

THE EU POLITICS OF AK PARTY BETWEEN THE YEARS 2002-2017

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JANUARY 2020

THE EU POLITICS OF AK PARTY BETWEEN THE YEARS 2002-2017

A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF SOCIAL SCIENCES  
OF  
MIDDLE EAST TECHNICAL UNIVERSITY

BY

YAVUZ ALTUNTAŞ

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF SCIENCE  
IN  
THE DEPARTMENT OF INTERNATIONAL RELATIONS

JANUARY 2020

Approval of the Graduate School of Social Sciences

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I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

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This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

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## **ABSTRACT**

### **THE EU POLITICS OF AK PARTY BETWEEN THE YEARS 2002-2017**

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January 2020, 113 pages

In this thesis, the European Union politics of AK Party between the years 2002-2017 will be examined. The chapters are organized according to the election periods in Turkey. The first period, between 2002 and 2007 is when Turkey started transferring European standards into its legislation rapidly under the first AK Party government. In the second period, between 2007 and 2011, the process gained a stagnant pace due to several international and domestic issues. During the second government of AK Party, although the EU accession was desired, the process did not succeed as intended. During the third period between 2011 and 2017, we see increasing problems between Turkey and the EU, such as the EU's criticism of backsliding in democracy and disagreements between the EU member states and Turkey. Overall, the thesis finds out that academics analyze Turkey-EU relations during 2002-2017 as a process moving from Europeanization towards de-Europeanization. However, the period between 2011 and 2017 also experienced a significant cooperation between Turkey and the EU regarding the issue of Syrian refugees. Since the relations between Turkey and the EU never ceased to exist and tend to go between strong and weak from time to time, the opportunities should be used

efficiently, and a functional cooperation should be sustained in order to continue cooperative relations.

**Keywords:** Turkey-EU relations, Europeanization, EU accession negotiations, AK Party Government, European Union

## ÖZ

### AK PARTİ’NİN 2002-2017 YILLARI ARASINDAKİ AVRUPA BİRLİĞİ POLİTİKASI

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Yüksek Lisans, Uluslararası İlişkiler Bölümü

Tez Yöneticisi : Assoc. Prof. Dr. Zerrin Torun

Ocak 2020, 113 sayfa

Bu tezde, AK Parti’nin 2002-2017 yılları arasındaki Avrupa Birliği politikası incelenecektir. Tezdeki bölümler, Türkiye’deki seçim süreçlerine göre sıralanarak düzenlenmiştir. 2002-2007 yılları arasındaki ilk dönem Türkiye’nin, ilk AK Parti hükümeti sırasında, Avrupa standartlarını hızlıca yasaya uygulamaya başladığı dönemdir. 2007-2011 yılları arasındaki ikinci dönemde ise, süreç bazı uluslararası ve ulusal sebepler dolayısıyla durgun bir ritme girmiştir. AK Parti’nin ikinci hükümet dönemi sırasında, AB katılımı istenmesine rağmen süreç planlandığı şekilde başarılı olmamıştır. 2011 ve 2017 yılları arasındaki üçüncü dönemde, Türkiye ve AB arasında, AB’nin eleştirisi olan demokraside gerileme ve üye ülkeler ile Türkiye arasındaki anlaşmazlıklar gibi sebeplerle sorunların arttığını görmekteyiz. Genel olarak bu tez, akademisyenlerin 2002-2017 dönemindeki Türkiye-AB ilişkilerini Avrupalılaşmadan Avrupa’dan uzaklaşmaya doğru bir süreç olarak incelediklerini saptamaktadır. Fakat, 2011 ve 2017 yılları arasındaki dönem, Türkiye ve AB arasında Suriyeli mülteciler konusunda önemli bir iş birliğine şahit olmuştur. Türkiye ve AB arasındaki ilişkiler hiçbir zaman yok olmadığı ve güçlü ve zayıf



olma arasında gidip geldiđi için müşterek ilişkileri devam ettirmek adına fırsatlar iyi deęerlendirilmeli ve işlevsel bir iş birlięi sağlanmalıdır.

**Anahtar Kelimeler:** Türkiye-AB ilişkileri, Avrupalılařma, AB Katılım müzakereleri, AK Parti Hükümeti, Avrupa Birlięi

To my father, my mother, and my niece Zeynep

## **ACKNOWLEDGEMENTS**

I would like to thank my supervisor Assoc. Prof. Dr. Zerrin Torun, without her guidance, criticism and encouragement it would not be possible to complete this thesis.

I would like to express my gratitude to my mother who provided full support throughout my life.

I would also like to thank my friends Hayat Dilek Murat and Kerem Gül for their support and assistance during this period.

Finally, I would like to thank Ayşe Senem Batur who took in consideration my opinions on her career planning.

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## CHAPTER 1

### INTRODUCTION

In 1958, Turkey made an application to the European Economic Community (EEC) in an attempt for association with the organization. This step aimed to improve the Turkish foreign policy which was oriented to play an active role with her western partners, in terms of economic opportunities and international security. Illustrating Turkish aim to be part of the Western political and economic system are the full membership of the Council of Europe (1949), North Atlantic Treaty Organization (NATO, 1952) and the Organization for Economic Co-operation and Development (OECD, 1960). Besides, the European Economic Community (EEC) -product of Treaty of Rome (1957) - was seen as a step towards economic integration between European states and Turkey. The association treaty - Ankara Agreement - was signed on September 12 1963, with the aim of Turkey's full consolidation in the EEC. The Association Agreement foresaw three phases to complete (Aybey, 2004): (I) preparatory period (1963 - 1965) conceived a special treatment of trading conditions and financial projects for Turkey. On the other hand, (II) the transitional period, (1965 - 1967) consisted of the elimination of legal and political barriers in terms of trading. Finally, (III) the Additional Protocol, laying out the process leading to a customs union between Turkey and the EEC, was signed in 1969. Unfortunately, a new military intervention occurred in 1971 and only during the Nihat Erim Government -1973- the Protocol entered in force (Republic of Turkey Ministry of Foreign Affairs, 2016).

Turkish relationship with the EEC was frustrated systematically during this transitional period. The domestic political instability, the worldwide oil crises in 1973 - Turkey reduced her external tariffs - and the membership of the United Kingdom, Ireland

and Denmark to the EEC reduced the possibilities to implement the obligations contained in the Additional Protocol 1969 (Erhan & Arat, 2002a).

In 1974, Turkish military intervened in Cyprus in a peace operation to protect the Turkish Cypriots. Turkey, Greece and the British were suzerains of Cyprus and this intervention led to tension between Turkey and Greece. Amid these tensions, Greece decided to apply for full membership to the EEC in 1975. This was very problematic for Turkey since this could lead to the EEC's intervention to the situation in Cyprus, which would be harmful for Turkey. In addition, Bülent Ecevit - Prime Minister at that time - froze the terms of the Additional Protocol in 1978 due to the economic crisis in Turkey.

In September 12, 1980 a coup d'état took place in Turkey and relations got suspended. Even after the restoration of democracy in the late 1980s, democratic concerns and human rights violations as well as negative lobbying of Greece, after its membership to the EEC in 1981, troubled Turkey-EEC relations. During the government of Turgut Özal, Turkey submitted a formal application for full EEC membership on April 14, 1987, based on the Article 237 of the Treaty of European Communities.<sup>1</sup> (Treaty of Rome) (Birand, 2000).

Between 1990 and 1999 the European Commission underlined Turkey's eligibility for membership. However, even though Turkey's eligibility was acknowledged by the EEC, membership was not offered because the newly created economic market was incapable of withstanding the effects that Turkey's economy would have had, had she joined. Meanwhile, a new cooperation package was proposed. This was the "Matutes Package". However, the implementation of this package was vetoed by Greece (Republic of Turkey Ministry of Foreign Affairs, 2019).

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<sup>1</sup> ARTICLE 237: Any European State may apply to become a member of the Community. It shall address its application to the Council, which shall act unanimously after obtaining the opinion of the Commission. The conditions of admission and the adjustments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the Contracting States in accordance with their respective constitutional requirements. [European Union, *Treaty Establishing the European Community (Consolidated Version)*, Rome Treaty, 25 March 1957, Retrieved from: <https://www.refworld.org/docid/3ae6b39c0.html>]



On November 9, 1992, the Association Council and Turkey created a mechanism of cooperation in order to reactivate the Ankara Agreement in order to complete its third phase (III) Customs Union. The Customs Union Agreement was signed on March 6, 1995 and entered into force on December 31, 1995 (Krauss, 2000).

At the Association Council of April 29, 1997, the EU reconfirmed Turkey's eligibility for membership and asked the Commission to prepare recommendations to deepen. However, the Commission excluded Turkey from the enlargement process in the report entitled 'Agenda 2000: For a Stronger and Wider Union' on July 16, 1997. (Aybey, 2004, pp. 28-29).

Likewise, (...) European Council of Luxemburg on December 13, 1997 decided not to include Turkey as a candidate state, but rather put her in a "category of its own as an applicant for whom a special 'European strategy' should be designed to bring about later membership. (Aybey, 2004, p. 29).

The Luxembourg decision was not received well by Turkish citizens who thought that such an approach by the EU had cultural and religious reasons. "The EU was now perceived as a Christian Club by many Islamists, who claimed that Turkey as a Muslim country will never be accepted as a full member in that club." (Balkır & Williams as cited in Aybey, 2004, p. 28). For that reason, Christian and Social Democrat governments in Europe – especially Germany, through the Social Democratic Party (SPD) - Green coalition party – promoted a new agenda in the European Council regarding the Turkish question. "In October 1999, the Commission issued a Progress Report on Turkey recommending that Turkey should be granted accession status, and in the same month the European Parliament also adopted a generally encouraging resolution on Turkey's accession." (Commission of The European Communities, 1999, p. 8).

On the other hand, a major earthquake occurred in 1999, in the aftermath of which, the relations between Athens and Ankara improved. Under the foreign ministry of George Papandreu, Greece waived its veto on Turkish membership to the EU and this allowed Turkey to be recognized as a candidate during the Helsinki European Council on December 10-11, 1999. The Helsinki Summit started a new era in the Turkey- EU

relations. Turkey started a major reform process in order to open the accession negotiations.

This thesis focuses on the fluctuant relationship between Turkey and the European Union within the framework of accession negotiations from 2002 to 2017, when the Justice and Development Party (Adalet ve Kalkınma Partisi, AK Parti) was in power. The reason why we chose AK Party as political party for this thesis is that the Party has been in power for almost three decades and has played an active role in the accession process. The main question of this thesis is “Why AK Party, which succeeded in achieving a remarkable progress in terms of making required reforms for EU membership between 2002-2007, could not maintain the same pace after 2007 and how AK Party’s EU politics evolved?” We will answer this question in detail on the basis of the European Union’s Progress Reports and academic literature.

The first chapter presents a theoretical framework for the concept of Europeanization, and the second chapter of the thesis analyzes the period in which the reform process continued during the first AK Party government following 2002. After the election period, with the first political steps of AK Party, the importance given to the EU membership process became more visible. AK Party placed an emphasis on EU membership because of three main factors. First, promoting Turkey’s democracy and thereby securing its own political power. Second, the advancement of economics and ensuring political stability. Third, the thought that EU membership would provide a foundation for religious and personal freedom for its conservative supporters (Cagaptay, 2002). Since the actions were taken in line with these factors, initial political actions of AK Party on foreign policy and EU membership process were considered as a success (Aksoy, 2009).

The initial laws which AK Party enacted after its first election period, AK Party government’s eagerness in covering the deficiencies, and its desire to proceed in an accelerated way attracted the foreign press and many authorities which caused the spotlights to be turned on Turkey.

As Turkey started to tackle its long-standing and so-called hopeless problems such as corruption, macroeconomic imbalances, torture and inhumane treatment, the restriction of cultural rights, the intervention of the military into politics and the death penalty, the European press focused more closely on Turkey, covering, analyzing and commenting on the reforms in question in connection with Turkey's membership (Aksoy, 2009, p. 470).

The stable policy and good relations with neighboring countries have helped Turkey to become the center of economical attraction. Foreign investors had seen Turkey as a safe harbor. "Together with macroeconomic stability, greater transparency and an improvement in the perception of corruption may be reasons behind the greater observed flows of foreign direct investment to Turkey since 2003." (Altug & Zenginobuz, 2009, p. 14). Why was this process interrupted although it was working well?

In the third and fourth chapters, it will be argued that certain problems have slowed down the process of EU membership, despite AK Party's initial success. In the third chapter, the negative influences of the failed referendum about the union of Cyprus within the context of Kofi Annan's project, the exhausting disputes regarding the closure of AK Party by the Constitutional Court, the global economic crisis in 2008, and Arab Spring insurgencies are examined when these problems are discussed. At the same time, we will discuss how AK Party's foreign policy focused on the Middle East and this resulted in the instrumentalization of accession negotiations during this period.

This thesis will dedicate the fourth chapter on an analysis of the period 2011-2017. It will examine the notion of de-Europeanization, which is highlighted in the literature, as the last phase of AK Party's EU politics. In order to analyze the most recent period of AKP's EU politics, it is necessary to discuss: Gezi Parkı Protests and the collision of the concepts of democracy, contained in the speeches of AK Party members and Brussels bureaucrats respectively; the functional cooperation between the two parties with regard to Syrian refugees; the impact of the failed coup attempt in 2016, and the constitutional referendum of 2017 that endorsed the presidential political system in Turkey.

This thesis relies on qualitative methods and it uses both primary and secondary sources for the data collection. This includes books and journal articles written by prominent Turkish and international scholars, and newspaper articles from both Turkish and international news sources. Furthermore, official reports and documents from institutions such as the European Parliament, the European Commission, and the Council of Europe are used in order to provide the European perspective and reliable data regarding the issue; on the other hand, personal interviews with Turkish politicians as Yaşar Yakış, Erkan Kandemir, Mehmet Tekelioğlu, and public speeches of the Turkish President and government officials are also included in order to reflect the perspective of Turkey. Finally, several tables taken from official reports are used in order to present numerical data.

## **1.1 Europeanization**

Europeanization, as a concept on its own, has been studied greatly from 1990s onwards when the process of political and economic integration of the European Union deepened. There are many definitions provided by different scholars regarding the concept. This section will analyze those definitions and also look into the dynamics of Europeanization.

Since there is no single universal definition for the concept, there occurs the need to study the literature related to Europeanization. For instance, Lawton (as cited in Radaelli, 2003, p. 29) defines the concept of Europeanization as states “de jure” transferring their sovereignty to the European Union. On the other hand, Börzel focuses on another aspect and gives the definition of “[a] process by which domestic policy areas become increasingly subject to European policymaking” (1999, p.574). Moreover, Risse, Cowles, and Caporaso make a more detailed definition:

Europeanization as the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that formalize

interactions among the actors, and of policy networks specializing in the creation of authoritative European rules. (Cowles et al, 2001, p.3).

On the other hand, Ladrech views the concept as a process. He defines Europeanization as an “incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making” (Ladrech, 1994, p.69). However, Radaelli proposes his definition of Europeanization by working on Ladrech’s definition. Radaelli describes Europeanization as:

Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies. (2003, p.30).

In his definition, Radaelli explains the steps of Europeanization and also draws attention to a point which indicates that the more the concept is studied, the more it is possible to stretch its meaning. Thus, according to Radaelli, one should not confuse Europeanization with other concepts such as convergence, harmonization, and political integration (Radaelli, 2003, pp. 32-33).

Apart from its definitions mentioned above, the Europeanization researches are often analyzed through three significant approaches. First approach, in this sense, studies Europeanization with regards to the historical institutionalism. This approach provides the framework for the top-down understanding, in other words, it considers “Europeanization as a reaction to the influence at the EU level and thus defines the concept as an independent, explanatory variable” (Bandov & Kolman, 2018, p.137) which alters the domestic policy aspects. Second approach, on the other hand, is called institutionalism of rational choice and argues that the process of political actors pursuing their own interest by making use of EU institutions is considered as Europeanization. Moreover, “it follows the logic of consequence, according to which a misfit or an incompatibility between the research dimension (policy, polity, politics) at the EU and domestic level opens new

opportunities for redistribution of power at the domestic level” (Bandov & Kolman, 2018, p.136). The third approach, the social constructivist institutionalism, concentrates on the social values, norms, and discourse. Thus, it “follows the logic of appropriateness, according to which European norms, values and policies lead to change at the domestic level because they differ and even ‘clash’ with domestic norms, values and policies” (Bandov & Kolman, 2018, p.137). Whereas the top-down process is studied within the frames of historical institutionalism, the bottom-up and circular processes are argued to explain Europeanization by using any of the three approaches.

Moreover, in terms of top-down process, it is argued that Europeanization effects occur in two ways which are voluntary and involuntary. Voluntary process can happen through either direct or indirect influence of the EU without any resistance by domestic policy makers. On the other hand, involuntary process occurs through the existence of a resistance by the domestic policy makers to either intended EU influence or spillover effect of the influence of the EU in different areas (Bandov & Kolman, 2018, p.138). Moreover, Tekin also studies outcomes of Europeanization by taking Radaelli’s definition as the basis, and he addresses four components:

1. Inertia: the EU policy/norm/practice causes tension, but no alteration ensues.
2. Absorption: the EU policy/norm/practice is adopted without any tension or need for alteration.
3. Accommodation: the EU policy/norm/practice causes tension but alters the national system only slightly.
4. Transformation: the EU policy/norm/practice causes tension and alters the underlying national political philosophy. (Tekin, 2015, p.7)

This top-down Europeanization emerges through a process of rationalization, socialization, and internalization in which first the state engages with the norms and practices of the EU and later internalizes them as the most beneficial political opportunity for fulfilling its own interests. It is argued that this type of Europeanization is often more visible in the candidate states since they do not have the ability to influence the EU in return (Avan, 2018, p.7).

On the other hand, the bottom-up process emerged as a result of the inability to explain all domestic changes regarding Europeanization. This approach studies the domestic changes which begin even before the EU influence. In other words, “Instead of starting at the level of EU policies and then following their influence on domestic policies and actors, it begins and ends at the level of domestic political interactions.” (Bandov & Kolman, 2018, p.138) However, it is possible to talk about a third perspective which argues that both top-down and bottom-up processes can occur simultaneously. This results in the emergence of the “Europeanization as a circular process happening in multiple directions.” (Bandov & Kolman, 2018, p.139)

Even though, in the literature, some scholars consider Europeanization as a matter which is related to the member states of the European Union, the candidate states often go through the same process as well in order to become a member state. Thus, Turkey has been in political and geographical relations with this organization which emerged after World War II. The process which started with the Ankara Agreement is the baseline of EU-Turkey relations and Turkey’s accession negotiations. Throughout the 1960s, Turkey-EC relations followed a more stable and harmonized trajectory. Yet, as the 1970s went on, major changes occurred in the international political economy with the end of the Bretton Woods system as well as the oil crisis which had worldwide impact. In such an international environment, Turkey, who was already facing a turbulent domestic environment, struggled to meet the EC criteria. As mentioned in Eralp (2009): “Unable to meet the requirements of competition with the EC, Turkish economic elites and political actors started to challenge the customs union relationship with the EC” (p. 154). During the period of 1980s and 90s, it was apparent that, while the post-coup d’état period strengthened economic relations, political relations remained tensioned.

In the late 1990s, Turkey-EU relations started to get on a more positive road again as the leader of separatist PKK, Abdullah Öcalan got caught. At the same time, Turkey’s geopolitical significance increased due to the developments in the Balkans:

The continuing problems in the Balkans and the Kosovo crisis showed the necessity for a more comprehensive geopolitical understanding of the

Balkans and created a more inclusionary attitude towards Turkey. This new attitude was reflected by the Commission when it underlined the importance of geo-political factors in its 1999 Strategy Report and the Progress Report regarding Turkey. (Eralp, p. 157)

In the light of these developments, Turkey was granted the candidate state status in the Helsinki Summit in 1999. More importantly, another positive change took place, regarding the situation that Turkey was in, as the Greek government faced key changes with George Papandreou becoming the Minister of Foreign Affairs, reflecting a shift from anti-Turkish attitudes toward better bilateral relations:

With Papandreou, Greece became a strong supporter of Turkish accession to the EU, with a new understanding that Turkish-Greek bilateral disputes as well as the Cyprus problem could be solved much easier in the broader context of European integration, rather than in the bilateral context of Greece and Turkey. (Eralp, 2009, p. 158)

In other words, it was thought that the Cyprus question could be solved more peacefully and efficiently within the EU context. As the problem got more embedded into the EU context, it proved to be much more difficult for Turkey to deal with because of Cyprus' veto power since it achieved the EU membership before Turkey.

As it will be analyzed in detail within the following chapters, the first years of the newly elected AK Party government in the early 2000s introduced rapid developments with various reforms in line with the EU. It is also stated by Eralp as "Turkey entered a reform period in which the Parliament in a bipartisan attitude passed several important reform packages in a short span of time" (2009, p. 159). In this regard, it could be argued that, during its first years in power, AK Party government covered a lot of ground in terms of the harmonization packages, and consequently, the accession negotiations started with the EU. Considering the long history of relations between the two parties, this could be considered as a remarkable development.

Apart from that, the EU's impact on Europeanization of both member states and candidate states is studied vastly in the literature. Yet, it is possible to talk about a divergence between the two experiences. "Some of the theoretical findings of the study of



candidate Europeanisation are much more clear-cut than those emerging from member state Europeanisation” (Sedelmeier, 2011, p.17). In other words, it is argued that a dominant mechanism was not identified by the studies concerning the Europeanization of the member states, whereas the existence of social constructivist institutionalism and rationalist institutionalism within the Europeanization of the candidate states can be deduced from the researches regarding the Europeanization process of those states (Sedelmeier, 2011, p.17). Without a doubt, policy of the candidate state is one of the most important areas on which EU has impact, however, this impact is mostly dependent on an existing incentive for membership. Thus, some candidate states start adopting certain EU norms even before the EU conditionality is put on the table.

