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THE IMPACT OF THE EUROPEAN UNION ON TURKISH POLITICS

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INTRODUCTION

Turkey is a puzzling sight to many foreign observers. One of its puzzling aspects is its political system, it is not an authoritarian country on the other hand, it would be far-fetched to claim that it is an established democracy. Another puzzling aspect is its identity; it is not a Middle Eastern country but neither can it be categorized as a European country. These two factors, Turkey's political system and its identity, complicate its relations with the European system of states, specifically with the European Union. This paper proposes that Turkey's future in the European Union will be determined along the interplay of these two factors; but mainly focuses on importance of political factors in determining Turkey's relations with the EU. A basic proposition of the paper is that the EU has been influential about bringing some restructuring in Turkish politics. There are basically two mechanisms that enable the European Union to play such a role; (1) Turkey's Association with the European Union and (2) the Turkish aspirations for full membership.

A well noted argument is that in countries aspiring for membership, the European Community/Union has acted as a powerful actor stimulating democracy. The European Union has various tools and leverages over its associate members, such as financial aid packages, the promise of membership that foster democratization. It is within this context that the EU has impacted Turkish politics. The long path of Association enabled the European Union to push for democratization in Turkey and that is one of the mechanisms it used to stimulate political change. The second is the reward of full membership. A related aspect of the importance of political factors in Turkey's relations with the EU is tied to the concept of Europeanness. The EU has an irrevocable place in determining what is European. One implicit proposition of the paper is that Turkey's future in Europe will be rocky partly because a new European identity is being reinvented into

which Turkey's inclusion is becoming harder. There are basically two definitions of Europeanness; one aspect stresses common intellectual heritage, religion and ethnicity;¹ the other stresses sharing of common values such as democratic principles. In both of these definitions, Turkey has a problem; if Europe is redefined along ethnonationalism, then Turkey's exclusion would be inevitable. If Europe is redefined along notions of liberal democracy, then one can argue either for Turkey's exclusion or for Turkey's conditional inclusion with the requirements that Turkey must reform its political system, in this definition of Europeanness, Turkey encounters certain problems because its democracy is not perceived to be along the European standards, but there is more room for maneuver.

In its Agenda 2000, the Commission did not recommend accession negotiations with Turkey and when the Council of the European Union acted upon these recommendations in its December 1997 Luxembourg summit, it decided not to include Turkey among the list of candidate countries with which accession negotiations would begin. These decisions were based on the conclusion that Turkey does not fulfill the necessary political preconditions for membership.

This paper focuses on the Turkish case but it has broader implications for other candidate countries such as the Central and Eastern European countries. The paper provides a short account of Turkey's Association with the EU and then proceeds on to the analysis of the EU's impact on the Turkish political system, through the channels created by the association and through the carrot of full membership.

TURKEY'S HISTORY WITH THE EU

When the Turkish Republic was established in 1923 dismantling the Ottoman Empire, a major goal of its founders was to generate an acceptance of Turkey as a European state. In order to do so, the Sultanate was abolished in 1923, the Caliphate in 1924. A number of reforms were adopted to modernize Turkey in legal, economic, social and political realms from 1923 to 1938. The newly created system was a one-party system until the introduction of multiparty politics in 1946. Since the transition to multi-party rule, Turkish democracy was interrupted three times; in 1960, 1971 and 1980 by military take-overs but it

never had uninterrupted lengthy periods of military rule as in Spain, Portugal or Greece.

In the post World War II period, Turkey was accepted into a number of European organizations, the OEEC-1948, the Council of Europe-1949, NATO-1952. Membership in these organizations created the illusion that Turkey's acceptance as a European state seemed to be finalized in the post-World War II order.² On September 12, 1963, Turkey signed an Association Agreement, the Ankara Treaty, with the European Community and became an associate member of the EC. Turkey was the only other country along with Greece that established such an association. (Greece signed its Association Agreement, Athens Treaty in 1962.) Both of these agreements were based on the Article 237 of the Rome Treaty that stated any European country, which is a democracy and has a market economy may apply for membership. The Ankara Treaty foresaw three stages for the Turkish-EC relations; a preparatory stage, transitional stage and a final stage. The Agreement made clear that a potential goal of the Association was Turkey's full membership in the EC. Article 28 of the Ankara Treaty explicitly states "as soon as the operation of the Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of accession of Turkey to the Community." Thus, the Ankara Treaty's major contribution to the Turkish aspirations in Europe is the recognition of Turkey's eligibility for membership in the EU.

