitalist organizations, attempted to change the hegemonic

¹³¹ *Turkish News*, 6 June 2002

¹³² *Radikal*, 16 February 2002. When Ankara Court of First Instance No. 2 ruled to close the Alevi organizations. Turgut Öker, a representative for the Union of Alevi-Bektaşî Associations said, "It is an inconceivable move on the parts of our rulers to close down Alevi Associations at a time when Turkey is in a process of integration with the EU and enacting laws to maintain EU standards", *Turkish News*, 16 February 2002.

¹³³ *Milliyet*, 23 June 2000

¹³⁴ For the definition and nature of euroscepticism in the candidate countries, see Hugves, Sasse and Gordon

atmosphere created mostly by the pro-Europe NGOs, through advertisements, TV programs, conferences etc. For example, following the mobilization of the pro-EU circles calling on the government to comply with the EU requirements, the Euro-sceptic bloc launched their own counter-campaign on June 7, 2002 through a full-page ad published in *Cumhuriyet*, bearing the signatures of various academic, labour-unionists, retired generals and politicians from very different political circles. However, these sceptic NGOs seems to be less influential compared to the pro-EU circles. Particularly, they could not get support from the military that they had been expecting. They could not break the attractiveness of the pro-European discourse.¹³⁵

7.12.3 Public Opinion

A public opinion poll commissioned by think-tank TESEV revealed on 28 June 2002 showed that 64 percent of the respondents favour EU membership, 30 percent oppose it and 6 percent do not want to respond. Asked if they would support EU membership if Kurdish language broadcast rights were the only vital condition for Turkey's accession, 56 percent said they would oppose it, while 39 percent said they would back it; 5 percent did not respond. Asked if they would support EU membership if Kurdish language education as a special course were a vital precondition, 58 percent said they would oppose it, while 37 percent said they would it; 5 percent did not respond. Asked if they would support the lifting of the death penalty for all crimes and convicts if this was a precondition for Turkey's EU membership, 54 percent said they would not, while 43 percent said they would; 3 percent did not respond. When those who opposed the lifting of capital punishment were asked if they would agree to lifting the death

(2002) and Kopecky and Mudde (2002).

¹³⁵ For the ideas of the anti-European and euro-sceptic literature in Turkey, see, (for the leftist perspective) Özbudun and Demirer (2000), Ülker (n.d.); from the Kemalist-leftist perspective, see Manisalı (2001) and Koç (2001); from the rightist perspective, see Özdağ (2002), İlhan (2000, 2001), and Somuncuoğlu (2002).

penalty, provided it was replaced by life-time imprisonment without parole, 62 percent said yes and 34 percent no.¹³⁶

The polls that carried out by the *ANAR* (Ankara Sosyal Araştırmalar Merkezi) in the year of 2000 revealed that while most of the Turkish people (between 78.5 and 69.6 percent in accordance with when the polls were carried out) wanted EU membership, 55.2 percent of the respondents regarded what the AP required from Turkey as negative, while 25.1 percent saw them positive (ANAR, 2001: 104, 109).

Thus, it can be concluded from these results that while Turkish people want EU membership, they suspects the EU requirements particularly with regard to minority rights and the Cyprus issue.

7.13 Conclusion

The 1999 Helsinki Summit was a real turning point both in the relations between the EU and Turkey and the EU's influence on Turkish democracy. Providing a full membership perspective to Turkey, it represented a paradigmatic change in the relations and thus the EU had really started to function as a leverage to promote democracy in Turkey. The EU had resisted not to give such a perspective to Turkey within the pre-Helsinki period and had always tried to solve the Turkish problem within the parameters of the Customs Union, including 'Customs Union plus' formulation as discussed before. This negative attitude of the EU towards Turkey had limited the Union's influence on the promotion of Turkish democracy, although the EU, particularly the EP had exerted pressures on Turkey to improve its human rights records and quality of Turkish democracy. The decisions taken at the Helsinki summit changed this radically, and Turkish elites started to discuss that if Turkey could carry out some reforms to comply with the Copenhagen criteria, the EU would allow

¹³⁶ Turkish Daily News, 29 June 2002

Turkey to take part in the Union. ‘Compliance with the European standard’ regarding democracy and human rights had become the keyword between 1999 and 2002 that the Turkish state and political elite often referred to legitimise significant legal and political changes, such as elimination of the death penalty and amendments to Article 312 and 159.

The formal framework created in the post-Helsinki period had increased the impact of the Union over Turkey’s political regime. The five progress reports (although one of them was published in 1998), the accession partnership document and Turkey’s national programme, all discussed above in-depth, established a formal framework for the relations, and a somehow road-map was drawn by the Union for Turkey to be a EU member. This framework also decreased the significance of the EP in the relations. In other words, it seems that the governments of the EU had left the human rights issues in Turkey particularly to the EP in the pre-Helsinki period, which had passed heavy resolutions condemning ‘human rights violations’ in Turkey. After Helsinki, the human rights and democracy issues in Turkey have been discussed in the basic documents of the EU-Turkey relations.

As discussed in the chapter in details, the governing elites of Turkey had generally responded positively to the EU’s requirements between 1999 and 2002 and substantial legal amendments had been carried out within the period. The Parliament accepted a constitutional amendment in October 2001. Though the amendment was modest in its scope, it was a very important starting point for the reform movement that reflects the predominance of pro-EU mentality of most of the Turkish decision-makers and their decisions to comply with the Copenhagen criteria. Later, they could pass three harmonization packages in this regard. The third package was particularly important because it allowed broadcasting in the minority languages and instruction of non-Turkish languages that are used in Turkey, including Kurdish. This was very watershed in the history of Turkish republic where any ethnic affiliation other than Turkishness had been often denied. Therefore, this package could be

regarded as an official recognition of existence of non-Turkish ethnic groups in Turkey, particularly Kurds. The military had been always cautious about the EU's requirement particularly with regard to the Kurdish problem. However, its tacit yes to the reforms had been very influential on marginalizing of the anti-European discourses.

Nonetheless, the possible influence of the EU in this regard had been often curbed by the EU itself between 1999 and 2002. Although the EU provided a membership perspective to Turkey, it had never given a clear signal to Turkey to start the accession talk with Turkey. The Turkish elites and people had aspiringly expected the commencement of the accession negotiations from the EU several times, including in the Laeken, Seville and Göteborg Summits. This reluctance of the EU to give a clear date for the accession talk sometimes curbed the willingness of the Turkish elites to fulfil more reforms. Both this reluctance and some declarations of the European politicians that question Turkey's Europeanness indicating its Asian and Muslim character had raised some doubts at the both elite and public levels on EU's real intentions. Furthermore, the institutions of the EU did not often pay enough attention the sensitivity of the Kurdish problem in Turkey and the European countries became safe heavens for the PKK militants, who were in armed struggle against the Turkish state for separatist causes. In addition, the EU's pro-Greek attitude with regard to the Cyprus problem was another factor that fuelled Euro-scepticism in Turkey at both elite and public levels.

In conclusion, the EU had become influential on the promotion of democracy in Turkey between the 1999 and 2002, and it had been more influential if the EU would have been less reluctant with regard to Turkey's EU membership.

CONCLUSION

Democracy in the Turkish soils, since its inception in 1950, has not been adequately consolidated. The relatively long history of Turkish democracy, comparing to the third wave democracies, has been full of direct and indirect military interventions and it has been suffering several problems including the increasing ideological and ethnic polarization, stemming particularly from the Kurdish insurgency, human rights abuses and weak party institutionalization. As discussed in the first chapter, in addition to its persistent unconsolidated nature, what should be particularly underlined is the decline of the quality of democracy in Turkey, which is sometimes cited as the ‘slow death of democracy’, even though the legal aspect of the regime is still ‘democratic’ in the electoral sense. Thus, with O’Donnell’s terms, Turkish democracy has not passed to, ‘democratic government’ to ‘democratic regime’ in its 50 year history. What Turkey needs in this regard is the consolidation of its democracy, which includes both the prevention of democratic breakdown and the development of robust political and civil society, democratic political culture and democratic constitutional and legal changes, which are discussed particularly in the first chapter in-depth.

The thesis follows the conceptualization of democratic consolidation shaped by Linz and Stepan and used and developed further later by several ‘consolidologists’ including Diamond and Merkel. Accordingly, it has behavioural, attitudinal and constitutional dimensions. As discussed in the previous chapters, while the behavioural aspect of consolidation questions whether there are relevant anti-democratic and/or semi-loyal political circles that can jeopardize or hijack a democratic regime, the attitudinal dimension focuses on

the nature of political culture and legitimacy from the point of liberal democracy. The constitutional dimension, on the other hand, is about the Constitutional and legal nature of a political regime and that in fact represents concrete characters of a political regime.

To speak about a European influence on Turkish democracy, its influence on the dimensions of consolidation expressed above is needed to be clarified. The first point that I should underline is that the democratic characters of the political regimes of some European countries as ‘passive leverage’, which is discussed in the third chapter, has been influential on Turkish democracy as democratic models for the Turkish governing elites, who generally has considered Turkey within the continent of Europe, and ‘the European values’ has generally been regarded as the criteria for civilization by them. As it is mentioned in the fourth chapter, ‘Europeanization’ has been at the epicenter of *Kemalism*. It seems that the significance of Europe’s passive leverage has expanded when it overlaps with the worldwide resurgence of liberal democracy in the global scene after the end of the Cold War, which is explained as ‘background variable’ in the second chapter. Although the EU has always been the source of magnetism that has created the leverage functions of the EU, whether it is active or passive, as discussed in the chapters, the degree of passive leverage function, like active one, is correlated with how the EU is willing to admit Turkey into the European club. Thus, as far as the EU’s function as a passive leverage is concerned, the Helsinki decisions, which declared Turkey’s Europeanness officially, were the turning point and the magnetic power of the Union reached the highest point just after the Turkish ruling elites welcomed the decisions and regarded the European criticisms in respect of democracy and human rights as obstacles that should be weeded out to become EU member and true ‘European’.

From the point of ‘active leverage’ function of the EU, what is a real watershed in EU-Turkey relations concerning the topic of the thesis was the 1999 Helsinki Summit. Regarding the pre-Helsinki period, though the EU had been somewhat influential on the realization of

some democratizing amendments to the 1982 Constitution and legal codes, both in the Özal period and the period where the Customs Union was at stake, the influences were first restricted to the Constitutional/legal dimension of *consolidation*, and second they were highly modest and far from changing the basic nature of the political regime.

As discussed in details in the fifth chapter, the legal amendments in the Özal period, including the removal of the language ban and Article 141, 142 and 163; and the recognitions of the competence of the European Commission of Human Rights to hear individual applications, the compulsory jurisdiction of the European Court of Human Rights, the accession to the European and United Nation Conventions to combat torture and inhuman behaviours, could be partly attributed to the Özal and his friends' aspiration for the EU membership. However, since the EU rebuffed Turkey's application in 1989, the governing elites in the time could not get clear EU membership perspective which was necessary incentive for them to carry out daring political reforms (particularly on the Kurdish problem).

The great upheavals had taken place during this period: the Berlin Wall, together with the Socialist Bloc, collapsed and the former-Socialist East European countries started to pursue 'return back to Europe' policy and Turkey found these Johnny-come-latelies on the front of the queue for the EU membership. This major shift in the international politics changed both the EU's priorities and Turkey's strategic role for Europe. As discussed in the fifth chapter, Turkey's traditional role in the Cold War era had gone, and the EU started to engage in the newly independent Eastern European states. It could be speculated that if the EU had provided an obvious EU membership perspective to Turkey in the time, the governing elites of the country, led by Özal, might have fulfilled drastic reforms that might have changed the nature of the political regime in Turkey and new ways for further consolidation of liberal democracy in Turkey might have been opened.

As far as the pre-Helsinki period is concerned, EU's influence over Turkey's democracy and human rights records could be also observed with regard to the period in which the Customs Union between Turkey and EU was on the top of the agenda. As discussed in the sixth chapter, the strong desire of the Turkish governing elite to conclude the Customs Union with the EU, which was then regarded as an alternative way to deepen the integration with the EU, and the EU's, especially the EP's insistence on fulfillment of some legal improvements in the Constitution and legal codes, generated a suitable environment for the EU's influence. As far as we conclude from speeches of the leaders and the various interviews with the political elites in the time, some of the certain legal improvements in this time, for example article 8 of the TPC, were directly related to the EU/EP pressures.

The EU's conditionality for the establishment of the Customs Union was not so comprehensive and relatively rigid. In other words, unlike the post-Helsinki period, the EU had not asked Turkey to transform radically its political regime in the time. This is probably because the Customs Union, unlike the membership, was evaluated within the economic sphere. The Customs Union did not any relation with the membership, though the Turkish politicians attempted to market it as a sort of membership.