Yet, as it is reflected clearly by Eralp: “Europeanization is neither a uniform nor a linear process, but an interactive one with ups and downs” (Eralp, 2009, p.151). This fluctuant nature of Europeanization can be a result of diverse elements such as domestic policy, economic conditions, global developments, etc. Similarly, Turkey is argued to have a compatible trend regarding its Europeanization process during the beginning stages. For instance:

When Turkey used diplomatic and economic policy instruments rather than coercion, solved regional conflicts through mediation and contributed to peace in its neighbourhood, Turkish foreign policy started to come closer to the EU’s foreign policy and it was interpreted as the Europeanization of Turkey’s foreign policy. (Avan, 2018, p.8)

## CHAPTER 2

### FIRST GOVERNMENT OF AK PARTY BETWEEN 2002 AND 2007: GOLDEN ERA OF EUROPEANIZATION

At the beginning of the 2000s, Turkey had many social, economic and political difficulties. There was no stable political environment. Due to the ineffective DSP-MHP-ANAP coalition government, the society was faced with an institutional chaos (Atak, 2011). In this period, Turkey had a stationary situation: in 2001, the total inflation rate was 54,40%, unemployment rate was 8,4% (Balkan & Yeldan, 2001), and the growth rate was -9,5% (Er, Karacor & Ozturk, 2014, p. 29). The instable governance of the country was stemming from the tensions between President Ahmet Necdet Sezer and Prime Minister Bülent Ecevit. At this point, a new political party was founded in order to find a new opportunity for the country's destiny. In 1998, the Constitutional Court closed Refah Party (Welfare Party) for "acts against the Principal State of the Republic" (ECHR, 2003, p. 7). After the closing of the Welfare Party in 1998, the party members established Fazilet Partisi (Virtue Party) which was also closed in 2001. Then, the party members split into two groups by establishing different parties like Saadet Partisi (Felicity Party) and Adalet ve Kalkınma Partisi (AK Party) in the beginning of 2000s during deep political and economic turbulence. AK Party rose to power on its own after the election, which took place on November 3<sup>rd</sup>, 2002 (Table 1) with a ratio of votes as much as 34.28% (gained 363 out of 550 chairs that gave AK Party the power to seal Turkey's fate until the next elections.) (OSCE, 2002, p. 7).

**Table 1:** November 2012 Election Results (OSCE 2012: 16)

Political Parties	Percentage of Votes	Number of MPs
Justice and Development Party	34.28	363
Republican People's Party	19.39	178
True Path Party	9.54	-
Nationalist Movement Party	8.36	-
Young Party	7.25	-
Democratic People's Party	6.22	-
Motherland Party	5.13	-
Felicity Party	2.49	-
Democratic Left Party	1.22	-
New Turkey Party	1.15	-
Great Union Party	1.02	-
Homeland Party	0.99	-
Workers' Party	0.51	-
Independent Turkey Party	0.48	-
Freedom and Solidarity Party	0.34	-
Liberal Democratic Party	0.28	-
Nation Party	0.22	-
Communist Party of Turkey	0.19	-
Independent	1	9
<b>Voter Turnout</b>	<b>79.13</b>	<b>550</b>

Before the election, AK Party launched its manifesto. This was the most important document which gave a clue about its political program (Bayram, 2014). At the basis of the ideological roadmap, AK Party tried to reach international standards in providing deference and respect towards Human Rights agenda (Kayaoglu, 2015). Even after one year, on 23th April 2003, before the TBMM Group Meeting, Prime Minister at that time, Recep Tayyip Erdoğan, stated that AK Party's objectives were based on improving standards related to Democracy, Human Rights, and Lawfulness in Turkey. He says:

... Most importantly, we emphasize that EU membership must be achieved. We, as the government are eager to follow this path and achieve these goals. Turkey will work in order to be a member of the EU. For this, Turkey will complete the Copenhagen Criteria both in legal regulations and applications (AK Parti Kütüphanesi, 2003a, p. 125).

By means of this discourse, we understand that AK Party's first election manifesto and its leader, Recep Tayyip Erdoğan's comments were indicating a willingness for a full membership to the European Union. It was aiming to apply the Copenhagen Criteria. According to Kızıllan (2006), development of Human Rights Catalog and serious application of democracy principles in Turkey would increase her prestige in the international arena. Turkish policy makers affirmed the importance of progress about the membership process to the EU since it could be considered as a milestone in terms of making a high contribution to Turkey's European History.

At the very beginning, AK Party wanted to follow the western world patterns - westernization of Turkey - (2002 Genel Seçimleri AK Parti Seçim Beyannamesi [2002 General Elections AK Party Election Manifesto]; Çınar, 2017) by taking into account the example of successful countries of the EU focusing on democracy and human rights standards of the EU's Copenhagen criteria<sup>2</sup>. The following quotation shows how AK Party valued the EU standards:

Our party regards our full accession to the European Union as a natural result of our modernization. The enforcement of the European economic and political criteria is a great step for our modernization as a state and a society. These criteria must inevitably be enforced regardless of the EU membership. We can only (...) continue our existence in the international arena by being contemporary and self-conscious (2002 Genel Seçimleri AK Parti Seçim Beyannamesi [2002 General Elections AK Party Election Manifesto], p. 4).

AK Party conceived the EU membership process as a corollary concept of modernization. In other words, it was thought that modernization efforts would result in the EU membership. In order to achieve the EU deal, Turkey needed to incorporate the European norms into her domestic institutions. By doing so, Turkey would create an important reform in terms of social, cultural and political structures, and at the same time, have a more prominent place in the geopolitical arena. In that case, Recep Tayyip Erdoğan, justified the link for applying Copenhagen criteria and full membership to EU, as a condition for possibly reaching a better position for Turkey and the Turkish society. It was stated that “We attempt to fully be a member of the European Union because Copenhagen criteria are what increases our citizens’ life standards” (AK Parti Kütüphanesi, 2003b, p. 24).

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<sup>2</sup> The Treaty on European Union sets out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become an EU member must conform which are: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union. [European Commission. (2016, December 6). Accession criteria. Retrieved from [https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria\\_en.](https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en.)]

On the other hand, nationalist and religious groups, Kurds and Alevis, were skeptical regarding the EU and the membership process (Keyman & Yılmaz, 2006); nevertheless, as mentioned in Çarkoğlu and Kentmen (2011), they gave support to the membership. AK Party conceived that the EU membership would be much more beneficial rather than disadvantageous to Turkey. To illustrate:

The ideological approaches of the groups who are against our integration with Europe on the subjects of national sovereignty, national security, national interests, national and local culture set back the implementation of the Copenhagen criteria. Our party, aiming to maintain bureaucratic statist management approach, is in favor of reconsidering these concepts with a democratic, civil and pluralist approach which pursues individuals' rights, takes public participation as fundamental (2002 Genel Seçimleri AK Parti Seçim Beyannamesi [2002 General Elections AK Party Election Manifesto], p. 13).

This statement evidenced that AK Party distanced itself from the radical and nationalist groups who were not supporting the EU membership. Those factions argued that the EU membership would have a negative influence by dividing the nation (Somer, 2004). On the contrary, during the period of its government, AK Party wanted to step into a structure that would support democracy and civil society. Therefore, these efforts of AK Party would enable the accomplishment of the Copenhagen criteria and the integration into the EU.

With the acceptance of the Universal Declaration of Human Rights and the European Convention of Human Rights, Turkey has made these two a part of its domestic law. A special emphasis has also been put on Copenhagen criteria, fundamental rights and freedom. (2002 Genel Seçimleri AK Parti Seçim Beyannamesi [2002 General Elections AK Party Election Manifesto], p. 13).

There is, then, a congruence between AK Party's first election-manifesto and Prime Minister Erdoğan's discourses. According to a political analysis, Erdoğan's speeches showed that the center of Turkish politics includes an influence of compatibility between Islam and liberal democracy (Somer, 2004) through a consolidation of a foreign policy which is sustainable with full membership.

With the adoption of these principles, using European Human Rights framework and applying them in the Turkish domestic law - as a basic element of the accession to the European Union - Turkey proved how much ambition it had towards the EU membership. In addition to this, the desire to meet the Copenhagen criteria that AK Party focused in its manifesto, evidenced how much AK Party assumed human rights issue as a roadmap in its political agenda. To examine that, it can be looked at what the founders of AK Party think about the negotiations with EU. Mehmet Sayım Tekelioğlu elaborated Turkey's goal in an interview conducted by this author.<sup>3</sup>

First of all, it was asked what he thought about policies and approaches about European Union negotiations since the founding of AK Party. He said:

When AK Party was established, European Union negotiations started simultaneously. In that sense, several reform packages were debated for EU negotiations in Turkish Grand National Assembly. Furthermore, death sentence was abolished in order to apply to the EU membership. Before AK Party came to power, it emphasized EU membership in its first election manifesto and political agenda. Because Turkey's most significant deficiency was democracy, so Turkey needed to meet some binding criteria in order to progress in democratization; for this reason, the criteria determined by the European Union would be contributive to Turkey's goal of advancement in terms of democracy. (Tekelioğlu, 2017).

As can be inferred from this statement, AK Party had been aiming Turkey's accession to the European Union since its establishment. From the very beginning period of its first government and later on, AK Party had been showing great performance and progress in reaching its destination of making Turkey's standards compatible with the EU criteria since Turkey's membership was AK Party's fundamental goal as expressed.

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<sup>3</sup>Mehmet Sayım Tekelioğlu is one of the member of founders' committee and he was a representative during 22nd, 23rd, and 24th, terms of Turkish Grand National Assembly (TBMM), he was the member of Turkish delegation of Parliamentary Assembly of Council of Europe, and European Security and Defense Assembly-Western European Union, in addition, he was the chairman of European Harmonization Committee and he was a representative of Turkish side in the European Union-Turkey Joint Parliamentary Committee.

Based on pre-2002 period, Turkey was doing poorly in terms of democratic affairs. (Lovell, 2008) Moreover, it was simultaneously struggling with a huge economic crisis and was unable to form a sustainable development policy.

As it is seen in his interview, former deputy of AK Party, Mr. Tekelioğlu, points out that AK Party had been giving extreme importance to the European Union, as its role model during its first years of establishment. For that reason, AK Party made a significant effort to diagnose Turkey's socio-economic problems and try to find a path out of its deficiencies in democratic issues.

In addition, Tekelioğlu draws attention to the fact that the most important necessity was improving democratic standards in Turkey. He explained his observation in following statements:

AK Party wanted to maintain negotiations with the EU due to its willingness to pursue the European Union's policies in this way, and also wanted to give a promise to people. This can be seen as an attempt for AK Party to eliminate Turkey's deficiencies in democracy and justice/judicial issues (Tekelioğlu, 2017).

From these sentences, it could be understood that AK Party did not only see the EU criteria solely as binding rules to become a member of the European Union, but it was also trying to follow these criteria in order to proceed in democracy, justice and consequently reach a higher standard of living.

Besides, Turkey-EU relations had changes worthy of attention, according to the second interviewee, Erkan Kandemir<sup>4</sup> states that:

With the first progress report, the process of accession to the EU accelerated. The European Union Harmonization Committee was established swiftly in the Turkish Grand National Assembly in 2003 and immediately the chapters were opened. In addition, positive informative report was sent to us, relations with the European Union accelerated and the process of coming together was tried to put into practice (Kandemir, 2017).

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<sup>4</sup> Erkan Kandemir took Office in the Council of Europe Parliamentary Assembly, Planning and Budget Commission, and European Union Harmonization Committee.

While Turkey already set its navigation route towards the EU membership, the Progress Report came and indicated the weaknesses and strengths regarding the EU agenda.

In 2002, the Regular Report on Turkey's Progress toward Accession- the Commission recognized the application of major constitutional reforms, adopted in October 2001, before AK Party came to power. These show that there was consensus in Turkey to fulfil the Copenhagen Criteria:

The adoption of these reforms demonstrates the determination of the majority of Turkey's political leaders to move towards further alignment with the values and standards of the European Union. These reforms were adopted under difficult political and economic circumstances and represent a major shift in the Turkish context. The building of political consensus around these changes was prepared by an intensive public debate concerning EU accession which took place in Turkey during the last year with the participation of political parties, civil society, business as well as academic circles (...) (Commission of the European Communities, 2002, p.17).

These reforms included: I) the abolition of capital punishment in peace time. II) the strengthening in fields of human rights and fundamental freedoms, - a discussion concerning the possibility for Radio and TV broadcasting in Kurdish, the widening of freedom of expression, greater freedom for non-Muslim religious minorities; a constant monitoring of Human Rights situation in the whole national territory through commission and sub commissions groups; ratification of the UN Convention of 1969 related to Elimination of All Forms of Racial Discrimination (August 2002) and the Optional Protocol to the UN Convention on the Elimination of Discrimination against Women. (April 2002). III) The ending of the state of emergency in Hakkari and Tunceli, provinces.

Another important representative in the EU negotiations is Yaşar Yakış, whose influence is reflected in his direct participation in writing AK Party's first political



manifesto with regard to foreign policy and European Union topics.<sup>5</sup> Yakaş presented AK Party's policies and approaches towards the European Union as follows:

The project of Turkey's accession to the European Union was the second largest and most important development in terms of westernization and modernization after the proclamation of the republic. Instead of being stuck about whether she would be a member or not, the important thing is that the reforms to be done in order to reach the criteria of the EU would benefit and move Turkey further (Yakaş, 2017).

Nonetheless, according to Sevilay Aksoy (2009), while Turkey had fulfilled requirements to be a full and equal member of several US and Europe-led international and regional institutions, she had faced much more difficulty and resistance after knocking on the accession door of the EU.

Turkey has had plenty of barriers against its accession to the EC/EU such as: (I) Unstable governments during the 70' and 80's based on leftist and rightist political collisions, (II) The military interventions in order to manage domestic affairs, (III) The completion of a customs union between Turkey and the EEC member states, which was aimed by the Ankara Agreement, envisaging "the coordination of economic policies among the parties and also the adoption of the common external tariffs by Turkey in her trade with third countries." (Aybey, 2004, p. 24), (IV) The Greek, Cypriot and Turkish dispute about the Aegean Sea, which became more problematic in time as Greece became the tenth member of the Community, whereas Turkey was on a "journey to an uncertain destination" as Kahraman states (Kahraman, 2000, p. 2). (V) The serious reproach by the EEC towards Turkey regarding democracy and human rights during the same term; (Aybey, 2004), (VI) The fact that "the Turkish economy remained insufficiently

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<sup>5</sup>Mr. Yakaş had been working as ambassador for respectable years. Moreover, Yakaş, in 1985, had led the COMCEC (Committee for Economic and Commercial Cooperation of the Organization of Islamic Cooperation) which was established by himself while fulfilling his duty as secretary of the President as a representative of this organization. In addition, he was Turkey's permanent representative in NATO and the UN. He was the Minister of Foreign Affairs in the 58th government of the Republic of Turkey. As well as all these duties he is also one of the founding members of AK Party. He was a member of Turkey-EU negotiations and led the terms in 22nd & 23rd cycles.

developed to compete within the Community's emerging single market.” (Paul, 2015, para. 14). For that reason, the AK Party’s political agenda in the first election manifesto was focused on “step towards modernization of our society and state by accomplishing the economic and political criteria of the EU.” (2002 Genel Seçimleri AK Parti Seçim Beyannamesi [2002 General Elections AK Party Election Manifesto], p. 13). AK Party analyzed the problems and has tried to find solutions in the early 2000’s: corruption and macroeconomic imbalances in Turkey posed a huge obstacle to not only a sustainable development, but also for the EU membership process before 2002.

In the framework of its EU objectives, AK Party’s economic reforms implemented under the IMF were in accord with the required expectations for membership (Eder, 2003). Besides economic reforms, AK Party had to work to improve, respect and guarantee the fundamental rights and democracy. As stated by Gamze Avcı (2011, p.409), many political reforms had been made in last two decades, in particular, after AK Party came to power and the aim of joining the European Union had been quite significant for maintaining these reforms. This can be exemplified from the parliamentary minutes. For example, in his speech about the parliamentary program, Abdullah Gül, who was prime minister at that time, indicated that AK Party is determined to meet the Copenhagen criteria and promote fundamental human rights in order to take a place within the EU (TBMM Minute Reports 3<sup>rd</sup> Session, 2002). As it is indicated explicitly in his statements, one of the primary objectives of the AK Party government had been to make the reforms necessary for the improvement of existing conditions and reorganizing its policies in accord with the Copenhagen criteria. It has been also mentioned consistently in other parliamentary minutes. For instance, Haluk İpek, Member of Parliament from Ankara then, stated during his speech in the parliament that the implementation of democracy and human rights was the foremost duty, moreover, the AK Party government had been working on providing these fundamental rights and freedoms to the citizens at the highest level (TBMM Minute Reports 13<sup>th</sup> Session, 2002). In order to promote and implement democracy and fundamental human rights fully, as an indispensable aspect of it, gender equality and the women’s rights should also be addressed since it was one of the issues

that Turkey had been criticized for. Relevant to this issue, Zeynep Karahan Uslu (TBMM Minute Reports 8<sup>th</sup> Session, 2002) points out in her speech in the parliament that the Turkish Parliament witnessed the highest level of female representatives in the history of Turkish Republic with the 3 November 2002 general elections, which had been also an ambition embedded in the AK Party government's policies to increase female political participation.

Under the rule of AK Party in its first years, Turkey became a country that makes tremendous impact in the international arena as it had an increasing success both in domestic affairs and foreign policy, and it brought prestige to Turkey. AK Party had allocated most of its energy for the membership to the European Union.

## **2.1 The Beginning of Accession Negotiations**

Turkey has shown her determination to join the European Union by introducing reforms in accordance with the Copenhagen criteria; alongside these developments, the European Union started to consider examining Turkey's conditions thoroughly. In order to analyze the existing conditions then and the beginning of the negotiations in detail, there is a need to study the 2003 report of the European Commission on Turkey. Turkey had introduced many reforms which had brought significant changes to the political and legal system and she had also taken important steps to ensure their effective implementation; however, the report found inefficiencies in those reforms so much later.

It is indicated in the report of the European Commission (2003) that the Turkish government made efforts to promote a more transparent management of human resources in the public service:

Over the past year the Turkish government has shown great determination in accelerating the pace of reforms, which have brought far-reaching changes to the political and legal system. It has also taken important steps to ensure their effective implementation, in order to allow Turkish citizens to enjoy fundamental freedoms and human rights in line with European standards (p. 43).

This can be also viewed as a development with regard to the issue of corruption which had been a major problem during the 2001 economic crisis in Turkey. Another development mentioned in the report is advancing the combat with torture and ill-treatment more, and consequently the legal system of Turkey took a step closer towards European standards (European Commission, 2003, p.26). It can also be seen in the report that, to a certain extent, some improvements had been realized about the freedom of expression (European Commission, 2003, p.29). For instance, a number of people who had been imprisoned for expressing their opinion have been released since those provisions were abolished.

In a similar manner, the areas of freedom of demonstration and peaceful assembly have met significant progress according to the report of European Commission (2003, p.33). Certain changes have been made in the area of the freedom of association such as modifications about the law on associations and alleviation of some restrictions on making announcements or distributing publications (European Commission, 2003, p.32). Similarly, permission to education and broadcasting in languages other than Turkish is viewed as a small but necessary step for Turkey's development in reaching the universal standards of human rights (European Commission, 2003, p.31).

Alongside positive developments, the 2003 report also gives information on the deficiencies in both areas mentioned above and other realms such as privatization, state aid policy, liberalization, environmental protection of citizen's rights. With regard to the reform attempts of Turkish government, although they had favorable effects on Turkey's development in general and they were considered as significant steps, the European Commission indicates in its report that the implementation of the reforms was still insufficient in many aspects, and administrative capacity was ineffective to fulfil the acquis. Although there had been improvements in promoting transparency, corruption still remained as a major problem, moreover, the issue of inefficiency and the fact that "the judiciary does not always act independent and consistent manner" (European Commission, 2003, p.14) hindered the fight against corruption according to the report. With regard to freedom of expression, even though some legislative changes had been

made, some problems remained. For instance, non-violent expression of political views was still restricted by various laws. Furthermore, concerning freedom of religion, it was visible that the changes introduced by the reforms were not quite effective as planned. Executive bodies still had a restrictive interpretation, so that religious actions of individuals were subject to various limitations compared to European standards (European Commission, 2003, p.34). Moreover, according to the report:

In some cases, administrative reform should entail the establishment of new structures, for example in the field of state aid and regional development. Where new regulatory bodies have been set up, their autonomy should be assured, and they should be provided with sufficient staff and financial resources (European Commission, 2003, p. 131).

The policies that Turkish government followed during 2003 demonstrate how enthusiastic it was about joining to the EU. To address the country's problems more effectively and dealing with them deliberately, the government had created a "Reform Monitoring Group" which was responsible for ensuring the effectiveness of the implementation of reforms (European Commission, 2003).

At this point, AK Party was aware of their problems, and it took steps towards solutions show how much importance they gave to the process. However, on the other hand, several human rights problems are mentioned in this report, as disproportionate use of force regarding the freedom of demonstration and peaceful assembly, ongoing prosecutions with regards to freedom of association, and insufficient improvements and less rights than EU standards regarding the freedom of religion (European Commission, 2003, p.14).