The Ankara Treaty created three organs for the Turkish-EC Association; of these the Association Council is the most important body that meets regularly (with exceptions from time to time) and that constitutes an open channel of communications between the parties. Turkey's association with the EC was expanded with the 1970 Additional Protocol that ended the preparatory stage and began the transitional stage; an ultimate aim of the Additional Protocol was the realization of a Customs Union between the parties. On April 14 1987, Turkey applied for full membership to the European Community, right after the Mediterranean enlargement of the EC was completed. (Greece became a member in 1981 and Spain and Portugal became members in 1986.) In response to the Turkish application, the European Commission

presented its Opinion on December 18, 1989. The Commission did not recommend starting accession negotiations with Turkey while noting its eligibility. The Commission Opinion (Avis) listed the obstacles to Turkey's membership as such: the state of democracy in Turkey, its relative economic backwardness, the Kurdish problem, the disputes with Greece, the Cyprus problem and lack of respect for human rights. Instead, the Commission suggested the operation of the Association Agreement and the realization of a Customs Union as foreseen by the 1963 Ankara Treaty and the 1970 Additional Protocol. In June 1990, the Commission adopted a Package for Turkey—the Matutes Package—that suggested technical, political and financial assistance and the start of customs union negotiations. On 6 March 1995, a Customs Union Agreement was signed between Turkey and the European Union that was put into effect on January 1, 1996. During the negotiations for the Customs Union, Turkey and the EU decided on political dialogue which was to be an additional mechanism in which the parties would discuss political matters, human rights issues, and relations with Greece and the Cyprus problem. The CUA created the illusion that full membership was near since it was the first time in the EU history that a country has realized a customs union prior to membership.

When the European Council in Luxembourg summit of December 1997 decided not to include Turkey among the list of candidate countries and not to start accession negotiations with Turkey, things became seriously complicated between Turkey and the EU. In 1997, the Commission in its Agenda 2000 recommended the Accession negotiations to begin with the Central and Eastern European countries and Cyprus. In line with the Commission's recommendations, the European Council decided in its Luxembourg summit of December 1997 to start the accession negotiations with the 11 applicant countries and Turkey was left out. The Turkish reaction was very severe; the EU was accused of erecting a cultural Berlin wall. A headline from a major daily, "Go to Hell, Europe,"³ summarized the public sentiment. In response to the Luxembourg summit decisions, Turkey suspended all political dialogue with the Union, thereby eliminating a channel of communications. A European Strategy for Turkey was prepared by the Commission in March 1998 and adopted by the Council in June 1998. The European Commission's Regular Progress Report of 1998

pointed out to the necessity to adopt a feasible European strategy for Turkey. In October 1999, the Commission recommended that Turkey should also be given a candidate status-which it did not have before (1999 Commission Progress Report for Turkey). Nevertheless, the Commission did not recommend accession negotiations with Turkey as it did for such countries as Bulgaria, Slovakia and Romania. The last two years have been rocky for Turkey's relations with the EU and altered the perceptions of each side about the other to a substantial degree.

The EU's position is that despite Turkey's eligibility, the state of democracy, problems related to human rights and minority rights prevent the start of accession negotiations with Turkey.⁴ According to Turkey, however, these are only excuses and the real reason lies in the reluctance of the Europeans to accept a predominantly Muslim state. As President Suleyman Demirel remarked bitterly: "When the defense of European civilization [against communism] was at stake, they didn't say we were Turks and Muslims."⁵

The Turkish perspective on the impact of European identity on Turkey's inclusion into the EU is summarized by Turkish Foreign Minister Ismail Cem's speech on September 13, 1999 where he claimed that:

We consider ourselves both European and Asian, and view this plurality to be an asset. Therefore we are disturbed when the European dimension in our identity is questioned: If being European is a "historical" or "geographical" definition, we live and we have lived 700 years of our history in Europe, and as a European power. Our history was moulded as much in Istanbul, Edirne, Tetova, Kosovo and Sarajevo as it was in Bursa, Kayseri, Diyarbakir and Damascus. If being European is a "cultural" definition, things get a bit more complicated: If "European" is defined by religious criteria, then the setting might not be appropriate. But if "European Culture" is defined, as it is by the EU, that is, mainly by factors such as "democracy," "human rights," "rule of law," "gender equality," and "secularism," then, in spite of the need for further progress on some points, we have shared and contributed to this contemporary "European culture" for 75 years." (Ismail Cem's speech at General Affairs Council, September 13, 1999, Brussels.)

Throughout Turkey's history with the EU, Turkish political system has played a crucial role. Turgut Özal, the Turkish prime minister between 1983-1989 and the president until his death in April 1993, succinctly summarized the Turkish-EU relations with his declaration: "If Turkey wants to be in the European Community, there has to be democracy in Turkey."⁶ However, this is not the only aspect of the impact of the EU on Turkish democratization and political change. The EU has substantial leverage through its political ties with Turkey via Turkey's Association Agreement.

THE IMPACT OF THE EU ON TURKISH DEMOCRACY

When Turkey signed its Association Agreement with the EC in 1963, it automatically accepted the supervision of a higher authority over its political system; this of course was not so apparent to the Turkish policy-makers then. The realization of the obligations Turkey put itself under through the agreements it signed with the Council of Europe, EC/EU and OSCE became obvious in the 1980s.