It seems that the political elite in the time considered the legal amendments instrumentally to appease particularly the EP, to which the great European powers of the EU seemed to assign Turkey's democracy and human rights problem. It could be concluded in this regard that the EU's influence over the development of Turkish democracy in this period was confined to the legal aspect of consolidation, and even this effect was limited. It was the conclusion of the Customs Union, not a full EU membership, on the agenda. Like the previous case, the EU did not provide Turkey an EU membership perspective. Thus, the prize or carrot was relatively less valued. Furthermore, since it was just a matter of a customs union agreement, which is based on economic framework rather than political integration and more

beneficial to the European economy, the EU governments did not pressure the Turkish government to carry out reforms that were more radical. In other words, although the human rights considerations in the external affairs had relatively increased since the end of the Cold War, as it is concluded in the third chapter, the Union had been often prioritizing economic benefits against morality. Therefore, the EU, particularly the European Council, could easily content with Turkey's performance, simply because the agreement was an economical issue and did not include a membership perspective. Even the Customs Union agreement, signed on 6 March 1995, was something that the EU had been seeking to anchor Turkey to Europe, as an alternative to Turkey's aspiration for EU. Thus, the Customs Union agreement was not enough for the Turkish political elite to carry out daring political reforms to improve democracy and human rights records in the time and for the EU to exercise more pressure on Turkey. The EP, more concerned about human rights issues and Kurdish problem in Turkey, had been the particular EU institution that the Turkish government tried to appease through some legal amendments.

The most important incident as far as EU's influence on Turkey is concerned is the Helsinki decision, which is discussed in details in the seventh chapter. The EU decided to give a membership perspective to Turkey in the 1999 Helsinki Summit, after it rebuffed Turkey just two years ago, in 1997 Luxembourg Council. The decisions held in Helsinki were *historic* in the sense that the Turkish political and state elites started seriously to think that Turkey would become a EU member if it could comply with the Copenhagen political criteria, though some civil and military bureaucrats had sceptical ideas on the political changes that the EU required Turkey to implement regarding particularly "ethnic minorities" in Turkey. In the post-Helsinki period, the pre-accession mechanism have made Turkey more vulnerable to the EU's requirements and it has justified the EU's interventions into Turkey's domestic politics, which had been often regarded something against the sovereignty of Turkey in the pre-Helsinki

period. Thus, domestic/international-internal/external differentiation in the context of EU-Turkey relations has become less salient within the post-Helsinki period. As discussed in the seventh chapter, the EU could formally ask Turkey what it deemed necessary for the consolidation of Turkish democracy through the AP document, and Turkey formally accepted this ‘external intervention’ by declaring the NPAA, its national programme, though it was far from satisfying what the EU had required.

What we have observed in the post-Helsinki period, which is discussed in-depth in the seventh chapter of the thesis, the pro-EU elites could manage to marginalize the anti-European and euro-sceptic arguments raised by the Euro-sceptic and anti-European circles embedded in the state and civil society. The attitude of the military towards the EU is very important in this regard. Although the military has sometimes declared officially and non-officially its concern over the EU’s demands on the role of the Turkish army in politics and on the Kurdish issue, it has institutionally never been against the compliance with the EU’s conditionality. This position of the army, which is known with its sensitiveness on the national integrity of Turkey, towards the EU’s political conditions, increased legitimacy of the pro-EU state and political elites’ attempts to implement what the EU has required. It has also decreased the saliency of the ideas of the anti-European and euro-sceptic groups that have claimed that the EU’s political conditionality could jeopardize the Turkey’s national security and its survival. The attitudes of the army could be explained partly by the fact that modernization through Europeanization is within the inner core of *Kemalism*, as discussed in the fourth chapter.

Furthermore, in addition to the pro-European state and political elites, strong and influential pro-EU non-governmental organizations, like the TÜSAİD and İKV, could manage to propagate effectively that the Helsinki process was the last chance for Turkey to catch the EU train and become European, which meant welfare and good life for Turkish people.

Thus, all these had relatively facilitated the pro-EU state and political elites to accomplish the political reforms to meet the EU conditions between 1999-2002. The government had been able to materialize one important Constitutional amendments and three harmony packages from 1999 to 2002. As discussed thoroughly in the seventh chapter, although the package of the constitutional amendments to the 1982 Constitution accepted in 2001 was modest by its very nature, it signaled a process in which sweeping political changes would take place. The third harmonization package, among the three packages, was the most challenging one, because the Turkish state for the first time accepted the existence of some Muslim groups whose mother languages were not Turkish; and granted them broadcasting right in their mother languages. Furthermore, the minorities could teach their languages in private schools. As discussed in the seventh chapter, this change was revolutionary and could be realized by a three-party coalition, one of which was known as ‘ultra-nationalist’ (the MHP).

In addition to the legal amendments or improvements, which are within the sphere of the constitutional consolidation, as discussed in the first chapter, we need to pay attention to the other dimension of democratic consolidation. From the behavioural dimension of democratic consolidation, it is important whether there are significant anti-democratic and/or semi-loyal political groups in a country. Concerning the Turkish politics, the basic characters of which are discussed in the fourth chapter, whether there are relevant ‘anti-democratic’ or ‘semi-loyal’ political groups in Turkey is controversial. While some academicians and commentators have been labeled some Islamically oriented political parties and groups as ‘semi-loyal’ underlining the ‘threat’ that they could hijack democracy and introduce *sharia* in Turkey; some other students of Turkish democracy label sometimes, leftist and ultra-Kemalist groups as non-democratic. As far as the mainstream Islamically oriented groups, including political parties, are concerned, we can conclude that they have not any problem with a

democratic regime. Heper (2002: 143) also reaches a similar conclusion: “ The original rationale behind the formation of the post-1969 religiously-oriented political parties in Turkey did not evince anti-system characteristics. The goal was to faster moral development based on religious values, not to establish a state based on Islam.” Furthermore, in this regard, it seems that the state pressures on the Islamically-oriented groups in Turkey have changed their attitudes towards Europe. As discussed before, many of these groups had been considered the EU as a Christian club and suspicious of the EU’s intention against the Muslim world. However, within the 28 February process, it seems that these groups started to support Turkey’s EU vocation considering Turkey’s EU perspective would make Turkey more democratic and thus they would be free from the authoritarian nature of Turkish secularism. Thus, though the EU has not a direct role in the behavioural consolidation in this regard, it could be asserted that liberal democracy and religious freedom in the European countries has become a model for the religiously oriented groups in Turkey. More or less, this is true for the Kurdish ethno-nationalists in Turkey, who have been considering benefiting from Turkey’s EU vocation in terms of minority rights.

As for the attitudinal dimension of consolidation, though we have not empirical data for testing the possible impact of the EU conditionality on ‘civicness’ of Turkish political culture, as discussed in the first and seventh chapters, as far as the governing elites are concerned, significant number of the elites started to think after the Helsinki decisions that Turkey should comply with the ‘European values’ if it really want to become European. This kind of thinking had resulted in ‘internalization’ of the ‘European values’ by the elites. As discussed in the third chapter. This might be valid at the public level as well. Since we have not enough empirical data that compare the ‘civicness’ of the Turkish political culture in the pre and post Helsinki period, it is not possible whether the EU has been influential on the attitudinal consolidation at the public level. However, it is possible to observe in the daily

newspapers and discussions in TV programs that Turkey's EU candidature has been often referred to justify more toleration in political issues.

We need also to discuss the EU's role in the development of democratic civil society in Turkey, which has important role in democratic consolidation as discussed in the first chapter. Yerasimos (2000: 22-23) concluded that "it therefore looks as if the EU incentive will give significant momentum to the civil society phenomenon in Turkey." However, it is not now very clear to what extent the EU has been influential on flourishing of robust and democratic civil society in Turkey, though, as discussed in the seventh chapter, the EU supported financially some Turkish civil society organizations. It could be concluded that the EU promote civil society in Turkey through enforcing the Turkish governments to amend the rigid legal framework for the institutions of civil society in Turkey. As reviewed in the previous chapters, the constitutional and legal amendments altered the codes, regarding civil society organizations that had highly restricted their activities. In addition to the 1995 Constitutional amendments, the Constitutional amendments on 03.10.2001, which amended Articles 33, 34, 51 and 69 with regard to the "freedoms of association" and Law No. 4748 dated 26.03.2002 and Law No. 4771, dated 03.08.2002, were very important in the widening of the restricted border of the civil society in Turkey. All these legal changes aimed to address the points that criticized by the EU in the progress reports and the AP. Thus, it could be concluded that, in addition to EU's financial promotion to some civil society organizations in Turkey, the role of the EU on development of a robust and democratic civil society in Turkey is related to the legal changes in this regard that pushed by the EU.

A similar conclusion could be reached for the EU's role in the further institutionalization of the Turkish parties and party system, which is important for the democratic consolidation as discussed in the first chapter. Turkish parties and party system, as discussed in the fourth chapter, had suffered from legal restrictions that had impeded the

institutionalization of the Turkish parties and party system during the period that the thesis analyzes. Unlike political parties in the CEECs where the political parties have forged strong relations with the parties in the EU's member states and thus the parties in the EU states could socialize the parties in the CEECs in terms of their institutionalization and internalization of liberal democratic values (Pridham, 1999a and 1999b) as discussed in the third chapter, Turkish parties do not generally strong relations with the European parties. Although some of the Turkish political parties (like the ANAP and the CHP) are members of the European conservative or socialist leagues, it seems that the relations between Turkish parties and the European partners and therefore the EU's influence in this regard had been limited between 1987-2002. Like the civil society issue, the EU's influence in this regard seems indirect. In addition to the passive leverage function of the European democracies, the legal amendments, including Law No. 4748 and 4771, dated respectively 26.03.2002 and 03.08.2002, which all are analyzed in the seventh chapter, alleviated restrictions on the political parties. For example, the aforementioned amendments to the Law on Political Parties made the dissolution of the political parties by the Constitutional Court, which have been one of the most serious problem in the Turkish democracy, more difficult.

It could be concluded that the EU had been to some extent influential on the consolidation of democracy in Turkey between 1999-2002. During this period, the EU membership perspective stimulated the governing elites to introduce important legal changes that could even challenge the official paradigm of Turkey's nation-state. Doubtless, these democratizing reforms would have been extremely difficult, if there had not been the EU conditionality for the EU membership. Therefore, the EU conditionality is to some extent successful in this regard. However, taking the EU's pre-accession policies towards the CEECs into account, we can conclude that the EU's influence on the transformation of the political regime in Turkey could have been larger, if the EU had forged more constructive pre-

accession policy towards Turkey as it had done for the CEECs between 1997-2002. As discussed in the various parts of the thesis, between 1987-2002, the EU had been always reluctant to accept Turkey as EU membership because of several reasons: Turkey is too much crowded, too much poor, too much Oriental, in addition to its non-democratic regime and its dangerous geopolitical location, to be easily included by the EU. Therefore, unlike the CEECs which had been received lots of incentives under the 'return to Europe' and 'united Europe' policy of the European states 1993-2002 (discussed in the third chapter), Turkey had been in an awkward position in its relation with the EU. Even though the EU granted Turkey candidature in 1999, Turkey has not started the accession talks with the EU as of April 2003. In other words, it seems that the EU is not in a hurry to accept Turkey's membership. This reluctance had diminished the EU's potential to transform Turkey's political regime easier. In addition to the general reluctance of the EU regarding Turkey's membership, the following points had limited the EU's influence on Turkey in the post-Helsinki period until 2002 through nourishing anti-European and euro-sceptic ideas both at elite and public levels and discouraging the pro-EU governing elites to carry out daring political reforms:

As mentioned in the chapters, the Europeanness of Turks has been often questioned. Civilizational, cultural and religious characteristics of the Turkish people have been frequently cited as non-European particularly by the Christian Democrats. In a similar vein, Europe's Christian roots have been many times emphasized by the conservative groups in the member states during the period the thesis analyzes. Such rhetoric has fuelled anti-European and euro-sceptic feelings at the elite and public levels in Turkey and thus it has made compliance with the EU's political conditions more difficult.

The European politicians and officials have frequently underestimated as to how the Kurdish issue, which has been at the core of the conflict between Turkey-EU regarding human rights records of Turkey, is so critical for Turkey and complicated to be easily solved.

Even some European countries have from time to time become safe heavens for the PKK/KADEK, which is not acceptable for the Turkish elites and people. This has often increased the saliency of the Sevres syndrome, discussed before, and thus anti-Europeanism in Turkey. Therefore, fulfilling the political reforms concerning the Kurds living in Turkey has always been the most difficult one. In addition, the EU's requirements with regard to the Kurdish problem are ambiguous. Although the progress reports propose "political solution" to the problem, we do not know what exactly it is. However, as discussed in the second chapter, the conditionality should be clearly defined to be effective.