Another evidence that there were significant developments and progress in meeting the criteria can be found in Tocci's (2005) work. In her article titled "*Europeanization in Turkey: Trigger or Anchor for Reform?*", she states that in the 2001-2003 period a set of harmonization packages were initiated which concentrate on freedom of expression, human rights, abolition of death penalty, inclusion of languages other than Turkish into education and broadcasting, press freedom, penalties for torture crime, gender equality, religious and cultural rights.

The first two harmonization packages, which entered into force in February and April 2002, focused on freedom of expression and association. For instance, in the first package the maximum period of pre-trial detention was decreased from 7 days to 4 days (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007). The second harmonization package mostly focused on the improvement of freedom of expression and association by a number of regulations. One of the regulations under The Law on Meetings and Demonstration Marches modified the minimum age to organize meetings and demonstration marches and reduced it to 18. Another regulation was to repeal the prohibition of abroad activities of associations established in Turkey and activities in Turkey of associations established abroad (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, pp. 6-7). The third harmonization package, which entered into force in August 2002, involved the abolishment of death penalty alongside with certain provisions which opened the way for retrial. Since the right to life is the most fundamental and indispensable right of an individual, under no circumstances it can be taken away. Also, with this provision, it was made possible that individuals can request for retrial and further seek justice even if there is a definitive judgement. Other regulations in the third harmonization package were about the cultural rights of the people and their implementation<sup>6</sup> (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, pp. 7-8). For instance, with an amendment, limitations on broadcasting in different languages and dialects were lifted. Tocci (2005) also indicated the efforts of the government:

Particularly since 2003, the Turkish government has also appreciated the need to ensure the effective implementation of the new laws. The government has thus established human rights boards in major towns and cities, responsible for handling human rights complaints. The Board

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<sup>6</sup> The instruments of ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were deposited with the UN Secretary General on 23 September 2003. The Covenants entered into force on 24 December 2003.

includes representatives of several ministries and government departments (p. 74).

The fourth harmonization package that entered into force in January 2003 included amendments to the Penal Code, the Press Law, the Civil Code, and the Law on Political Parties. For example, with a provision in the Penal Code, the possibility to suspend or convert the sentences for torture and mistreatment into fines or other measures was removed (Hürriyet Daily News, 2018):

Supporters of the changes praised the passage of the new laws as a step toward joining the European Union. The union made abolishing the death penalty a condition for Turkey after it became candidate for membership in 1999. But full membership for Turkey may be many years away, because the union wants to see how reforms are carried out (para. 4).

With regard to the Press Law, some provisions were introduced in order to protect the press from being obliged to reveal its sources of information in compliance with the European Court of Human Rights case law (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007). In addition to these, with an amendment to the article 8 of the Law on Political Parties, the conditions for eligibility to become a member or a founding member of a party were modified. The fifth harmonization package which entered into force in February 2003 is briefly about the features of the provisions introduced for the issue of retrial. It was indicated that the decisions of the European Court of Human Rights were taken as the basis, and certain amendments were made about the provisions in order to ensure immediate application and implementation for retrial (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, p.13).

The sixth harmonization package which was adopted in July 2003 contained certain provisions and amendments about the freedom of expression, further developments in the Penal Code and freedom of religion. This package imposed heavier sanctions for the honor killings of children and repealed the article that enables reducing

the sentences for the "honor killings".<sup>7</sup> In terms of freedom of religion, Article 1 of the Law on Foundations was amended to extend the application period allowed to community foundations for registering real estate holdings from six months to eighteen months, and an amendment to Supplementary Article 2 of the Law on Construction took into consideration the needs for places of worship of different religions and faiths. In addition, this package removed the condition that children cannot be given names that are not appropriate to the "national culture" and "customs and traditions"<sup>8</sup> (T.C. Avrupa Birliđi Bakanlıđı Avrupa Birliđi Genel Sekreterliđi [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, p.13). The sixth harmonization package also refined the anti-terrorism law as:

...an amendment to Article 1 on the definition of terrorism of the Anti-terror Law, made the use of force or violence the prerequisite in the definition of the crime of terrorism, and stipulated that only acts 'constituting a crime' are included in the definition of terrorism (T.C. Avrupa Birliđi Bakanlıđı Avrupa Birliđi Genel Sekreterliđi [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, p. 14).

The seventh harmonization package which entered into force in August 2003 involved further improvements in freedom of expression, freedom of association, rights of prisoners, and anti-terror laws. It also introduced changes regarding to the rights of children, and foreign language education. Moreover, some changes were undertaken in the previous Penal Code in order to exclude scientific and artistic works and works of literary value from the scope of criminal offenses related to published or unpublished work. With this package, associations were allowed to establish more than one branch in provinces, cities, towns and villages (T.C. Avrupa Birliđi Bakanlıđı Avrupa Birliđi Genel Sekreterliđi [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007).

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<sup>7</sup> An amendment to Article 453 of the Penal Code imposed heavier sanctions for the "honor killings of children". An amendment to Article 462 of the same law repealed the article, which allowed for the reduction of sentences in cases known as "honor killings". (Political Reforms in Turkey, 2007, p. 13).

<sup>8</sup> Amendment to Article 16 of the Law on Census.



In the eighth harmonization package, which was adopted in July 2004, there were many adjustments in certain laws such as the Law on Higher Education, the Law on the Establishment of and Broadcasting by Radio and Television Corporations, the Law on the protection of minors from harmful publications including the provision with the abolishment of the death penalty (T.C. Avrupa Birliđi Bakanlıđı Avrupa Birliđi Genel Sekreterliđi [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007, p.18).

The ninth package was announced in 2006. As it is stated in the report of Republic of Turkey Ministry of EU Affairs Secretariat General for EU (2007, p. 23); the package includes “the acceleration of the adoption process of the draft legislation and international agreements that are in the agenda of the Parliament, the presentation of new pieces of legislation to the Parliament and some administrative measures.” Several of the issues included in the 9<sup>th</sup> harmonization package can be listed as Law on Court of Audit, Draft Law on Administrative Procedures, Draft Law on Fundamental Principles for Elections and Electoral Rolls Laws, Law on Foundations, and Restructuring of the Human Rights Presidency of the Prime Ministry.

Turkish government undertook several reforms in many fields under these harmonization packages, in accordance with the Copenhagen criteria and with the aim of accelerating the negotiation process with the European Union. These reforms enabled Turkey to improve her conditions in terms of meeting European standards and promoting and protecting human rights. The majority of these harmonization packages were announced and operated during the AK Party government, and the progress of democratization and Europeanization of Turkey accelerated in this period, especially compared to previous governments’ reform efforts (Eralp, 2006, p.3).

In January 2004, Erdoğan mentioned his intentions on progress at the press conference with the EU Commission President, Romano Prodi, where he declared: “The Copenhagen Criteria points that need improving are mentioned in the 2003 Progress Report and December 2003 Brussel Summit conclusions. Our government is determined

to take action instantly and apply actively the mentioned points.” (AK Parti Kütüphanesi, 2004a, p. 60).

As reference to Erdoğan’s remarks on the conclusions, the 2003 Progress Report states “Over the past year the Turkish government has shown great determination in accelerating the pace of reforms, which have brought far-reaching changes to the political and legal system.” (European Commission, 2003, p. 43) Erdoğan, touched upon the fact that progress in achieving EU standards for accession is visible, and respectively, the Progress Report is in line with his statement. Ever since AK Party took office after their first election, the developments in reforms took off and Turkey felt that the EU approved these. Even though there were flaws and points to improve, which were stated in the progress report, the enhancements cannot be overlooked. The varying amount of constitutional amendments and nine legislative “harmonization packages” were quite influential in securing the opening of Turkish accession negotiations.

“Harmonization packages” consisted of abolition of the death penalty, safeguards against torture and ill treatment, and a reform of the prison system. In respect to freedom of expression, association and the media, several ill-famed laws that cost journalists, scholars and human rights activists their freedom have been repealed, brutal constraints lifted, and provisions brought ensuring greater accountability and transparency. The State Security Courts which were the most violating institutions for the human rights were removed. In addition, Turkey recognized the international human rights legislation over national laws and the judgments of the European Court for Human Rights as basis for retrials before Turkish Courts. Thanks to Turkey’s implementation of the harmonization packages, the human rights problem had encountered a significant improvement. Turkey had also taken important steps to promote more gender equality and improvement of religious rights and freedoms. Broadcasting in the languages other than Turkish on radio and television and educating in other languages as well brought a less prejudiced attitude towards the minorities and their cultural activities, which had positive effects on interethnic relations (T.C. Avrupa Birliği Bakanlığı Avrupa Birliği Genel Sekreterliği [Republic of Turkey Ministry of EU Affairs Secretariat General For EU], 2007). After

these developments, EU Council had decided to start membership talks with Turkey on the 17<sup>th</sup> of December 2004. Former deputy Mehmet Tekelioğlu who was an active policy maker in the field in 2003-2004 period, explains that period in these words:

We [AK Party] did give importance to the EU policies. Turkey executed these policies significantly, and in 2004 the decision to terminate the inspections about democracy in Turkey shows that Turkey fulfilled the minimum criteria made by Council of Europe ... Council of Europe made this decision in 2004. After this, EU ruled that negotiations can start with Turkey. No country that is inspected by the Council of Europe could start negotiations, that is, the precondition of negotiations with EU was to be out of the judicial and democratic inspection (Tekelioğlu, 2017).

As it can be inferred from these statements, Turkey has proceeded remarkably. In order to complete the EU harmonization process AK Party showed great effort. Despite this, while Turkey has been advancing in this process, the Cyprus issue, which will be discussed in the following section cannot be neglected, because the membership of the South and the exclusion of the North had various implications on Turkey EU relations.

## **2.2 The Cyprus Issue**

After November 2002 with AK Party's advent to power, Turkey's foreign policy on Cyprus had changed within the parameters of the UN towards a bi-zonal and bi-communal federal Cyprus (Kamburoglu, 2015). The European Commission's November 2003 Regular Report claimed that if the Cyprus issue would result in a failure, it would be a huge obstacle for Turkey's EU membership seeking. In addition, Recep Tayyip Erdoğan, stated that "I especially want the EU to make a positive contribution to the process in Cyprus and to take into consideration that the Turkish side will be the equal founding part of a partnership in Cyprus." (AK Parti Kütüphanesi, 2003b, p.47)

Even though Turkey accepted the Annan Plan, France and Germany had put their efforts to resist Turkey's full membership (Kamburoglu, 2015). In contrast, when speaking in Turkish General Assembly, the President of the EU Commission Romano Prodi mentioned that "a solution in Cyprus will greatly ease the EU membership

expectations of Turkey. This is not a condition, but a political reality” (TBMM Minute Reports 43<sup>rd</sup> Session, 2004, p. 49).

Turkish government’s attitude was shown by the Turkish president Recep Tayyip Erdoğan, who emphasized that the Annan Plan is neither fully acceptable nor fully can be rejected (AK Parti Kütüphanesi, 2003c, p. 60). It is understood that Turkish government had had a more positive attitude about the solution of this issue.

After the discussions that followed on February and March 2004, the plan emerged as an idea of a referendum taking place on the two sides of the island on April 2004.<sup>9</sup> The results of the referendum (Table 2) showed that Turkish Cypriots accepted the plan with 65%, when the Greek Cypriots refused by 75%.

**Table 2:** Results of the April 2004 Referendum in Cyprus (Chadjipadelis & Andreadis 2007: 5)

<b>Electorate</b>	<b>Yes</b>	<b>No</b>
Greek Cypriots	24.17%	75.83%
Turkish Cypriots	64.90%	35.09%

On May 1, 2004, Cyprus had joined the EU, nevertheless, as a divided island. This can be considered as another failure of the UN peacemaking efforts. AK Party was targeting to be a member of the EU while making several sorts of reforms and supporting the Cyprus referendum. However, Cyprus Referendum did not provide unification of the island and while the Southern part of Cyprus was joining to European Union, northern part could not be involved.

On the other hand, several Eastern European countries became member states but not Turkey. After the enlargement of 2004, “Cyprus expressed its opposition to formally

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<sup>9</sup> The question the electorate faced on decision day was as follows: “Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the law to be in force to bring into being a new state of affairs in which Cyprus joins the European united?” (Chadjipadelis and Andreadis, 2007, p. 5, Th. Department of Political Sciences Aristotle University Thessaloniki)

opening and closing the first of 35 negotiation chapters unless Ankara met its obligations to recognize all 10 new EU member states, including Cyprus” (Morelli, 2013, p. 4). On the matter of obligations, the EU Presidency also supported Cyprus as Turkey continued to refuse opening its ports to Greek Cyprus, thus not meeting its obligations from the customs union (Morelli, 2013). As Turkey could not proceed as initially aimed, it could not provide free movement to European countries for her citizens. Therefore, that situation caused the decrease of Turkey’s motivation. As reflected in public polls, the percentage of interviewed Turks who saw EU membership as a good thing for Turkey declined from 73% in 2004 to 54% in 2006. (Transatlantic Trends, 2006).

Although AK Party’s goal was to be a member of the EU, negative results of the Cyprus referendum and southern Cyprus’ accession to the EU caused slowdown in the reforms for the negotiation process. Although the AK Party did not give up the membership process to the Union, both sides encountered several problems. As a result of that, a slowdown in reforms occurred in Turkey. In the following pages of the chapter, those issues will be considered carefully.

This slowing down process was also stated by Yaşar Yakış, who said "The dialogue between Turkey and EU slowed down and lost its currency." (Yakış, 2017). However, even if it was slow, the negotiations were still progressing.

That period’s foreign minister, Yaşar Yakış, addressed the Cyprus issue and Turkey-EU relations in his interview in May 2017. Yakış claimed that the fact that the Turkish government pursued a policy within the framework of the Annan Plan despite a strong opposition from the public opinion showed the willingness of AK Party for EU membership. Yakış mentioned that disappointment emerged on the Turkish side, when the EU accepted Southern Cyprus’ membership and denied Northern Cyprus, although the former rejected the Annan Plan while the latter accepted it. This was also specifically mentioned by Erdoğan at a press conference in Brussels in April 2004:

The EU kept on putting accepting the Annan Plan in front of us. We always said we will always be a step further than the Greek Cypriots and we were. So did Northern Cyprus. When this period was going so positively, Southern Cyprus, who denied the Annan Plan and conflicted with the EU,

said ‘We are not on the side of unifying Cyprus. We deny the plan.’ and yet still became an EU member. There is a conflict and a problem here regarding the EU *Acquis*. Yet, evidently, Southern Cyprus became a full member (AK Parti Kütüphanesi, 2004b, p. 116).

If, on the one hand, the failure of the referendum slowed down Turkey’s accession to the EU, on the other, it increased the European Union’s responsibility in unifying the Island. Indeed, “The Cyprus problem became not only the problem of two dwarf entities but a problem of the EU itself” (Baştürk, 2011, p. 19). In addition, the referendum constituted a watershed for Turkey’s image before the EU and the international community, “indicating a more pacific international stance and a relaxing of military control over foreign policy” (Baştürk, 2011, p. 19). Turkey was, therefore, no longer considered as an opposition to the solving of the Cyprus issue.

Mehmet Tekelioğlu also mentions that there were mistakes done by the European Union about the referendum and membership. He reminds the statement of the EU which implied that the countries that had problems with its neighbors could not enter the EU. Hence, he interprets the accession of the southern Cypriot part -Republic of Cyprus- to EU as a contradiction to this statement (Tekelioğlu, 2017). Similarly, Erkan Kandemir also addresses the discrepancy in this issue by stating;

The Cyprus referendum is a crucial breaking point for Turkey. And Turkey experienced the disappointment that the southern Greek part, which rejected the Annan Plan, was accepted into the membership while Turkey, which was in favor of solving of the Cyprus issue and supporting the Annan Plan, was left at the ongoing accession negotiations (Kandemir, 2017).

To summarize, AK Party, due to the EU process, had a positive attitude towards EU membership of Cyprus and supported the referendum in Cyprus in order to resolve the ongoing issue; however, the negative incidents that the deputies mentioned above created a breaking point and the accession process started to enter a new more stagnant dimension, where Turkey received more criticism by the EU.

Meanwhile, in 2004, the European Union entered into the process of enlargement regarding the post-communist states in East Central Europe. Consequently, the number of

the members drastically increased from 15 to 25 (Sedelmeier, 2014). Since Turkey had made much effort in solving the Cyprus issue and improving the conditions with the aim of reaching the European standards, Turkey interpreted this enlargement process as a disappointment (Kandemir, 2017). It also can be said that some countries with less experience, worse conditions and even much shorter relations with EU than Turkey became members of the European Union. This development also played a role in the entry into a slow period in the reform process of Turkey. Because with the EU enlargement towards 10 countries including Cyprus, the Cyprus problem emerged, and it brought along other problems.

### **2.3 The New Phase of the Negotiations**

Despite all the developments mentioned above, the negotiations regarding the Turkey's membership to the European Union still continued. As mentioned in Avcı (2011):

The European Union goal has been very important in sustaining these reforms and uniting different groups around reform, yet since 2005 the reforms have slowed down and, increasingly, there seem to be problems and obstacles along the way (p. 409).

On the 3rd of October 2005, the accession negotiations officially started. However, the negotiation period was slow. Turkey was not given a guarantee in terms of full membership at the end of the negotiation period. In addition, the fact that every member state had veto power enabled the easy obstruction of a country's accession (Avcı, 2011, p.412). In Turkey's EU accession negotiations, 16 chapters are opened whereas only one chapter is temporarily closed. 14 chapters are blocked due to the political decisions of the EU Council and Southern Cyprus (Ministry of Foreign Affairs, 2017). Several chapters were obstructed by Germany, France, Republic of Cyprus, and several were frozen by the EU in response to Ankara's refusal to open its ports and airports to Greek vessels in accordance with the Ankara Agreement. Some of the European Union countries

approach to the issue as indicated in the following statements: "... Spanish Foreign Minister Miguel Moratinos, merely talked of a 'slowdown'. On the opposite side, Austrian Foreign Minister Ursula Plassnik insisted that 'eight central areas are going to be put into deep freeze.'" (Bogdani, 2011, p. 24) As it is seen, negotiations between EU and Turkey has slowed down but some other countries viewed the issue from a different aspect with more positive attitude such as the British Foreign Secretary, Margaret Beckett stated that "there is no train crash, the train is firmly on the tracks."(as cited in Bogdani, 2011, p. 24) The relations between Turkey and EU continued in a positive way until the Cyprus issue disturbed the positive course of negotiations for both sides. Although, Turkey and European Union relations between 2002 and 2005 were considered as the "golden age" which resulted in the starting of the negotiations (Kubicek, 2011), this golden age of relations came to an end since both the European Union's and Turkey's attitude seemed to differ.

While crafting the negotiations with Turkey, the EU diverted from its accession practice and for the first time, it put forward special conditions making Turkey an exception among all joining states. The conditions of negotiations with Turkey gave the message that there was a possibility for Turkey not to become a full EU member even though the negotiations are finished successfully and in case of a possible membership, it would not be on equal terms with the other member states (Çelenk, 2016, p. 91).

As a result, AK Party's motivation relatively diminished. A significant factor for this alteration in Turkey's perspective was the changing attitudes of the two crucial members of the European Union, namely Germany and France, following the rejection of the Annan Plan by Southern Cyprus and the decline of support by these two powers. Moreover, the process even faced a blockage resulting from France's change of attitude, with Sarkozy coming to power and blocking the negotiations of 5 chapters (Bağcı, 2018).

While Turkey started to have concerns about the negotiations, a sign of reluctance can be also found in the EU side during this period. The expressed reason behind this reluctance was that European states considered Turkey's improvements insufficient, and further reforms were seen to be needed. In order to indicate the change of the attitude of



Europe, the Turkey 2006 Progress Report can be analyzed further. For instance, the report criticized Turkey as “No progress has been made on any aspects of normalizing bilateral relations with the Republic of Cyprus”, and “no progress can be reported with regard to difficulties encountered by non-Muslim religious communities on the ground.” (Commission of the European Communities, 2006, p. 17). In addition to these, the report contained a great amount of similar criticisms towards Turkey’s condition and her progress in terms of public administration, law about political parties, trade union rights, minorities, corruption, state aid, genetically modified organisms, market policy, labor law, meeting European standards, industrial pollution control, International Criminal Court and many more. Thus, in 2006, the European Union regarded Turkey as a state which was not meeting the obligations; however, this does not necessarily mean that the EU considered ending the negotiation process.

Turkey and the EU both acknowledged that the process entered into a slower pace, but they thought that the negotiations should still proceed. In June 2006 at the AK Party Parliament Group Meeting, Erdoğan asserted multiple times that Turkey is still firm on the ground in doing whatever it takes to keep the accession process going. However, he also emphasizes that there are blockages towards Turkey by expressing:

The EU did not keep their promise towards Northern Cyprus, who had accepted the Annan Plan, EU did not take action for diminishing the isolation. Now, when Turkey is at the point of negotiating Turkey’s full membership, Southern Cyprus, who thinks they moved the Cyprus issue into the EU, is in the effort of putting pressure on Turkey (AK Parti Kütüphanesi, 2006a, p. 121).

#### **2.4 From “the Golden Era of Europeanization” towards the “Discouragement and Distrust”**

After analyzing the process of harmonization packages applied in domestic affairs, we infer, then, AK Party was seeking reform of Turkey's political, cultural and social issues through the Copenhagen criteria, and thus, consolidate a perspective of Europeanization. As stated by Selim Yenel:

Turkey was determined to reverse the adversarial relationship the Ottoman Empire had had with the West and made a strategic and revolutionary decision to become part of the established civilization. Turkey believed that it had been accepted in this new role as it became part of all major western institutions during the Cold War (2017, p. 31).

