

**TURKEY'S DEMOCRATIZATION PROCESS UNDER EUROPEAN UNION'S
CONDITIONALITY: AN INDEX ASESMENT OF DEMOCRACY,
GOVERNANCE AND HUMAN DEVELOPMENT**

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Submitted to the Graduate School of Social Sciences
in partial fulfillment of the requirements for the degree of
Master of Arts

SABANCI UNIVERSITY
JANUARY 2015

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Abstract

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M.A. Thesis, 2015

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Keywords: Conditionality, Democracy, EU, Governance, Index, Reforms

Turkey's democracy has experienced a disruptive pattern of consolidation attempts throughout its history. The Europeanization project, envisioned since the establishment of the Republic, has been one of the main drivers for reform, especially in the early 2000s, when the EU membership prospect gained momentum. Although the conditionality's credibility had rather diminished, Turkey's Justice and Development Party demonstrated that a constitutional democracy can be achievable in a predominantly Muslim society, despite external and domestic challenges, provided the benefits are greater than the implementation costs. This study draws attention to Turkey's democratization patterns in the policy areas on which the European Union's political conditionality relies—democracy, governance, and human rights, notably after the official start of the accession negotiations in 2005.

The main objective of this study is to assess the country's democratic progress between 2005 and 2013 by examining Turkey's standing according to international indices. Thus, it is explored whether the post—2005 period fostered substantial progress and whether a positive development is foreseeable in the ongoing democratization path.

Özet

AVRUPA BİRLİĞİ UYUM ŞARTLARI ALTINDA TÜRKİYE'NİN DEMOKRATİKLEŞME SÜRECİ: DEMOKRASI, YÖNETİM VE İNSANI GELİŞMİŞLİK İNDEKSİ DEĞERLENDİRMESİ

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Yüksek Lisans Tezi, 2015

Tez Danışmanı: Fuat Keyman

Anahtar Kelimeler: Avrupa Birliği, Demokrasi, İslahat, İndeks, Uyum Şartları, Yönetim

Türkiye, tarihi boyunca, demokrasiyi topluma yayma mücadelesinde karışık bir süreç yaşamıştır. Avrupalılaşıma – ya da Batılılaşma – hareketi, Cumhuriyet'in ilanından bu yana, özellikle Avrupa Birliği üyeliği olasılığının hız kazandığı 2000'li yılların başlarından beri, reform için temel unsurlardan biri olmuştur. Üyelik şartlarına karşı güven oldukça azalmış olsa da, Adalet ve Kalkınma Partisi, anayasal demokrasinin Müslüman çoğunluklu bir toplumda, ülke çıkarımın, uygulama maliyetlerinden daha yüksek olması koşuluyla, iç ve dış zorluklara rağmen sağlanabileceğini gösterdi. Bu araştırma, politik çerçevede özellikle 2005'teki resmî katılım müzakerelerinin başlangıcından sonra, demokrasi, insan hakları ve yönetim gibi Avrupa Birliği şartlarına dayanan Türkiye'nin demokratikleşme modeline dikkat çekmektedir.

Araştırmanın temel hedefi, uluslar arası verilere göre ülkenin durumunu inceleyerek 2005 ve 2013 yılları arasında Türkiye'nin demokratikleşme sürecini değerlendirmektir. Böylelikle, 2005 sonrası dönemin önemli bir gelişim gösterip göstermediği ve süregelen demokratikleşme yolunda olumlu bir gelişimin öngörülebilir olup olmadığı ortaya çıkarılacaktır.

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LIST OF ABBREVIATIONS

AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
CE	Council of Europe
CPI	Corruption Perception Index
BDP	Bariş ve Demokrasi Partisi (Peace and Democracy Party)
CHP	Cumhuriyet Halk Partisi (Republican People's Party)
DP	Demokratik Partisi (Democratic Party)
EC	European Commission
ECSC	European Coal and Steel Community
EEC	European Economic Community
EIU	Economist Intelligence Unit
EU	European Union
EURATOM	European Atomic Energy Community
FH	Freedom House
FIW	Freedom in the World
FP	Freedom of the Press
GCI	Global Competitiveness Index
GCR	Global Competitiveness Report
GGI	Gender Gap Index
GII	Gender Inequality Index
GNI	Gross National Income
GRECO	Group of States against Corruption
HDI	Human Development Index
MHP	Milliyetçi Hareket Partisi (Nationalist Action Party)
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OEED	Organization for European Economic Development
RL	Rule of Law
RSF	Reporters Sans Frontiers (Reporters without Borders)
TEU	Treaty on European Union
UN	United Nations
WB	World Bank
WEF	World Economic Forum
WGI	Worldwide Governance Indicators
WJP	World Justice Project

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INTRODUCTION

An increasing number of studies have committed to analyzing Turkey's democratic credentials, as throughout its recent history, it has proven that, although democracy can be broadly compatible with a predominantly Muslim country, it is also dependent on a series of domestic and international variables, provided the right incentives and popular support are aligned.¹

Throughout its republican history, Turkey's modernization project involved playing an active role by integrating with international organizations. Turkey's belonging in Europe has been openly proclaimed by Mustafa Kemal Atatürk and has legitimized a series of political, social and economic reforms modeling the Western civilization, despite the fact that modernization from above did not necessarily reflect adherence to democratic values.² Modern Turkey's history has been characterized by the coexistence of success—the establishing of a necessary institutional structure of modernity, such as a nation-state, modern positive law, parliamentary democracy, market economy and citizenship—and failures, in ensuring a multi-cultural modernity, a consolidated democracy, stable and sustainable economy, as well as an inclusive citizenship operating on the basis of language of rights and freedoms.³

Whereas Turkey's quest for European Union (EU) membership dates back to 1959, when it had first applied for associate membership, over 50 years have passed since, without fulfilling its EU accession project. Having the EU membership as a goal to work towards has been argued to make Turkey's domestic articulation of reforms much more concrete.⁴ However, despite being granted the candidate status in 2005, Turkey's enthusiasm for democratic reforms' adoption and implementation has significantly decreased, in contrast to the radical changes implemented in the 2000s.⁵ As of 2014, although Turkey is still formally standing by the EU membership bid, the negotiations have been informally hindered, a development which has been interpreted to signal a decreased commitment on both sides.⁶ Some of the explanations for this slowdown rely on domestic factors (Saatçioğlu, 2014; Jacoby, 2010) such as the costs of reforms under decreased public

¹ Keyman; Öniş. 2007

² Ibid.