A turning point for Turkish-EU relations is the September 12, 1980 military take-over in Turkey. The European Community reacted promptly to the military take-over and issued a Declaration the following day, stating that it expected the return to civilian rule as soon as possible. In 1981, the Community decided to suspend the Fourth Financial Protocol, as foreseen by the Association Agreement, in response to arrests of the leaders of the political parties, specifically to the leader of the Social Democrats, Bulent Ecevit. Finally in 1982, with a European Parliament resolution, the Community decided to freeze the Association with Turkey in the light of no political change, i.e., the restoration of democracy.

In 1982, a new Constitution was adopted in Turkey that was found undemocratic in certain quarters because it restricted the freedom of association, freedom of assembly, and imposed restrictions on political participation on the pre-1980 political parties and their leaders. (Political Parties Act, Article 4). In 1985, the European Parliament appointed one of its MEPs Richard Balfe to prepare a report on Turkey; the Balfe report suggested two major changes: the elimination of all political restrictions as imposed by the Political Parties Act of the 1982 Constitution and the lifting of martial law. These recommendations

were fulfilled in 1987; martial law was lifted in all regions with the exception of Southeastern Anatolia and political restrictions were eliminated with a referendum in 1987. In 1988, the EP passed another resolution calling for the normalization of relations with Turkey, i.e., the resumption of the Association Agreement. In the period from 1980-1988, the European Community through its various organizations, the Commission and the Parliament, tried to push for democratization in Turkey; for that purpose it used punitive measures such as the freezing of the Association and the suspension of financial aid. In that aspect, the Community used its ties with Turkey to promote democratization. Through its Association with Turkey, the EU was able to impact democratization in Turkey in the 1980s. For example, when the timetable for return to democracy was prepared, the Turkish officials presented it to the EC officials to demonstrate their commitment to democracy. The European Parliament became an important player in the relations between Turkey and the EU through its numerous resolutions on Turkish politics. For example, on September 19, 1996 the Parliament adopted a Resolution on Turkey that stated; "despite commitments given by the Turkish authorities, the human rights situation in Turkey had noticeably deteriorated and no appreciable progress has been made towards democratization,"⁷ and the EP decided to freeze all financial aid to Turkey except those to be used for promotion of democracy. With the increase of its powers by the Treaty of the European Union (1993), it became a crucial factor for Turkey's future endeavors with the EU.

The Community's leverage on Turkey through the Association Agreement was enhanced during the customs union negotiations. According to the Ankara Treaty, transition from one stage to the other is not automatic but requires new negotiations. The customs union signaled the end of the transitional stage and the beginning of the final stage. During the negotiations for the Customs Union, the importance of Turkey's political situation for any kind of relations with the EU became clearer. Under the Maastricht Treaty, the assent of the EP by an absolute majority is required for the customs union to be operational. The EP appointed Carlos Carnero Gonzales as the EP's rapporteur whose report⁸ formed the basis of the EP's decision on December 13, 1995. The report identified major areas on which work was necessary such as the 1982 Constitution, the improvement of human rights, a

political solution to the Kurdish issue. The basic conclusion of the report was that the Turkish democracy is far from the European standards echoing the conclusions of the earlier reports; 1985 Balfe report and 1988 Werner reports of the European Parliament.⁹ In line with such recommendations, in summer 1995 the Turkish government amended the 1982 Constitution. The major changes were associations such as trade unions were allowed to take part in political activities, minimum age of suffrage was made 18, the functioning of political parties was improved, and university staff was allowed to join political parties. These changes were directed to relax the restrictions on freedom of expression and association as imposed by the 1982 Constitution. It is interesting to note that the Constitutional Amendment of 1995 was adopted right before the EP's vote on the Customs Union Agreement.

A perception in the Turkish public in the 1990s, especially after the Customs Union was realized in 1996, was that the EU would incorporate Turkey as a full member and help foster democratization. The examples of Greece, Spain and Portugal were aspiring since in all these countries, the EC accepted them as members when their democracies were far from consolidated. Thus, membership in the EU was a goal for the democratizing forces in Turkey who saw the EU as a salvation for solving Turkey's political problems. For example, the former chairman of the Human Rights Association of Turkey stated "I believe one wing wants Turkey to enter the millennium more democratic and with human rights and with membership in the EU."¹⁰

When the Rome Treaty was signed in 1957, many found it an unlikely dream about a United Europe. The skeptical attitude towards a United States of Europe survived many decades and was reborn in various forms of opposition to the 1992 Treaty of the European Union/the Maastricht Treaty. Despite the clouds of uncertainty surrounding the EU, one cannot doubt that the European Union stands as the most institutionalized form of supranational organization in Europe. It was a magnet for the Southern European countries such as Spain, Greece and Portugal in the seventies and it is a magnet for the Central and Eastern European countries in the 1990s. The European Union is a major political force to be reckoned with. It is, therefore, not surprising that there is a strong demand from the nonmember European countries to be included in this exclusive club. Inclusion

into the EU is conditional on the aspirant countries' capability of meeting the Copenhagen criteria.