The other issue that has fuelled anti-European feelings in Turkey is the EU's direct involvement in the Cyprus problem. The EU has forged a direct connection between Turkey's EU membership and the Cyprus problem, putting the Cyprus problem in the AP document for Turkey under the title of 'enhanced partnership', and pressured Turkey to handle the problem promptly. Such a conditionality is not common when looking at the similar disputes between the candidate countries or between a candidate and a member states (the disputes between Britain and Spain on Gibraltar). The EU officials have (Günther Verheugen for example) have declared various times that unless the problem is settled, Turkey will not enter the Union. This 'pro-Greek' position of the EU has increased again nationalist sentiment the EU among the Turkish people.

Concerning the period of 1987-2002, we had not observed *direct* EU involvement to change the authoritarian nature of the Turkish secularism. Unlike the Kurdish issue, the EU had generally preferred to not to interfere in such a delicate, complicated and sensitive issue. To be sure, one of the main reasons behind EU's indifference could be explained by the traditional image of euro-scepticism of the Islamically oriented groups in Turkey and the "fundamentalism" fear of the European states (Esposito, 1995; Sayyid, 1997).

Having said these limitations, we could safely argue that the EU had been influential on the consolidation of democracy in Turkey between 1999-2002, when the EU gave a full membership perspective to Turkey and the governing elite had acknowledged the EU's 'interference' as legitimate. The EU's influence on Turkey had been little in the pre-Helsinki period, because no EU membership perspective had been introduced for Turkey. The EU's influence could have been much more if it had provided clearer road map for Turkey's membership. In this sense, starting the accession talks with Turkey could have produced more revolutionary political reforms in Turkey.

SELECT BIBLIOGRAPHY

- Abrahamsen, Rita. 1997. "The Victory of Popular Forces or Passive Revolution? A Neo-Gramscian Perspective on Democratisation," *The Journal of Modern African Studies*, 35(1).
- Akgün, Birol. 2001. "Aspects of Party System Development in Turkey," *Turkish Studies* 2(1): 71-92.
- Akural, S. M. 1984. "Kemalist Views on Social Change." In J. Landau, ed., *Atatürk and the Modernization of Turkey*. Leiden: E. J. Brill.
- Allison, Graham T. 1971. *Essence of Decision*, Boston: Little Brown.
- Almond, Gabriel and S. Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton: Princeton University Press.
- Almond, Gabriel. 1989. "Review Article: The International-National Connection" *British Journal of Political Science*, 19: 237-259.
- Almond, Gabriel. 1990. "The Study of Political Culture." In G. Almond, ed., *Discipline Divided: Schools and Sects in Political Science*. Newbury Park: Sage.
- Alpay, Şahin. 2000. "After Öcalan", *Private View* (Spring), 34-42.
- ANAR (Ankara Sosyal Araştırmalar Merkezi). 2001. *Türkiye Gündemi 2000 Araştırmaları*, Ankara: ANAR Yayınları.
- Anderson, Lisa. 1995. "Democracy in the Arab World: A Critique of the Political Culture Approach." In Rex Brynen, Bahgat Korany, and Paul Noble, eds., *Political Liberalization and Democratization in the Arab World vol.1 Theoretical Perspectives*. Boulder: Lynne Rienner Publishers, 77-92.
- Anderson, Perry. 1974. *Lineages of the Absolutist State*. London: Verso.
- Andrews, Peter Alford. 1989. *Ethnic Groups in the Republic of Turkey*. Wiesbaden: Dr. Ludwig Reichert Verlag.
- Angell, Alan. 1996. "International Support for the Chilean Opposition, 1973-1989: Political Parties and the Role of Exiles." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press: 175-200.
- Arat, Zehra. 1991. *Democracy and Human Rights in Developing Countries*. Boulder: Lynne Rienner.
- Arato, Andrew. 1981. "Civil Society Against the State: Poland 1980-81", *Telos* 47.

- Archer, Robert. 1994. "Markets and Good Government." In Andrew Clayton, ed., *Governance, Democracy and Conditionality: What Role for NGO?* Oxford: INTRAC, 7-34.
- Arıkan, Harun. 2002. "A Lost Opportunity? A Critique of the EU's Human Rights Policy Towards Turkey," *Mediterranean Politics*. 7(1): 19-50.
- Arts, Karin. 1996. "Implementing the Right to Development? An Analysis of European Community Development and Human Rights Policies." In Peter Baehr, Lalaine Sadiwa, and Jacqueline Smith, eds., *Human Rights in Developing Countries Yearbook 1996*, The Hague: Kluwer Law International.
- Ataseven, İlhan . 1997. "The Alevi-Bektasi legacy : problems of acquisition and explanation." Unpublished Ph.D. Thesis. Lund: University of Lund.
- Augelli, Enrico, and Craig Murphy. 1988. *America's Quest for Supremacy and the Third World: A Gramscian Analysis*. London: Pinter.
- Ayata, Sencer. 1996. "Patronage, Party, and State: The Politization of Islam in Turkey," *Middle East Journal* 50 (1): 40-56.
- Aydınli, Ersel and Dow Waxman. 2001. "A Dream Become Nightmare? Turkey's Entry into the European Union," *Current History* 100: 381-388
- Baaklini, Abdo I. 1997. "Viable Constitutionalism and Democratic Stability." In Abdo I Baaklini and Helen Desfosses, eds., *Designs for Democratic Stability. Studies in Viable Constitutionalism*. Armonk: M.E. Sharpe: 3-31.
- Baaklini, Abdo I., and Desfosses, Helen (eds.) 1997. *Designs for Democratic Stability. Studies in Viable Constitutionalism*. Armonk: M.E. Sharpe.
- Baehr, Peter R. 1997. "Problems of Aid Conditionality: The Netherlands and Indonesia." *Third World Quarterly*, 18(2): 363-376.
- Baehr, Peter. R. 1996. *The Role of Human Rights in Foreign Policy*. London: Macmillan.
- Barkey, Henri J. 2000. "The Struggles of a 'Strong State'," *Journal of International Affairs* 54(1): 87-105.
- Barkey, Karen. 1997. *Bandit and Bureaucrats: The Ottoman Route to State Centralization*, Ithaca: Cornell University Press.
- Barry Gills, Rocamora, Joel and Wilson, Richard (eds.) 1993. *Low Intensity Democracy: Political Power in the New World*. London: Pluto Press.
- Baydur, Refik. 2000. *Bizim Çete*, n.p.
- Baylies, Carolyn. 1995. " 'Political Conditionality' and Democratisation," *Review of African Political Economy*, 22 (65): 321-337.

- Bayramođlu, Ali. 2001. *28 Şubat: Bir Müdahalenin Güncesi*. İstanbul: Birey Yayıncılık.
- Beetham, David (ed.) 1994. *Defining and Measuring Democracy*. London: Sage.
- Beetham, David. 1993. "Liberal Democracy and the Limits of Democratization." In David Held, ed., *Prospects for Democracy: North, South, East, West*. Oxford: Polity Press.
- Beetham, David. 1995. "Introduction: Human Rights in the Study of Politics" *Political Science*, 43, 1-9.
- Beetham, David. 1994a. "Key Principles and Indices for a Democratic Audit." In D. Beetham, ed. *Defining and Measuring Democracy*. London: Sage, 25-43.
- Bektaş, Arsev. 1993. *Demokratikleşme Sürecinde Liderler Oligarşisi, CHP ve AP (1961-1980)*, İstanbul: Bağlam.
- Bellin, Eva. 2000. "Contingent Democrats: Industrialists, Labor, and Democratization in Late-Developing Countries", *World Politics* 52(2): 175-205.
- Berman, Sheri. 1997a. "Civil Society and Political Institutionalization." *American Behavioral Scientist* 40(5): 562-574.
- Berman, Sheri. 1997b. "Civil Society and the Collapse of the Weimar Republic", *World Politics* 49(3): 401-429.
- Bobbio, Nobert. 1990. *Liberalism and Democracy*. London: Verso.
- Bollen, Kenneth A., and Pamela Paxton. 2000. "Subjective Measures of Liberal Democracy", *Comparative Political Studies* 33(1): 58-86.
- Booth, John A. and Patricia Bayer Richard. 1998. "Civil Society, Political Capital, and Democratization in Central America," *The Journal of Politics* 60(3): 780-800.
- Bouandel, Youcef. 1997. *Human Rights and Comparative Politics*. Aldershot: Dartmouth.
- Bozer, Ali. 1987. "Turkey's Relations and Prospects with The European Community", *Turkish Review Quarterly Digest* 2(8): 9-14.
- Bozer, Ali. 1990. "Turkish Foreign Policy in the Changing World," *Mediterranean Quarterly* 1(3): 15-25.
- Brandtner, Barbara and Allan Rosas. 1998. "Human Rights and External Relations of the European Community: An Analysis of Doctrine and Practice," *European Journal of International Law* 9 (3): 468-490.
- Brownlie, Ian. 1989. *Basic Documents in International Law*. Oxford: Oxford University Press.

- Bruinessen, Martin Van. 1998. "Shifting National and Ethnic Identities: The Kurds in Turkey and the European Diaspora," *Journal of Muslim Minority Affairs* 18 (1): 39-53.
- Brysk, Alison. 1993. "From Above and Below: Social Movements, the International System, and Human Rights in Argentina," *Comparative Political Studies* 26(3): 259-285.
- Brysk, Alison. 2000. "Democratizing Civil Society in Latin America," *Journal of Democracy* 11(3): 151-165.
- Bunce, Valerie. 2000. "Comparative Democratization: Big and Bounded Generalizations," *Comparative Political Studies* 33(6/7): 703-734.
- Burnell, Peter, and Peter Calvert. 1999. "The Resilience of Democracy: An Introduction," *Democratization* 6(1): 1-32.
- Burnell, Peter. 1994. "Good Government and Democratization: A Sideways Look At Aid and Political Conditionality," *Democratization* 1(3): 485-503.
- Cammack, Paul. 1997. *Capitalism and Democracy in the Third World: The Doctrine for Political Development*. London: Leicester University Press.
- Carothers, Thomas. 1991. *In the Name of Democracy: US Policy toward Latin America in the Reagan Years*. Berkeley: University of California Press.
- Carothers, Thomas. 1995. "Recent US Experience with Democracy Promotion." *IDS Bulletin*, 26(2): 62-69.
- Carothers, Thomas. 1996. "The Resurgence of United States Political Development Assistance to Latin America in the 1980s." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 125-145.
- Carothers, Thomas. 1997. "Democracy Assistance: The Question of Strategy." *Democratization*, 4(3): 109-132.
- Carter, April, and Geoffrey Stokes (eds.) 1998. *Liberal Democracy and Its Critics*. Oxford: Polity Press.
- Çalış, Şaban H. 2001. *Türkiye-Avrupa Birliği İlişkileri, Kimlik Arayışı Politik Aktörler ve Değişim*. Ankara: Nobel.
- Çarkoğlu, Ali. 1998. "The Turkish Party System in Transition: Party Performance and Agenda Change," *Political Studies* 46(3): 544-571.
- Çarkoğlu, Ali and Ilgaz Ergen. 2001. "The Rise of Right-of-Center Parties and the Nationalization of Electoral Forces in Turkey," *New Perspectives on Turkey* 26 (Spring): 95-137.

- Çarkoglu, Ali, Tarhan Erdem and Mehmet Kabasakal. 2000. "Türkiye'de Yeni Bir Parti Sistemine Dogru: Siyasi Partiler Kanunu, Parti Örgütleri ve Parti İçi Demokrasiden Beklentiler." In Ali Çarkoglu, ed., *Siyasi Partilerde Reform*. Istanbul: TESEV.
- Çay, Abdülhaluk. 1993. *Her Yönüyle Kürt Dosyası*. Istanbul: Boğaziçi Yayınları.
- Çeçen, Anıl. 2001. *Türkiye Cumhuriyeti Ulus Devleti*, Ankara: ASAM Yayınları.
- Chand, Vikram K. 1997. "Democratisation From the Outside In: NGO and International Efforts to Promote Open Elections," *Third World Quarterly* 3(18): 543-561.
- Checkel, Jeffrey T. 1997a. "International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide," *European Journal of International Relations* 3(4): 473-495.
- Checkel, Jeffrey T. 1997b. *Ideas and International Political Change: Soviet/Russian Behavior and the End of the Cold War*. New Haven: Yale University Press.
- Checkel, Jeffrey T. 1999a. "Norms, Institutions and National Identity in Contemporary Europe," *International Studies Quarterly* 43: 83-114.
- Checkel, Jeffrey T. 1999b. "Why Comply? Constructivism, Social Norms and the Study of International Institutions," ARENA Working Papers, WP 99/24.
- Chilton, Patricia. 1995. "Mechanics of Change: Social Movements, Transnational Coalitions, and the Transformation Process in Eastern Europe." In Thomas Risse-Kappen, ed., *Bringing Transnational Back In: Non-State Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge University Press.
- Clark, William Robert. 1998. "Agents and Structures: Two View of Preferences, Two Views of Institutions." *International Studies Quarterly* 42(2), 245-270.
- Collier, David and Steven Levitsky. 1997. "Democracy with Adjectives. Conceptual Innovation in Comparative Research." *World Politics* 49, 430-51.
- Coppedge, M and W. H. Reinicke. 1991. "Measuring Polyarchy." In Alex Inkeles, ed., *On Measuring Democracy: Its Consequences and Concomitanats*. London: Transaction Publishers, 47-68.
- Cornell, Erik. 2001. *Turkey in the 21st Century. Opportunities, Challenges, Threats*, Richmond: Curzon Press.
- Cortell, Andrew P., and James W. Davis, Jr. 1996. "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms." *International Studies Quarterly* 40(4): 451-478.
- Cortell, Andrew P., and James W. Dawis. 2000. "Understanding the Domestic Impact of International Norms: A Research Agenda," *International Studies Review* 2(1): 65-87.