³ Ibid., p 9

⁴ Keyman, 2009

⁵ Kubicek, 2011, p 135

⁶ Saatçioğlu, 2014, p. 96

support for Europeanization, while other approaches account for external factors such as changes in Turkey's foreign policy or the EU's absorption capacity (Pridham, 2007). This thesis acknowledges that there is a diversity of frameworks and determinants for evaluating a country's democratization performance by relying on internal or external variables, and attempts to examine Turkey's democracy pattern by referring to international non-governmental monitoring agencies' democracy indices. For this purpose, the first part of the thesis will introduce the European Union and the membership conditions, along with its rule enforcement mechanisms, namely accession conditionality and external governance. The second chapter will bring forth a historical overview of Turkey's democratization process and its EU accession development. The third chapter will introduce the relevant international indices measuring Turkey's standing on policy areas such as democracy, governance and human development. The fourth part will examine Turkey's rankings on democracy indices whereby last chapter will draw the concluding remarks.

Theoretical Framework

The word 'democracy' has been increasingly used throughout various segments of society, regardless of their education, religious affiliation or occupational field, as it has become a common concept in the mundane vocabulary, notwithstanding the public and political usage. Commitment to democracy is one of the fundamental preconditions for any country to be considered eligible for application to EU membership.

Democracy is both a politically loaded term and an abstract concept.⁷ The conceptual framework frequently used for assigning the concept to contemporary political regimes by varied monitoring agencies emphasize the institutional role and the civic involvement, by regarding Robert Dahl's definition of democracy as involving popular participation and electoral competition for major public offices, and a host of institutions and processes necessary to sustain participation and competition.⁸

Although there is a broad range of understandings of democracy and its socio-political implications, the current thesis refers to democracy as the set of principles promoted by the EU in its *acquis communautaire*. Whereas the EU does not postulate a clear-cut definition of democracy, its meaning can be derived from the principles used to describe

⁷ Rose, 2008, p 254

⁸ Dahl, 1971 in Rose, 2008

its features. The EU's annual assessment of a country's democracy employs a broad range of criteria, narrowed down to democracy, good governance, and respect for human rights. As the Treaty on the European Union states, "these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."⁹

The EU Report's democracy assessment entails the evaluations under sub-sections for the parliament, government, public administration, civil-military relations, judicial system, anti-corruption policy, as well as the implementation of human rights and protection of minorities. The freedom of expression is evaluated under 'civil and political rights' within the framework of human rights. While the concepts evaluated are not specifically defined, it is stated that "the candidate country must have achieved the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities".¹⁰ The fact that new indicators, such as the anti-corruption policies, have been added in time, maybe used to indicate that EU's definition of democracy is constantly broadening.¹¹

The global significance attributed to democracy and good governance for a country's affairs has also prompted intergovernmental policymakers, international nongovernmental organizations and social scientists to seek indicators that can be used to evaluate the performance of regimes. Whereas indicators of democracy and of governance may prove to be interchangeable, rather than incommensurable or in conflict,¹² measuring the commitment to democracy indicates a consistent understanding of democracy, as well as of the subsequent indicators.

⁹ TEU, Art. 2

¹⁰ TEU, Art. 1

¹¹ Džihić; Wieser, 2011, p 1805

¹² Rose, 2008, p 251

CHAPTER 1

AN INTRODUCTION TO THE EUROPEAN UNION

The European Union has become an increasingly present reference in the international contemporary political discourse, owing to its influential cultural and geopolitical role throughout the past decades in Europe. A large body of literature has centered on studying the underlying mechanisms of EU's sociopolitical, economic and foreign policy dimensions, as well as the multidimensional dynamics of the EU integration process (Grabbe: 2002; Manners: 2013; Rose: 2008; Schimmelfennig: 2008). In examining Turkey's progress on strengthening democracy, as postulated by the EU's accession conditionality, it is instrumental to understand the EU's institutional framework and the core values underpinning its relationship with member states and candidate countries alike. This chapter will thus introduce the EU in historical perspective, outlining the main features of the accession process, by referring to the integration mechanisms of legal conditionality and external governance.

1.1. From the European Coal and Steel Community Towards the European Union

The political actor known today as the European Union represents a geopolitical entity, as well as a legal organization, which has evolved from a political and economic international organization– the European Coal and Steel Community (ECSC) – toward the larger organization that it is today.

Following the unfavorable consequences of the World War II, and one year after the establishment of the Council of Europe in 1949, the ECSC emerged as a new political and economic organization that would unite European countries in order to safeguard lasting peace and promote economic expansion, sharing a common market, common objectives, and a common institution.¹³ The Treaty of Paris had thus been signed in 1951 by six countries – Italy, Spain, Belgium, Netherlands, Luxembourg, and West Germany,

¹³ Treaty Constituting the ECSC, Art. 1, 2

and was to be accompanied by its first two institutions – the High Authority and the Common Assembly.¹⁴

However, in light of existing security concerns, raised by failed endeavors at creating defense and political communities, two more European bodies had been established upon signing the Treaties of Rome in 1957 – the European Economic Community (EEC), and the European Atomic Energy Community (EURATOM),¹⁵ whereby the extension of European integration was to include enhanced general economic cooperation.¹⁶ 7 years later, however, in order to centralize the three European organizations, the Merger Treaty had been signed in Brussels in 1967, thus having created the European Communities¹⁷ that would function under a single Commission and a single Council.