The European Council in its Copenhagen summit of 1993 adopted the following criteria for the evaluation of candidate countries for membership in the EU: (1) political conditions, i.e., the state of democracy and respect for human rights; (2) economic conditions, i.e., macroeconomic stability, ability to deal with competitive pressure; and (3) the ability to adopt the Community *acquis communautaire*, the body of Community law.

The Copenhagen European Council stated that "membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and the respect for and protection of minorities."¹¹ With the Amsterdam Treaty, the present Article O of the Treaty is amended to enshrine a constitutional principle that "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law." In that aspect, Turkey's internal problems become visible obstacles preventing Turkey's inclusion into the new order.

At the end of the millennium, Turkey is passing through turbulent times in its internal politics. Its domestic problems are derived first, from the ever-present role of the military in politics, second from the rise of radicalism and third from the structural problems. The Turkish public is pushing for more democratization and the civil society movements have gained strength in the last decade. Thus, the Turkish government is pushed for political reforms internally and externally.

POLITICAL REFORMS IN THE 1990S

One of the major obstacles to the process of Turkish democratization is the 1982 Constitution that restricts freedom of association, assembly and expression. A problematic aspect of the 1982 Constitution is its Political Parties Act that restricts political participation. A major reform in this Act was adopted in September 1987 with a referendum that lifted the restrictions of the pre-1980 political parties, their leaders and members in accordance with the recommendations of the EP reports. Another major breakthrough in the 1990s came with the Constitutional Amendment of August 1995 in which freedom of

association was more or less relaxed, an account of which was provided above.

The Turkish Constitution does not allow political parties to be based on class, religion, ethnicity or separatism, in that aspect it restricts political participation. In 1990s, the Constitutional Court has ruled the closure of 3 Kurdish parties—1993 HEP (People's Labor Party), 1994 DEP (Democracy Party) and 1999 Democratic Mass Party; and one Islamist political party—1998 Welfare Party. Another pro-Islamist party, the Virtue Party—established by the members of the outlawed Welfare Party—is currently under investigation by the Constitutional Court.¹² In an attempt to reform the Political Parties Act, the government adopted another reform in August 1999 that made closure of political parties by the Constitutional Court harder.

In terms of freedom of expression, an integral part of human rights, there are certain Constitutional problems; specifically Article 8 of the Anti-Terror Law of the Penal Code and Articles 158, 159, 311, 312 of the Criminal Code which concern territorial integrity, the basic principles of the Turkish state. In addition, any act against these articles would be tried in the State Security Courts that is not viewed as an independent trial process. This is where most of the reforms have been directed. For example, in 1995, the government amended certain clauses of Article 8 of the Anti-Terror Law. Most of these institutional obstacles to democratization are related to the role of the military, therefore an analysis of the military's role in Turkish politics is in order.

From the EU perspective, a major problem of Turkish politics is the omnipresent role of the military in civilian politics. In its Agenda 2000 Document, the Commission stated that "recent developments in the administration and education system, while intended to strengthen secularism, nonetheless, underline the particular role of the military in Turkish society...there are ambiguities in the Turkish legal system with regard to civilian political control of the military," The Commission holds the opinion that "the absence of real civilian control over the army is an anomaly"¹³ and that "the lack of civilian control of the army gives cause for concern. This is reflected by the major role played by the army in political life through the National Security Council."¹⁴ The military's role is structurally embedded into Turkish politics through

two institutions; the National Security Council and the State Security Courts.

The National Security Council is a body created by the 1961 Constitution. It is composed of the President, the Prime Minister, Ministers of Interior, Foreign Affairs and Defense, the Chief of Staff and the four Commanders of the Army. The main problem associated with the NSC whose decisions are actually only recommendations is that it integrates the military into the political affairs. A recent illustration of the weight that the army and NSC carries in Turkish politics is the February 28, 1997 decisions where the ruling coalition of two center right parties were asked to adopt an educational reform. The coalition's inability to do so was one of the reasons of its downfall. A number of political analysts called the chain of events that began with the February 28 decisions and the resignation of the coalition in June 1997 as a soft coup. The other institution where the military's role was felt is the State Security Courts. SSCs, established by Article 143 of the 1982 Constitution, deal only with political crimes such as separatism, terrorism and all activities against the Republic, that is all acts that fall under the Anti-Terror Law of the Penal Code. Through the SSCs, the military's role in Turkish politics is extended into the judiciary system. The State Security Courts have three judges; one of which is a military judge. According to the EU, there are serious doubts about the impartiality of the military judges. "This is the only example in Europe in which civilians can be tried at least in part by military judge."¹⁵ In 1998, the European Court of Human Rights declared that the SSCs—due to the presence of a military judge—violate the European Convention of Human Rights. In a number of cases against Turkey, the ECHR declared that the defendants were denied their right of trial in an independent and impartial tribunal because their cases were dealt by the SSCs. For example, only in July 1999 the Court delivered "judgment on 13 cases lodged by individuals in 1994/95,"¹⁶ most of the decisions rested on the argument that the cases were tried at the SSCs, thereby depriving the defendants of the right to independent trial. The reform in this area was preempted by the Öcalan trial—the trial for the leader of the Kurdish terrorist organization, PKK—in which the EU and Council of Europe were particularly sensitive. "The EU takes note of the assurance of the Turkish government that Abdullah Öcalan will have a