- Cosgrove C. and P. H. Laurent. 1992. "The Unique Relationship: The European Community and the ACP." In J. Redmond, ed., *The External Relations of the European Community: the International Response to 1992*. Basingstoke: Macmillan, 120-37.
- Coufoudakis, Van. 1977. "The European Economic Community and the 'Freezing' of the Greek Association, 1967-1974," *Journal of Common Market Studies* 16(2): 114-31.
- Cox, Robert. 1983. "Gramsci, Hegemony and International Relations: An Essay in Method," *Millennium* 12: 162-75.
- Cox, Robert. 1987. *Production, Power, and World Order: Social Forces in the Making of History*. New York: Columbia University Press.
- Crawford, Beverly and Arend Lijphart. 1995. "Explaining Political and Economic Change in Post-Communist Eastern Europe. Old Legacies, New Institutions, Hegemonic Norms, and International Pressures," *Comparative Political Studies* 28(2): 171-199.
- Crawford, Gordon. 1997. "Foreign Aid and Political Conditionality: Issues of Effectiveness and Consistency," *Democratization* 4(3): 69-108.
- Crawford, Neta C., Audie Klotz. 1999. "How Sanctions Work: A Framework for Analysis." In Neta C. Crawford and Audie Klotz, eds., *How Sanctions Work. Lessons From South Africa*, New York: St. Martin's Press, 25-42.
- Criss, Nur Bilge. 1995. "The Nature of PKK Terrorism in Turkey," *Studies in Conflict and Terrorism*, 18(1): 17-37.
- Dahl, Robert A. 1971. *Polyarchy: Participation and Opposition*. New Haven: Yale University Press.
- Dahl, Robert A. 1989. *Democracy and Its Critics*. New Haven: Yale University Press.
- Davutoğlu, Ahmet. 2001. *Stratejik Derinlik: Türkiye'nin Uluslararası Konumu*. Istanbul: Küre.
- Dawisha, Karen. 1997. "Democratization and Political participation: research concepts and methodologies." In Karen Dawisha and Bruce Parrott, eds., *The consolidation of democracy in East-Central Europe*, Cambridge: Cambridge University Press, 40-65.
- Di Palma, Giuseppe. 1990b. *To Craft Democracies. An Essay on Democratic Transitions*. Berkeley: University of California Press.
- Di Palma, Giuseppe. 1990a. "Parliaments, Consolidation, Institutionalization: A Minimalist View." In Ulrike Liebert and Maurizio Cotta, eds., *Parliament and Democratic Consolidation in Southern Europe: Greece, Italy, Portugal, Spain, and Turkey*, London: Pinter Publishers.
- Diamond, Larry, and Platter, Marc F. (eds.) 1993. *The Global Resurgence of Democracy*. Baltimore: The Johns Hopkins University Press.

- Diamond, Larry, Juan J. Linz and Seymour Martin Lipset. 1995. "Introduction: What Makes for Democracy?" In Larry Diamond and Juan J. Linz, eds., *Politics in Developing Countries: Comparing Experiences with Democracy*. Boulder: Lynne Rienner Publishers, 1-66.
- Diamond, Larry. 1993. "The Globalization of Democracy." In Robert O. Slater, Barry M. Schutz, and Steven R. Dorr, eds. *Global Transformation and the Third World*. Boulder: Lynne Rinner Publishers.
- Diamond, Larry. 1994. "Rethinking Civil Society: Toward Democratic Consolidation," *Journal of Democracy* 5(3): 4-18.
- Diamond, Larry. 1996a. "Is the Third Wave Over?" *Journal of Democracy* 7(3): 20-37.
- Diamond, Larry. 1996b. "Democracy in Latin America: Degrees, Illusions, and Directions for Consolidation." In Tom Farer, ed., *Beyond Sovereignty: Collectively Defending Democracy in Americas*. Baltimore: Johns Hopkins University Press, 52-116.
- Diamond, Larry. 1997. "Promoting Democracy in the 1990s: Actors, Instruments, and Issues." In Axel Hadenius, ed., *Democracy's Victory and Crises*. New York: Cambridge University Press.
- Dix, Robert. 1992. "Democratization and the Institutionalization of Latin American Political Parties," *Comparative Political Studies* 24(4): 488-511.
- Donnelly, Jack. 1986. "International Human Rights: A Regime Analysis," *International Organization* 40 (3): 599-642.
- Donnelly, Jack. 1994. "Post-Cold War Reflections on the study of International Human Rights," *Ethics and International Affairs*, 8: 97-118.
- Donnelly, Jack. 1998a. "Human Rights: a New Standard of Civilization?" *International Affairs* 74(1): 1-24.
- Donnelly, Jack. 1998b. *International Human Rights*. Boulder: Westview Press.
- Durmus, Arzu. 2001. *Siyasi Partilerin Kapatılması ve Yüce Divan Kararlarını Yeniden Tartışmak*. Istanbul: Beta.
- Elgström, Ole. 2000. "Lomé and Post- Lomé: Asymmetric Negotiations and the Impacts of Norms," *European Foreign Affairs Review* 5: 179-80.
- Elster, John, Claus Offe, and Ulrich K. Preuss, (eds.) 1997. *Institutional Design in Post-communist Societies: Rebuilding the Ship at Sea*. Cambridge: Cambridge University Press.
- Eralp, Atila. 1993. "Turkey and the European Community in the Changing Post-War International System." In C. Balkır and A.M. Williams, eds., *Turkey and Europe*. London: Pinter Publishers Ltd, 24-44.

- Erbakan, Necmettin. 1991. *Türkiye'nin Temel Meseleleri* (Turkey's basic problems). Ankara: Rehber Yayıncılık.
- Erkal, Mustafa E. 1998. *Etnik Tuzak*, Istanbul: Der Yayınevi.
- Esmer, Yılmaz. 1999. *Devrim, Evrim, Statüko: Türkiye'de Sosyal, Siyasal ve Ekonomik Değerler*. Istanbul: TESEV.
- Esposito, John L. 1995. *The Islamic Threat: Myth or Reality?*. New York: Oxford University Press.
- Ethier, Diane. 1997. "Democratic Consolidation: Institutional, Economic, and External Dimensions." In Abdo I. Baaklini and Helen Desfosses, eds., *Designs for Democratic Stability. Studies in Viable Constitutionalism*. Armonk: M.E. Sharpe, 259-284.
- Evangelista, Matthew. 1997. "Domestic Structure and International Change." In Michael Doyle and G. John Ikenberry, eds., *New Thinking in International Relations Theory*, Boulder: Westview.
- Evangelista, Matthew. 1999. *Unarmed Forces. The Transnational Movement to End the Cold War*. Ithaca NY: Cornell University Press.
- Evans, Peter. 1997. "The Eclipse of the State? Reflections on Stateness in the Era of Globalization," *World Politics* 50(1): 62-87.
- Evans, Tony. 1996. *US Hegemony and the Project of Universal Human Rights*. London: Macmillan Press.
- Evans, Tony. 1997. "Democratization and Human Rights." In Anthony McGrew, ed., *The Transformation of Democracy? Globalization and Territorial Democracy*. Cambridge: Polity Press (in association with The Open University).
- Evin, Ahmet. 1994. "Demilitarization and Civilization of the Regime." In Metin Heper and Ahmet Evin, eds., *Politics in the Third Turkish Republic*. Boulder: Westview Press, 23-40.
- Falk, Richard. 1997. "False Universalism and the Geopolitics of Exclusion: the Case of Islam," *Third World Quarterly* 18(1): 7-23.
- Finnemore, Martha, and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change," *International Organization* 52(4): 887-917.
- Finnemore, Martha. 1996a. *National Interests in International Society*, Ithaca: Cornell University Press.
- Finnemore, Martha. 1996b. "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50(2).

- Foley, Michael W. and Bob Edwards. 1996. "The Paradox of Civil Society," *Journal of Democracy* 7: 38-52.
- Forster, Anthony. 1999. "The European Union in South-East Asia: continuity and change in turbulent times," *International Affairs* 75 (4): 743-758.
- Fouwels, Martine. 1997. "The European Union's Common Foreign and Security Policy and Human Rights," *Netherlands Quarterly of Human Rights* 15: 291-324.
- Franklin, James. 1997. "IMF Conditionality, Threat, Perception, and Political Repression," *Comparative Political Studies* 30(5).
- Gaer, Felice D. 1996. "Reality Check: Human Rights NGOs Confront Governments at the UN." In Thomas G. Weiss and Leon Gordenker, eds., *NGOs, the UN, and Global Governance*. Boulder: Lynne Rienner Publishers, 50-81.
- Germain, Randall D., and Michael Kenny. 1998. "Engaging Gramsci: International Relations Theory and the New Gramscians," *Review of International Studies* 24(1): 3-21.
- Giddens, Anthony. 1984. *The Constitution of Society: Outline of the Theory of Structuration*. Cambridge: Polity Press.
- Gill, Stephan (ed.) 1993. *Gramsci, Historical Materialism and International Relations*. Cambridge: Cambridge University Press.
- Gill, Stephan. 1990. *American Hegemony and the Trilateral Commission*. Cambridge: Cambridge University Press.
- Glenn, John K. 1999. "International Actors and Democratization: US Assistance to New Political Parties in the Czech Republic and Slovakia", EUI Working Paper SPS No.99/7
- Goffman, Daneil. 1994. "Millets in the Early Seventeenth Century," *New Perspectives on Turkey* 2(2): 135-158.
- Goldberg, Ellias. 1996. "Thinking about how democracy works," *Politics and Society* 24: 7-18.
- Göle, Nilüfer. 1996. "Authoritarian Secularism and Islamist Politics: The Case of Turkey." In August Richard Norton, ed., *Civil Society in the Middle East*. Leiden: E.J. Brill, 17-43.
- Gourevitch, Peter. 1978. "The Second Image Reversed: The International Source of Domestic Politics," *International Organization* 32(4): 881-911.
- Gourevitch, Peter. 1986. *Politics in Hard Times*. Ithaca: Cornell University Press.
- Gözen, Ramazan. 2000. *Amerikan Kışkacında Dış Politika: Körfez Savaşı, Turgut Özal ve Sonrası*. Ankara: Liberte Yayınları.

- Grabbe, Heather. 1999. "A Partnership for Accession? The Implications of EU Conditionality for the Central and Eastern European Applicants." Robert Schuman Centre Working Paper 99/12. Florence: European University Institute (July).
- Gränzer, Sieglinde. 1999. "Changing discourse: transnational advocacy networks in Tunisia and Morocco." In Thomas Risse, and Stephen C. Ropp, and Kathryn Sikkink., eds., *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press, 109-133.
- Grosh, Barbara and Stephen Orvis. 1996/97. "Democracy, Confusion, or Chaos: Political Conditionality in Kenya," *Studies in Comparative International Development* 31(4): 46-65.
- Grugel, Jean (ed.) 1999. *Democracy Without Borders. Transnationalization and conditionality in new democracies*. London: Routledge.
- Gunter, Michael M. 2000. "The Continuing Kurdish Problem in Turkey After Öcalan's Capture," *Third World Quarterly* 21(5): 849-869.
- Gunther, Richard, Nikiforos Diamandorous, and Hans-Jurgen Puhle, (eds.) 1995. *The Politics of Democratic Consolidation. Southern Europe in Comparative Perspective*. Baltimore: The Johns Hopkins University Press.
- Haas, Peter M. 1997. "Introduction: Epistemic Communities and International Policy Coordination." In Peter M. Haas, ed., *Knowledge, Power, and International Policy Coordination*. Columbia: University of South Carolina Press.
- Hagopian, Frances. 2000. "Political Development, Revisited," *Comparative Political Studies*, 33(6/7): 880-911.
- Hakyemez, Yusuf Şevki. 2000. *Militan Demokrasi Anlayışı ve 1982 Anayasası*, Ankara: Seçkin.
- Hale, William. 1994. *Turkish Politics and the Military*, London: Routledge.
- Hanioglu, Sükrü. 1986. *Bir Siyasal Örgüt Olarak İttihat ve Terakki ve Jön Türklük*, İstanbul: İletişim.
- Hanioglu, Sükrü. n.d. *Bir Siyasal Düşünür Olarak Abdullah Cevdet ve Dönemi*, İstanbul: Üçdal Nesriyat.
- Hawkins, Darren G. 1997. "Domestic Response to International Pressure: Human Rights in Authoritarian Chile," *European Journal of International Relations* 3(4): 403-434.
- Heil, Alan L. 2000. "Fallout From "Earthquake Diplomacy" Leads to Unprecedented Thaw in Greek-Turkish Relations", *Washington Report on Middle East Affairs*, <http://www.washington-report.org/backissues/042000/0004031.html>
- Held, David. 1996. *Models of Democracy*. Oxford: Polity Press.