After several Treaty amendments, and with a number of newly integrated member states, The Maastricht Treaty, effective in 1993, brought forth key features of a political union, by officially laying foundation of the European Union, along with new forms of cooperation between EU governments.¹⁸ The institutional structure of the EU relied on three main pillars – the European Community, common foreign and security policy, and justice and home affairs, whose congruity was to be guaranteed by a single institutional framework, namely the European Council of Heads of State, the Council of Ministers, the Commission, the European Parliament and the Court of Justice.¹⁹

Following subsequent legal revisions and amendments brought forth by the Treaty of Lisbon (effective in 2009), the EU's three pillar organizations stipulated by the Maastricht Treaty had been replaced with an ordinary legislative procedure,²⁰ which was to be incorporated into all its deriving policies, with the exception of police and judicial cooperation on criminal matters where the Member State has a right of initiative and a right of appeal to the European Council on legislative matters.²¹

Whereas the EU's early objectives primarily focused on economic and political cooperation, references to liberty, democracy, respect for human rights, and fundamental

¹⁴ Ibid. Title II, Art. 7

¹⁵ EEC Treaty, 1957

¹⁶ The consolidated version of the Treaty establishing the European Atomic Energy Community, 2010, Art. 1, 2

¹⁷ Centre Virtuel de la Connaissance sur l'Europe, p 2

¹⁸ Maastricht Treaty, 1992. Title I, Article A

¹⁹ Characteristics of the Treaty on European Union, 2012, p 2 – retrieved from http://www.cvce.eu/obj/characteristics_of_the_treaty_on_european_union-en-beec7a53-4023-412d-a1ab-2c31b6a3c39d.html on 11.12.2014

²⁰ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 2007. Title I, Chapter 3, Art. 69A.1

²¹ Ibid. Title II, Chapter 3, Art. 65

freedoms had not been part of the its legal discourse. Only after the failed attempt to adopt a European Constitution and the subsequent adoption of the Treaty of Lisbon in 2009, the EU's political and legal discourse progressively expanded toward a wider concept of democracy promotion, broadly characterized by adherence to shared values of respect for human dignity, freedom, democracy, the rule of law and respect for human rights.²²

1.2. EU Integration and Accession Conditionality

The European construction is a unique historical experience under which, preexisting independent states may voluntarily concede some of their prerogatives in favor of adopting a supranational entity's regulations, therefore, from a legal and political perspective, European integration takes place as a mutual construction, giving rise to a new communitarian and supranational entity (Kubicek: 2011). Unlike international cooperation organizations such as OECD, UN, or NATO – which have a primarily associative function among sovereign states, the European Union is an organization of voluntary integration of sovereign states²³ and, while other international organizations may rely on simpler forms of coordination, the Treaty of Rome legitimized a legal body that overrules national jurisdictions²⁴ by overseeing the progressive policy transfer and implementation within Member States.

The integration basis relies on the Union's general interest which prevails over national interests²⁵—a partial ceding compensated by certain membership advantages, whether political or economic. Adhering to the principles established by the EU founding Treaties as grounds for the Union's administration, also accounts for standing by a European construction that has drawn inspiration 'from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law', as referred to in the Treaty on the European Union.

A communitarian understanding of the Member States' role within the European Union relies on the intergovernmental dynamics, under which member states serve as the most

²² TEU, Art. 6

²³ TEU, Art. 1

²⁴ Ibid. Art. 51

²⁵ Ibid. Title I, Art. 2—6

appropriate and legitimate political communities for sharing the European communion (Wallace: 2006; Hagemann: 2008), yet the EU's processes involving subjective sharing of relationships within and between the economies and societies of the member states, are more than the co-operative relations between EU governments, as the 'Europeanization' and globalization of European economies and societies, involving the reconfiguration of public and personal life, transcend intergovernmental cooperation.²⁶ In other understandings, the EU functions primarily as a supranational community, whereby the legitimate role of institutions such as the European Commission and the European Court of Justice is fundamental in understanding its politics and policies.²⁷

The EU has also been conceptualized in light of the role of transnational factions and groups inside and outside the EU, as relevant and legitimate multidimensional actors participating in the European community,²⁸ all the while emphasizing the importance of these transnational interactions and interdependencies within the relations among EU member states, especially in the more recent globalization-driven geopolitical interactions.²⁹ Manners (2013) draws from the brief illustrations from the consolidated treaties and points out that "the notion of communion captures the multiple nature of the EU as a political object between imagined communities and cosmopolitan enactments - where local and global politics commune"³⁰ therefore conceptualizing the contemporary features, processes and outcomes of the European Union cannot be merely reduced to supranational integration, or intergovernmental co-operation, but ought to be placing the communautaire interactions into a more global EU context.³¹

Inasmuch as the founding treaties along with the current Constitutional Treaty emphasize the shared goals of congruous development promotion, balanced and sustainable economic activities, with high employment and social protection, sustainable growth, increased level of competition and converging economic performance, as well as with social, economic and territorial cohesion among Member States, the bi-dimensional integration process that had started half a century ago, in the context of increasing globalization, has generated a series of constraints and conditionalities which, undoubtedly, impacted the Member states and their common policies, internal market and

²⁶ Lynggaard 2011 in Manners, 2013. 478

²⁷ Camps, 1956. p 23—25

²⁸ Strange, 1971. p 311 in Manners, 2013.

²⁹ Manners, 2013. p 480

³⁰ Ibid. p 488

³¹ Ibid.

competition rules, by transforming old structures and interdependencies.

1.2.1. Accession Conditionality

The certain allure of EU membership, in comparison with that of other international organizations, in particular, illustrates the EU's power to enforce conditionality in return for accession prospects.³² In a country's accession process, the EU conditionality can be broadly understood as the series of accession requirements set forth by the EU Copenhagen in 1993. While the EU has undoubtedly undergone a series of legislative and procedural amendments, adhering to the *acquis communautaire* by meeting the political conditionality has remained one of the fundamental criteria for a state's fulfillment of membership prerequisites. The conditions set out by Article 49 and the principles stipulated by Article 6.1. of the Treaty on European Union to be met by any potential candidate country rely on three broad criteria. Meeting the political criterion – consolidated institutions to promote democracy, the rule of law, human rights and respect for and protection of minorities, is the first prerequisite for the European Council to decide on opening the negotiations with a country. Additionally, the economic criteria requires the existence of a functioning market economy, along with the capacity to cope with competitive pressure and market forces within the Union and, last but not least, the acceptance of the *acquis communautaire* stands out as the ability and commitment to take on membership, including adherence to the aims of political, economic and monetary union.