At the same time, AK Party was discarding outright, any type of "partnership status" that could frustrate the long-term political plans that AK Party had in the consolidation of its relations with the EU, and avoid, in this way, the same mistakes occurred since the signing of the "Ankara Agreements" and the lamentable historical unravelling in its adhesion process during the 20th century (Lasok, 1991).

AK Party, conceived that, if it showed a Westernist, conciliatory, respectful aspect of the European Standards as a communitarian, political, social and cultural project in Turkey, it would have greater opportunities to convince its European partners that application to full membership was a State Policy, and not an uneven vision of a Political Party that was governing in a given historical moment. For this reason, AK Party took from ideological bases - the election manifesto of the year 2002 – a principal reason to make the accession negotiations its main road map, and simultaneously, show effectiveness in the fulfilment of its government plan and fidelity with its electorate.

AK Party assumed the process of "Europeanization" as a meaning of positive "development" in Turkey (Knill, 2001). It means that AK Party wanted to strengthen social interactions between European and Turkish actors, through formal adaptation of policy decisions of the EU to its domestic affairs.

By doing so, AK Party sought to bring Turkey closer to the West across the mechanisms that Europe wanted for that purpose. Likewise, AK Party, wanted to show that, despite an Islamic base electorate, that circumstance was not an obstacle for Turkey, which as a majority Muslim country, (Aybey, 2004) would have an opportunity to have access to the "citizen benefits" that would come with belonging to the EU, reinforcing the principle of cultural diversity which the European Union has erected as the basis of its communitarian system. (Öniş, 2010).

Nevertheless, AK Party could not predict, the immeasurable succession of unexpected events that would be obstacles to its ambitious project, obstacles that changed AK Party's perspective from "direct interest and cooperation" to "discouragement and distrust in the EU": (I) The old historical and cultural conflicts with the Republic of Cyprus and the failure of the Annan Plan in the light of the unification referendum. (II) The apathy of Nations Units in order to search for any solution after the failed referendum. (III) The attitude of Germany, France, Greece, and Austria about the imposition of the political veto on various chapters. (IV) The innumerable list of criticisms expressed in the Progress Report of the Commission of the European Communities (2006) that in short words, left Turkey in a state of uncertainty about its probable - or unlikely - possibility of continuing the accession negotiations. (V) Discussions about population growth in Turkey and its impact on representation in the European Parliament, became a tacit requirement in addition to the Copenhagen criteria. Uçak (2011) talks about this as follows:

Literally, it has been accepted that one of the major obstacles to Turkey's EU membership is in population term. There has not been any enlargement process as large as Turkey's population as a single state in EU history before. The enlargement in 2004 which includes 10 states involved 74 million people as whole member states while Turkey's population is 72 million inhabitants in 2007 data which is only lower than Germany's population in all EU member states. Thus, Turkey's accession would be different from previous enlargements because of the combined impact of high population (p. 180).

All these events caused that AK Party changed its position of "open negotiation" towards "invisible disappointment", an attitude that was evidenced when, as it was said before, the AK Party Parliament Group Meeting, decided to continue its efforts with accession negotiations, questioning whether it was worth continuing with such efforts without concrete results reflected in a vague assessment of the EU progress reports (Akçalı, 2015).

Nonetheless, AK Party knew that if it automatically stopped the accession negotiations with the EU, all of its projects to maintain itself in Power within Turkey and the benefits underlying the economic and mercantile approach (goods) with the EU

members would collapse, as well as all its political agenda. Thus, once the period 2002-2005, the "golden period" of the negotiations had passed away, a new perspective in AK Party would emerge: the instrumentalization of relations with the EU. This will be discussed in the third chapter.

## **2.5 Conclusion**

AK Party produced a rapid and steady improvement in the European Union membership process during the period after the formation of AK Party government which can be observed in the European Commission reports. As it can be seen in the interviews and the speeches of many deputies, the membership process had major significance for both Turkey and the AK Party government. One of the factors that generated this significance was that the membership process and the membership itself were considered to contribute to Turkey's westernization, modernization and democratization. It cannot be denied that the negotiations started during the first government term of the AK Party. The implementation of the harmonization packages, which were established during the AK Party period except the first three, and the fast processing of the laws concerning the integration into the European Union in the parliament are the most prominent indicators of Turkey's motivation towards the process.

However, even though there were significant improvements regarding the criteria from Turkey's perspective, the European Union considered Turkey's developments insufficient and the criticisms about these deficiencies were included in the reports of European Commission.

Alongside of the said insufficiency, another point concerning the membership process was the Cyprus issue and Turkey played an active role in the international arena with the aim of resolving the issue. The idea of unification of the island and the resolution of the issue had always had an important place in Turkey's policy agenda, however, it became even more significant during the EU negotiation period since it was emphasized as an issue to be solved for the membership. On the other hand, the issue itself and the

attitudes of the significant European countries regarding the issue played a role in bringing a new dimension to the membership process. Besides, the developments in Turkey's both domestic and foreign policy concerning the European Union relations resulted in the process losing its acceleration and entering into a slow and stagnant period. This alteration will be further analyzed in the following chapter.

## **CHAPTER 3**

### **SECOND GOVERNMENT OF AK PARTY BETWEEN 2007 AND 2011: SLOWING DOWN OF THE NEGOTIATIONS**

Throughout years, the Turkey-EU relations have been recognized as a fluctuant one. Öniş refers this relation as a “cyclical process” (2007, p. 258). Whereas the period within 1999-2004 can be analyzed as an upward phase of the relations, aftermath of 2005 emerges as a downward part of this cycle. This change regarding the perspective of Europeanization after 2005 is not a neglected issue in the literature, however, the common approach to the issue appears to focus on the credibility of EU membership in Turkey’s perspective. Despite having an impact on the shift of pace, this cannot be argued as the only factor. In order to understand this relation better, the progress made during this period should be analyzed in detail. Moreover, Turkey’s goal to be a regional leader, which led AK Party to focus on relations with the Middle East and other regions should be taken into account in order to understand the instrumentalization of the EU accession process between 2007 and 2011.

#### **3.1 Developments between 2007 and 2011**

For instance, between 2007 and 2011, 12 chapters have been opened in EU accession process, and some others were debated in 2007 and 2009, but were eventually vetoed by France and Cyprus (Phinnemore & İçener, 2016). These chapters have been tabularized in Table 3:

**Table 3:** Chapters Opened and Vetoed during EU Accession Negotiations in Turkey (Phinnemore & İçener, 2016, p. 462).

<b>Opened</b>	<b>Debated &amp; Vetoed (either by France or Cyprus)</b>
Enterprise and Industrial Policy (2007)	Freedom of Movement of Workers
Statistics (2007)	Agriculture and Rural Development
Financial Control (2007)	Energy, Economic and Monetary Policy
Trans-European Networks (2007)	Regional Policy and Coordination of Structural Instruments
Consumer and Health Protection (2007)	Judiciary and Fundamental Rights
Company Law (2008)	Justice, Freedom and Security
Intellectual Property Law (2008)	Education and Culture
Free Movement of Capital (2008)	Foreign, Security and Defense Policy
Information Society and Media (2008)	Financial, Budgetary Provisions and Institutions
Taxation (2009)	
Environment (2009)	Food Safety, Veterinary and Phytosanitary Policy (2010)

Disagreements and a general image of the slowing down are reflected in European Commission's 2007 Progress Report. Undoubtedly, Turkey has been discouraged in the accession process, but AK Party continued to establish reforms to get closer to the EU. If we look at Erdoğan's point of view on this subject "We made great progress in harmonizing our legislations with that of the EU expectations. However, our relations with the EU weakened due to the decisions made by the EU state/government presidents on

December 14<sup>th</sup>.” (AK Parti Kütüphanesi, 2007a, p. 116). These decisions, as stated by the President of Milliyetçi Hareket Partisi, were:

(...) The council put aside negotiations with Turkey on eight essential chapters of the negotiation process until Turkey fulfills the responsibilities, which stem from the additional protocol to the Ankara Agreement. (...) Similarly, in case of opening the chapters, which have other obstacles, it is decided that these will not be closed if the Cyprus condition is not met. (...) A three-year inspection mechanism is brought to observe whether Turkey meets these conditions or not. According to this, whether Turkey meets these conditions or not will be evaluated in the progress report, which will be prepared in the upcoming three years. (...) (Bahçeli, 2006).

Taking into account the European Commission’s report and Bahçeli’s discourse we see that after the Cyprus referendum, the EU’s stance towards Turkey is visibly more rigid and this stance had impact on the slowing down of the process.

At the same time, we can talk about the declining support of the Turkish public, which also shaped AK Party’s stance against the EU. As conveyed by Eralp (2011):

According to the 2011 ‘Transatlantic Trends’ survey, public support for EU accession in Turkey -those who think that Turkey’s EU membership “is a good thing”- dropped from a 74 percent in 2004 to 38 percent in 2010 (p.1)

From the statistics, it is seen that the slowdown in Turkey’s EU membership process became more visible after AK Party’s second election victory as the political problems changed AK Party’s attitude towards the EU. With the statistics showing Turkish public’s opinion about European Union membership as above, meanwhile, the EU public’s opinion on Turkey should not be overlooked. According to the survey done by IFOP in 2008, most of the Europeans are against Turkey’s membership of the EU. As reported by IFOP. 67% of people in Holland, Belgium, Germany and France are opposed to Turkey’s membership of the EU, whereas over 50 % of that in Spain, Italy and England do not support it. In public polls of 7 countries, it is found that the country most hesitant about Turkey’s membership was France with 80% (Akşit, Şenyuva & Üstün, 2009, p.11). Looking at the main factors for French opposition to Turkish accession, Akşit, Şenyuva and Üstün (2009) state that:



The political, economic, cultural and migratory dimensions of Turkish-European relations play an important role in French perceptions of Turkish membership to the EU. In autumn 2006, economic and political conditionality is supported by a large majority of French respondents, particularly in the issue of human rights. Fears of encouraging immigration from Turkey are also widely shared by the French. Last but not least, cultural non-compatibility, an argument often raised in the debates about Turkey's "Europeanness", features among the main concerns of the French. (pp. 11-12).

Even though Turkish public was more inclined to support the EU membership, the tension that began with the Cyprus Crisis led to a change of views in both sides towards each other. In the given data, it is seen how the Turkish people's motivation towards the membership decreased throughout the years. Similarly, European Public's being against Turkey's EU membership cannot be neglected.

With a connection to the Cyprus Crisis no matter how much Turkey was eager to join the EU, inevitably problems started to occur. As previously shown in the table above it was decided that eight chapters would not be opened to negotiations due to Turkey's restrictions on Cyprus. AK Party's motivation for the EU accession additionally decreased after that. Second, the EU asked Turkey to abolish all its restrictions on the free movement of the goods with Cyprus. Hereby, the Union expected Turkey to change its previous position on restrictions to Cyprus. Third, negotiations on visa facilitation agreements did not start (Commission of The European Communities, 2007). The majority of Turkish citizens had waited for visa opportunities for a very long time; therefore, this development changed the public view on EU accession in a negative way. However, a real achievement seems not possible as there is a strengthened position of those who argue that the EU simply could not handle the migration flows that the extension of the free movement of people to Turkey could entail (Phinnemore & İçener, 2016). As part of the integration, the Freedom of Movement is looked forward to by the Turkish citizens because this opportunity provides them to be more Europeanized.

As mentioned before because this is a two-sided procedure, Turkey's demands could not be met because the EU also had demands which were stated in the Turkey 2007, Progress Report as:

Pursuing the efforts in aligning with the negative list remains a key issue. Lifting visa obligations for Azerbaijan, Mongolia, Uzbekistan, Tajikistan and Turkmenistan is not in line with the *acquis*. Steps are needed to introduce airport transit visas and to abolish the practice of issuing visas at borders. Turkey continues to require nationals of 35 countries to apply for visas at the borders, including citizens of 17 Member States. The capacity of Turkish consulates needs to be further enhanced to check for forged and falsified documents. Turkey needs to pursue its efforts to align with EU security features and standards for visas and travel documents (p. 64).

When focused on the requirement of changes to the visa regime, both sides can come to an agreement. However, it is very clear that after all these years this problem cannot be solved by either side. If we consider the problems that Turkey has faced in this process, from the side of EU, one of the EU's most powerful countries, France blocked 5 chapters (*Table 4*) with the reasons of blocking the possible membership of Turkey, who is not a part of Europe. The reason behind France's blocking the membership is the approach towards Turkey of the then president, Nickolas Sarkozy. This indicates that the relationship of Turkey and EU has a structural problem, which is far from the Cyprus issue (Altuntaş, 2018).

**Table 4:** Chapters Vetoed by France (Phinnemore & İçener 2016: 462).

Chapter 11: Agriculture and rural development
Chapter 17: Economic and monetary policy
Chapter 22: Regional policy and coordination of structural instruments
Chapter 33: Financial and budgetary provisions
Chapter 34 – Institutions

On the other hand, Turkey also faced challenging problems in its domestic policy. To illustrate, in the Turkey 2007 Progress Report it is mentioned that the strained relations between the president and the government, because of the President's veto on several laws concerning the reforms, slowed the way for the necessary political reforms. Corruption was also considered as an important issue since "corruption incidents, particularly in local government, were frequently covered by the media" (Commission of The European Communities, 2007, p. 11) and an anti-corruption legislature was seen necessary.

On the other hand, there was another issue about human rights chapter as it was mentioned by Bogdani:

The AKP has enacted some reforms, such as the abolition of death penalty, the prohibition of torture of prisoners, and improvements in women's, children's and trade unions' rights, etc. However, the human rights argument against Turkish membership remains a major stumbling block in negotiations (2011, p. 27).

Although Turkey has progressed regarding human rights and the execution of ECHR judgments, the ratification of the Optional Protocol to the Convention against Torture (OPCAT) was still a necessity (Commission of The European Communities, 2007, p. 8 & 56). According to the Commission of the European Communities Report, the Turkish legal framework also needed improvements regarding human rights violations by security forces before detentions start. As stated in the report, Turkey had progress in human rights, however; the EU did not see it enough. (Ibid, p. 56)

Another important issue was the democratic progress and internal dynamics of Turkey, this argument can be supported with the 2007 Progress Report mentioned above. As one of the issues concerning the internal dynamics of Turkey, freedom of religion was necessary to be applied through developed laws regarding all religious communities. The Interior Ministry acknowledged that crimes against non-Muslims and their worship areas were increasing in a circular letter they issued. Certain measures were crucial to avoid such events and the tolerance towards different religion groups needed to be improved. However, as stated in the report: "Non-Muslim religious communities continue to face problems such as lack of legal personality and restricted property rights... the environment

as regards freedom of religion has not been conducive to the full respect of this right in practice.” (Commission of The European Communities, 2007, p. 17). This does not necessarily mean that Turkey did not look into the problem. As mentioned in the RAND Corporation’s publication, the Turkish government attempted to improve the conditions of the non-Muslim communities: “The AKP’s agenda of opening space for religion in society could increase the ability of non-Muslim religious communities to operate more freely” (Rabasa & Larrabee, 2008, p. 66). AK Party government acknowledged the situation by emphasizing that AK Party sees the EU negotiation process both as an integration and a restoration process that enhances Turkey’s political, economic, social and legislative standards (AK Parti Kütüphanesi, 2007b, p. 48). As social standards include conditions of the non-Muslim minorities, we can infer that Erdoğan touches upon the situation. However, despite the liberalization of strict rules regarding the governing of minority-run foundations, the EU finds the implementation of the necessary measures for such issues insufficient.

The EU has gradually lost credibility taking into account the suggestion about privileged partnership rather than full membership. Turkey stands her grounds on not accepting privileged partnership. This is stated by Erdoğan as “In this path we set off for full membership, it is not possible to discuss other options.” (AK Parti Kütüphanesi, 2008, p. 125).

Although Turkey failed to progress as initially planned, the slowing down in the relationship between Turkey and EU is not only due to Turkey’s actions but also reflects the will of EU to pursue this privileged relationship with Turkey, and not to extend it to a full membership.

As negotiations proceeded, five chapters were opened in 2007, these were chapters 18, 20, 21, 28, 32 respectively, Statistics, Enterprise and Industrial Policy, Trans-European Networks, Consumer and Health Protection, Financial Control. On the other hand, different approaches became evident within the EU member states; there even occurred stronger opposition against Turkey’s membership.

For instance, the position of France with the impact of Nicolas Sarkozy, French president at that time, stemmed from the argument that Turkey is not a European country in terms of culture or geography (Eralp & Torun, 2013). Moreover, France informally blocked the opening of the Chapter 17 Economic and Monetary Policy on the grounds that ‘it would bring Turkey closer to membership’, and the process faced a second French veto on four additional chapters which are chapters 11, 22, 33 and 34 respectively, Agriculture and Rural Development, Regional Policy and Coordination of Structural Instruments, Financial and Budgetary Provision, and Institutions (Turhan, 2016). “By the end of 2009, member states’ unilateral decisions to freeze chapters in Turkey’s accession talks became normality” (Ibid, p. 469). To illustrate:

Out of the 35 negotiation chapters for EU accession, divided on specific areas such as transport or environment – eight are already blocked until Turkey recognizes the borders of Cyprus and opens its ports and airports to vessels from this country (Pop, 2009, para. 5).

Thus, the slowing of the negotiations was the result of the attitude of the EU towards Turkey, and the restrictive attitude of member states affected the negotiation period between Turkey and EU. Whereas, AK Party, specifically Erdoğan responded to this situation by stating:

We are aware that the responsibility of being an EU member does not just rely on adapting political and technical legislation but also the culture of reconciliation. This vision of ours aims to construct a cooperation block in which Turkey, Greece and Cyprus will take place around the frame of a just and solution-oriented Cyprus (AK Parti Kütüphanesi, 2008, p. 124).

As France’s attitude towards Turkey stiffened, Erdoğan’s approach towards the accession was still determined. However, the Cyprus issue cannot be overlooked as one of that factors that affect the attitudes towards the accession. As the relations became tenser, it became inevitable for both of the sides to face hardships. At the same time, people who knew Turkey and Turkish citizens better than some European politicians continued to share positive opinions towards Turkey’s EU accession process, such as Günter Seufert who was one of the coordinators of Germany’s Orient-Institute in İstanbul.

He said that the EU should learn from its former mistakes and make a fresh start. He underlined the aim of Schuman and Adenauer - founders of the European Community which was more than writing down subjective traditions of each state. Then, he argued that the EU as a supranational body should give up its biases caused by religion, language, culture and history towards Turkey. In addition, he noted that Turkey achieved to pass several adjustment laws since its candidate status became clear in 1999. Additionally, he emphasized that Turkey's understanding of Islam is different from many other Muslim countries: parliamentary democracy rules Turkey, and has no tradition of violence, terror and underground affairs. What's more, it has been highlighted that between Turkey and EU there is a serious interdependency and they cannot give up working with each other as there are several interests caused by history, geography, politics and economy (Seufert as cited in Dalar, 2018).

As Hüseyin Bağcı mentioned (2018), the appointment of Egemen Bağış as Chief Negotiator for Turkish Accession to the European Union, in 2009 showed strong determination of Turkey; because this step later led to the founding of a ministry especially for the European Union. This particular action showed that Turkey attached importance to the relations with the EU. In addition, the most important progress in 2010 was the approval of the referendum on the constitutional amendment package in September. Removal of limitations in the national remainder system, thanks to constitutional amendment package, strengthened the Turkish democratic system. Moreover, the EU opened some chapters, such as food security, veterinary, and phytosanitary in 2010. Turkey established Ministry of European Union Affairs in 2011 and it showed the desire for full membership. (Bağcı, 2018)

These stances against Turkey's membership within the EU and the slowdown of the process had significant effects on Turkey's both domestic and foreign policy since the membership to the EU was quite important for Turkey, as AK Party Election Manifesto for the 2007 General Elections mentioned. "AK Party evaluated the EU membership process both as an integration process as well as a rebuilding process that improves political, economic, social and legal standards." (2007 Genel Seçimleri AK Parti Seçim

Beyannamesi [2007 General Elections AK Party Election Manifesto], p. 225). AK Party aimed to achieve EU standards in various areas, especially regarding fundamental rights and democracy. The main problems during the membership process were identified and solutions were searched for within the AK Party's political agenda: "Because in previous periods Turkey was not properly prepared and lacked developments in democratic standards, she missed important chances during the expansion period of the EU." (2007 Genel Seçimleri AK Parti Seçim Beyannamesi [2007 General Elections AK Party Election Manifesto], p. 224). Developments both in domestic policies and in its relations with the EU influenced the membership process. Despite some political problems such as the Cyprus issue, AK Party pointed out the importance it gave to EU membership:

Turkey's programme for alignment with the *acquis* was a concrete indicator of Turkey's determination for leading the country to highest standards regardless of the political problems it faced during the EU membership process (2007 Genel Seçimleri AK Parti Seçim Beyannamesi [2007 General Elections AK Party Election Manifesto], p. 225).

The contradiction between the ambition of Turkey towards the EU membership and the progressing Turkish skepticism among the member states affected the negotiations unfavorably. However, neither of the parties were inclined to abandon the negotiation process completely. Thus, Barysch (2010) argued that relations should proceed, and Turkey can remove the obstacles by further efforts.