- Heper, Metin. 1980. "Center and Periphery in the Ottoman Empire with Special Reference to the Nineteenth Century," *International Political Science Review* 1 (January): 81-105.
- Heper, Metin. 1990. "Executive in the Third Turkish Republic, 1982-1989," *Governance* 3: 299-319
- Heper, Metin. 1992. "The 'Strong State' and Democracy: The Turkish Case in Comparative and Historical Perspective." In S. N. Eisenstadt, ed., *Democracy and Modernity*. Leiden: E. J. Brill, 1992, 142-163.
- Heper, Metin. 1992b. "The Strong State as a Problem for the Consolidation of Democracy, Turkey and Germany Compared," *Comparative Political Studies*. 25(2): 169-194.
- Heper, Metin. 2000. "The Ottoman Legacy and Turkish Politics," *Journal of International Affairs* 54(1): 63-82.
- Heper, Metin. 2002. "The Consolidation of Democracy versus Democratization in Turkey," *Turkish Politics* 3(1): 138-146.
- Heper, Metin and Aylin Güney. 1996. "The Military and Democracy in the Third Turkish Republic," *Armed Forces and Society* 22 (4): 619-642.
- Heper, Metin, Ali Kazancigil, and Bert A. Rockman (eds.) 1997. *Institutions and Democratic Statecrafts*. Boulder: Westview Press.
- Hintze, Otto. 1975. *The historical essays of Otto Hintz*, Felix Gilbert, ed. New York: Oxford University Press.
- Holsti, O. R. 1969. *Content Analysis for the Social Sciences and Humanities*. Reading: Addison-Wesley.
- Hopf, Ted. 1998. "The Promise of Constructivism in International Relations Theory," *International Security* 23(1): 171-200.
- Huber, E., D. Rueschemeyer, and J. D. Stephens. 1997. "The Paradoxes of Contemporary Democracy. Formal, Participatory, and Social Dimensions," *Comparative Politics* 29(3): 323-342.
- Hudson, Michael C. 1995. "The Political Culture Approach to Arab Democratization: The Case for Bringing It Back In, Carefully." In Rex Brynen, Bahgat Korany, and Paul Noble, eds., *Political Liberalization and Democratization in the Arab World vol.1 Theoretical Perspectives*. Boulder: Lynne Rienner Publishers.
- Hughes, James, Gwendolyn Sasse, and Claire Gordon. 2002. "Saying 'Maybe' to the 'Return to Europe'", *European Union Politics* 3(3): 327-355.
- Huntington, Samuel P. 1965. "Political Development and Political Decay," *World Politics*, 17.

- Huntington, Samuel P. 1968. *Political Order in Changing Societies*. New Haven: Yale University Press.
- Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Huntington, Samuel P. 1996. "Democracy for the Long Haul," *Journal of Democracy* 7 (2):3-13.
- Huntington, Samuel P. 1997. "After Twenty Years: The Future of the Third Wave," *Journal of Democracy*, 8(4): 3-12.
- Hurrell, Andrew. 1996. "The International Dimensions of Democratization in Latin America: The Case of Brazil." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 146-174.
- Ikenberry, G. John, and Charles Kupchan. 1990. "Socialization and Hegemonic Power," *International Organization* 44(3): 283-315.
- İlcak, Nazlı. 2001. *Sert Adımlarla Her Yer İnesin: 28 Şubat'ın Perde Arkası*. İstanbul: Timaş Yayınları.
- Inalcik, Halil. 1973. *The Ottoman Empire: The Classical Age, 1300-1600*. London: Weidenfeld&Nicolson.
- Inglehart, Ronald. 1990. *Culture Shift in Advanced Industrial Society*. Princeton: Princeton University Press.
- Inglehart, Ronald. 1988. "The Renaissance of Political Culture," *American Political Science Review* 82(4): 1203-1230.
- Isaac, Jeffrey C. 1996. "The Meanings of 1989," *Social Research*, 63(2): 291-344.
- İçduygu, Ahmet, David Romano and İbrahim Sirkeci. 1999. "The Ethnic Question in an Environment of Insecurity: the Kurds in Turkey," *Ethnic and Racial Studies* 22(6): 991-1010.
- İlhan, Suat. 2000. *Avrupa Birliği'ne Neden Hayır?* İstanbul: Ötüken Yayınları.
- İmset, İsmet G. 1992. *The PKK*, Ankara: Turkish Daily News Publications.
- Jackman, Robert W. 1993. *Power Without Force: The Political Capacity of Nation-States*. Michigan: The University of Michigan Press.
- Jacobsen, John K. 1996. "Are All Politics Domestic? Perspectives on the Integration of Comparative Politics and International Relations Theories," *Comparative Politics* 29: 93-115.

- Jervis, Robert. 1976. *Perception and Misperception in International Politics*. Princeton, NJ: Princeton University Press.
- Jones, David Martin. 1998. "Democratization, civil society, and illiberal middle class culture in Pacific Asia," *Comparative Politics* 30(2): 147-169.
- Kaboğlu, İbrahim Özden. 2000. "Dernek, Toplantı ve Gösteri Yürüyüşü Özgürlüğü." In Gökçen Alpkaya et al. *İnsan Hakları*. Istanbul: Yapı Kredi Yayınları.
- Kalaycıoğlu, Ersin. 1994. "Elections and Party Preferences in Turkey: Changes and Continuities in the 1990s," *Comparative Political Studies* 4(4): 511-36.
- Kalaycıoğlu, Ersin. 1995. "Türkiye'de Siyasal Kültür ve Demokrasi." In Ergun Özbudun et al, eds., *Türkiye'de Demokratik Siyasal Kültür*. Ankara: Türk Demokrasi Vakfı, 43-69.
- Kalaycıoğlu, Ersin. 1999. "The Shaping of Party Preferences in Turkey: Coping with the Post-Cold War Era," *New Perspectives on Turkey* 20 (Spring): 47-76.
- Kaldor, Mary, and Ivan Vejvoda. 1997. "Democratization in central and east European countries," *International Affairs* 73(1): 59-82.
- Karaosmanoglu, Ali L. 1993. "Officers: Westernization and Democracy." In Metin Heper, Ayşe Öncü, and Heinz Kramer, eds., *Turkey and the West. Changing Political and Cultural Identities*. London: I.B. Tauris & Co Ltd Publishers, 19-34.
- Karatnycky, Adrian. 2000. "The 1999 Freedom House Survey: A Century of Progress," *Journal of Democracy* 11(1): 187-2000.
- Karl, Terry Lyn. 1990. "Dilemmas of Democratization in Latin America," *Comparative Politics* 23(1): 1-21.
- Karl, Terry Lyn. 1995. "The Hybrid Regimes of Central America," *Journal of Democracy* 6(3): 72-86.
- Karl, Terry Lynn and Philippe C. Schmitter. 1991. "Modes of Transition in Latin America, Southern and Eastern Europe," *International Social Science Journal* 128: 269-84.
- Karpat, Kemal. 1959. *Turkey's Politics: The Transition to a Multi-Party System*. New Jersey: Princeton University.
- Karpat, Kemal. 1982. "Millets and Nationality." In Benjamin Braude and Nernard Lewis, eds., *Christians and Jews in the Ottoman Empire. Vol. 1: The Central Lands*. New York: Holmes and Meier.
- Katzenstein, Peter J. (ed.) 1996a. *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbia University Press.

- Katzenstein, Peter J. 1996b. "Introduction: Alternative Perspectives on National Security." In Peter Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbia University Press.
- Kazancıgil, Ali. 1994. "High Stateness in A Muslim Society: The Case of Turkey," in Mattei Dogan and Ali Kazancıgil, eds., *Comparing Nations: Concepts, Strategies, Substance*, Oxford: Blackwell, 213-238.
- Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.
- Keohane, Robert O. 1993. "Regime" In *The Oxford Companion to Politics of the World*. Oxford: Oxford University Press.
- Keohane, Robert O., and Helen V. Miller (eds.) 1996. *Internationalization and Domestic Politics*. New York: Cambridge University Press.
- Keohane, Robert O., and Joseph S. Nye. 1971. "Transnational Relations and World Politics: An Introduction." In R. O. Keohane and J. S. Nye, eds., *Transnational Relations and World Politics*. Cambridge, MA: Harvard University Press.
- Kılıç, Altemur. 1999. *Titrek Pusula. 19. Yüzyıldan Günümüze Kürdistan Hayali*, İstanbul: Timaş Yayınları.
- King, Tony. 1996. "The European Community and Human Rights in Eastern Europe", *Legal Issues of European Integration*, 2, LIEI.
- Kirisçi, Kemal and Gareth M. Winrow. 1997. *The Kurdish Question and Turkey: An Example of a Trans-state Ethnic Conflict*. London: Frank Cass.
- Kitschelt, Herbert. 1992. "Political Regime Change: Structure and Process-Driven Explanations?" *American Political Science Review* 86(4), 1028-1034.
- Klotz, Audie. 1995. *Norms in International Relations: The Struggle Against Apartheid*. Ithaca: Cornell University Press.
- Koç, Yıldırım. 2001. *Türkiye Avrupa Birliği İlişkileri*, Ankara: Türk-İş Eğitim Yayınları.
- Kocabaş, Süleyman. 1992. *Osmanlı İsyânlarında Yabancı Parmağı: Bir İmparatorluk Nasıl Parçalandı?* Kayseri: Vatan Yayınları.
- Koelbe, Thomas A. 1995. "The New Institutionalism in Political Science and Sociology", *Comparative Politics* 37(2): 231-243.
- Köker, Levent. 1990. *Modernleşme, Kemalizm ve Demokrasi*, İstanbul: İletişim.
- Kopecky, Petr, and Cas Mudde. 2002. "The Two Sides of Eurocepticism", *European Union Politics*, 3(3): 297-326.
- Krasner, Stephan (ed.) 1983. *International Regimes*. Ithaca: Cornell University Press.

- Kratochwil, Friedrich. 1989. *Rules, Norms and Decisions. On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge: Cambridge University Press.
- Kubicek, Paul. 2002a. "The Earthquake, Civil Society and Political Change in Turkey: Assessment and Comparison with Eastern Turkey," *Political Studies* 50: 761-778.
- Kubicek, Paul. 2002b. "The Earthquake, the European Union and Political Reform in Turkey," *Mediterranean Politics* 7(1): 1-18.
- Kumar, Krishan. 1992a. "The 1989 Revolutions and the Idea of Europe." *Political Studies*, 40: 429-61.
- Kumar, Krishan. 1992b. "The Revolutions of 1989: Socialism, Capitalism and Democracy," *Theory and Society*, 21: 309-56.
- Kumar, Krishan. 1992c. *From Post-Industrial to Post-Modern Society. New Theories of the Contemporary World*. Oxford: Blackwell Publishers.
- Kummel, Gerhard. 1998. "Democratization in Eastern Europe. The Interaction of Internal and External Factors: An Attempt at Systematization." *East European Quarterly*, 32(2): 243-268.
- Larrabee, Alan L., and Ian O. Lesser. 2003. *Turkish Foreign Policy in an Age of Uncertainty*, Santa Monica: Rand Corporation.
- Laurance Whitehead. 1996. "Democracy by Convergence: Southern Europe." In Laurance Whitehead, ed, *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 261-285.
- Lavin, Franklin L. 1996. "Asphyxiation or Oxygen? The Sanctions Dilemma", *Foreign Policy* 104: 139-153.
- Legro, Jeffrey W. 1997. "Which Norms Matter? Revisiting the 'Failure' of Internationalism," *International Organization* 51(1): 31-63.
- Lewis, Bernard. 1961. *The Emergence of Modern Turkey*. Oxford: Oxford University Press.
- Lijphart, Arend and Carlos H. Waisman (eds.) 1996. *Institutional Design in New Democracies*. Boulder: Westview Press.
- Lijphart, Arend. 1992. "Democratization and Constitutional Choices in Czecho-Slovakia, Hungary and Poland 1989-91," *Journal of Theoretical Politics* 31(4): 207-233.
- Linz, Juan J. 1970. "An Authoritarian Regime: The Case of Spain." In Erik Allardt and Stein Rokkan, eds., *Mass Politics: Studies in Political Sociology*. New York: Free Press.