Whereas the EU has been known for its core commitments to promoting democratization, political liberalization and its engagement toward respecting human rights³³ conditionality has been proven to be one of the relevant democratization strategies for potential member states. The EU conditionality generally relies on a *reinforcement by reward* approach, with the rare use of punishment if a candidate fails to conform to the accession criteria. By this means, a social entity uses the instrument of reinforcement in order to obtain a desired change in the behavior of another party (Schimmelfennig, Knobel and Engert: 2003). If not for the withdrawal of accession benefits as a sanction, there is no actual penalty or punishment to influence the cost and benefit calculations of the target party, therefore the prospect of future advantages is what rather motivates a

³² Pridham, 2007. p 446

³³ TEU, Art. 2

candidate state to implement reforms.³⁴ The EU rewards the target country for complying with the requirements, by offering a number of benefits, such as full membership, financial assistance or military protection, and withholds the rewards for failing to acquiesce them. Conditionality is thus calculated to work when a clear, mutually accepted hierarchy between the applicant country and the community is operationalized through negotiation between participants with the aim of utility maximization.³⁵

Once the candidate state finds the conditionality credible and the rewards as plausible, it has a more substantial motivation to adopt and implement new political reforms (Schimmelfennig: 2008). Effective conditionality, as Kubicek points out, apart from a cost-benefit outlook, is also related to its actual credibility, as well as to its strength and consistency.³⁶ Credibility, as ‘the expectation that an announced policy will be carried out’³⁷ is a measure of EU’s constancy in delivering the applicable compensations drawing from the governments’ compliance with the criteria, or their non-compliance with them. Even though, according to the Article 49 of TEU, application for membership has been an open possibility for any European state meeting the political conditionality and committed to adhering to the *acquis communautaire*, the EU’s actual absorption capacity has come up as a key element in its enlargement process. It has been argued that offering plausible conditional EU membership prospects is indeed a vital prerequisite for the EU, as an anchor that would bring forth significant domestic changes in a non-member state.³⁸ Turkey has been an example of a candidate state whose actual membership probability has been met by a number of challenges and changes in attitude, ranging from enthusiasm to reluctance from both sides. Indeed, soon after opening the accession negotiations with Turkey, the EU’s 2006 enlargement strategy brought forth new emphasis on cautiousness about assuming any new undertakings³⁹— a stance which had been widely interpreted to indicate a change in its enlargement standpoint.

Nevertheless, as Müftüler-Baç argued in 2002, a country’s accession progress should be interpreted through a multilateral framework that transcends case specific factors such as meeting the Copenhagen criteria, by taking into consideration EU—specific factors such as the institutional setup, member state preferences, as well as the role of public opinion

³⁴ Urgan, 2011, p 13

³⁵ Davies, 2013, p 521

³⁶ Kubieck, 1999, p 912

³⁷ Drazen; Masson, 1993 cited in Bronk, 2002, p 6

³⁸ Schimmelfennig, 2004, p 918

³⁹ European Commission, 2006

regarding enlargement and membership in particular.⁴⁰ Similarly, Schimmelfennig⁴¹ suggests that the primary aspects of conditionality might be superseded by other mechanisms that can also lead to rule transfer, such as the countries' internal political and economic transformations which may coincide with the EU rules, as well as the attractiveness of the incentives for reform.⁴²

1.2.2. External Governance

Another aspect of the EU's role in promoting democracy and the rule of law has to do with exercising its influence toward aspiring members and non-members alike, by horizontal co-ordination and co-operation, negotiated in decentralized settings between public and private actors (Peters: 2000).

Lavenex and Schimmelfennig explore the concept of external governance of the EU as an extension of its internal rules and policies going beyond formal membership, which is able to transform a non-member country's implementation of European values.⁴³ External governance is argued to be surpassing expansion since, in the recent years, the EU absorption capacity has been brought up as a potential issue in considering opening new accession talks with late potential members, all the while having to address its relationship with the neighboring countries in a purposeful way⁴⁴.

The formal rules, along with the monitoring and sanctioning mechanisms which are crucial for an effective use of conditionality as a top-down policy transfer on the basis of incentives are particular to a hierarchical external governance mode.⁴⁵ In measuring the external governance effectiveness, a country's selecting, adopting and, ultimately, applying EU rules in its international and domestic modus operandi may well indicate the actual level of commitment to EU conditionality.⁴⁶

From an institutionalist hypothesis, the effectiveness of EU external governance is directly correlated with the quality of the existing EU institutions (Scott: 1995), whereas a power-based explanation argues that the main determining factor is the EU's power and its interdependence to third countries, which are usually quick to adhere to the *acquis communautaire*.⁴⁶ A third explanation would be centered on the domestic structures of

⁴⁰ Müftüleri-Baç, 2002, p 93

⁴¹ Schimmelfennig, 2004, p 662

⁴² Ibid.

⁴³ Lavenex; Schimmelfennig, 2009

⁴⁴ Schimmelfennig; Sedelmeier, 2008

⁴⁵ Ibid, p 801

⁴⁶ Ibid. p 803

the third country whose established institutional mechanisms would determine its compatibility with EU rules and, therefore, the effectiveness of external governance.⁴⁷ The external governance perspective thus accounts for promoting democratic governance at the sectoral level through the projection of the EU *acquis*.⁴⁸ While reference to the EU *acquis* has become standard in EU association agreements with third countries, and several institutionalized settings have been established to promote these associations, the question of how far third countries outside the circle of candidates for membership actually adapt to EU norms has remained little investigated. Here effectiveness is defined as the extent to which EU rules are effectively transferred to other countries. Turkey itself has been a candidate state for which the future membership prospects considerably acted as a catalyst for change, especially in the pre-accession phase. However, its vigorous initial commitment to adopting core democratic principles in line with EU conditionality has been met by additional, informal, accession conditions⁴⁹, which eventually contributed to a diminished credibility in the likelihood of membership. At the same time, as Laffan theorized, the EU has taken over the concept of ‘Europeanness’ by achieving hegemony in terms of increasingly defining what it means to belong to Europe.⁵⁰ From this perspective, having Turkey’s candidacy on hold for the longest period of time, coupled with certain member states’ informal reluctance to support its membership may well indicate misrecognizing it as a European country.