From the statements above and what Barysch has claimed, it can be seen that the common perception of what was going on at that time is that the negotiations were slowed down due to given reasons and even so the membership process was not completely abandoned and the expectations regarding the negotiations remained for the year 2008:

In 2008 the main task falls to Turkey. The Turkish government, who stepped on the breaks in 2007, should set up an Ombudsman with the laws of "Vakıflar" and "Court of Accounts", especially the change of Article 301 of the TCK. Many of the 35 chapters await the "actions" of the Turkish government, which does not fulfill the "opening criteria" (Lüle, 2008, January 1, para. 6).

Lüle points out that Turkey has to take action, however; Lüle is not the only person thinking this way, his ideas were what the nation thought at that time. Although such goals were expressed and the Turkish government planned to meet the expectations, another important domestic issue occurred which disturbed the process.

In 2008, the Constitutional Court opened a case to close AK Party down with the accusations of anti-secular activities (Höjelid, 2010) and it was asked of a ban on 71 members of AK Party from public office for 5 years (CNN, 2008). This important event had caught the attention of the EU; thus, they declared their concern about the EU membership process:

The EU Presidency has asked the case to be tied to the result by ‘observing the highest democratic standards in respect of the will of the Turkish people in the last election’, stating that they are worried about the case (Hürriyet, 2008, para. 1).

With the opened case, the expectations to make connections stronger between EU and Turkey in the year 2008 had decreased. According to the EU norms, any restrictions against any political party for conveying their own thoughts and beliefs are not welcomed.

With the above statement in mind, the idea of closing of AK Party took off points from Turkey as the EU saw it as lack of political freedom in Turkey. Only after two weeks of the court opening the case, the European Parliament discussed Turkey’s situation. Concerned with the relations between Turkey and the EU, Lüle reported what was going on there.

European Parliament Dutch rapporteur on Turkey, Christian Democrat Ria Oomen-Ruijten said that “judicial procedures have still not been sufficiently improved as regards their efficiency and rules to ensure the right to a fair and expeditious trial”. (European Parliament, 2012, p. 42). The Rapporteur, stating that there is an elite stratum consisting of army and judiciary, gave the example that despite the parliament’s decision on "the headscarf freedom” universities do not enforce this and said that "I do not know of a similar country in the world". (Lüle, 2008, March 27, para. 1) The rapporteur said that attempts to shut down the party did not comply with European standards and that



judicial reform was necessary. She also stated that the Turkish government gave the messages of determination on the reforms, however there is no time to lose. (Lüle, 2008, March 27, para. 1)

The rapporteur emphasized that Turkey should focus more on the EU membership process as the Government has made promising developments up till now (Lüle, 2008, March 27, para. 1). From these statements, we can infer that the AK Party is forced to consider both its domestic and external policies because they are faced with a legal case that could lead to their dissolution. This reaction from the European parliament clearly indicates that the regime had the support of the EU. We can see this support when the court ruled against the closing of AK Party and gave its reasons. What AK Party did, until this period, regarding the changes for the EU's criteria, played a crucial role in changing the case for AK Party's benefit.

In about five months after the case opened against AK Party, the court ruled against the closing of AK Party by one vote (Shambayati and Sütçü, 2012). The justification for this decision of the court was "Even though AKP posed a threat to secularism of the republic, it had also advanced the cause of membership to the European Union" (p. 119). What AK Party had done for the accession process, such as enhancement of the basic human rights, concerning the EU accession, played a crucial role in the court's rule in rejecting the closure of AK Party.

Human rights violations have always been the most significant points that the EU member states opposed in Turkey's EU accession process. In the AK Party period, several steps have been taken to solve human rights and freedom issues. For example, in 2008, Prime Minister Erdogan initiated to change the Constitution to lift the ban on Muslim headscarves in schools and institutions. The Parliament quickly passed two constitutional amendments. Regardless of some critics, AK Party supported its move as the ban represents a violation of human rights and freedoms and deprives some women of the right to higher education. This move not only created additional sympathy to AK Party in Turkey but also the EU welcomed it. (Bogdani, 2011). The Europeans do not appreciate such limitations on religion and religious symbols. For instance, there was a case that seen

by the European Court of Human Rights (ECHR) called “Kurtulmuş v. Turkey” in January 2006 that is about a university professor who desire to wear headscarf at work. For this case the court declared inadmissibility as it is a domestic issue but stated:

That she should be deemed to have resigned as a result of wearing the Islamic headscarf constituted a breach of her rights guaranteed by Articles 8 (right to respect for private life), 9 and 10 (freedom of expression) of the Convention (ECHR, 2018, p. 3).

We see that after two years from the ECHR case, AK Party took action in providing the long-desired freedom of religion to its nation. This action from AK Party proved the EU that AK Party gave importance to freedom in the way that EU does.

On the one hand, we can analyze this issue as a matter of domestic sphere; however, the impact of the case of closing down the AK Party, which was the governing party, was not limited to internal affairs. Thus, leaving the EU membership negotiations aside for the time being was inevitable. “As a result of intense domestic debates in Turkey, especially the dissolution case of the AK Party in the Constitutional Court, the EU process has become of secondary importance for the AK Party.” (Çiçek, 2012, p. 106). Consequently, this issue emerged as another factor in slowing down of the process.

Another important development in the years 2008-2010 was how the relationship between the two leaders in Cyprus changed and how it affected Turkey’s relations with the EU. As reflected in Carlucci and Melchionni (2011), as the two leaders, Christofias and Talat, started talking to each other, EU-Turkey relations made a slow progress throughout 2007-8. However, with the election of a nationalist leader at the Turkish side, Eroğlu, the positive connection stopped. Since Turkey already has a strong connection with the Northern political leadership and the Southern side was already accepted to the EU, Turkey’s relations with the EU were inevitably damaged because the tension between Northern and Southern Cyprus increased. As long as there is no unity between the two leaders in Cyprus, the Cyprus issue will always come up as a hindrance to Turkey’s accession process.

The EU saw the 2009 investigation as an opportunity to look deeper into previously made coup plans, as positive developments concerning Turkey's proper functioning of its democracy and rule of law. At that time, the EU was on the side of AK Party and Turkey, the EU appreciated the development of getting the army less involved in politics and relations became better. On the other hand, the fact that a case was going on to dissolve the political party DTP that year raised concerns, so the EU emphasized that Turkey should consider the European standards when it comes to acting upon dissolving parties (Commission of The European Communities, 2010).

Additionally, on the EU side, there were some other negativities, that could affect the Turkey-EU negotiation process. For instance, Cyprus that has some critical political issues with Turkey, entered to the Eurozone in 2008. Moreover, the famous economic crisis of 2008 caused severe conditions for many member states. In addition, this led to the increase of radicalism in the EU. In spite of this negative framework, the EU opened chapters in June 2008; chapter six included company law, and chapter seven contained intellectual property law. In addition, the EU opened chapter four which involved free movement of capital, and chapter ten which included information society and media in December of the same year, too. (TC. Avrupa Birliği Başkanlığı, 2015).

Thus, as much as Turkey gained positive progress in the negotiation period, in areas like politics it has not acted up to the EU standards which kept slowing down the process even though it seemed like progress was being made.

As a change of attitude started from both sides, we cannot ignore the fact that Turkey was occupied with internal and external political challenges. An example to the external challenges is what happened at the Davos Summit World Economic Forum in January 2009, where many leaders from around the world gathered to discuss how to overcome the financial crisis and what they should do in the aftermath. At the summit, a disagreement between Turkey and Israel broke out as they discussed what to do about Palestine. This incident raised many questions concerning Turkey's EU membership process and critics made many arguments. International Crisis Group's Turkey representative Hugh Pope emphasized, "Erdogan's attitude did not mean Turkey turned

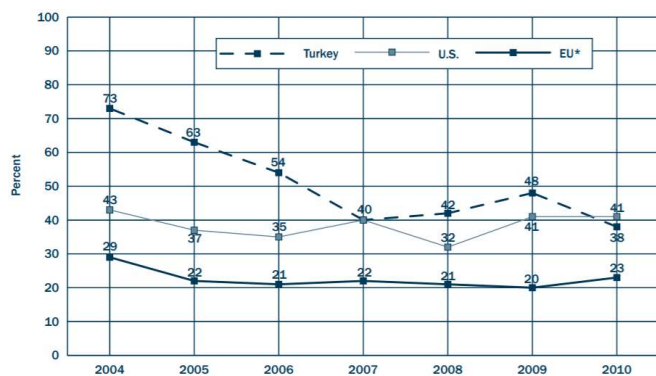
her back at the EU” and “It is wrong to turn Davos into questions about whether its drifted Turkey apart from the West”. (Pope, 2009, para. 3). As seen in this analysis, Turkey did not give up on becoming a part of the EU even after the hardships she had faced. Erdoğan’s following statements support Pope’s. He asserts “The West and the East must make up on grounds of a healthy dialogue. I believe that Turkey can provide this ground the best and the EU membership will strengthen it.” (AK Parti Kütüphanesi, 2009, p. 16) Erdoğan does not just point out Turkey’s dedication to becoming an EU member but also mentions how it will help strengthen the relations between the West and the East. During the period in which a world financial crisis was going on, Turkey had to save herself through taking the actions to become a part of the EU, which we can be seen in the following remarks.

As Hugh Pope states, the external investments flooded into Turkey as result of the EU negotiations in 2005 and have fallen as result of Turkey slowing down in its path towards EU membership and not because of the financial crisis (Pope, 2009, para. 6). Therefore, if Turkey fulfills the EU criteria and completes the integration, it is inevitable for her to reach EU standards politically, socially and economically. In addition to the statements above, it is important to consider the thoughts of Olli Rehn, European Commissioner for Enlargement. Rehn talks about three dimensions regarding the EU’s relations with Turkey. First, he emphasizes that the negotiations between Turkey and the EU are going humbly but persistent, and Turkey is a strategic partner of EU (European Commission, 2009 June 26). If this remark made by a high positioned authority member is to be interpreted, it can be seen that the EU is aware of the fact that Turkey is slow on the accession but also, she has not completely lost her connections. The problems mentioned before, and a couple of others have not completely ended the connections. Secondly, Rehn mentioned the progress made on freedom of expression according to the changes in the 301<sup>st</sup> article in the Turkish Criminal Code; likewise, the Law on Charity rights of the non-Muslim minorities was strengthened. (European Commission, 2009 October 14) In this part it is understood that the changes made on the 301<sup>st</sup> article were delayed. However, it also shows that Turkey took a step towards the EU, as the EU’s demands on this issue were mentioned before. In addition, AK Party worked on

strengthening the right of non-Muslim minorities, however it was not enough in the eyes of the EU, and they were expecting more reforms from Turkey (European Commission, 2009 October 14).

As developments were in track, what were the views of the Turkish people on the European Union? To answer this question, we can examine the studies of Transatlantic Trends (2010) that can be seen below:

**Table 5:** Percentage of people in Turkey, the U.S. and the EU who believe that Turkey joining the EU would be a good thing (Transatlantic Trends 2010: 24)



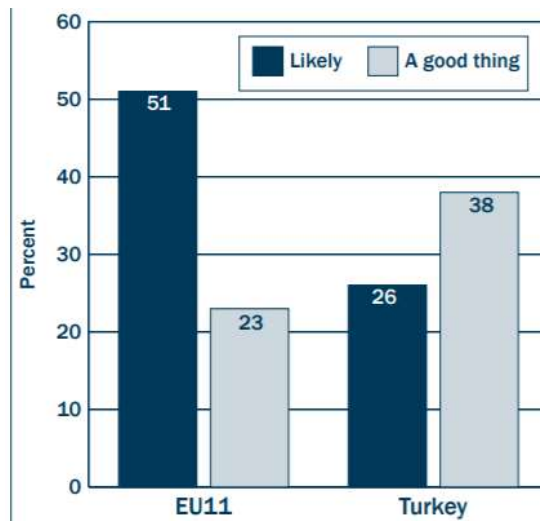
As showed in the chart, while the Turkish public support on the EU accession was as high as 73 percent at the beginning of the accession period, the approval rate dramatically dropped to nearly 40 percent throughout the following years.

On the other hand, the public support for Turkey’s EU membership was always at low levels in the EU countries (approximately 20 percent).

Looking at another chart from the Transatlantic Trends (2010), whether it is a good thing that Turkey joins the EU, the Turkish public view that sees a possible membership as a good thing was only 38 percent and 26 percent saw a future membership likely. The percentage on the side of EU countries was much lower at 23 percent seeing Turkish membership as a good thing, but the belief in a possible future Turkish accession was seen much more likely with 51 percent.

The recent developments inevitably affected the views of the Turkish people in a negative way. The policy makers of a country cannot be analyzed independent from the society's perception.

**Table 6:** Percentage of people who consider that Turkey joining the EU is likely or a good thing; in EU and in Turkey (Transatlantic Trends 2010: 25)



The changes in the society's perception affect the process in an inevitable way. Slowing down of the reforms and weakening of the relations between the European Union and Turkey can also be analyzed from this perspective. Yet, both for AK Party and the EU authorities Turkey was still an essential actor in the field. We can drive this from the words of Marc Pierini, President of European Commission Delegation to Turkey, "We see that the Turkish Government is taking steps to improve relations with the EU." and "Of course these do not destroy the difficulties with the chapters. However, these steps show a strong political message. I believe there will be a stronger and newer acceleration." (TC. Avrupa Birliği Başkanlığı, 2009 February 6).

### **3.2 The Euroscepticism and the Instrumentalization of the EU Accession Negotiations**

As it was written in Chapter 2, the harmonization packages through which Turkey adapted its domestic affairs to the European Standards within the framework of the Copenhagen Criteria, had effects on the AK Party government program, in the sense that, once the reforms of liberalization of democracy were applied, the rigid schemas of bureaucratic secularism were less oppressive. For Sipahioğlu, taking into consideration the compatibility between European liberal democratic values and AK Party political agenda, “AK Party had the chance to use Europeanization process as a source of legitimacy for its disputed conservative democracy” (Sipahioğlu, 2017, p. 59).

Analyzing the whole period, it is argued that the AK Party government successfully started to fulfill the democratic criteria of the EU; this enabled Turkey to initiate the membership negotiations in 2005. However, starting with 2007, the approach of the Turkish government is argued to be a “loose Europeanization” (Saatçioğlu, 2014, pp. 86-87).

This liberalization process not only had an impact on the political affairs of Turkey, but also on the projection of economic growth, especially the opening of new market networks. During this period, improvements in line with the EU membership goal allowed the AK Party to consolidate its power on the Turkish elite and expand its influence on the armed forces and the higher judiciary spheres (Aydın-Düzgit and Kaliber, 2016). Besides, AK Party consolidated its hegemony through its successful outcome in the 2011 elections, and used the Euro-skepticism atmosphere among citizens, in order to show that Turkey depended less on the European Union. Hence, AK Party had taken a new geopolitical role in the light of its ideological agenda (Alpan, 2016).

As mentioned in Sipahioğlu (2017), it was conceived that AK Party's perspective during its second electoral period, was focused on the instrumentalization of the negotiations with the EU, taking into account, the uncertainty after the decision given by the European Commission on freezing 8 chapters. Likewise, diverse difficulties emerged

during this negotiation term: (I) The altercations with Austria and Germany, about the inappropriateness of Turkey to join the EU (Saatçioğlu as cited in Sipaoğlu, 2017, p. 57); (II) the constant criticism by the EU regarding the Kurdish Question and the Cyprus issue (Yılmaz, 2011, p. 186); and (III) the economic crisis in the Euro Zone and its impact on Turkish exports (Uygur, 2010, p. 37). These affected dramatically the trust of AK Party in terms of the credibility of the European Union.

All things considered, AK Party used the accession talks to improve its domestic and international reputation in order to maintain the idea that AK Party was a pro-EU political organization. This would generate expectations among Turkish citizens regarding the improvement of quality of life standards-free circulation, European citizenship status, reinforced labor rights, etc. Besides, AK Party tried to create the perception that its membership in the EU would bring benefits to the European Union, not only by increasing the Community Budget, but also, by producing a collateral geopolitical effect, for example, the possible candidacy of Ukraine to the EU (Alpan, 2016, p.23).

During 2000s, it is apparent that Turkey utilized its relations with the EU in order to strengthen its position within Middle East. For Günay and Renda, “strategic usage of the EU by the Turkish foreign policy elite has been quite central in their diplomatic visits to the Middle East” (Günay & Renda, 2014, p.58). The main argument behind this decision was that, through the process of Turkey’s accession negotiations, the Middle East would have benefits as a region if Middle Eastern countries advance their political and economic relations with Turkey.

The EU has also been used strategically by the Turkish actors to make the argument that stronger political and economic ties with Turkey also has benefits for the Middle Eastern political elite as Turkey’s membership to the EU would serve as a political asset for them. (Günay & Renda, 2014, p.59)

The perspective of AK Party during the period 2006-2011, had evident fluctuations in comparison with the first period of the accession negotiations. On the one hand, Turkey had significant economic growth during the second AK Party election period as a result of the new economic model of market liberalization implemented. On the other hand, the



various disagreements with members of the European Union and the concept of "open-ended negotiations" (European Council, 2005, p.5) - as a possible alternative status for Turkey - as well as the freezing of negotiations over eight chapters in 2006, made Erdoğan's speeches transit from a conciliatory tone, to a pessimistic and hostile conception about the possibility of entering the European Community in a relatively short time.

The political reforms during the second half of 2010 in Turkey, had effects on the European Commission Progress Report (2011), especially the accomplishment of the Copenhagen Criteria about the new Constitutional amendments carried out by AK Party. According to the European Commission, "a new Constitution would cement the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities and address long-standing problems, including the Kurdish issue." (European Commission Progress Report, 2011, p. 7). In order to achieve those purposes, the amendment process "need[ed] to guarantee an inclusive process with the involvement of all political parties and civil society." (European Commission Progress Report, 2011, p.7) The Constitutional reform was considered as a positive issue by the EU, taking into account the potential strengthening of the Turkish political institutions and the improving of the relations between State and social society. This was elaborated in the report as follows:

The governing party has pledged a democratic and participatory process with the broadest possible consultation. The Parliament Speaker consulted constitutional lawyers on the process of drafting and adopting a new constitution; he also authorized the launch of a website to function as a forum for public contributions and has started the nomination of three members from each of the four parties present in Parliament for the ad hoc drafting committee. Further concrete steps need to guarantee an inclusive process with the involvement of all political parties and civil society (European Commission Progress Report, 2011, p. 7).

However, the most sensitive point of the Constitutional amendments, was based on the notably reform of the judiciary in 2010. The Law on the High Council of Judges and Prosecutors (HSYK) was adopted in December 2010 in order establish "a new composition of the members of this High Organ" (European Commission Progress Report,

2011, p. 14). This law, together with the constitutional amendments were approved by a referendum in September 2010.<sup>10</sup> According to the European Commission, this reform was “more pluralistic and representative of the judiciary as a whole. Sixteen of its judicial full members (out of twenty-two) and all twelve substitutes are now elected directly by judicial bodies” (European Commission Progress Report, 2011, p. 14). This judgment was not shared by the opposition parties and certain activist groups. Üstün (2017) writes:

The opposition parties and various activists were strongly against this kind of judgment. CHP argued that this amendment would only bring more partisan judges into the judiciary system (Referandumla Değişen Anayasa Maddeleri, 2010), MHP protested, since these changes would mean politicization of the judiciary system, and it has also been critical of the Ombudsman, by arguing that this new institution would be utilized as a tool to recruit AKP supporters only (p. 90).

During this term, AK Party engaged in selective Europeanization. According to Kaliber, the process of modernization and westernization of Turkey was based on international and economic program, much more than reformulation of democracy issues and concerns about human rights and rule of law (Kaliber, 2012, p.63).

In consequence, the Progress Report (European Commission, 2011) observed its concerns about freedom of expression, including media freedom during 2011 electoral process, especially in the reporting of votes. (European Commission, 2011, p. 5)

Despite these, on October 31, 2012, in the meeting between Turkish Prime Minister, Tayyip Erdoğan and the German Chancellor, Angela Merkel, Turkey set a deadline for EU membership by 2023. (Deutsche Welle, 2012, para. 6) According to Erdoğan’s speeches “the EU's latest progress report on Turkey wasn't particularly flattering: It complained about breaches of freedom of speech and the right to free assembly and said Turkey's democratic reforms had come to a standstill.” (Der Spiegel, 2012, para. 4) Besides, Erdoğan said he regretted the lack of progress. “He made plain how honest he thought Europe was being with Turkey on Tuesday evening at a conference

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<sup>10</sup> The government consulted the Venice Commission of the Council of Europe (European Commission, 2011, p. 14).

on Europe when he accused the EU of engaging in delaying tactics.” (Der Spiegel, 2012, para. 5) “Asked if Turkey would become a full member of the EU by 2023, he said: "They won't keep us waiting that long, will they?" If they did, he added, "then the EU will lose, at least it will lose Turkey." (Der Spiegel, 2012, para.6).

On the other hand, in November 12, 2012, Erdoğan asseverated that “in the face of deaths, murders, if necessary, the death penalty should be brought back to the table (for discussion),” (Chicago Tribune, 2012, para. 4). The Prime Minister was referring to the spreading violence due to the Kurdish issue. As it was discussed in the Chapter I, abolition of the death penalty was the most important requirement for EU entry. According to Daren Butler (2012) “Turkey’s progress towards EU membership has ground to a virtual halt in recent years amid opposition from France and Germany and Erdogan has become increasingly dismissive of the bloc, focusing instead on Turkey’s role as a regional power.” (para. 4)

Furthermore, Başak Alpan argues:

It is true that ‘Europe’ has lost its central role within political debates, as argued elsewhere, accompanied by a growing scepticism and indifference in Turkish society towards Europe and even a turning away from Europe in many spheres of politics and society in Turkey (Alpan, 2016, p.25).