- Linz, Juan J. and Alfred Stepan. 1996a. *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe*. Baltimore: The Johns Hopkins University Press.
- Linz, Juan J., and Alfred Stepan. 1996b. "Toward Consolidated Democracies," *Journal of Democracy* 7(2): 14-33.
- Linz, Juan, and A. Valenzuela (eds.) 1994. *The Failure of Presidential Democracy*, Baltimore: Johns Hopkins University Press.
- Linz, Juan. 1978. *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*. Baltimore: Johns Hopkins University Press.
- Linz, Juan. 1990a. "The perils of presidentialism," *Journal of Democracy* 1(1): 51-69.
- Linz, Juan. 1990b. "The virtues of parliamentarism," *Journal of Democracy* 1(4): 84-91.
- Lipset, Seymour Martin. 1959. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy." *American Political Science Review*, 53: 69-105.
- Lipset, Seymour Martin. 1960. *Political Man. The Social Basis of Politics*, London: Heinemann.
- Lipset, Seymour Martin. 1996. "The Social Requisites of Democracy Revisited." In Alex Inkeles and Masamichi Sasaki, eds., *Comparing Nations and Cultures*. Prentice Hall: Englewood Cliffs, 430-449.
- Lister, Marjorie. 1997. *The European Union and the South: Relations with Developing Countries*. London: Routledge-UACES.
- Lombardi, Ben. 1997. "Turkey— The Return of the Reluctant Generals?" *Political Science Quarterly*, 112(2): 191-215.
- Londregan, John B. and Keith T. Poole. 1996. "Does High Income Promote Democracy?" *World Politics* 49(1): 1-30.
- Lyon, Alynna J and Emek M. Uçarer. 2001. "Mobilizing Ethnic Conflict: Kurdish Separatism in Germany and the PKK," *Ethnic and Racial Studies* 24(6): 925-948.
- Macleod I. D. Hendry and Stephen Hynett. 1996. *The External Relations of the European Communities*, Oxford: Clarendon Press.
- Mainwaring, Scott. 1998. "Party Systems in the Third Wave," *Journal of Democracy* 9(3): 67-81.
- Mainwaring, Scott. 1993. "Presidentialism, Multipartyism, and Democracy: The Difficult Combination," *Comparative Political Studies* 26: 198-228.

- Mainwaring, Scott, Guillermo O'Donnell, and J. Samuel Valenzuela (eds.) 1992. *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*. Notre Dame: University of Notre Dame Press.
- Manisalı, Erol. 2001. *İçyüzü ve Perde Arkasıyla Avrupa Çıkmazı: Türkiye-Avrupa Birliği İlişkileri*, İstanbul: Otopsi Yayınları.
- Mann, Michael. 1994. "The Autonomous Power of the State: Its Origins, Mechanisms and Results." In John A. Hall, ed., *The State: Critical Concepts*. London: Routledge.
- Marantis, Demetrios James. 1994. "Human Rights, Democracy, and Development: The European Community Model," *Harvard Human Rights Journal* 7: 1-32.
- March, James G., and Olsen, Johan P. 1984. "The New Institutionalism: Organizational Factors in Political Life," *American Political Science Review*, 78: 734-749.
- March, James G., and Olsen, Johan P. 1989. *Rediscovering Institutions: The Organizational Basis of Politics*, New York: Free Press.
- Mardin, Şerif. 1969. "Power, Civil Society, and Culture in the Ottoman Empire," *Comparative Studies in Society and History* 11 (4): 258-281.
- Mardin, Şerif. 1973. "Center-Periphery Relations: A Key to Turkish Politics?" *Daedalus* 102 (Winter): 169-190.
- Mardin, Şerif. 1983. *Jön Türklerin Siyasi Fikirleri 1895-1908*, İstanbul: İletişim.
- Mardin, Şerif. 1993. "Religion and Secularism in Turkey." In A. Hourani, P.S. Khoury, and M.C. Wilson, eds., *The Modern Middle East*, London: Tauris, 347-373.
- Markoff, John. 1996. *Waves of Democracy: Social Movements and Political Change*. London: Pine Forge Press.
- Marshall, Gordon. 1998. *A Dictionary of Sociology*. Oxford: Oxford University Press.
- Mayhew, Alan. 1998. *Recreating Europe: The European Union's Policy Towards Central and Eastern Europe*. Cambridge: Cambridge University Press.
- Medearis, John. 1997. "Schumpeter, the New Deal, and Democracy." *American Political Science Review* 91(4): 819-832.
- Merkel, Wolfgang. 1998. "The Consolidation of Post-Autocratic Democracies: A Multi-level Model", *Democratization* 5(3): 33-67.
- Mert, Nuray. 1992. Early Republican Secularism in Turkey: A Theoretical Approach, Unpublished Ph.D. Dissertation, İstanbul: Boğaziçi University.
- Michels, Robert. 1962. *Political Parties: Sociological Study of the Oligarchical Tendencies of Modern Democracy*, New York: Free Press.

- Moore, Barrington. 1966. *Social Origins of Democracy and Dictatorship: Lord and Peasant in the Making of the World*. Boston: Beacon Press.
- Moore, Will H and David R. Davis. 1998. "Ties That Bind? Domestic and International Conflict Behavior in Zaire," *Comparative Political Studies* 31(1): 47-71.
- Moravcsik, Andrew. 1993. "Introduction: Integrating International and Domestic Explanations of International Bargaining." In Peter Evans, Harold Jacopson, and Robert Putnam, eds., *Double-Edged Diplomacy. International Bargaining and Domestic Politics*. Berkeley: University of California Press.
- Moravcsik, Andrew. 1995. "Explaining International Human Rights Regimes: Liberal Theory and Western Europe," *European Journal of International Relations* 1(2): 157-189.
- Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization* 54(2): 217-252.
- Morgan, Clifton T., and Valerie. L. Schwebach. 1997. "Fools Suffer Gladly: The Use of Economic Sanctions in International Crises," *International Studies Quarterly* 41(1): 27-50.
- Morlino, Leonardo, José R. Montero. 1995. "Legitimacy and Democracy in Southern Europe." In Richard Gunther, Nikiforos Diamandorous, and Hans-Jurgen Puhle, eds., *The Politics of Democratic Consolidation. Southern Europe in Comparative Perspective*. Baltimore: The Johns Hopkins University Press: 231-260.
- Morlino, Leonardo. 1998. *Democracy Between Consolidation and Crisis: Parties, Groups, and Citizens in Southern Europe*. Oxford: Oxford University Press.
- Mouffe, Chantal (ed.) 1979. *Gramsci and Marxist Theory*. London: Routledge and Kegan Paul.
- Mouffe, Chantel (ed.) 1991. *Dimensions of Radical Democracy*. London: Verso.
- Müftüler-Bac, Meltem. 1999. "The Never-Ending Story: Turkey and the European Union." In Sylvia Kedourie, ed., *Turkey before and after Atatürk. Internal and External Affairs*, London: Frank Cass, 240-258.
- Muller, Edward N. and Mitchell A. Seligson. 1994. "Civic Culture and Democracy: The Question of Causal Relationships," *American Political Science Review* 88(3): 635-653.
- Müller, Harald and Thomas Risse-Kappen. 1993. "From the Outside In and From the Inside Out. International Relations, Domestic Politics, and Foreign Policy." In Valeria Hudson and David Skidmore, eds., *The Limits of State Autonomy: Societal Groups and Foreign Policy Formulation*. Boulder, CO: Westview.
- Müllerson, Rein. 1997. *Human Rights Diplomacy*. London: Routledge.
- Myers, David J. and John D. Martz. 1997. "Political Culture Theory and the Role of Professionals. Data from Venezuela," *Comparative Political Studies* 30(3): 331-355.

- Napoli, Daniela. 1995. "The European Union's Foreign Policy and Human Rights." In Nanetta A. Neuwahl and Alan Rosas, eds., *The European Union and Human Rights*. The Hague: Martinus Nijhoff Publishers.
- Nelson, Joan M. and Stephanie J. Eglinton. 1992. *Encouraging Democracy: What Role for Conditioned Aid?* Washington, DC: Overseas Development Council.
- Noyan, Bedri. 1998. *Bütün Yönleriyle Bektaşılık ve Alevilik*, Ankara: Ardıç
- O'Donnell, G., P. Schmitter and Laurance Whitehead (eds.) 1986. *Transitions from Authoritarian Rule*. (4 vols.) Baltimore: Johns Hopkins University Press.
- O'Donnell, Guillermo. 1992. "Transitions, Continuities, and Paradoxes." In Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela, eds., *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*. Notre Dame: University of Notre Dame Press, 17-56.
- O'Donnell, Guillermo. 1994. "Delegative Democracy," *Journal of Democracy*, 5(1): 55-69.
- O'Donnell, Guillermo. 1996a. "Illusions about Consolidation," *Journal of Democracy* 7(2): 34-51
- O'Donnell, Guillermo. 1996b. "Illusion and Conceptual Flaws," *Journal of Democracy* 7(4): 160-168
- O'Donnell, Guillermo. 1998. "Horizontal Accountability in New Democracies," *Journal of Democracy* 9(3): 112-126.
- O'Neil, Patrick H. 1996. "Revolution From Within. Institutional Analysis, Transitions from Authoritarianism, and the Case of Hungary," *World Politics*. 48(4): 579-603.
- Olsen, Gorm Rye. 2000. "Promotion of Democracy as a Foreign Policy Instrument of 'Europe': Limits to International Idealism," *Democratization* 7(2): 142-167.
- Olson, Robert. 1989. *The Emergence of Kurdish Nationalism and the Sheikh Said Rebellion*. Texas: University of Texas Press.
- Oran, Baskın. 2000. *Küreselleşme ve Azınlıklar (Globalization and Minorities)*, Ankara: İmaj Yayıncılık.
- Ostrom, Elinor. 1995. "New Horizons In Institutional Analysis," *American Political Science Review* 89(1): 174-78.
- Öcalan, Abdullah. 1999. *Kürt Sorununda Demokratik Çözüm Bildirgesi*, Istanbul: Mem
- Öke, Mim Kemal. 1988. *İngiltere'nin Güneydoğu Anadolu Siyaseti ve Binbaşı E. W.C. Noel'in Faaliyetleri (1919)*. Ankara: Türk Kültürünü Araştırma Enstitüsü.

- Özbudun, Ergun. 2002. *2001 Anayasa Değişiklikleri ve Siyasal Reform Önerileri*. İstanbul: TESEV Yayınları.
- Özbudun, Ergun. 1998. *Türk Anayasa Hukuku*. Ankara: Yetkin Yayınları.
- Özbudun, Ergun. 2000. *Contemporary Turkish Politics. Challenges to Democratic Consolidation*, Boulder: Lynne Rienner Publishers.
- Özbudun, Ergun. 1984. "Antecedents of Kemalist Secularism: Some Thought on the Young Turk Period." In Ahmet Evin and Metin Heper, eds., *Modern Turkey: Continuity and Change*, Opladen: Leske Verlong and Budrich GimbtH.
- Özbudun, Sibel and Temel Demirer (eds.) 2000. *Avrupa Birliği ve Sosyalistler: Akıntıya Karşı*, Ankara: Ütopya Yayınları.
- Özcan, Gencer (ed.) 1998. *Onbir Aylık Saltanat. Siyaset, Ekonomi ve Dış Politikada Refahyol Dönemi*, İstanbul: Boyut Kitapları.
- Özcan, Gencer. 2001. "The Military and the Making of Foreign Policy in Turkey." In Barry Rubin, Kemal Kirişçi, eds., *Turkey in World Politics : An Emerging Multiregional Power*. Boulder: Lynne Rienner Publishers.
- Özcan, Nihat Ali. 1999. *PKK (Kürdistan İşçi Partisi), Tarihi, İdeolojisi ve Yöntemi*, Ankara: ASAM Yayınları.
- Özcan, Nihat Ali and Rengin Gün. 2002. "PKK'dan Kadek'e: Değişim mi Takiyye mi?" *Stratejik Analiz*, No. 25: 5-20.
- Özdemir, Hikmet. 1989. *Rejim ve Asker*, İstanbul: Afa Yayınları.
- Özkan, Tuncay. 2000. *Operasyon*, İstanbul: Doğan Kitapçılık.
- Panebianco, Angelo. 1988. *Political Parties: Organization and Power*. Cambridge: Cambridge University Press.
- Parrott, Broce. 1997. "Perspective on postcommunist democratization." In Karen Dawisha and Bruce Parrott, eds., *The consolidation of democracy in East-Central Europe*, Cambridge: Cambridge University Press, 1-39.
- Pennings, Paul and Reuven Y. Hazan. 2001. "Democratizing Candidate Selection. Causes and Consequences," *Party Politics* 7(3): 267-275.
- Perry, Michael J. 1997. "Are Human Rights Universal? The Relativist Challenge and Related Matters," *Human Rights Quarterly* 19(3): 461-509.
- Pevehouse, Jon C. 2002a. "Democracy from the Outside-In? International Organizations and Democratization," *International Organization* 56(3): 515-549.