⁴⁷ Ibid. p 804

⁴⁸ Freyburg et. Al, 2009, p 12

⁴⁹ Schimmelfennig, 2004

⁵⁰ Laffan, 2004

CHAPTER TWO

DEMOCRATIZATION AND EU MEMBERSHIP

According to the EU's admission criteria, Turkey's membership prospects are directly related to achieving a stable, functioning democracy, by which good governance, rule of law and respect for human rights concur with the Union's intrinsic values. Whereas the EU has undoubtedly acted as a catalyst for political reform, particularly after declaring its official candidacy, Turkey's democratic experience, albeit through disruptive patterns, began with the early days of the Republic's establishment, and was carried through in line with the ruling elite's vision of modernity, as a way of modeling Western European values. This chapter describes Turkey's major democratization phases, starting with the Kemalist reforms, followed by the ensuing developments under successive military governments, and, lastly, refers to the post—2000 reforms, in the context of Turkey's official acceptance as a EU candidate state in 1999.

2.1. Turkey's Pre-Accession Modernization

Turkey has been experiencing a sinuous historical pattern of ties with the Western community, notwithstanding various debates on the country's Europeanness. The Kemalist state elites have always looked up to the West as a preferable faction to be part of⁵¹ and there had been an equal consensus as to the advantages of Europeanization, inasmuch as Turkey's geopolitical belonging in Europe had been an agreed upon.⁵² Turkey's history of modernization and westernization dates back to the 19th century Ottoman Empire, when the Tanzimat reformers, heavily influenced by European thinking, attempted to adopt a number of administrative reforms between 1839 and 1876, but were later stalled as the concentrated authoritarian power was grounded in the ruler's hands. The modern-day Turkey had been established in 1923 under the leadership of Mustafa Kemal Atatürk, at a time when the Ottoman Empire's collapse marked the

⁵¹ Kubicek, 2011, p 159

⁵² Ibid.

beginning of the 20th century. Atatürk described Turkey's goal as attaining the level of contemporary (Western) civilization and even surpassing it.⁵³ Yet in order for the Kemalist-envisioned idea of Turkey to come true, political power had to be taken over from the hands of reactionaries and ultraconservatives, a process that marked a new state-centered polity and society modernization project led by the Republican People's Party (CHP).⁵⁴

The Turkish nationalist elite expressly focused on modernization according to their perceived Western and European values and, like their Unionist predecessors, they believed that political power was to be exercised in order to carry out a social and economic revolution without which the political revolution would dissipate.⁵⁵ Therefore, a wave of legal, bureaucratic, economic, military and socio-political reforms had been developed and implemented as such. As part of this radical restructuring, Turkey abolished the Arabic alphabet in favor of the Latin one, reformed the educational system by accelerating the process of literacy and mass education, introduced localized teaching and co-education, banned traditional religious methods of teaching, imported Western criminal and civil laws, and extended the economic role of women, as well as their right to vote and stand for election.⁵⁶

In the single-party period of 1923—1945, the Republican People's Party (CHP) had been the main actor to enforce 'modernization' in an attempt to advance Turkey's economic and cultural change. Although the system's authoritarian proneness did not foster ideological justifications, it has been a period of radical secularization through social and political reforms grounded in the ideal of a liberal-democratic state.⁵⁷ These policies took form under the centralized political power of the republican elite represented by the CHP. The party leveraged its monopoly on the political power so as to transform the people into republican citizens, eligible to participate in politics. In line with the single-party regime's motto, "for the people, despite the people", the modernization project was based on the economic, political and cultural exclusion of a majority of population living at the rural periphery and on rejecting the principle of effective good governance.⁵⁸ As Özbudun pointed out, this sudden, far-reaching change imposed upon society, along with the deep

⁵³ Yıldız, 2011

⁵⁴ Ahmad, 1993

⁵⁵ Ibid. p 72

⁵⁶ Camyar, 2010

⁵⁷ Özbudun 2007, p 12

⁵⁸ Çinar; Saygın, 2014, p 368

cleavage that emerged between radical secularists and Islamic traditionalists brought about a polarizing effect that would not have made a stable democracy likely.⁵⁹

Between 1946 and 1960, Turkey experienced a transition to multiparty politics, which had been dominated by the CHP and the Democratic Party (DP), the latter having won the parliamentary elections of 1950. While under the first years of DP's leadership Turkey experienced looser checks on Islam and significant economic growth, the change had not lasted, and the economy had been affected by high inflation and a great debt, accompanied by new censorship laws limiting individual liberties. The DP's clientelist approach, however, did not reshape the former social and political structures, but employed them in the exchange relationship scheme in a similar manner, thus perpetuating the elitism of the previous single-party era.⁶⁰

The military coup of 1960 strengthened the power of the military, entailing complete autonomy from civilian government by replacing civilian institutions with military organs. A year later, upon adopting the constitution of 1961, a new, freely elected civilian government came to power. Under such circumstances, in order to limit the elected assemblies' power, a new system of checks and balances had been implemented and, along with it, judicial review of the laws' constitutionality, the strengthening of the Council of State, independence for the judiciary, a second legislative chamber, as well as increased autonomy to universities and the Radio and Television Corporation.⁶¹ Turkey's main democratic features at that time had not been grounded in the principles of rule of law, limited state, or division of powers, but amounted to free elections and responsiveness within the clientelist network. However, while the liberalized environment that followed the military rule achieved easing some of the social and political tensions, it nevertheless allowed for marginal and extreme politically-motivated acts to take place. At a time when unemployment was rising and certain extremists took advantage from the existing social polarization by fueling dissent and lawlessness, counteracting such occurred through another military intervention.⁶²

While civilian administration was had been eventually restored by 1973, the successive constitutional revisions that followed in 1971 and 1973 strengthened the executive authority and restricted civic liberties that were thought to potentially favor dissent and

⁵⁹ Özbudun 2007 p 14

⁶⁰ Çinar; Saygı, 2014, p 369

⁶¹ Ibid. p 371

⁶² Jenkins, 2001 p 37

political extremism. As Özbudun pointed out, the immediate reason behind the military intervention was the growing political violence and terrorist acts with large-scale effects in society, a development that signaled an upsurge of ideological polarization within the country, which, along with the economic and international challenges, prompted a decline in the legitimacy of the political system.⁶³ The military's intervention, however, did not succeed at ensuring political stability by means of good governance, nor managed to moderate political violence and polarization, let alone achieve economic stability.