fair trial. It expects this to mean fair and correct treatment and an open trial according to the rule of law before an independent court."¹⁷ It is this sensitivity and the reservations of the EU about the SSCs that led to the constitutional amendment that removed the military judge from the SSCs on June 22, 1999. This was directly reflected at the Öcalan trial as a civilian judge replaced the military one the following day. By adopting this amendment, the Turkish government was able to defend at least procedurally the independence of its courts.

One can bring all these concerns under the broader heading of human rights that the EU "underlines the importance it attaches to respect for human rights for all countries, especially by those which are concerned by the Copenhagen criteria."¹⁸ However, Turkey's political reforms and its improvement of its human rights record is curtailed by the rise of two types of challenges to the Turkish state; political Islam and Kurdish separatism.

CHALLENGES TO THE TURKISH STATE

The modernization process which began in the 19th century and which gained momentum with Atatürk after 1923 has also created its backlash. Today, this backlash can be observed in the rise of Islamic sentiments, conservative politics and traditional life-styles. The increased strength pro-Islamic Welfare Party/Virtue Party is a good indicator of the identity crisis in Turkey. The major appeal of the party is that it claims it can provide the Turkish people a common destiny and a value system. The weakening of state authority, the erosion of traditional lifestyles, diffusion of European ways have culminated in a conservative reactionary movement and found its national expression in Islam. The rise of political Islam in Turkey poses two problems for the Turkish democracy, on the one hand their incorporation into mainstream politics is a must for the sake of liberal democracy; on the other hand political Islam through the very nature of its own authoritarian nature threatens Turkish democracy.

The Welfare/Virtue Party represents political Islam in Turkey. The rise of political Islam has began in the 1970s with the creation of pro-Islamic parties under the leadership of Necmettin Erbakan who was ousted from politics with the 1980 military take-over. His comeback to Turkish politics was with the Welfare Party. The WP participated in all

the elections from 1987 onwards and has shown a steady increase of its votes until the 1999 general elections. In the December 1995 general elections, the WP came out of the ballot box with a narrow plurality as the first party and was a coalition partner in the short-lived government of WP and another center-right party, True Path Party from July 1996 to June 1997. While in power, the WP officials were constantly engaged in attacks against the founding principles of the Turkish state; mainly the secular order. In a famous speech, Erbakan stated that a transition from the secular order to an Islamic order in Turkey is inevitable, but the question remained as to whether this transition would be bloody or not.¹⁹

In January 1998, the Turkish Constitutional Court dissolved the Welfare Party and banned its leaders from political activities for a period of five years. The WP case was based on the Article 68/4 of the Turkish Constitution which states that political parties cannot engage in acts that threaten the Turkish Republic and its founding principles and Article 69/6 which states that the Constitutional Court decides for the closure of a political party accused of such acts. The Constitutional Court's decision was based on the accumulated evidence of the public speeches made by the WP officials. With the dissolution of the WP, its members established a new party—Virtue Party—against which a closure case is currently underway. The VP received about 15% of the national vote on April 18, 1999 elections showing that there is about a loss of 6% of votes from the December 1995 elections. Nevertheless, political Islam is now a force to reckoned with in Turkey that openly challenges the basic principles of the Turkish state.

The European Union in its Presidency statement of January 21, 1998 adopted in response to the closure of the Welfare Party noted that: "this decision is in accordance with the provisions of the Turkish Constitution. However, the EU is concerned at the implications for democratic pluralism and freedom of expression and hopes that Turkey will make clear its continuing commitment to these fundamental democratic principles."²⁰ The EU expressed a similar concern when Mr. Erdogan, also from the WP, the former mayor of Istanbul, was sentenced to a prison sentence in September 1998 by the Court of Appeals for inciting religious hatred in Turkey. The EU responded to this sentence by a statement that expressed its concern again for the prosecution of politicians for the non-violent expression of their views.

“What is distressing about this from a Western viewpoint is that Erbakan and friends were not found to have broken any particular law, nor were they tried for having done so. Rather, it was ruled that Refah as a party had no place in Turkey.”²¹ The EU is looking at the political developments in Turkey and their handling by the secular political leaders and is puzzled by the lack of openness on certain subjects. Turkey, on the other hand, is faced with a double-edged sword. Religious movements threaten it, and it has to democratize.