- Pevehouse, Jon C. 2002b. "With a Little Help from Above? Regional Organizations and the Consolidation of Democracy," *American Journal of Political Science* 46(3): 611-26.
- Pierse, Caherine. 1997. "Violation of Cultural Rights of Kurds in Turkey", *Netherlands Quarterly of Human Rights* 15(3): 325-341.
- Pinto-Duschinsky, Michael. 1996. "International Political Finance: The Konrad Adenauer Foundation and Latin America." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 227-255.
- Plasser, Fritz, Peter A. Ulram, and Harald Waldrauch. 1998. *Democratic Consolidation in East-Central Europe*. London: Macmillan Press Ltd.
- Platter, Marc F. 1995. "Human Rights", *The Encyclopedia of Democracy* (Vol 2). London: Routledge.
- Poe, Steven, Suzanne Pilatovsky, Brian Miller, and Ayo Ogundele. 1994. "Human Rights and US Foreign Aid Revisited: The Latin American Region," *Human Rights Quarterly* 16: 539-558.
- Popper, Karl. 1961. *The Poverty of Historicism*. London: Rotledge.
- Potter, David. 1997. "Explaining Democratization." In David Potter, David Goldblatt, Margaret Kiloh, and Paul Lewis, eds., *Democratization*. Cambridge: Polity Press and The Open University.
- Power, Timothy J., and Mark J. Gasiorowski. 1997. "Institutional Design and Democratic Consolidation in the Third World," *Comparative Political Studies* 30(2): 123-155.
- Pridham, Geoffrey. 1999a. "The European Union, Democratic Conditionality and Transnational Party Linkages: The Case of Eastern Europe." In Jean Grugel, ed., *Democracy Without Borders, Transnationalization and Conditionality in new democracies*. London: Routledge, 59-75.
- Pridham, Geoffrey (ed.) 1991. *Encouraging Democracy: The International Context of Regime Transitions in Southern Europe*. Leicester: Leicester University Press.
- Pridham, Geoffrey, Eric Herring, and George Sanford (eds.) 1994. *Building Democracy? The International Dimension in Eastern Europe*. Leicester: Leicester University Press.
- Pridham, Geoffrey. 1990a. "Political Actors, Linkages and Interactions: Democratic Consolidation in Southern Europe," *West European Politics* 13: 103-117.
- Pridham, Geoffrey. 1990b. "Introduction." In Geoffrey Pridham, ed., *Securing Democracy: Political Parties and Democratic Consolidation in Southern Europe*, London: Routledge.
- Pridham, Geoffrey. 1994. "The International Dimensions of the Democratizations: Theory and Practice and Inter-regional Conclusions." In Geoffrey Pridham, Eric Herring, and

- George Sanford, eds., *Building Democracy? The International Dimension in Eastern Europe*. Leicester: Leicester University Press.
- Pridham, Geoffrey. 1995a. "The International Context of Democratic Consolidation: Southern Europe in Comparative Perspective." In Richard Gunther, P. Nikiforos Diamandourous, and Hans-Jurgen Puhle, eds., *The Politicals of Democratic Consolidation. Southern Europe in Comparative Perspective*. Baltimore: The Johns Hopkins University Press.
- Pridham, Geoffrey. 1995b. "Introduction." In G. Pridham, ed., *Transition to Democracy. Comparative Perspective From Southern Europe, Latin America, and Eastern Europe*. Aldershot: Dartmouth.
- Pridham, Geoffrey. 1999b. "Complying with the European Union's Democratic Conditionality: Transnational Party Linkages and Regime Change in Slovakia, 1993-1998," *Europe-Asia Studies* 51 (7): 1221-1244.
- Przeworski, Adam et al. 1995. *Sustainable Democracy*. New York: Cambridge University Press.
- Przeworski, Adam et al. 1996. "What Makes Democracies Endure?" *Journal of Democracy*, 7(1): 39-55.
- Przeworski, Adam, and Fernand Limongi. 1997. "Modernization: Theories and Facts," *World Politics* 49(2): 155-184.
- Przeworski, Adam. 1986. "Some Problems in the Study of the Transition to Democracy." In Guillermo O'Donnell, Philippe C. Schmitter and Lorraine Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives*, Baltimore: The Johns Hopkins University Press.
- Przeworski, Adam. 1991. *Democracy and the Market. Political and Economic Reforms in Eastern Europe and Latin America*, Cambridge: Cambridge University Press.
- Putnam, Robert. 1988. "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42: 427-60.
- Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.
- Pye, Lucian W. 1962. *Politics, Personality and Nation Building: Burma's Search for Identity*. New Haven: Yale University Press.
- Pye, Lucian W. 1985. *Asian Power and Politics: The Cultural Dimensions of Authority*. Cambridge: Harvard University Press.
- Pye, Lucian W., and Sidney Verba (eds.) 1965. *Political Culture and Political Development*, Princeton: Princeton University Press.
- Quandt, William B. 1993. "American Policy toward Democratic Political Movements in the Middle East." In Ellis Goldberd, Reşat Kasaba, and Joel Migdal, eds., *Rules and Rights*

- in the Middle East: Democracy, Law, and Society*. Seattle: University of Washington Press, 164-173.
- Radu, Michael. 2001. "The Rise and Fall of the PKK," *Orbis*, 45(1): 47-63.
- Randal, Vicky and Lars Svåsand. 1999. "Party Institutionalization and the New Democracies", (Paper for the ECPR Joint Session of Workshops), Mannheim 26-31 March 1999.
- Redmond, John. 1993. *The Next Mediterranean Enlargement of the European Community: Turkey, Cyprus and Malta?* Aldershot: Dartmouth.
- Remmer, Karen L. 1995. "New Theoretical Perspectives on Democratization," *Comparative Politics* 28(1): 103-122.
- Remmer, Karen L. 1997. "Theoretical Decay and Theoretical Development. The Resurgence of Institutional Analysis," *World Politics* 50, 34-61.
- Rengger, N.J. 1994. "Towards a Culture of Democracy? Democratic Theory and Democratisation in Eastern and Central Europe." In Geoffrey Pridham, Eric Herring, and George Sanford, eds., *Building Democracy? The International Dimension in Eastern Europe*. Leicester: Leicester University Press, 60-86.
- Risse, Thomas, and Kathryn Sikkink. 1999. "The Socialization of international human rights norms into domestic practices: introduction." In Thomas Risse, and Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press, 1-38.
- Risse, Thomas, and Stephen C. Ropp, and Kathryn Sikkink (eds.) 1999. *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Risse, Thomas. 1999a. "The Power of Norms versus the Norms of Power: Transnational Civil Society and Human Rights", Unpublished Manuscript.
- Risse, Thomas. 1999b. "International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area," *Politics and Society* 27(4): 529-559.
- Risse, Thomas. 2000a. "Transnational Actors, Networks, and Global Governance", manuscript (prepared for Walter Carlsnaes, Thomas Risse, and Beth Simmons, eds., *Handbook of International Relations*, London: Sage, 2002.)
- Risse, Thomas. 2000b. " 'Let's Argue!': Communicative Action in World Politics," *International Organization* 54(1): 1-39.
- Risse-Kappen, Thomas. 1995. "Bringing Transnational Relations Back In: Introduction." In Thomas Risse-Kappen, *Bringing Transnational Back In: Non-State Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge University Press.

- Risse-Kippen, Thomas (ed.) 1995. *Bringing Transnational Relations Back In: Non-state actors, Domestic Structures and International Institutions*. Cambridge: Cambridge University Press.
- Robertson, Roland. 1992. *Globalization. Social Theory and Global Culture*. London: Sage.
- Robins, Philip. 2000. "Turkey and the Kurds. Missing Another Opportunity?" In Morton Abramowitz, ed., *Turkey's Transformation and American Policy*. New York: The Century Foundation Press, 61-93.
- Robinson, William I. 1996. *Promoting Polyarchy. Globalization, US Intervention, and Hegemony*. Cambridge: Cambridge University Press.
- Rosenau, James N. 1969. *Linkage Politics: Essays on the Convergence of National and International System*. New York: Free Press.
- Rosenau, James N. 1997. *Along the Domestic-Foreign Frontier. Exploring Governance in a Turbulent World*. Cambridge: Cambridge University Press.
- Rothstein, Bo. 1996. "Political Institutions: An Overview." In Robert E. Goodin and Hans-Dieter Klingemann, eds., *A New Handbook of Political Science*, Oxford: Oxford University Press, 133-166.
- Rouleau, Eric. 2000. "Turkey's Dream of Democracy," *Foreign Affairs*, (November/December) : 100-114.
- Rueschemeyer, Dietrich Evelyne, Hubert Stephens, and John D. Stephens. 1992. *Capitalist Development and Democracy*. Oxford: Polity Press.
- Ruhl, J. Mark. 1996. "Unlikely Candidates for Democracy: Structural Context in Democratic Consolidation," *Studies in Comparative International Development* 31(1): 3-23.
- Rumford, Chris. 2002. "Failing the EU Test? Turkey's National Programme, EU Candidature and the Complexities of Democratic Reform," *Mediterranean Politics* 7(1): 51-68.
- Rupert, Mark. 1995. *Producing Hegemony: The Politics of Mass Production and American Global Power*. Cambridge: Cambridge University Press.
- Rustow, Dankward. 1973. "The Modernization of Turkey in Historical and Comparative Perspective." In Kemal Karpat, ed., *Social Change and Politics in Turkey- A Structural Analysis* Leiden: E. J. Brill.
- Rustow, Dankwart A. 1970. "Transitions to Democracy. Toward a Dynamic Model," *Comparative Politics* 2: 337-363.
- Rustow, Dankwart A. 1987. *Turkey: America's Forgotten Ally*. New York: Council of Foreign Relations.
- Rustow, Dankwart A. 1990. "Democracy: Global Revolution?" *Foreign Affairs* 69: 75-91.

- Sağlam, Fazıl. 1999. *Siyasal Partiler Hukukunun Güncel Sorunları*, İstanbul: Beta.
- Salt, Jeremy. 1999. "Turkey's Military 'Democracy'," *Current History* 98(625): 72-78.
- Sarıbay, Ali Yaşar. 1995. *Postmodernite, Sivil Toplum ve İslam*, İstanbul: İletişim.
- Sartori, Giovanni. 1976. *Part and Party Systems*. Cambridge: Cambridge University Press.
- Sayari, Sabri. 1992. "Turkey: The Changing European Security Environment and the Gulf Crisis," *Middle East Journal* 46(1): 9-21.
- Sayyid, Bobby S. 1997. *A Fundamental Fear: Eurocentrism and the Emergence of Islamism*, London: Zed Books Ltd.
- Schedler, Andreas. 1998a. "What is Democratic Consolidation?" *Journal of Democracy* 9(2): 91-107.
- Schedler, Andreas. 1998b. "How Should We Study Democratic Consolidation?" *Democratization* 5(4): 1-19.
- Schimmelfennig, Frank. 2000. "International Socialization in the New Europe: Rational Action in an Institutional Environment," *European Journal of International Relations* 6(1): 109-139.
- Schmitter, Philippe C and Terry Lynn Karl. 1991. "What Democracy Is...Is Not" *Journal of Democracy* 2(3): 75-88.
- Schmitter, Philippe C. 1986. "An Introduction to Southern European Transitions from Authoritarian Rule: Italy, Greece, Portugal, Spain, and Turkey." In Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Southern Europe*. Baltimore: Johns Hopkins University Press, 3-10.
- Schmitter, Philippe C. 1994. "The International Context of Contemporary Democratization." *Stanford Journal of International Affairs* 2: 1-34
- Schmitter, Philippe C. 1995a. "Transitology: The Science or the Art of Democratization?" In Joseph S. Tulchin with Bernice Romero, eds., *The Consolidation of Democracy in Latin America*. Boulder: Lynne Rienner Publishers, 11-41.
- Schmitter, Philippe C. 1995b. "The Consolidation of Political Democracies: Processes, Rhythms, Sequences, and Types." In Geoffrey Pridham, ed., *Transition to Democracy. Comparative Perspective From Southern Europe, Latin America, and Eastern Europe*. Aldershot: Dartmouth.
- Schmitter, Philippe C. 1996. "The Influence of the International Context upon the Choice of National Institutions and Policies in Neo-Democracies." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press.