On October 10, 2012, The European Commission published the European Progress Report regarding the evolution of the items during the 2011 period. European Progress Report (2012) stated that Turkey had increased the regional influence on North Africa, supporting the developments and political reforms in that region (p. 5). At the same time, during the reporting period, Turkey aligned itself with, just 53% of 70 relevant EU of declarations and Council decisions. This situation affected the Common Foreign and Security policy (CFSP) because Turkey did not align itself the Council decisions on Syria, Iran, Libya Tunisia, Egypt and Bahrain. (European Progress Report, 2012, p. 87) Besides, Turkey did not sign the Rome Statue regarding the International Criminal Court Jurisdiction (European Progress Report, 2012, p.87).

Thus this second period, which is called as “instrumentalization” of the relations with the EU, by the academia, was followed by the transition towards a "de-Europeanization" of Turkey, which will be analyzed in the fourth chapter, again on the basis of academic sources and the statements of the EU representatives.

### **3.3 Conclusion**

The period between 2007-2011, during the second government of AK Party, shows the EU-Turkey relations and the accession negotiations as rather slow and stagnant in contrast with the first period. This situation occurred as a result of international and domestic developments, and reciprocal perspective changes. The loss of motivation of the AK Party in the accession process to the EU, was mainly based on the criticism from member states whose interests were negatively affected with the potential accession of Turkey. The geopolitical conflicts with Cyprus, the embargo of the EU to the North of the Island, the decision on open-ended negotiations, were the main triggers of the Euro-sceptic ideas in the country during this period.

Even though the international developments and the criticisms in the Progress Reports had a huge impact, the domestic issues also played an important role in the new pace of the process. For instance, the economic crisis and the case of closing AK Party were crucial developments within this period which occupied the government’s attention.

However, AK Party took advantage of the negotiations to consolidate its power in the domestic affairs and also to increase its international influence through rapprochement with Arab and African countries. Moreover, Turkey utilized its accession negotiations with the EU by asserting that Turkey’s candidacy would benefit not only itself but also the Middle East region all together. Thus, Turkey aimed to improve its relations with the other regional actors through its status of candidacy. The instrumentalization of the EU accession talks had effects both on the EU and to Turkey itself. For instance, AK Party took advantage of economic and commercial liberalization by attracting investors from

other latitudes; and this was met with suspicion by the European Union and further fragmented the links between them:

The relative stagnation of the European markets, combined with growing economic and diplomatic ties with Russia, the Middle East and North Africa may push Turkey further away from the path of EU membership towards an alternative trajectory of an assertive and independent regional power (Öniş as cited in Sipahioğlu, 2017, p. 63).

As a consequence, this period can be called as an example of “loose Europeanization”. In this manner, the uncertainty regarding a final decision of Turkey’s status in the EU accession talks, further moved away the parties in the negotiation, resulting in a process of de-Europeanization period, as the academia and the representatives of the EU institutions point out.

## CHAPTER 4

### THIRD GOVERNMENT OF AK PARTY BETWEEN 2011 AND 2017: DE-EUROPEANIZATION

The accession talks between the EU and Turkey started slow-down during 2005-2006, when the Progress Report of the European Commission (2005) affirmed that the efforts made by Ankara in the implementation of the nine harmonization packages, supposed an important change in the domestic political system; nevertheless, those adjustments could not be enough in order to access directly a full membership. For instance, “in the EU, not only the requirements of Copenhagen Criteria were debated but also high population and democratic growth were also subjects of the discussions” (Sipahioğlu, 2017, p.55). Regarding this issue, Tayyip Erdogan “gave a speech in a party group meeting in a waning tone to the EU not to insist Turkey any more criteria other than Copenhagen Criteria” (Radikal as cited in Sipahioğlu, 2017, p.56) and his position got stricter when AK Party assumed its third government in 2011. Indeed, the Euro-Skeptic atmosphere regarding the EU accession talks, dates back from Erdogan’s speeches during the second government term 2007- 2011 (Yılmaz, 2011, p.196); however, after 2011, academics point to a de-Europeanization process in Turkey.

Accordingly, the negotiations between the EU and Turkey moved into a new era, within which European standards are removed gradually from the Turkish political affairs. This disarticulation of Copenhagen criteria is known as de-Europeanization process. An important issue that may show this process is the shift of AK Party occurred in November 19, 2013, when AK Party took one of the most controversial decisions during its third election period: Turkey left the European People's Party (EPP) and decided to join the group Alliance of European Conservatives and Reformists (AECR) in the European

Parliament (Sipahioğlu, 2017 p. 56). The reason why it could be considered as an indicator of the shift towards de-Europeanization and why it was criticized domestically is that “AECR is a Euro-sceptic group which votes negatively for the EU enlargement” (Sipahioğlu, 2017, p.62), however, AK Party justified its action according to the fact that EPP did not change Turkey's status from the *observer member to permanent member* (Sipahioğlu, 2017 p. 62). It must be stated that, Erhan İçener, considered that AK Party’s attitude was an appropriate political strategy. He expressed that "AK Party becomes the political party that makes Turkey closest to the EU" (İçener as cited in Sipahioğlu, 2017, p. 62).

Apart from that, AK Party's foreign policy was managed in a double approach between the Arab world and the European Union, as European Progress Report in 2012 affirmed (European Commission, 2012, p.89).

Since AKP positioned itself in Muslim countries and acted like a representative of a model democracy, which shows AKP gained alternatives to EU that led the way to de-Europeanization. This does not totally require for Turkey to give up EU reforms... As long as AKP believes the outcomes of the reforms outweigh the costs of the reforms, the full integration process could be continued (Sipahioğlu, 2017, p.64).

Turkey’s power that is coming from its regional status implies that AK Party government has won strategic alternatives to the EU over the past years, moreover, it is argued that these alternatives might have had a role to play in AK Party’s Europeanization policy. However, this argument is not 100% accurate. Turkey’s foreign policy in the Middle East might be an asset for its relationship with the EU since the Union can only benefit from the country’s rising influence in the region. Despite the rising strategic relations with the Middle East and the weak credibility of the EU membership perspective, the Turkish political elite and the AK Party are still strongly committed to the goal of EU accession (Saatçioğlu, 2014).

As explained in second chapter, the global crisis during 2008-2012 affected the Turkish economy. In consequence, AK Party took distance from its European partners and

looked for other market alternatives. According to Sipahioğlu (2017), Turkey sought to stabilize itself as an independent economic and geopolitical power far from Europe:

The foreign policy of the AKP in recent years is partly driven by economic considerations and there is a clear attempt to diversify Turkey's economic relations away from Europe at a time when the EU itself is going through a period of deep economic and financial difficulties (Sipahioğlu, 2017, p.63).

The slowing down of the reforms regarding the negotiation process due to the changes in the foreign policy agenda and the economic dynamics can also be seen in Öniş's article:

The relative stagnation of the European markets, combined with growing economic and diplomatic ties with Russia, the Middle East and North Africa may push Turkey further away from the path of EU membership towards an alternative trajectory of an assertive and independent regional power (Öniş, 2010, p. 374).

Ercüment Tezcan and İlhan Aras (2015, p.16) agree that the de-Europeanization became evident when Turkey was more focused on other geopolitical allies rather than the EU.

This chapter will further analyze the factors that led academics to characterize the period between 2011-2017 in Turkey as de-Europeanization and played a role in this period. (I) Gezi Parkı Protests; (II) The development of "functional cooperation on the Syrian refugees question"; (III) The failed coup attempt in 2016 and the constitutional referendum in 2017.

#### **4.1 Gezi Parkı Protests**

During 2013, the Gezi Parkı Protests constituted the most important socio-political event, during the third government of AK Party's era. Letsch points out that as a result of it, the relation between AK Party and civil society in Turkey suffered serious tensions taking into account the accusations against Erdoğan to impose an "authoritarian regime" (Letsch, 2013). The protests started by expressing the general dissatisfaction with a



building project - a shopping Centre- inside of Taksim Square in Istanbul. But for many, the discussion was not based on the demolition of one of the most important historical and cultural symbols for Turkish people (Batuman, 2005) but also, the perception about the lack of democratic decision-making process and social consensus (Letsch, 2013).

What initially had implications in the Turkish domestic affairs, - especially in matters of freedom of assembly and freedom of protests- had a direct impact between Turkey and the EU accession talks (Akçalı, 2015, p.31), particularly when the top diplomats of the European Union, Catherine Ashton<sup>11</sup> and Štefan Füle<sup>12</sup> coincided in their statements about the disproportionate use of force by members of the Turkish police (European Commission, 2013 June 12) and the lack of public debate amid social upheavals (European Commission, 2013 June 7). According to the EU, those actions are not in harmony with the catalog of the minimum principles of a participative democracy contained in the Copenhagen Criteria, making reference to the confrontations between demonstrators and the public force at Gezi Parkı. The discussion was based on two points (I) the proportionality of the use of force by police in social turbulence. (II) The suspension of rights and freedoms - the personal, expression and press freedom - of citizens within the framework of national security purposes.

The debate reflected a deep disagreement on the meaning of democracy. There is a collision between two opposing visions of democracy which are incompatible with each other in the EU negotiations. The first vision of democracy is supported by the governance acts carried out by AK Party in protests 2013. In this specific case, AK Party has constructed a “*sui generis*” conservative version democracy, where moral guidelines of Islam coexist with elements of Western democracy, -liberal democracy- (Dağı, 2006). As mentioned in earlier chapters, Turkey went through a process of democratization through nine harmonization packages and transformation of its national institutions. Besides, AK

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<sup>11</sup> High Representative of the Union for Foreign Affairs and Security, 2009- 2014.

<sup>12</sup> European Commissioner for Enlargement and Neighborhood Policy, 2012-2014.

Party enjoyed parliamentary majority in the Turkish Grand National Assembly [TBMM] (Bülent Arınç, 2013).

When Gezi Parkı protests occurred in May 2013, AK Party's vision of democracy focused on the defense of political order establishment. At the same time, the Minister for EU Affairs and Chief Negotiator, Egemen Bağış, stated that the improvement and progress of Turkey has really annoyed certain groups, trying to block Turkey [in EU accession talk's] with the Gezi Parkı protests (Hürriyet, 2013).

On the other hand, the second vision of democracy is based on the statements made by representatives of the EU and the European Commission Progress Report 2013- 2014. In these terms, democracy is not confined to the mechanisms of citizen participation – elections- or the maintenance of a particular political regime; there, coexist more complex figures that there are inside of all European norms called *Corpus Juris*.<sup>13</sup> According to this perspective, democracy is conceived as a legal-political institution linked to the concept of human dignity according to the EU Copenhagen Criteria. (Accession criteria, European Commission, 2015d). Therefore, the most important catalog of accession principles is based on the Copenhagen Political Criteria which countries joining in the EU accession talks, must *prove* to have fulfilled before accession.

These criteria can be summarized as follows: I) the respect for the rule of law - the principle of separation of powers, the development of free and fair elections, and stabilization of a legal order according to the human dignity-; (Rezler, 2011, p.392) II) Respect, promotion and guarantee of human rights - Rights contained in European Convention on Human Rights and the catalog of International Conventions dealing with the same subject, and respect and protection of minorities - as a demonstration of the counter majoritarian principle of modern states- (Emerson, 2004) For that reason, democracy turns into a condition of guarantee, promotion and protection of all the

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<sup>13</sup> The corpus juris is not understood here as the set of rules of European criminal law. Corpus Juris consists of the set of treaties that make up the essence of the European Union, from the European Charter, the Maastricht Treaties and the European Convention on Human Rights.

previous categories described above. All the signatory member states of the European Charter of Fundamental Rights and the countries eligible to join to the EU, must accomplish it.

Moreover, Turkey Progress Report of 2013, sent a warning message to the Turkish political institutions regarding to non-compliance of recommendations made since 2005 (European Commission, 2013). Excessive use of force, especially during the Gezi Park Protests, was seen as a serious object of concern. The Turkey Progress Report of 2013 stated that regarding civil society Turkey needs to overcome a number of challenges (European Commission, 2013). According to Macmillan, as illustrated during the Gezi Park events, civil society is still not widely considered by those who traditionally involved in politics as a legitimate stakeholder in democracy. Government-civil society and parliament-civil society relations should be improved through systematic, permanent and structured consultation mechanisms at policy level, as part of the legislative process and with regard to non-legislative acts at all levels of administration. (MacMillan, 2018). The European Commission argued that legislation, including social and tax legislation, needs to facilitate the funding of civil society organizations and guarantee freedom of association according to European standards.” (European Commission, 2013, pp 11). The Commission considered as direct censorship the fact that RTÜK qualified retransmissions of the Gezi Park protests as a violation of the principle of objective broadcasting and fined media channels for inciting violence. (Akçalı, 2015, p.73).

On the other hand, Erdoğan and his cabinet, considered police actions as a way to protect the public order against those acts that attempt to destabilize it, they argued that the police mission was called upon to restore it (Fetik, 2015). Furthermore, Turkey-EU relations may be considered as a “casualty” of Gezi Park protests, as mentioned in Al-Monitor (2013). According to AK Party, the protest dissemination occurred in Turkey had the same circumstances as those occur in EU countries, and the United States.

In the same way, tensions between Ankara and Brussels entered in a critical phase when the European Parliament adopted a resolution which "harshly condemned police violence against protesters recalling that freedom of assembly, freedom of expression

(including through social media both online and offline) and freedom of press are fundamental principles of the European Union (European Parliament, 2013).

After the protests of Gezi Parkı, publication of the Progress Report by the European Commission was the starting point on the "twilight" of the accession talks. This report analyzes the progress of Turkey within the framework of the EU standards. The European Commission highlighted both the importance of Turkey as a strategic partner in economic and geopolitical relations with the EU, especially in the development of the armed conflicts in Iraq, Syria and Ukraine and on issues such as migration and energy security (European Commission, 2014). Nonetheless, the Progress Report showed concerns related to Chapter 23: Judiciary and Fundamental rights and Chapter 24: Justice, Freedom and security. Repetitively, the Commission concluded that in order to carry on with the accession negotiations it was necessary to accomplish measures as: (I) Strengthening judicial effectiveness and independence, as an expression of the principle of separation of powers (II) Protection and constant guarantee of the rights to the freedom of expression, avoiding the criminalization of the journalistic activity and the censorship on Internet (III) the promotion and respect of the rights as freedom of association in civil organizations (European Commission, 2014).

#### **4.2 The EU-Turkey Refugee Agreement: The Concept of a "Functional Cooperation" as a Political Instrument in Turkey's Accession Talks**

The High Commissioner of the Agency for Refugees (UNHCR) at that time, António Guterres<sup>14</sup>, said that the outbreak of widely armed conflicts have caused "the worst humanitarian crisis of our times and posed a terrible threat to regional and global peace and security" (UN Security Council, 2015 February 26), taking into account that 5 million refugees were coming only from the Syrian conflict, as "2 million Syrians registered by UNHCR in Egypt, Iraq, Jordan and Lebanon; and also 3.5 million Syrians

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<sup>14</sup> Current UN General Secretary.

registered by the Government of Turkey, as well as more than 33,000 Syrian refugees registered in North Africa” (UNHCR, “Syria Regional Refugee Response”).

With the purpose of breaking the business model of the smugglers and to offer migrants an alternative way to live through, the EU and Turkey decided in 2016 to work together so that they would be able to overcome the irregular migration from Turkey to the EU. For that purpose, the EU and Turkey agreed that, immigrants considered as irregular arriving from Turkey -doing their transit through Greece- will be returned to Turkey. For each Syrian who will be sent back to Turkey from Greece, another Syrian will be taken from Turkey in order to be resettled in the EU taking into account the UN Vulnerability Criteria (European Parliament, 2019).

It could be also argued that the refugee crisis should be understood as an opportunity for the EU and Turkey to reactivate the EU Accession talks. By doing so, it is necessary to apply a *sui generis* figure of “*functional cooperation*” within which both parties provide a “platform to assess the development of Turkey-EU relations” and discuss issues of mutual concern (European Council, 2015a). These developments proved significant because it established an alternative trajectory for EU-Turkey relations in comparison with previous fruitless efforts.

Yet, not all developments were in a positive manner. “While Syrian refugees were looking for safe countries where they and their families could live, EU-Turkey relations were placed under a huge strain” (Deutsche Welle, 2018 March 18). Some level of disagreement was apparent, especially regarding refugees. The already President of Turkey, Mr Erdoğan, taking into the absence of guarantees on visa exemption, as well as the breaches in the budget allocation and the reassignment of Syrian refugees in Greece and the EU, saw it necessary to re-negotiate the agreement made with the European Union, taking into account that “the European Union is not behaving in a sincere manner with Turkey”. (Reuters, 2016, para. 2). The most critical position on the cooperation came from the Minister of Austria, at that time, Johanna, Mikl-Leitner, who said that she really wondered “if we [EU] still have respect for ourselves and our values, ” (EUbusiness, 2016, para. 14) referring to a particular situation about political tensions between newspapers

and the Turkish government. On the other hand, Cyprus threatened to veto not only the pact with Turkey on refugees, but also had the intentions to not approve opening any accession chapters. Nikos Anastasiadis, President of the Cyprus, also emphasizes that “as long as Turkey doesn’t implement its obligations”, the migration crisis would jeopardize the peace talks (Euronews, 2016).

After all, the handling of the refugee crisis in Middle East provided Turkey the opportunity to improve the strained relations between Turkey and the EU in the form of functional cooperation with the EU. However, the cooperation failed to revive the accession negotiations since the individual interests of the countries prevailed.

#### **4.3 The Failed Coup Attempt in 2016 and the Constitutional Referendum in 2017**

Apart from the two previously explained issues, this period of time witnessed two other very significant circumstances. The first circumstance which should be addressed was the attempt of Coup on July 15<sup>th</sup>, 2016. This failed coup attempt was a serious threat to Turkey’s democracy and caused huge problems “with 265 people dead, more than 1400 wounded, and more than 2800 soldiers detained” (Independent, 2016), as a result, a state of emergency was declared.

The Coup attempt also emerged as an issue which had an impact on Turkey-EU relations for several reasons. “First, the general feeling in Turkey over the EU’s reaction to the coup attempt is bitter disappointment” (İçener, 2016, p.74). Generally, it can be argued that the sincerity of the EU was questioned by Turkey because of its attitude after Coup attempt. For instance, high-level EU officials and leaders of member states have not visited Turkey right after the Coup attempt. Moreover, about the issue, “international media’s major focus was on the purge rather than the failed coup attempt and its perpetrators” (İçener, 2016, p.71). Second reason can be argued as the emergence of the idea that there is a lack of contribution of the EU to Turkey’s political development. For instance, “to challenge Euroscepticism in Turkey and to keep the EU relevant as a normative power in Turkey, European actors are expected to increase their contacts with

their Turkish counterparts and to visit Turkey” (İçener, 2016, p.76). Thirdly, it is argued that the resistance that Turkey showed during the coup attempt proved its commitment to democracy and rule of law. Although this should have a positive effect on Turkey-EU relations, because of the veto of Cyprus, it appeared that there are more problems in the way. Fourth reason is that the debates about the death penalty in Turkey after the coup attempt resulted in a reaction in Europe which implied that the accession negotiations could be hindered. Even though it was not an official debate, the change of perspective was visible in both sides. Fifth, one of the main concerns after the coup attempt was the Turkey-EU refugee deal. Also, regarding the issue, Turkey did not want to change its anti-terror law in exchange for visa liberation since there was a security threat in the country (İçener, 2016, p. 78).

As a result, wide range of constitutional reforms were adopted under the Emergency Decree Laws during the second half of 2016. In the following period, “a strong political consensus has emerged among the AK Party and the major opposition parties ... to fight against all terrorist threats and work for amendments to the constitution.” (İçener, 2016, p.80). Those constitutional changes modified the structures of the state in the light of presidential system, with new rules about the elections of judges. A referendum was held in Turkey on April 16, 2017 regarding 18 proposed amendments to Turkish Constitution. While the official scrutiny considered, “yes” as a winner of the referendum with 51.41% of votes (BBC, 2017), for the EU, the new constitutional norms were directly incompatible with the Copenhagen Criteria, taking the Venice Commission considerations<sup>15</sup> (Council of Europe, 2017) into account, which reported an excessive accumulation of Power alone in the head of the new President.

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<sup>15</sup> Some of the concerns stated in Venice Commission: -The new President would exercise executive power alone to appoint and dismiss ministers, and to appoint and dismiss all the high officials on the basis of criteria determined by him or her alone. - The President would be allowed to be a member and even the leader of his or her political party. - The President would be given the power to dissolve parliament on any grounds whatsoever. - The President would have the opportunity to obtain a third mandate. - The President would also have an extensive power to issue presidential decrees without the need for an empowering law which the Constitutional Court could review. - The President would be given the exclusive power to declare a state of emergency and could issue presidential decrees without any limitation during the state of

On the other hand, the European Progress Report conceived that:

The measures taken under the state of emergency are undergoing scrutiny by the Council of Europe. Turkey should urgently address the recommendations of the Commissioner for Human Rights of the Council of Europe of October 2016. Turkey should ensure that any measure is taken only to the extent strictly required to the exigencies of the situation and in all cases stands the test of necessity and proportionality. Turkey should pay particular attention so as to ensure in all cases that basic principles governing the rule of law are not set aside, including the full respect of the presumption of innocence, the individual criminal responsibility, legal certainty, the right to defense and equality of arms (European Commission, 2016).