Under such crucial developments, a third military takeover came about in September 1980 and had kept the ruling power for three consecutive years. The new constitution of 1982 brought new restrictions on political participation of former leaders, restricted the political activities of trade unions, associations and cooperatives, strengthened the presidency and introduced the 10% threshold for the political parties to enter the General National Assembly. A distinctive feature of the constitution of 1982 has been the institution of the Presidency, under which, 'the President is devoid of any political and legal responsibility for his or her actions, except for treason, yet is entrusted with enormous authority to act in all matters political, legal, economic, and so on'.⁶⁴ Civilian government had only been restored by 1983, yet the lack of vigorous, economically prevalent interests able to thrive despite the state and leverage it in their own interests, as much as the weak corporate intermediary structures had visible and powerful effects on the overall modernization process.⁶⁵ With the subsequent lifting of the martial law, a strengthened, independent judiciary had been established in addition to an independent press.

Under the state's autonomy, however, the power to change the class' structure and dynamics had been unevenly distributed, which resulted in a widened center-periphery cleavage. The ideological polarization between left and right, along with the ethnic tensions between Kurds and Turks, or between secularists and Islamists, had not been addressed by the coalition governments either. As Kalaycıoğlu (2005) pointed out, "the military government of 1980-1983 persecuted anyone who had been involved with any socialist or social democratic organization or party in the 1960s and the 1970s. Large numbers of intellectuals, students, artists, and politicians who had been involved in leftist

⁶³ Özbudun 2007 p 190

⁶⁴ Kalaycıoğlu, 2005, p 128

⁶⁵ Özbudun, 2007

politics were imprisoned for long periods of time, even when no charges could be pressed against them, or fled Turkey, and took refuge abroad”.⁶⁶

Whereas the military interference of 1980 was arguably effective, in short term, by means of forcefully overcoming the governance crisis of the late 1970s, from a long-term perspective, it had stalled Turkey’s trajectory toward EU membership, as the impact it had on human rights practices had been devastating.⁶⁷

In the early 1990s, Turkey witnessed an increase in political fragmentation and identity politics, by seeing the first Islam-oriented party, the Refah Party, win the elections of 1995, thus empowering politicians outside of the old Kemalist circles⁶⁸ for forming a new coalition government with the center-right True Path Party. However, the RP’s openly Islamist rhetoric signaled discontent even among the moderate adherents, while actively confronting the State’s secular elements.⁶⁹ The party’s failure to cultivate diversity and foster democratic consolidation was addressed two years later by the military, through the 1997 coup.⁷⁰ The next coalition government formed in 1999 by the Democratic Left Party, the Nationalist Action Party, and the Motherland Party also did not succeed in fostering effective democratic reforms, but furthered the existing political polarization.

The year 2002, however, had been a turning point for Turkey’s political environment, as the conservative Justice and Development Party (AKP) won the elections and managed to gather an increasing solid electoral support that was later to secure its victories for an entire decade (2004—2014) by incorporating a proactive foreign policy with a dynamic economic liberalization program.⁷¹

In addressing the changing nature of Turkey’s modernity, Keyman and Koyuncu outlined a modernity paradox that sees the coexistence of increased economic liberalization, characteristic of western modernity, and the emergence of identity politics, traditionalism and its appeal to the ‘return to authenticity’⁷² This paradox is argued to have emerged from the legitimacy crisis of the strong-state tradition, characteristic of the 1980 decade, when the state has acted as the sole internal variable for democracy, a process which inadvertently alienated a large base of civil society.⁷³ Additionally, the emergence of

⁶⁶ Kalaycıoğlu, 2005, p 135

⁶⁷ Öniş; Şenses, 2007, p 51

⁶⁸ Nogues, 2001, p 117

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Keyman, 2010, p 312

⁷² Keyman; Koyuncu, 2005, p 109

⁷³ Ibid.

identity politics in the 1990s articulated a strong critique of the exclusionary secular-rational model of modernity, prompting a more inclusive political approach, which fostered Turkey's active engagement in the globalization process by completing its full-membership application to the EU, a constraining factor which has nonetheless generated a new political cleavage between pro- and anti-European integration forces.⁷⁴

2.2. Turkey's Integration in Europe

When the accession negotiations between the European Union and Turkey began on October 3, 2005, it had been nearly half a century since Turkey first applied for associate membership in 1959.

Engaging actively with the European political and economic structures had been an integral part of Turkey's early endeavors to take part in the European state system, yet this process gained momentum particularly after the World Wars (Ahmad: 1993). Turkey's 'Western-oriented' foreign policy outlook surfaced more in the World War II aftermath, as, in 1945, Turkey stepped in as one of the 51 founding members of the United Nations, a role that secured its relevance on the international political scene. As of 2014, the UN's presence in Turkey has been established through 13 agencies that focus on contributing to the country's national development process by engaging different society segments.⁷⁵

Turkey also joined the Council of Europe in 1949 – an international human rights organization promoting cultural and political principles for democratic development across European countries – after, in 1948, it joined the Organization for European Economic Development (OEED), where it took part in the implementation of the European Recovery Program, which contributed to rebuilding the post-war European economy.⁷⁶

In 1952, soon after the North Atlantic Treaty Organization had been established, Turkey applied for membership and stepped in by taking a strategic role in the Alliance's defense policy, while capitalizing on its geopolitical setting in securing the Western Europe's flank.