- Schmitter, Philippe C. 1997. "Civil Society East and West." In Larry Diamond, Marc F. Plattner, Yun-han Chu, and Hung-mao Tien, eds., *Consolidating The Third Wave Democracies*. Baltimore: The Johns Hopkins University Press, 239-262.
- Schmitz, Hans Peter and Katrin Sell. 1999. "International Factors in Processes of Political Democratization: Towards a Theoretical Integration." In Jean Grugel, ed., *Democracy Without Borders. Transnationalization and Conditionality in New Democracies*. London: Routledge, 23-41.
- Schneider, Ben Ross. 1995. "Democratic consolidations: Some Broad Comparisons and Sweeping Arguments," *Latin American Research Review* 30(2): 215-234.
- Scholte, Jan Aart. 1993. *International Relations of Change*. Buckingham: Open University Press.
- Schumpeter, Joseph. 1970. *Capitalism, Socialism and Democracy*. London: George Allen and Unwin.
- Scruton, Roger. 1996. *A Dictionary of Political Thought*. London: Macmillan.
- Selçuk, Sami. 2000a. *Longing for Democracy*. Ankara: Yeni Türkiye Publications.
- Seligson, Amber L. 1999. "Civic Association and Democratic Participation in Central America. A Test of the Putnam Thesis," *Comparative Political Studies* 32(3): 342-362.
- Shain, Yossi, and Linz, Juan (eds.) 1995. *Between States: Interim Governments and Democratic Transitions*. Cambridge: Cambridge University Press.
- Shin, Doh Chull. 1994. "On the third Wave of Democratization. A Synthesis and Evaluation of Recent Theory and Research." *World Politics* 47: 135-70.
- Sikkink, Kathryn. 1993. "Human Rights, Principled Issue-Networks, and Sovereignty in Latin America," *International Organization* 47(3): 411-41.
- Sikkink, Kathryn. 1996. "The Effectiveness of US Human Rights Policy, 1973-1980." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press.
- Silver, Brian D., and Kathleen M. Dowley. 2000. "Measuring Political Culture in Multiethnic Societies: Reaggregating the World Values Survey," *Comparative Political Studies* 33(4): 517-550.
- Simma, Bruno, J. B. Aschenbrenner, and C. Schulte. 1999. "Human Rights Considerations in the Development Cooperation Activities of the EC." In Philip Alston (ed.), *The European Union and Human Rights*. Oxford: Oxford University Press, 571-626.
- Skocpol, Theda. 1979. *States and Social Revolutions: A Comparative Analysis of France, Russia, and China*. New York: Cambridge University Press.

- Smith, Jackie and Ron Pagnucco, with George A. Lopez. 1998. "Globalizing Human Rights: The Work of Transnational Human Rights NGOs in the 1990s," *Human Rights Quarterly* 20(2): 379-412.
- Smith, Jackie, C. Chatfield and R. Pagnucco (eds.) 1997. *Transnational Social Movements and Global Politics. Solidarity Beyond the State*, Syracuse: Syracuse University Press.
- Smith, Karen E. 1998. "The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?" *European Foreign Affairs Review* 3(2): 253-274.
- Smith, Karen E. 1999. "'Foreign Policy' with an Ethical Dimension? The EU, Human Rights and Relations with Third Countries," Paper presented at the UACES Research Conference, held in University of Sheffield, 8-10 September 1999.
- Smith, Karen Elizabeth. 1996. "The Making of Foreign Policy in the European Community/Union: The Case of Eastern Europe, 1988-1995." Ph.D. Dissertation, London: London School of Economics and Political Science.
- Smith, Martin J. 1993. *Pressure, Power and Policy: State Autonomy and Policy Networks in Britain and the United States*. New York: Harvester Wheatsheaf.
- Smith, Tony. 1994. *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century*. Princeton: Princeton University Press.
- Somuncuoğlu, Sadi. 2002. *Avrupa Birliği: Bitmeyen Yol*, İstanbul: Ötüken Yayınları.
- Stepan, Alfred, and C. Skach. 1993. "Constitutional Frameworks and Democratic Consolidation: Parliametarism versus Presidentialism," *World Politics* 46: 1-22.
- Stokke, Olav. 1995. "Aid and Political Conditionality: Core Issues and State of Art." In Olav Stokke, ed., *Aid and Political Conditionality*. London: Frank Cass/EADI.
- Sunar, İlkey and Sabri Sayari. 1987. "Democracy in Turkey: Problems and Prospects." In G. O'Donnell et al., eds., *Transition From Authoritarian Rule: Comparative Perspective*, Baltimore: Johns Hopkins University Press, 165-211.
- Tanör, Bülent. 1994. *Türkiye'nin İnsan Hakları Sorunu*, İstanbul: BDS Yayınları.
- Tanör, Bülent. 1999. *Türkiye'de Demokratik Standartları Yükseltmesi. Tartışmalar ve Son Gelişmeler*, İstanbul: TÜSİAD.
- Tekeli, İlhan and Selim İlkin. 2000. *Türkiye ve Avrupa Birliği: UlusDevletini Aşma Çabasındaki Avrupa'ya Türkiye'nin Yaklaşımı* Cilt 3. Ankara: Ümit Yayıncılık.
- Thakur, Ramesh. 1994. "Human Rights: Amnesty International and the United Nations," *Journal of Peace Research* 31(2): 143-160.
- Thelen, Kathleen and Sven Steinmo. 1992. "Historical Institutionalism in Comparative Politics." In Sven Steinmo, Kathleen Thelen, and Frank Longstreth, eds., *Structuring*

Politics. Historical Institutionalism in Comparative Analysis. Cambridge: Cambridge University Press.

- Thomas, Daniel C. 1999. "The Helsinki Accords and Political Change in Eastern Europe." In Thomas Risse, and Stephen C. Ropp, and Kathryn Sikkink., eds, *The Power of Human Rights. International Norms and Domestic Change*, Cambridge: Cambridge University Press.
- Tilly, Charles. 1993. *European revolutions, 1492-1992*. Oxford : Blackwell.
- Tiongson, Erwin R. 1997. "Poland and IMF Conditionality Programs: 1990-1995," *East European Quarterly*, 31(1): 55-68.
- Torrow, Sidney. 1996. "Making Social Science Work across Space and Time: A Critical Reflection on Robert Putnam's Making Democracy Work." *American Political Science Review* 90: 389-97.
- Tsingos, Basilios. 1996. "Underwriting Democracy: The European Community and Greece." In Laurance Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 315-355.
- Turan, Ilter. 1997. "The Military in Turkish Politics," *Mediterranean Politics*, 2 (2)
- Türkdoğan, Orhan (ed.) 1999. *Etnik Sosyoloji*. Istanbul: Timaş.
- Uygun, Oktay. 1992. *1982 Anayasasında Temel Hak ve Özgürlüklerin Genel Rejimi*, Istanbul: Kazancı Yayınları.
- Usul, Ali Resul. 2002. "Drawing a General Framework for the EU's Human Rights Policies toward Third Countries," *The Review of International Affairs*, 1(3): 49-66.
- Usul, Ali Resul. 1994. "Positivism, Secularity and Positivist Secularism in Turkey." Unpublished Master Thesis. Ankara: Bilkent University
- Ülker, Kemal (ed.) n.d. *Avrupa Birliği: Ezilenlerin Afyonu, AB'ye Hayır! İstanbul: İşçi Mücadelesi Tartışma Defterleri 2*.
- Vachudova, Milada Anna. 2001. "The Leverage of International Institutions on Democratizing Sates: Eastern Europe and the European Union", EUI Working Papers, RSC No. 2001/33, European University Institute.
- Vachudova, Milada Anna. 2001. "The Leverage of International Institutions on Democratizing Sates: Eastern Europe and the European Union", EUI Working Papers, RSC No. 2001/33, European University Institute,
- Valenzuela, Samuel J. 1992. "Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions." In Scott Mainvaring, Guillermo O'Donnell, and J. Samuel Valenzuela, eds., *Issues in Democratic Consolidation: The New South American*

Democracies in Comparative Perspective. Notre Dame: University of Notre Dame Press, 57-103.

Verney, Susannah and Theodore Coloumbis. 1991. "State-International System Interaction and the Greek Transition to Democracy in the Mid-1970s." In Geoffrey Pridham, ed., *Encouraging Democracy: The International Context of Regime Transitions in Southern Europe*. Leicester: Leicester University Press, 103-24.

Vertzberger, Yaacov. 1990. *The World in their Minds: Information Processing, Cognition, and Perception in Foreign Policy Decision Making*. Stanford: Stanford University Press.

Waltz, Kenneth. 1979. *Theory of International Politics*, New York: Random House.

Ward, Angela. 1998. "Frameworks for Cooperation between the European Union and Third States: A Viable Matrix for Uniform Human Rights Standards?" *European Foreign Affairs Review* 3(3): 502-28.

Warren, Mark. 1991. "Democratic Theory and Self-Transformation", *The American Political Science Review*, 86(1): 8-23.

Waters, Malcolm. 1995. *Globalization*. London: Routledge.

Weiner, Myran. 1987. "Empirical Democratic Theory." In Myran Weiner and Ergun Özbudun, eds., *Competitive Elections in Developing Countries*. Durham: Duke University Press, 3-34.

Wendt, Alexander. 1987. "The Agent-Structure Problem in International Relations Theory", *International Organization* 41: 335-370.

Wharton, Barrie. 1996. "Islamist Resurgence in Egypt and the relations with the European Union", Unpublished Ph.D. Thesis. Limerick: University of Limerick.

Whitehead, Laurence (ed.) 1996. *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press.

Whitehead, Laurence. 1986. "International Aspects of Democratization." In Guillermo O'Donnel, Philippe Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule. Comparative Perspectives*. Baltimore: The Johns Hopkins University Press.

Whitehead, Laurence. 1996a. "Three International Dimensions of Democratization." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 3-25.

Whitehead, Laurence. 1996b. "The Imposition of Democracy: The Caribbean." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and the Americas*. Oxford: Oxford University Press, 59-92.

- Wise, Charles R. and Trevor L. Brown. 1998. "The Consolidation of Democracy in Ukraine," *Democratization* 5(1): 116-137.
- Yashar, Deborah J. 1997. *Demanding Democracy. Reform and Reaction In Costa Rica and Guatemala, 1870s-1950s*. Stanford: Stanford University Press.
- Yavuz, Hakan M. 2000. "Cleaving Islam from the Public Sphere," *Journal of International Affairs*, 54(1): 21-41.
- Yavuz, Hakan M. 2001. "Five Stages of the Construction of Kurdish Nationalism in Turkey," *Nationalism and Ethnic Politics* 7(3): 1-24.
- Yavuz, Hakan. 1996. "Turkey's Imagined Enemies: Kurds and Islamist," *The World Today*, (April): 98-103.
- Yeğen, Mesut. 1996. "The Turkish State Discourse and the Exclusion of Kurdish Identity." In Sylvia Kedourie, ed., *Turkey: Identity, Democracy, Politics*. London: Frankcass, 216-229.
- Yerasimos, Stefanos et al (eds.) 2000. *Civil Society in the Grip of Nationalism*. Istanbul: Orient-Institut.
- Yerasimos, Stefanos. 2000. "Civil Society, Europe and Turkey." In Yerasimos, Stefanos et al (eds.) *Civil Society in the Grip of Nationalism*. Istanbul: Orient-Institut, 11-23.
- Yeşilada, Birol. 1993. "Turkish Foreign Policy Toward the Middle East." In A. Eralp, M. Tunay, and B. Yesilada, eds., *The Political and Socioeconomic Transformation of Turkey*. Westport: Praeger Publishers.
- Yılmaz, Hakan. 1997. "Democratization From Above In Response To the International Context: Turkey, 1945-1950," *New Perspectives on Turkey* 17, 1-37.
- Yin, R. K. 1989. *Case Study Methods*. London: Sage.
- Zakaria, Fareed. 1997. "The Rise of Illiberal Democracy," *Foreign Affairs* 76(6): 22-43.
- Zeidan, David. 1999. "The Alevi of Anatolia," *Middle East Review of International Affairs* 3(4): 74-89.
- Zücher, Eric. 1994. *Turkey-A Modern History*. London: I. B. Tauris&Co Ltd.
- Zürn, Michael. 1993. "Bringing the Second Image (Back) In. About Domestic Sources of Regime Formation." In Volker Rittberger and Peter Mayer, eds., *Regime Theory and International Relations*. Oxford: Clarendon Press.