On this line, a call for the disruption of the accession talks took place at the European Parliament by a resolution published in 2017. This resolution suggests freezing the accession negotiations on the framework of the supervening events about: (I) An extended the application on Emergency Decree Laws Nos 667-676 adopted following the failed coup of 15 July 2016, and of 14-15 October 2016 on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability) and the fundamental freedoms. (II) The European Legislative organ considered the outcome of the referendum that took place on 16 April 2017, held under the state of emergency and in circumstances that prevented a fair campaign and an informed choice as the two sides of the campaign were not on an equal footing in terms of opportunities and since the rights of the opponents to the constitutional reform were violated. (European Parliament, 2017).

The Turkish government already lost trust in the EU because of the diplomatic blocking in the Netherlands and Germany, concerning the Referendum promotion by AK Party politicians (Reuters, 2017 March 14). Furthermore, according to the EU, Ankara did not improve the conditions the of rule of law, human rights and freedoms, based on the European Commission report published in April 2018 (European Commission, 2018).

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emergency. (Council of Europe. (2017). *European Commission for Democracy Through Law (Venice Commission).*)



Yet, Turkey saw the defeat of the coup as a democratic victory and expected Brussels to side with her during the period that followed.

Despite these problems, the current status of refugee agreement deal, Turkey's geopolitical role in Middle East and its strategic position as a bridge would be important for a reconsideration of the EU-Turkey relations. Thus, this thesis argues that both the EU and Turkey need to revise their discourse and the assertions against each other and engage in functional cooperation.

#### **4.4 Conclusion**

From the beginning, Turkey-EU relations and consequently the Europeanization process, as a political, socio-cultural and geopolitical conception, appeared to have a fluctuant pace. After the slowing down of the process during the second government of AK Party, the period between 2011 and 2017 is analyzed in the literature as a de-Europeanization process. Indeed, collusions emerged regarding diverse visions on rule of law, democracy, state and social organization during this period. The research field has shown that AK Party's optimism towards the EU accession turned into skepticism at such a level that Brussels started to be viewed as an "unwanted intruder" (Aydın-Düzgit, 2016).

In the previous sections, the thesis analyzed the factors which had impact on the emergence and development of a de-Europeanization process in Turkey. However, this shift from Europeanization to de-Europeanization cannot be approached independently of Turkey's policy agenda regarding its regional relations. Indeed, "there has been a significant literature on the Europeanization of Turkish foreign policy in general, and towards the Middle East in particular" (Günay & Renda, 2014, p.47). It is also argued that the EU and its relations with Turkey was used by Turkish political elites in order to regulate the relations with the Middle East and to form a political agenda regarding the region.

There emerges a need to study the perspective and discourse on "the other" and "us" in order to understand the motives behind Turkey's reconsideration of the orientation

of its focus. As the academician Senem Aydın-Düzgit states (2016, pp. 55-56), the de-Europeanization in Turkey is not only conceived as a distancing from EU policies; in fact, de-Europeanization contains, at the same time, an ideological-dominant discourse based on a rhetoric of separation between "the others" – the European Union in this case as stranger and "we" the inclusion of the Turks as a social totality. This idea is inferred from AK Party and Erdoğan' speeches in a seeking for a representation of the Turks, in the face of a potential interference by "the West" in domestic affairs, which attempts to undermine the Power of Turkey. Thus, the de-Europeanization has created a perception in AK Party in front of "Europe / the EU as an 'unwanted intruder.'" (Aydın-Düzgit, 2016). Therefore, the criticisms given by European institutions regarding the de-democratization of Turkish Law, concerns about the violation of human rights (Cebeci, 2016, p. 120), and the Euro-skepticism demonstrated through economic cooperation with diverse business partners in the Middle East and in Africa, have caused a consolidation of AK Party's ideas that the European Union seeks to destabilize interests of the Turkish State and, therefore, a new strategy is necessary in order to repel the intervention from that "unwanted intruder". This was inferred from Erdoğan's speeches so long before the Coup Attempt (2016) and Constitutional Referendum (2017) in Turkey:

Turkey is not a country that can be incriminated by the decisions of parliaments that are not even capable of knowing Turkey. The European Parliament took a decision about us: know your place, know your place! Are you entitled to take decisions about Turkey? What did I say on the first day? I said we do not recognize the decision that you took, and I returned their decision to them. Turkey is not currently a member of the EU; it is a negotiator. If you were honest, if you were sincere, then there were all these uprisings in Greece, everywhere was burnt down, was demolished, people were killed. You helped them with hundreds of billions of Euros. It is an EU member, what did you do? (as cited in Aydın-Düzgit, 2016, p. 52).

The transition from Europeanization to de-Europeanization resulted from several international and domestic developments which affected the relation between two parties. These important developments which were discussed in this chapter, Gezi Parkı protests, Syrian refugee crisis, and the failed coup attempt in 2016 and the referendum in 2017 in

Turkey, were quite influential for the accession negotiations as well. One of the main arguments for the transition to a de-Europeanization process is that the EU could not provide a certain path to Turkey to resolve the historical, political and social conflicts with other European members, and at the same time, the rhetoric of AK Party could not gather the attention of its partners. Besides, the concept of democracy between the European Union and Turkey was one of the main problems for accession talks following 2011. The most critical part of the disagreement for both parties were based on the degree and type of democracy that a candidate country should have. Regarding this issue, according to the EU, Gezi Parkı protests, the declaration of state of emergency in the country after the failed coup attempt in 2016 and the referendum in 2017 raised further questions.

On the other hand, Turkey's political agenda towards the Middle East alongside its alienation from the EU became an important element during this period since Turkish representatives used the "other" and "us" discourse regarding its relations with these regions. Therefore, functional cooperation between Turkey and EU is needed to continue the cooperative relationship.

## CHAPTER 5

### GENERAL CONCLUSION

The main focus of this thesis is the changes in the EU-Turkey relations in terms of Europeanization during the AK Party governments between 2002 and 2017. During this period, the relations between the two parties proved to have ups and downs as a result of crucial developments. Thus, this thesis analyzes the period of 2002-2017 under three chapters which also correspond to the three governments of AK Party. Chapter 2 discusses the period between 2002 and 2007 which shows that the westernization or modernization of Turkey, and the improvement of human rights, democracy and the strengthening of rule of law were the main goals. For that reason, AK Party accepted the European standards as its own approach for the domestic affairs. During 2002 – 2007, AK Party saw Turkey's full membership to the EU as a priority, and involved in important political, economic and diplomatic modifications in order to achieve the EU goal. Indeed, this initial period is regarded as the most efficient period in which Turkey managed to start the accession negotiations and make quick reforms in line with the Copenhagen criteria. Numerous harmonization packages were handled and the relations between Turkey and the EU proved to be a very close one as the majority of the European countries encouraged Turkey to carry on with the EU accession negotiations before the Cyprus issue and Kofi Annan's failed project regarding the issue. Nonetheless, since the Annan's project failed to unify the Greek and Turkish side of Cyprus, multiple vetoes were applied by Cyprus, France in the EU. As a consequence, AK Party's motivation regarding the accession negotiations started to falter after 2005, however, Erdoğan still affirmed that he would continue implementing the Copenhagen Criteria.

The third chapter analyzes the period of the AK Party's second government as a slow-down in Turkey-EU relations was visible after the European Commission froze 8 chapters in the accession negotiations. The main problems of this period are argued to be the interests of the EU member states which could be affected negatively by Turkey's accession, the unresolved Cyprus issue, the economic crisis of 2008 and the case for closing down of AK Party. Consequently, AK Party's and Erdoğan's rhetoric acquired a more Euro-sceptic attitude. Besides, in the literature, it is argued that AK Party utilized the negotiations to consolidate its power in the domestic affairs and also to increase its international influence, especially in the Middle East, through the instrumentalization of the EU accession negotiations.

The fourth chapter analyzes the period of 2011-2017 which is argued by the academics to be the de-Europeanization process in Turkey. During this period, the negotiations between Turkey and the EU moved into a new era, within which, according to several academics, European standards are gradually removed from the priorities of Turkish political agenda. Events such as (I) Gezi Parkı Protests, which showed the respective gap between the different understandings on democracy, human rights and dignity of Turkey and the EU; (II) The development of "functional cooperation" in the Syrian refugee's question, where Turkey and the EU, found multilateral concessions and responsibilities in the light of protection and guarantee of Syrian refugees in the Turkish territory; and (III) The effects of the "Coup d'état attempt" in 2016 and the constitutional referendum in 2017, by which the political system in Turkey was relatively changed are further analyzed in the fourth chapter as causes and signs of the increasing distance between the EU and Turkey.

According to several academic studies, Turkey and AK Party have never been completely apart from the EU, but at the same time, a rigid application of the EU political standards became an important obstacle in Turkey's EU accession talks. The particularities of the social context, the political-cultural symbols and the historical transformations in Turkey, should be taken into consideration by the European

institutions, in order to find a solution amid those “vision clashes” of democracy, state, rule of law and human rights.

As it was described previously in the fourth chapter, the best way to include the Turkey to the European context is by a *functional cooperation*. The flexibilization of the EU standards and thus, *differentiated treatment* of Turkey in terms of the European rules can become a way for the restoration of the EU-Turkish dialogue. The functional cooperation could lead to a multilateral and cooperative agenda, in terms of responsibilities and concessions between the EU and Turkey, regardless of whether Turkey is a full member of the European Union or not. As a consequence, since neither Turkey nor the EU would give up on the accession negotiations completely, the functional cooperation could reestablish the positive EU-Turkey dialogue in terms of the common objectives.

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## APPENDICES

### A. APPROVAL OF THE METU HUMAN SUBJECTS ETHICS COMMITTEE

UYGULAMALI ETİK ARAŞTIRMA MERKEZİ  
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MIDDLE EAST TECHNICAL UNIVERSITY

Sayı: 28620816 / 351

07 HAZİRAN 2017

Konu: Değerlendirme Sonucu

Gönderen: ODTÜ İnsan Araştırmaları Etik Kurulu (İAEK)

İlgi: İnsan Araştırmaları Etik Kurulu Başvurusu

Sayın Yrd. Doç. Dr. Zerrin TORUN;

Danışmanlığını yaptığınız yüksek lisans öğrencisi Yavuz ALTINTAŞ'ın "Adalet ve Kalkınma Partisi (AKP)'nin son 15 yıldaki (2002-2017 yılları arasındaki) Avrupa Birliği Uyum Sürecindeki İzleniş Olduğu Politikalar ve Değişim" başlıklı araştırması İnsan Araştırmaları Etik Kurulu tarafından uygun görülerek gerekli onay 2017-SOS-101 protokol numarası ile 07.06.2017 – 26.11.2018 tarihleri arasında geçerli olmak üzere verilmiştir.

Bilgilerinize saygılarımla sunarım.

  
Prof. Dr. Ş. Halil TURAN

Başkan V

  
Prof. Dr. Ayhan SOL

Üye

  
Prof. Dr. Ayhan Gürbüz DEMİR

Üye

  
Doç. Dr. Yaşar KONDAKÇI

Üye

  
Doç. Dr. Zana ÇITAK

Üye

**BULUNAMADI**

Yrd. Doç. Dr. Pınar KAYGAN

Üye

  
Yrd. Doç. Dr. Emre SELÇUK

Üye

## B. TURKISH SUMMARY/TÜRKÇE ÖZET

Bu tezin ana konusu AK Parti'nin 2002-2017 yılları arasındaki Avrupa Birliği politikasıdır. Konuyu detaylıca analiz edebilmek adına bu tez, alanında öncü akademisyenlerin kitapları ve makaleleri, Türk ve uluslararası gazete haberleri, Avrupa Parlamentosu ve Avrupa Konseyi gibi kurumların resmi belgeleri ve Türk siyasetçilerin konuşmaları ve kişisel mülakatlarını baz almış ve incelemiştir. Nitekim, bu tez 2002-2017 yılları arasındaki dönemi tarafsız bir şekilde analiz ederek Türkiye'nin AB üyelik sürecindeki devamlılığı ortaya koymayı hedeflemektedir. Bu doğrultuda, tez beş bölüme ayrılmıştır, bu bölümler; I) Giriş, II) 2002 ve 2007 Yılları Arası Birinci AK Parti Hükümeti: Avrupalılaştırmanın Altın Çağı, III) 2007 ve 2011 Yılları Arası İkinci AK Parti Hükümeti: Müzakerelerin Yavaşlaması, IV) 2011 ve 2017 Yılları Arası Üçüncü AK Parti Hükümeti: Avrupa'dan Uzaklaşma, V) Sonuç.

Türkiye-Avrupa Birliği ilişkilerini kapsamlı olarak inceleyebilmek adına öncelikle tarihsel sürece hakim olmak gerekmektedir. Dolayısıyla, tez Türkiye-AB ilişkilerinin tarihsel sürecini değerlendirerek başlamaktadır. 1950'lere dayanan bu süreç çok sayıda inişli çıkışlı, zaman zaman krizlerle dolu zaman zaman da iş birliğinin ön plana çıktığı dönemler yansıtır. Türkiye-AB ilişkileri, aynı zamanda, ülkenin kuruluşundan bu yana süregelen Batı odaklı dış politikasının direkt bir yansımasıdır. Bu doğrultuda, 1950'li yıllara gelindiğinde, Türkiye halihazırda Avrupa Konseyi (1949) ve NATO (1952) gibi uluslararası organizasyonlara katılmış bulunmaktaydı. Yine bu doğrultuda Türkiye 1959 itibarıyla Avrupa Ekonomi Topluluğu'na da başvuruda bulunmuştur. Bu dönemde, 1963 yılında imzalanan Ankara Anlaşması Türkiye-AB ilişkileri için önemli bir belirleyici faktör olmuştur. Bu anlaşma, 1960lı yılların sonuna kadar Türkiye-AB ilişkilerinin ilerlediği ana çerçeveyi oluşturmuştur. İlerleyen dönemlerde iki taraf arasındaki ilişkiler iç ve dış politikadaki dinamiklerden etkilenmiştir. İç politika alanında, gerek siyasi hayata

yapılan askeri müdahaleler, gerekse buna paralel olarak deęişen sivil-askeri dengeler lke genelinde alkantılı bir siyasi atmosfere yol amıřtır. Dıř politikada ise bir yandan Trkiye'nin Kıbrıs Barıř Harekatı ve Yunanistan ile olan iliřkileri AB iliřkilerine yansırken, bir yandan da dnya genelindeki krizler AB'nin kendi iinde sorunlu bir sreten gemesine sebep olmuřtur. Byle bir ortamda Trkiye-AB iliřkileri bahsi geen i ve dıř etkenlerden dolayı istenen seviyeye ulařamamıřtır. alkantılı ilerleyen iliřkiler 1980 askeri darbesiyle birlikte iyice gerginleřirken, 1980li yılların sonlarına doęru ekonomik aıdan bir yakınlařma doęsa bile siyasi aıdan gergin atmosfer zellikle insan hakları ihlalleriyle ve demokrasiye mdahale iddiaları kapsamında gerginlięini srdrmřtr. 1997 yılındaki Lksemburg kararlarıyla iliřkiler yine tıkanma noktasına gelse de 1999 yılındaki Helsinki Zirvesi Trkiye'ye aday lke stats saęlayarak iliřkilere tekrardan olumlu bir ivme kazandırmıřtır. 2000lerin bařında Trkiye lke iindeki krizlerle uęrařırken, Balkanlardaki sıkıntılı durum ise AB'nin Trkiye'ye olan yaklařımını daha ılımlı bir hale getirmiřtir. Bu ortamda 2002'de yapılan genel seimlerle birlikte AK Parti hkmeti bařa gelmiřtir. AK Parti'nin seim manifestosu demokrasi ve insan hakları gibi alanlarda amaladığı reformları AB adaylık sreciyle uyumlu bir řekilde yrtmeyi hedefledięini gstermektedir. Trkiye-AB iliřkilerinin tarihsel sreci tezin ilk kısmında ana hatlarıyla incelenmiřtir.

Bu tez 2002-2017 yılları arasındaki Trkiye-AB iliřkilerini AK Parti hkmetleri erevesinde inceleyecektir. alıřmanın cevaplamayı amaladığı ana soru, 2002-2007 yılları arasında hayata geirilen bařarılı reformların niin devam eden dnemlerde srdrlemedięi ve Trkiye-AB iliřkilerinin bu srete hangi ynde řekillendięidir. Bu sreci daha kapsamlı bir řekilde inceleyebilmek adına Avrupalılařma kavramının tanımına ve Trkiye-AB iliřkilerindeki yerine de deęinmek gerekmektedir. Bunun temel nedeni ise Trkiye'nin AB yelik hedefine giden mzakere srecini ve bu sreteki politikalarını řekillendiren nemli unsurlardan birinin Avrupalılařma kavramı olmasıdır. Avrupalılařma, bařlı bařına bir konsept olarak, 1990lı yıllardan itibaren Avrupa Birlięi'nin siyasi ve ekonomik birleřme srecinin geliřmesiyle birlikte yaygın bir řekilde alıřılmıřtır. Dolayısıyla, birok akademisyen bu kavramla ilgili farklı tanımlara yer

vermiştir. Örneğin, Börzel (1999, p.574) Avrupalılaşmayı “devletlerin iç politika alanlarının AB politika düzenlemelerine maruz kalma süreci” olarak tanımlanırken; öte yandan, Risse, Cowles ve Caporosa’ya göre Avrupalılaşma, “yönetimin, aktörler arasındaki ilişkileri şekillendiren siyasi problem çözme mekanizmalarıyla birleşen siyasi, hukuki ve sosyal kurumlar ile politika ağlarının Avrupa düzeyinde belirgin yapısının ortaya çıkması ve gelişmesidir” (Cowles et al, 2001, p.3). Bunun yanı sıra, Radaelli’ye göre Avrupalılaşma:

Öncelikle AB kararlarının oluşmasında tanımlanan ve konsolide edilen, daha sonra da ulusal söylemlerin, kimliklerin, siyasi yapıların ve kamu politikalarının mantığına nüfuz eden resmi ve gayri resmi kuralların, prosedürlerin, politika paradigmalarının, biçimlerin, yöntemlerin ve paylaşılan düşünce ve normların (a) inşası, (b) yayılması (c) kurumlaşması sürecidir. (2003, p.30)

Bu çalışma, Avrupalılaşma kavramı açısından Radaelli’nin tanımını temel almış ve Türkiye özelinde de Atila Eralp’in “The Role of Temporality and Interaction in the Turkey-EU Relationship” makalesinden yararlanmıştır. Atila Eralp’in yazısında ise tarihsel süreç de değerlendirilerek Türkiye-AB ilişkilerinde iki tarafın zaman zaman yakınlaşıp zaman zaman uzaklaştığı fakat birbirlerinin ekseninden hiç ayrılmadığı gözlemlenmektedir. Yukarıda bahsedilen Avrupalılaşma tanımını baz alarak ve Atila Eralp’in konu edindiği tarihsel gelişimden yola çıkarak, bu tez AK Parti’nin siyaset sahnesine çıktığı 2002 yılından başlayarak 2017 yılına kadar AB sürecindeki döneme ışık tutacaktır.

Türkiye’nin 2000lerin ilk yarısı ve AKP hükümeti dönemindeki AB politikaları ve AB üyelik süreci detaylarıyla tezin ikinci kısmında ele alınmıştır. Türkiye, 2000lerin başında, birçok sosyal, ekonomik ve siyasi zorluklarla baş etmekteydi. AK Parti ilk seçim beyannamesinde İnsan Hakları gibi alanlarda uluslararası standartlara ulaşma çabasının partinin siyasi haritasında yer aldığına vurgu yapmıştır ve 2002’de yapılan seçim sonuçlarına göre AK Parti meclisteki çoğunluk sandalye sayısını kazanarak tek başına iktidar olmuştur. Tezin ikinci bölümü 2002-2007 yılları arası AK Parti’nin ilk hükümet dönemine odaklanmaktadır. AK Parti Avrupa’nın ekonomik ve siyasi kriterlerinin

Türkiye'nin modernleşmesi adına önemli bir adım olduğunu ve bu doğrultuda AB üyeliğinin de ülkenin modernleşmesinin doğal bir sonucu olacağını öngörmektedir. AK Parti hükümeti, ilk dönemlerinde, Avrupa İnsan Hakları standartlarını benimseyerek ve bunları iç politikaya uygulayarak AB üyeliğine karşı azmini göstermiştir. Bununla beraber, AK Parti'nin Avrupa kriterlerini benimsemesinin bir diğer nedeni de Türkiye'yi demokrasi ve insan hakları alanında geliştirmeyi ve dolayısıyla yüksek yaşam standardına ulaşmayı hedeflemesidir. AB'nin yayınladığı raporlar Türkiye'nin üye ülke olma yolundaki eksikliklerini ve AB'nin bu süreçteki beklentilerini açık bir şekilde ortaya koymuştur. Bu doğrultuda, AK Parti hükümeti başlangıcı itibariyle AB kriterleriyle paralel olarak ekonomik, siyasi ve sosyal alanda birçok reforma imza atmıştır. Bu reformlardan en önemlilerinden biri Avrupa Birliği Uyum Paketlerinin hızlı bir şekilde yasama organından geçmesiydi. Örneğin, 2002 yılı Nisan ayında yürürlüğe giren ilk iki uyum paketi ve aynı yılın ağustos ayında yürürlüğe giren üçüncü uyum paketine ek olarak AK Parti hükümeti kurulduktan sonra, odak noktası ceza hukuku, basın hukuku, medeni kanun ve siyasi partiler hukuku olan dördüncü uyum paketini Ocak 2003'te yürürlüğe sokmuştur. Nitekim, zaman kaybetmeden aynı yıl içerisinde beşinci, altıncı ve yedinci uyum paketleri de yürürlüğe girmiştir. Dolayısıyla, 2003 ve sonrasında yayınlanan Avrupa birliği ilerleme raporlarına göre Türkiye somut bir ilerleme sağlamıştır. Örneğin, Türkiye'nin işkence ve kötü muameleyle mücadelede ve yasal sistem olarak Avrupa standartlarına bir adım daha yaklaştığı, ifade özgürlüğü, gösteri hakkı ve dernek kurma özgürlüğü alanlarında da gelişmeler olduğu bu raporda vurgulanmaktadır. Böyle bir ivmeyle Türkiye müzakere sürecine doğru yol almaktadır. Fakat, yine aynı raporlarda Türkiye'nin hala eksik olduğu gözlemlenen alanlara da değinilmiştir. Şeffaflığın teşvikinde ilerlemeler kaydedilmiş olmasına rağmen, yolsuzluğun Türkiye için büyük bir sorun teşkil etmeye devam etmesi ve dahası, yargının her zaman bağımsız hareket edememesi AB tarafından eleştirilen konular arasındaydı. Eleştiriler yapılmasına rağmen, Türkiye'nin kısa süredeki kararlı ilerlemesinin bir sonucu olarak AB üyelik müzakerelerinin yolu açılmış ve 3 Ekim 2005'te müzakereler resmi olarak başlamıştır.