THE KURDISH PROBLEM

The Kurdish problem represents another dilemma for Turkey. There are two components of the Kurdish problem, one is related to the concept of minorities. For Turkey, Kurds do not constitute a minority—the Lausanne Treaty of 1923 specifically clarifies who is a minority in Turkey and who is not, the minorities in Turkey are the religious minorities such as Jews, Greeks and Armenians. The Kurdish problem is multifaceted; first it is a problem of recognition of a separate cultural identity, second it is a problem of socio-economic development since the region heavily populated by Kurds—Eastern Turkey—is the least developed part of Turkey, third it is a military problem since 1984 when Abdullah Öcalan has formed PKK—Kurdish Workers’ Party—and started its terrorist campaign, fourth it is a political problem with implications about the consolidation of Turkish democracy. In the early 1990s, the Turkish government took a number of steps to improve the conditions of its Kurdish citizens. In April 1991, laws that banned the public use of the Kurdish language were revised, the Kurds can use their language now but education in Kurdish is still not allowed. In 1991 elections, a Kurdish party, HEP—People’s Labor Party—gained seats in the Parliament as a result of its coalition with the Social Democrats. There was an increased public attention to the Kurdish problem in the 1990s as a result of the PKK’s military campaign and as certain groups in Turkey pushed for more democratization. Parallel to these changes, the military campaigns against PKK went full speed ahead.

The EU’s involvement in the Kurdish problem stems from concerns about protection of human rights, minority rights and freedom of expression. The European Union’s position on the Kurdish issue

rests on three major Council of Europe Conventions: the Framework Convention on Protection of National Minorities (which Turkey did not sign), the European Charter for Regional and Minority Languages and the Assembly Recommendation 1201(1993) on the additional protocol to the European Convention of Human Rights. "For the Europeans, the issue is clear: the Kurds are an ethnic minority that deserves protection of its distinct identity."²² The European Union statements and EP Resolutions make it clear to the Turkish government that they expect a permanent, nonmilitary solution to the situation in Southeast Turkey. For example, when the Constitutional Court closed the pro-Kurdish party DEP in 1994 and jailed all its parliamentarians in March 1994, the EU demanded their immediate release. On top of it, one of the jailed parliamentarians, Leyla Zana, was awarded the European Parliament's Sakharov Prize for Peace in 1995. The most recent EP Resolution for her release was adopted in October 1998. In that resolution, the EP "called on the authorities to engage in direct talks with the Kurdish people's representative organizations with a view to finding a peaceful political solution enabling their economic, social, political and cultural rights to be recognized."²³ For the Turkish government, the problem is one of terrorism and direct talks with Kurdish people's representatives are unthinkable.

The Kurdish problem has become the most important factor affecting Turkey's relations with the European states, United States and its Middle Eastern neighbors. Kurds, especially the separatist terrorist organization, Partiya Karkaran Kurdistan (PKK), are proving to be Turkey's major headache in the post-Cold War order. The crisis between Turkey and Italy over Abdullah Öcalan is proof enough that in the years to come, the Kurdish problem will be a major nuisance for the Turkish aspirations in Europe.

In October 1998, the Turkish government pressured Syria, Öcalan's haven, to turn him over to Turkey. Öcalan fled to Moscow and from Moscow, he went to Italy in November 1998 in the hopes that he would be granted political asylum. The event became a turning point for Turkish-Italian relations. Abdullah Öcalan is labeled as a terrorist by the USA, France, UK, Germany and of course Turkey. The Italian government did not extradite Öcalan to Turkey and the Turkish public was at uproars. In the face of little support from the EU and worsening relations with Turkey, the Italian government got rid of Öcalan in

January 1999, though they did not turn him back to Turkey. Instead, Öcalan was captured in Nigeria—of all places in hiding in the Greek embassy—in February 1999 and brought back to Turkey, faced trial in May 1999 and received the capital punishment on 29 June 1999. From November 1998, his capture in Italy to June 1999, violent PKK demonstrations took place in various EU capitals. In response, the EU stated on 22 February 1999: "The EU reiterates its condemnation of all forms of terrorism...strongly deplored the fact that the arrest of Öcalan has sparked massive unrest and violent acts."²⁴ What the incident demonstrated was that the Kurdish problem is now a European Union problem because of the PKK's attempts to internationalize the issue and because of the Kurdish and Turkish populations in the EU.