⁷⁴ Ibid. p 110

⁷⁵ <http://www.un.org.tr/v3/vp/un-in-turkey/un-country-team.php?lang=EN>

⁷⁶ Lynggaard, 2011, p 711

Two years after the EEC had been founded by the Rome Treaty of 1957, Turkey applied for Associate Membership of EEC, which was later granted in 1963, under the ‘Agreement Creating An Association Between The Republic of Turkey and the European Economic Community’, also known as the Ankara Agreement.⁷⁷ The agreement stipulated a three-stage procedure involving preparing a customs union, establishing it and, eventually, transitioning toward accession. Whereas the Agreement had come as promising step toward EEC integration, the process proved to be challenging due to a domestic environment deeply affected by the military interventions of the 1960s and 1970s. At the same time, in 1973, the newly welcomed member states—Britain, Denmark and Ireland—expressed reluctance over Turkey’s prospects for membership, a tension that was enhanced by the Cyprus conflict of 1974.⁷⁸ Under the circumstances brought by the 1970s’ crisis, Turkey’s Prime Minister at the time, Bülent Ecevit, decided to freeze the Ankara Treaty in 1978, whereby the EU suspended the Agreement in 1982, as a response to Turkey’s democracy disruption by the military takeover of 1980.

After the power shift of 1983 occurred and the military rule established upon 1980’s coup had ceased in favor of a civilian government, Turkey applied for full membership in 1987, having Turgut Özal as the Prime Minister. Although the application had been rejected, Turkey’s political and economic liberalization that took place in the first half of the 1980s, positively impacted the country’s European prospects.⁷⁹ Therefore, the next major development in Turkey’s relation with the European Economic Community led to the creation of a Customs Union in 1995, which fulfilled the second stage of the Agreement – the integration of economic and trade policy required for full membership. Turkey’s potential for future membership was later re-addressed in 1999 when the EU, in its Helsinki European Council summit, granted Turkey the status of candidate state for EU membership. In this context, a new impetus for reform in the country’s domestic policies brought forth new commitments toward complying with the Copenhagen Criteria as a prerequisite for opening the accession talks. As part of the pre-accession strategy, the European Council adopted the Accession Partnership Document for Turkey in 2001, which was accompanied by Turkey’s own National Programme for the Adoption of the EU *acquis*, a step that outlined clear objectives to be met and changes to implement. The opening of accession negotiations with Turkey had officially been declared in

⁷⁷ <http://www.abgs.gov.tr/index.php?p=117&l=2>

⁷⁸ Eralp, 2009

⁷⁹ Camyar, 2010, p 376

October 2005, at a time when Turkey's efforts to fulfill the political aspects of the Copenhagen criteria already fostered a number of democratization reforms.

2.3. Turkey's Reforms under EU conditionality

2.3.1. The Reforms of 2000—2005

In 2000, soon after receiving the candidate status for EU membership, Turkey's Supreme Board of Coordination for Human Rights published a set of recommendations for political reforms and objectives to be considered so as to comply with the Copenhagen criteria. The reforms had focused on offering increased legal protection of social, cultural and political rights of all Turkish citizens of different religious and ethnic origins, as well as readdressing freedom of expression in Turkey.⁸⁰ The adopted Constitutional amendments set up the abolishment of the death penalty for all circumstances (effective in 2004), replacing it with aggravated life sentence, drafted a more liberal Law on Associations (which was to be particularly relevant for civil society groups), and changed the infamous Article 313 of the Penal Code—largely applied against Islamists and Kurds for 'inciting ethnic or religious hatred'. Additionally, the conditions under which the state could restrict the freedom of rights and liberties, as provided by Article 13 and 14 of the Constitution had been changed, as well as the punishment for insulting state institutions (Article 159).⁸¹

In this period, one third of the Constitution had been revised by the Constitutional Amendments of 2001 and 2004. The democratization packages implemented by 2004 tackled old cleavages between opposing factions such as conservative and secular groups, and fostered the emergence of identity politics, a process under which older divisions between nationalists and the ethnic minorities, particularly the Kurds, resurfaced.

A key player in this wave of democratic reforms had been the conservative AKP, which won the parliamentary elections of November 2002 and advanced its leader, Recep Tayyip Erdoğan, as the Prime Minister. Despite its Islamic orientation, the party's discourse at that time had been openly pro-European and supportive of political liberalization. The government-established EU Harmonization Commission adopted the UN Covenants on Civil and Political Rights and on Economic, Social, and Cultural

⁸⁰ Müftüleri-Bağ, 2005, p 22

⁸¹ Kubicek, 2011, pp 365—366

Rights, along with six harmonization packages passed through the parliament in a period of two years,⁸² a series of changes that had significant impact on the country's political environment.

Notably, one of the biggest constitutional changes brought forth by the adopted harmonization packages succeeded in diminishing the semi-authoritarian legacy of the previous military governments.⁸³ The Amendments carried out to the 1982 Constitution—drafted by the military—restored some fundamental rights and liberties, the freedom of assembly, and extended the freedom of expression. A number of amendments focused on the National Security Council (NSC) – established by the 1961 Constitution and strengthened further by the 1982 Constitution. In 2001, a change in the Article 118 of the Constitution allowed for increasing the number of civilians participating in NSC meetings. Whereas by 2000 the NSC used to have the power of an upholder of the executive, the seventh harmonization package, entered into force on July 2003, changed its function to that of an advisory body of the cabinet.⁸⁴ It also became possible to have civilians appointed to the secretarial position (by the Prime-Minister's selection and the President's approval), and some of the powers of the general secretariat were abolished. The eighth harmonization package of May 2004 ensured increased civilian superintendence of defense expenditures by increasing the right of the Court of Auditors to oversee the budget, as well as of previously-confidential property.⁸⁵ The reform packages also curtailed the role of the military in the judiciary, so by 2004, the military courts' jurisdiction on civilian cases had been drastically decreased.