Olumlu gelişmelerin yanı sıra, tezde süreci sekteye uğratan olaylar bakımından Kıbrıs referandumunu detaylarıyla ele alınmıştır, Kofi Annan projesi başarısız olunca Kıbrıs konusunda yaşanan gergin süreç Türkiye-AB ilişkilerini olumsuz yönde etkilemiştir. Nitekim, Kıbrıs meselesinin sadece adanın güneyi ve kuzeyini ilgilendiren bir mesele olmak yerine Avrupa Birliği'nin sorumluluklarından biri haline geldiği vurgulanmıştır. Bu süreçte, Türkiye'nin Annan Projesi'ni kabul etmesi ve desteklemesine rağmen, bazı Avrupa Birliği üye ülkelerinin Türkiye'nin üyelik sürecini yavaşlatmak veya durdurmak adına gösterdiği girişimler göze çarpmaktadır. Dolayısıyla, bu süreçte takındığı barışçıl tutum Türkiye'ye uluslararası arenada önemli bir katkıda bulunmuştur. Bunlara ek olarak, Güney Kıbrıs'ın, Annan planını reddetmesine rağmen Avrupa Birliğine kabul edilmesi ve Kuzey Kıbrıs'ın üyeliğinin reddedilmesi Türkiye tarafında, bu tez için yapılan mülakatlarda da belirtildiği üzere, bir hayal kırıklığına yol açmıştır. Bunun yanı sıra, Avrupa Birliği'nin 2004 yılında gerçekleşen Doğu Avrupa'ya yönelik genişleme sürecine Türkiye'nin dahil edilmemesi de Türkiye-AB ilişkileri ve Türkiye'nin AB üyelik sürecinde durgun bir döneme girilmesinin sebeplerinden biridir. Bu genişleme sürecinde, Türkiye'nin yaşam standartlarını Avrupa düzeyine taşıma konusunda ve Kıbrıs meselesinde gösterdiği çabalara rağmen bu genişlemenin dışında kalması da Türkiye için bir diğer motivasyon kaybı olarak değerlendirilebilir. Başka bir deyişle, Türkiye'nin Kıbrıs referandumundan sonra verdiği tepki ve bunun üzerine bazı AB üye ülkelerinin müzakeredeki belirli fasılları kapatmaları bu dönem içerisindeki önemli etkenlerden biridir. Bu dönemde ortaya çıkan ve AK Parti'nin bakış açısında etkisi olan olayları özetlemek gerekirse; I) Kıbrıs ile yaşanan anlaşmazlıklar ve Annan planının başarısız olması, II) Avrupa'nın başarısız olan referanduma çözüm bulmadaki ilgisizliği, III) Almanya, Fransa, Yunanistan ve Avusturya gibi üye ülkelerin tutumları, IV) Yayınlanan İlerleme Raporlarındaki eleştirilerinin artışı, V) Türkiye'nin nüfus artış oranı ve bunun Avrupa Parlamentosu'ndaki yeri ile alakalı tartışmalar. Her ne kadar 2002-2007 arası süreç, Türkiye'nin hızlı gelişmeler göstermesi ve bunun sonucunda müzakerelerin başlaması sebebiyle Türkiye-AB ilişkileri açısından "altın çağ" olarak değerlendirilse de



AK Parti'nin birinci hükümetinin son yıllarına doğru bu süreç giderek farklı bir boyut kazanmaya başlamıştır.

2007 yılında başlayan ikinci AK Parti hükümeti döneminde yalnızca dış politikadaki gelişmeler değil iç politikadaki dinamikler de AB üyelik müzakerelerini etkilemiştir ve bu süreçte ilerleyen çarkların daha yavaşladığı gözlemlenmiştir. 2007-2011 yılları arasındaki sürecin analizi tezin üçüncü kısmını oluşturmaktadır. Yukarıda bahsedilen ve AK Parti birinci hükümeti döneminin sonlarına doğru yaşanan olumsuz olayların bir sonucu olarak, yeni hükümet döneminde Türkiye'deki kamuoyunda da değişiklikler yaşanmaya başladığı gözlemlenmektedir. Yapılan araştırmaların ortaya koyduğu üzere, Türk kamuoyunda ilk dönemde yüksek olan AB üyelik sürecine destek giderek azalmaya başlamıştır. Buna paralel olarak, AB üye ülkelerindeki kamuoyu görüşleri de benzer değişimler geçirmiştir. Hatta, bazı üye ülkelerde kamuoyunun Türkiye'nin AB üyeliğine yüksek oranda karşı çıktığı ortaya konulmuştur. Doğal olarak bu durum ülkelerin tutumlarında büyük rol oynamıştır, örneğin, 2007 ve 2011 yılları arasında AB üyelik müzakereleri kapsamında 12 fasıl açılmış ve başkaları da tartışmaya sunulmuştur, fakat, bu fasıllar Fransa ve Kıbrıs tarafından veto edilmiştir. Bu dönemde ortaya çıkan ve müzakereleri olumsuz yönde etkileyen olaylardan biri de 2008 yılında Anayasanın laiklik ilkesine aykırılık gerekçesiyle açtığı AK Parti kapatılma davasıdır. Bu dava sürecinde ve sonrasında hem Türkiye'nin iç dinamikleri hem de AB'nin Türkiye'ye karşı tutumu zarar görmüştür. AK Parti'nin iktidar partisi olması sebebiyle bu dava sürecinin ülkenin uluslararası ilişkilerini etkilememesi düşünülemez, dolayısıyla, kapatılma davası çerçevesinde, Avrupa Birliği Türkiye'deki gelişmeleri eleştirmiş ve bu süreci Türkiye'de siyasi özgürlüğün olmaması yönünde yorumlamıştır. Anayasa mahkemesi, kapatılma davası sonucunda AK Parti'nin kapatılmaması yönünde karar olsa da bu süreç AK Parti politikalarının odağında dağılmalara neden olmuş ve haliyle Türkiye'nin AB üyelik müzakere sürecini yavaşlatmıştır. Bunun yanı sıra, 2008 yılında başlayan ve tüm dünyayı etkileyen ekonomik krizin, AB ve Türkiye'nin iç dinamiklerinde büyük ölçüde etkisi olmuştur ve ekonomik kriz AB içerisinde radikalizmin yükselmesine de neden olmuştur. Nitekim Avrupa Birliği'nin kriz döneminde genişlemeye

gidememesinden ötürü, Türkiye'nin AB üyelik süreci olumsuz yönde etkilemiştir. Bunun yanı sıra, AK Parti'nin AB üyelik müzakereleri sürecinde AB standartları çerçevesinde uyguladığı reformlar Türkiye-AB ilişkileri açısından olumlu sonuçlar vermekle kalmamış, Türkiye'nin ekonomik olarak güçlenmesi ve içinde bulunduğu bölgede önemli bir rol üstlenmesinde etkili olmuştur. Bir başka deyişle, ikinci AK Parti hükümeti döneminde Türkiye, AB ile ilişkilerinde istediği verimi elde edememesi sonucunda, diğer bölgelerle arasındaki ilişkilerine önem vermeye başlamıştır. Bu doğrultuda Türkiye Orta Doğu ülkeleriyle olan ilişkisini güçlendirmek adına AB aday ülkesi statüsünü önemli bir araç olarak görmüş ve ilişkilerin iyi tutulması durumunda Orta Doğu'nun da bu süreçten yararlanabileceğini öne sürerek bölgede hegemonik bir rol üstlenmeyi amaçlamıştır.

İlk iki AK Parti hükümeti döneminde yaşanan ve yukarıda örnekleriyle ortaya konulan inişli çıkışlı Türkiye-AB ilişkileri üçüncü hükümet döneminde de devam etmiştir. Fakat 2007 itibariyle belirginleşen görüş ayrılıkları ve bunun politikalara yansımaları "Avrupa'dan uzaklaşma" olarak tanımlanmış ve 2011-2017 döneminin de belirleyici unsuru olmuştur. Dolayısıyla, üçüncü AKP hükümetine denk gelen bu dönem tezin dördüncü bölümünü oluşturmaktadır. Bu süreç içerisinde incelenecek olan başlıca olaylar; I) Gezi Parkı protestoları, II) Suriyeli mülteciler kapsamındaki Türkiye-AB iş birliği, III) 2016 yılındaki başarısız darbe girişimi ve 2017 yılındaki anayasa referandumu. 2013 yılı itibariyle Gezi Parkı protestoları dönemin en önemli sosyo-politik olaylarından biri olmuştur. Bu olayda, protestocuların ana argümanı Recep Tayyip Erdoğan'ın otoriter bir rejim uyguladığı ve Taksim meydanında inşa edilecek olan projenin kabul edilemeyeceği yönündedir. Buna ek olarak, Avrupa Birliği de bu süreç ile ilgili olarak, polisler tarafından uygulanan güç kullanımının orantısız olduğunu ve bu çerçevede hak ve özgürlüklerin kısıtlandığını öne sürerek, eleştirilerde bulunmuş ve Türkiye'nin protestolara verdiği cevabı AB kriterlerine uygun bulmamıştır. Dolayısıyla, bu süreçte AK Parti'nin tutumunun ülkedeki düzeni korumak üzerine şekillenmesinden dolayı, Türkiye'deki demokrasinin boyutu konusunda Türkiye ile AB arasında görüş ayrılıkları ortaya çıkmıştır. Bir başka deyişle, AB ülkeleri ve yayınlanan raporlar Türkiye'nin orantısız güç kullanması sebebiyle AB kriterlerine ters düştüğünü savunurken, Türkiye Gezi Parkı

protestoları çerçevesinde uygulanan politikaların ve alınan önlemlerin kamu düzenini sağlamak adına kritik olduğunu öne sürmüştür. Öte yandan, Gezi Parkı protestoları sonrasında, 2014 yılında yayınlanan AB İlerleme Raporu Türkiye'nin ekonomik ve jeopolitik yönden AB'nin en önemli stratejik partnerlerinden biri olduğunu belirtmiş ve bu doğrultuda üyelik müzakereleri için olumlu bir gelişme olarak ortaya çıkmıştır. Gezi Parkı protestolarının yanı sıra, bu dönem içerisinde Türkiye-AB ilişkileri ve üyelik müzakereleri açısından önemli rol oynayan bir diğer konu da Suriyeli mülteciler hususundaki Türkiye-AB iş birliği olmuştur. İkinci hükümet döneminin sonlarına doğru Orta Doğu'da Arap Baharının ortaya çıkması Türkiye'nin bölge içerisindeki komşularıyla olan ilişkilerinde kaçınılmaz bir şekilde belirleyici olmuştur. Orta Doğu'daki bu dengelerin değişmesi, Türkiye ve Avrupa Birliği arasındaki ilişkiler açısından da yeni bir boyut ortaya çıkarmıştır. Bu çerçevede, Türkiye ile ilgili AB tarafından iki farklı tutumun ortaya çıktığı görülmektedir. Bunlardan ilki, 2012'deki Avrupa İlerleme Raporu'nun da belirttiği üzere, Türkiye bölgedeki gelişmeleri ve reformları destekleyerek, Kuzey Afrika'daki bölgesel etkisini arttırmıştır. Dolayısıyla, Türkiye'nin Suriye, İran, Libya Tunus, Mısır ve Bahreyn hakkındaki Konsey kararlarına uyum sağlamayı ve Uluslararası Ceza Mahkemesi Yargı Yetkisi ile ilgili Roma Tüzüğü'nü imzalamayı AB ile Ortak Dış Politika ve Güvenlik Politikasına ters düşmesi olarak yorumlanmıştır. Bir başka deyişle, Türkiye'nin Orta Doğu, Kuzey Afrika ve Rusya ile ilişkilerini güçlendirerek bağımsız bölgesel bir güç olma yolunda AB ekseninden uzaklaştığı savunulmuştur. Bunun yanı sıra, diğer tutum ise Arap Baharının sonuçlarından biri olarak sayılabilecek Suriyeli mülteci krizi konusunda Türkiye ve AB arasındaki iş birliğinin üyelik müzakereleri kapsamında önemli bir fırsat olduğu yönünde ortaya çıkmıştır.

2007-2011 yılları arasında Türkiye-AB ilişkileri üzerinde önemli rol oynamış diğer gelişmeler ise 2016 yılındaki başarısız darbe girişimi ve 2017 yılındaki anayasa referandumu olarak incelenmiştir. Darbe girişimi Türkiye'nin demokrasisine önemli bir tehdit oluşturmuş ve dolayısıyla ülkenin iç ve dış politikalarını önemli ölçüde etkilemiştir. Darbe girişimi sonrasında ülkede Olağanüstü Hal ilan edilmiş ve bu ölçüde düzenlemeler yapılmıştır. Bu durum, şüphesiz, Türkiye-AB ilişkilerini ve iki tarafın birbirine karşı

tutumunu büyük ölçüde şekillendirmiştir. Bir yandan, ülkedeki darbe girişimine karşı direniş Türkiye'nin demokrasiye ve hukukun üstünlüğüne bağlılığını gösterirken, diğer yandan AB'nin bu süreçte Türkiye'ye yeterli destek vermemesi iki tarafın ilişkileri üzerinde önemli sonuçlar doğurmuştur. Örneğin, darbe girişimi sonrasında AB yetkililerin ve üye ülke temsilcilerinin Türkiye'ye ziyarette bulunmaması Türkiye'de olumsuz karşılanmış ve AB'nin Türkiye ile olan ilişkilerindeki samimiyetinin sorgulanmasına yol açmıştır. Buna ek olarak, olayla alakalı iki tarafın birbirlerine karşı tutumlarında ortaya çıkan değişimin nedenlerinden biri de darbe girişimi sonrasında Türkiye'de konuşulmaya başlanan idam cezası olmuştur. Her ne kadar resmi bir tartışma olmasa da bu durum aradaki ilişkiler açısından olumsuz bir etki yaratmıştır. Öte yandan, darbe girişimin Türkiye'de yarattığı güvenlik tehdidi Suriyeli mülteci krizine yönelik ortaya çıkan Türkiye-AB iş birliği üzerinde de etkili olmuştur. Mülteci krizi ile alakalı yapılan Türkiye-AB anlaşmasının maddelerinden biri olan vize serbestliğinin karşılığında yapılması beklenen terörle mücadele kanunundaki değişiklikler darbe girişiminden dolayı askıya alınmış ve böylece Türkiye-AB ilişkilerinin nasıl etkileneceği belirsiz bir hal almıştır. Buna ek olarak, yukarıda bahsedildiği üzere, 2016 yılının ikinci yarısında Olağanüstü Hal çerçevesinde birçok kanun hükmünde kararname kabul edilmiş ve darbe girişiminde bulunan gruba yönelik operasyonlar düzenlenmiştir. Olağanüstü halin birkaç defa uzatılmış olması AB tarafından eleştirilen konular arasında yerini almıştır. Bunun yanı sıra, Türk Anayasası'nda önerilen 18 değişikliğe ilişkin olarak 16 Nisan 2017 tarihinde Türkiye genelinde bir referandum yapılmıştır. Resmi incelemeler %51,41 oyla referandumun sonucunu olumlu kabul ederken, Avrupa Birliği Venedik Komisyonu kararlarını dikkate alarak yeni anayasal normları Kopenhag Kriterleri ile uyumlu bulmadığını açıklamıştır. Bunun gerekçesi olarak da referandum sonucunda yapılacak anayasal değişikliklerin yeni Başkan'a aşırı güç vermesi olarak gösterilmiştir. Bu gelişmelerin ışığında, Avrupa Parlamentosu, 2017 yılında yayınladığı kararda, Türkiye'nin AB üyelik müzakerelerinin dondurulması üzerine öneride bulunmuştur. Dolayısıyla, 2011-2017 yılları arasındaki dönemde yaşanan gelişmeler hem Türkiye hem de AB tarafında beklenmedik olumsuz etkilere yol açmıştır. Nitekim, demokrasi konsepti,

Türkiye-AB ilişkilerinde bu dönemde de gerek olumlu gerek olumsuz yönden önemli bir yere sahip olmaya devam etmiştir. Bunun yanı sıra, AK Parti'nin Türkiye'nin Orta Doğu ülkeleriyle arasındaki ilişkileri düzeltme ve ileri götürme politikaları “biz” ve “öteki” kavramlarının tartışılmasına sebep olmuştur.

Sonuç olarak, bu tezin odaklandığı konu 2002-2017 yılları arasındaki AK Parti hükümetleri döneminde Türkiye-AB ilişkilerinin “Avrupalılaştırma” bağlamında geçirdiği değişikliklerdir. Yukarıda da incelendiği üzere bu dönem içerisinde, ortaya çıkan önemli gelişmelerin bir sonucu olarak, Türkiye-AB ilişkileri inişli çıkışlı bir tablo çizmiştir. Tezin ikinci kısmının analizlerinde de görüldüğü üzere 2002-2007 yılları arasındaki birinci AK Parti hükümeti dönemi Türkiye-AB ilişkileri açısından en olumlu ve en verimli dönem olarak kabul edilmiş ve ilişkilerdeki “altın çağ” olarak değerlendirilmiştir. Fakat ilişkilerdeki bu ivmeli yükseliş 2007-2011 yılları arasındaki ikinci AK Parti hükümeti döneminde korunamamış, dolayısıyla ilişkilerde ve Türkiye'nin AB üyelik müzakere sürecinde durgunluklar gözlemlenmiştir. 2011-2017 yılları arasında incelenen üçüncü AK Parti hükümet döneminde ise gerek bir önceki dönemlerde yaşanan sorunların devamı gerekse bu dönem içerisinde ortaya çıkan krizler nedeniyle Türkiye-AB ilişkileri Türkiye'nin “Avrupa'dan uzaklaşması” çerçevesinde incelenmiştir. Nitekim, birçok akademik çalışmanın da ortaya koyduğu üzere, Türkiye ve AK Parti hiçbir zaman Avrupa'dan tamamen kopuk bir politika izlememiştir, fakat, Türkiye'nin AB standartlarını kendi sistemi çerçevesinde uyguluyor olması Türkiye'nin üyelik müzakereleri sürecinde ortaya çıkan en önemli engellerden biri olmuştur. Öte yandan, Türkiye'nin toplumsal yapısı, tarihsel süreci ve uluslararası alandaki stratejik konumu - demokrasi, hukukun üstünlüğü ve insan hakları gibi konulardaki görüş farklılıklarını çözmek adına- AB'nin göz önünde bulundurması gereken unsurlar arasındadır. Türkiye-AB arasındaki diyalogun etkin ve pozitif bir şekilde muhafaza edilebilmesi için, Türkiye'nin tarihsel süreci ve sosyo-ekonomik yapısı göz önünde bulundurularak, AB standartlarının duruma uygun bir şekilde esnekleştirilmesi uygun bir çözüm olarak ortaya çıkmaktadır. Dolayısıyla, Türkiye'nin Avrupa bağlamına etkili bir şekilde dahil edilebilmesinin en iyi yolu Türkiye ve AB arasında işlevsel bir iş birliği kurulması olarak

öne sürülebilir. Başka bir deyişle, Türkiye-AB arasında kurulacak işlevsel iş birliğinin sorumluluklar ve ayrıcalıklar açısından -Türkiye AB üyesi olsa da olmasa da- çok yönlü ve müşterek bir gündem oluşturmada önemli bir rol oynayacağı belirtilmektedir. Türkiye ve AB'nin tarihsel süreci ve Türkiye'nin AB üyelik müzakereleri incelendiğinde, yaşanan tüm bölgesel ve uluslararası krizlere rağmen, iki tarafın da aradaki ilişkileri bütünüyle sonlandıracak bir tutum takındığı hiçbir zaman görülmediği gözlemlenmektedir. Dolayısıyla bu tez, Türkiye-AB arasındaki ilişkilerin olumlu bir şekilde devamını sağlayacak çözümün işlevsel bir iş birliğinin kurulması olduğu sonucuna varmaktadır.

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**Bölümü** / Department : International Relations

**TEZİN ADI** / TITLE OF THE THESIS (**İngilizce** / English) : THE EU POLITICS OF AK PARTY BETWEEN THE YEARS 2002-2017

**TEZİN TÜRÜ** / DEGREE: **Yüksek Lisans** / Master  **Doktora** / PhD

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