Öcalan's short stay in Italy has opened a debate on the possibility of turning the Kurdish issue from one of armed struggle to a process of negotiation. This is what the Italians have hoped at least. Unfortunately, the Italian government missed the point that Öcalan was the most wanted man in Turkey by the Turkish public who finds him guilty of all the killings in Turkey since 1984. Thus, a process of negotiation with Öcalan on the other side of the table is completely unacceptable to Turks. What the Öcalan crisis demonstrated is that the Kurdish issue is not an internal issue for Turkey. This is exactly what happened over the Turco-Italian crisis. On February 25, 1999 the European Parliament adopted a Resolution stating "With regard to the trial of Mr. Öcalan, Parliament expected the Turkish authorities to provide full guarantees of humanitarian treatment and to ensure that a public and fair trial is held in accordance with Turkey's obligations under European and international law."²⁵ When the death sentence was passed, the EP adopted another Resolution on 22 July 1999 asking the Turkish government not to carry out the sentence. Death penalty constitutes another problem between Turkey and the EU, Turkey did not ratify Protocol 6 of the European Convention of Human Rights—which is on capital punishment—even though there have been no executions of the sentence since 1984 in Turkey. The EU on the other hand would like to see capital punishment removed from the Turkish penal code. The death sentence for Öcalan was appealed before the Turkish Supreme Court and on November 25, the Court confirmed the sentence. In order for the sentence to be executed, it has to be ratified in the Turkish Parliament, the next and the last step. But, on November 30, 1999, in a

ruling made in response to the application of Öcalan's lawyers, the European Court of Human Rights asked the Turkish government to suspend the execution until they hear and decide on the case.

The Kurdish problem poses serious threats to Turkey's security because it is manipulated by Turkey's enemies and secondly, it poses serious challenges to Turkish identity. How to reconcile various layers of identity becomes essential in the creation of a new social contract for Turkey, but the polarization of the Turkish society over the Kurdish problem is at such a level that a new social contract seems at the moment unlikely. One thing is definite and that the Kurdish problem will be an essential component for Turkey's politics of security and politics of identity.

HUMAN RIGHTS

A major problem in Turkish political system, related to the Kurdish problem as well, is with regards to protection of human rights, specifically problematic are torture, disappearances while under custody, extra judicial executions. The EU's Composite Paper on Enlargement adopted in November 1998 points out to several anomalies in the working of the public authorities in respect of human rights and the protection of minorities.²⁶ The issue of human rights as a determining element of Turkish-EU relations is reflected in the December 1997 statement made by Luxembourg's Prime Minister Jean Claude Juncker, then presiding over the EU, that the EU would not sit at the negotiating table with a country in which there is torture. There are two types of pressures on the Turkish government, one is external, i.e., the EU, the Council of Europe and the other is internal. Externally, Turkey is subject to constant supervision by the EU through the Commission's evaluation of its political system to judge its adherence to the Copenhagen criteria. In addition, the EP is closely involved with the human rights problem in Turkey, as demonstrated by its September 1996 resolution that advised suspension of all financial aid to Turkey. Internally, civil groups, such as the Human Rights Organization, pressure the government. An interesting phenomenon of the 1990s is the grassroots movement, the Saturday Mothers, which is a sit in campaign in which all mothers, sisters, wives of people who disappeared while under custody come together every Saturday

demanding explanations from the government about the whereabouts of their relatives. In response to these demands, the Turkish government set up within the Ministry of Interior a search unit for missing persons in November 1996. A number of publicized cases in the 1990s—the Metin Goktepe case of a journalist who was beaten to death by a group of police officers and the Manisa case where a group of teenagers were tortured by police for their alleged membership in terrorist organizations—also demonstrated the need for reforming the human rights policies of the government. Representatives from the Council of Europe and the European Parliament attended the trials for both of these cases.

One serious obstacle to the improvement of human rights issues is the body of laws inherited from the Ottoman Empire that prevents the investigation of public officials. The law on the prosecution of public officials for offenses such as torture and ill treatment are subject to the permission of their supervisors, in many cases who also have been involved. The Law on the Prosecution of public officials has been an important obstacle to the trial and punishment of public officials responsible for violations of human rights. In September 1999, the government prepared a draft law on the prosecution of public officials in order to facilitate their trial and punishment; thus an important step in this aspect is taken.

Other reforms for improving human rights are also adopted. In April 1992, the government adopted a Common Criminal Procedure Law—CCPL—that brought new regulations of custody for common criminals. In December 1997, the government adopted a package on human rights that dealt with conditions of custody and torture. In March 1997, police custody was reduced. In October 1998, a revision to police detention procedures was adopted. In November 1998, training courses for police officers for respect of human rights began. In January 1999, the Constitutional Court has decided to annul the provision that enables security officers to fire at suspects who do not stop when warned—this provision was adopted in the first place to fight against terrorism.

One of the promising elements for democratization in Turkey is the new government that was formed after the April 1999 general elections. The new government is a coalition of the Social Democrats, the Nationalist Movement Party and the center-right Motherland Party

that have a majority in the Parliament (354 seats out of 550), this makes the adoption of legislation easier especially important for political reforms. One of the first acts of this coalition was to remove the military judge from the State Security Courts. In August 1999, the Parliament adopted an Amendment to the Penal Code, its Articles 243, 245 and 354 which brought a redefinition of cases of torture, and brought measures against medical personnel who participated in covering up cases of torture. In September 1999, a law was adopted to postpone the prosecution of offences committed through the media—a reform that released some of the restrictions on freedom of expression. Other political reforms that are currently under debate in the Parliament are revisions to the Penal Code, to lift the death penalty, a law on the prosecution of public officials to facilitate the punishment of those who abuse their power and a revision to the criminal procedures.

CONCLUDING REMARKS

Turkey's political system has serious shortcomings that act as obstacles to its inclusion into the EU. Human rights and the EU's Copenhagen criteria sit in front of Turkey's closer cooperation with the EU. In that aspect, there is an ongoing process of political change in Turkey in an attempt to conform to the EU standards. The situation at the end of the 20th century is that Turkey confronts a serious challenge in reforming its political system; but at the same time, this is where there is room for generating Turkey's inclusion into the new European order as defined through democracy and respect for human rights. The European Union has been an important factor in the promotion of democracy in Turkey throughout the eighties via Turkey's Association with the EU and throughout the nineties via the Turkish desire to a member of the EU. However the EU made a strategic mistake when it decided to open accession negotiations with countries such as Bulgaria and Slovakia—which do not have more stable democracies than Turkey. By doing so, the EU decreased its legitimacy and credibility as an unbiased organization and deprived itself of powerful tools to push for Turkey's democratization.

NOTES

1. Gerard Delanty, *Inventing Europe: Idea, Identity and Reality* (London: Macmillan Press, 1995); Elizabeth Prodromou, "Paradigms, Power, and Identity: Rediscovering Orthodoxy and Regionalizing Europe," *European Journal of Political Research*, Vol. 30, No. 2, 1996: 125-154; and Iver Neumann, "European Identity, EU Expansion and Integration/Exclusion Nexus," *Alternatives*, Vol. 23, No. 3, 1998: 397-416.
2. See Meltem Müftüleri-Bağ, *Turkey's Relations with a Changing Europe* (Manchester: Manchester University Press, 1997).
3. *Hurriyet* (a Turkish daily newspaper), December 13, 1997.
4. Agenda 2000 of the Commission, July 1997; Luxembourg Presidency Conclusions, December 1997; Commission Progress Reports for Turkey, 1998; 1999.
5. Stephen Bates and Martin Walker, "Analysis: Turkey: Bridge over BATES Troubled Waters: The Bosphorus Crossing Links Europe and Asia, yet Despite their Geopolitical Importance and Long Membership of NATO, the Turks Batter in Vain on Europe's Door." *The Guardian* (Manchester), December 2, 1998.
6. *Hurriyet* (Istanbul), September 18, 1987.
7. European Parliament Resolution, Bulletin of the European Union, 9/1996, pt. 1.4.43.
8. European Parliament, Report by Carnero Gonzales for the Committee on Foreign Affairs, Security and Defense Policy on the fact-finding mission to Turkey, 13-16 September 1995, Doc Pe. 214.242.
9. The two reports were written by members of the European Parliament in 1985 and 1988. They recommended that Turkish political system has to become more compatible with the European democracies.
10. Joanne Reedom-Ackerman, "New Hope in Turkey," *Christian Science Monitor*, November 18, 1999, p. 9.
11. Presidency conclusions, the Council of the European Union, Copenhagen, 1993.
12. The case against the Virtue Party opened in May 1999 and in September 1999, the party officials gave in their defense documents to the Constitutional Court. On the other hand, the Constitutional Court rejected a closure case against another pro-Kurdish party-*People's Democracy Party, HADEP* in 1999.
13. Commission Composite Paper on Enlargement, November 1998, p.19.
14. Commission Progress Report on Turkey, 1998.
15. The European Commission's Progress Report on Turkey, 1998, p.13.
16. The European Commission's Progress Report on Turkey, October 1999, p. 9.
17. Statement adopted on 22 February 1999, Bulletin of the European Union, January/February 1999, pt. 1.4.19.
18. Bulletin of the European Union, September 1998, pt. 1.3.23.
19. "Refah İktidari Kanlı mi olacak, Kansiz mi?," *Milliyet* (a Turkish daily newspaper), January 18, 1998.
20. Bulletin of the European Union, January/February 1998, pt. 1.4.23.
21. James Meyer, "Politics as Usual: Ciller, Refah and Susurluk: Turkey's Troubled Democracy," *East European Quarterly*, Vol. 32, No. 4, Winter 1998: 489-502.

22. Paul Kubicek, "Turkish-European Relations at a New Crossroads?," *Middle East Policy*, Vol. 6, No. 4, June 1999: 165.
23. Bulletin of the European Union, October 1998, pt. 1.1.7.
24. Bulletin of the European Union, January/February 1999, Common Foreign and Security Policy (19/21), pt. 1.4.19.
25. Bulletin of the European Union, January/February 1999, pt. 1.2.11.
26. Bulletin of the European Union, November 1998, pt. 1.3.49.