The lifting of restrictions on broadcasting in the different languages and dialects, traditionally used by Turkish citizens in their daily lives, such as Kurdish, also allowed for expanded liberties for the media.⁸⁶ Under the bylaw, a broadcast period of five hours per week for radio corporations and four hours per week for television corporations had been instituted. In June 2004, The Turkish Radio and Television Corporation started broadcasting in Bosnian, Arabic, Circassian, Zaza and Kirmanchi languages.⁸⁷ As the adopted reforms managed to address key concerns for the freedom of expression and association, elimination of torture, curtailing the military's power, and abolishing the

⁸² Kubicek, 2011, p 915

⁸³ Özbudun, 2007

⁸⁴ Gürsoy, 2013, p 87

⁸⁵ Ibid. p 88

⁸⁶ Turkey's Ministry of Foreign Affairs' Report, 2007, p 9

⁸⁷ Ibid. p 19

death penalty,⁸⁸ the EU decided that accession negotiations could begin with Turkey.⁸⁹ Whereas the democratic reforms undertaken in the 1990s failed to address the military's role, as much as the Kurdish minority's rights, the 'vicious circle of delayed reforms and slow progress'⁹⁰ had been progressively overcome in the pre-accession period by having the anchor of EU's credible accession conditionality.

2.3.2. The 2005—2009 reforms

While the EU's 2005 decision to open accession talks with Turkey had initially been seen as a promising step toward actual membership, the following years had been marked by a decreasing commitment toward implementing the reforms.⁹¹ The 2005 Negotiation Framework for Turkey re-emphasized the need to address the judiciary's independence, the legal framework for ensuring freedom of expression and association, as well as the transparency of the public sector and the respect for minorities and human rights.⁹²

The EU's 2006 report on Turkey noted a slowdown in the reform implementation progress and stressed the importance of strengthening the individual freedoms and committing to good neighborly relations with the United Nation's Charter, including, if necessary, the jurisdiction of the International Court of Justice.⁹³

Under the EC Report, the 'Cyprus Conflict' resurfaced, bringing more tension to the EU—Turkey relations. The open conflict with Cyprus emerged in 1974 when the independent island, who had Turkey and Greece as guarantor powers, had been interfered with by a Greek junta. In response, Turkey sent troops to the island, on claims of maintaining the stability. This resulted in the island's partition between Turkish and Greek Cypriots. When the northern part declared independence, it was only acknowledged by Turkey, a development that fostered social and ethnic cleavages, which prompted population exchanges among both countries.⁹⁴ Cyprus's application for EU membership further entangled its relationship with Turkey (Eralp, 2009), when it had become officially accepted as a member state in 2004. This revealed the negotiation terms for Turkey, as the "Additional Protocol" previously signed in 1970 entailed the agreement to open its airports and seaports to all of the EU's members, hence to Cyprus as well. By

⁸⁸ European Commission, Turkey, 2000

⁸⁹ Council of the European Union, 2004, 'Presidency Conclusions', p 6

⁹⁰ Öniş, 2009

⁹¹ Kubicek, 2011, p 919

⁹² Turkey—EU Negotiation Framework, Art. 4

⁹³ See http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/92122.pdf, p 8

⁹⁴ Kalaycıoğlu, 2005, p 110

December 2006, Turkey upheld its refusal to open the ports and airports to ships and aircrafts under the Cypriot flag. Faced with a candidate state's refusal to grant entrance benefit to a customs union member country, the EC decided to suspend negotiations on eight chapters relevant to Turkey's restriction towards Cyprus (These chapters were: Chapter 1: free movement of goods, Chapter 3: right of establishment and freedom to provide service, Chapter 9: financial services, Chapter 11: agriculture and rural development, Chapter 13: fisheries, Chapter 14: transport policy, Chapter 29: customs union and Chapter 30: external relations). In other words, Turkey's progress toward EU membership could not advance lest it solved the Cyprus problem, by implementing the 2005 Ankara Protocol.

While this period witnessed a decreased credibility of EU conditionality, certain reforms with regard to the fight against corruption and the protection of minorities continued, a series of changes that were arguably driven rather by AKP's political calculations, rather than by the sole commitment to comply with the EU conditionality.⁹⁵

Among the reforms adopted was the amending of the law on foundations in 2008, which significantly improved the property rights of religious foundations established by non-Muslim minorities in Turkey.⁹⁶ Furthermore, under pressing demands of the EU, the Article 301 of the new Criminal Code had been amended in 2008. The article, previously deeming insulting Turkishness and state institutions as punishable offenses, had been rewritten so as to allow certain statements to be considered 'criticism' rather than 'insult', and introduced the requirement of the minister of justice's permission in order to launch a prosecution.⁹⁷

Despite narrow progresses in 2007 and 2008, the EU agreed to open nine additional chapters of the *acquis*, but the key chapters regarding energy, external relations, as well as security and defense matters had been held up by several EU member states.

By 2008—2009, the European Commission's reports rendered Turkey's commitment to the accession process as inconsistent and lagging behind on implementation terms.⁹⁸ Among the problematic areas, non-compliant with the EU legislation, had been the rules on political parties, promotion of minority languages, trade union rights, allegations of torture, corruption, non-discrimination on basis of sexual orientation, bans on Internet

⁹⁵ Yılmaz; Soyaltın, 2014, p 23

⁹⁶ Hale, 2013, p 119

⁹⁷ Ibid. p 119

⁹⁸ European Commission, Turkey 2008, and European Commission, Turkey 2009

sites, the use of the Anti-Terror law against Kurdish groups, the lack of a gender equality body, and the continued political influence of the military.⁹⁹ While acknowledging the reforms implemented, the EC's evaluation reports pointed out that the government had still been left with a large number of unaccomplished issues.

One of the changes that Turkey had undertaken concerned its Kurdish minority and involved the development of a 'democratic opening', as a solution to the decade-long tensions and disputes over ethnic recognition and territorial autonomy.¹⁰⁰ The changes ratified included setting up a Kurdish-language state TV channel in the early 2009 and allowed the establishment of private educational institutions to teach Kurdish. Later, in 2013, the peace process negotiations with the outlawed Kurdish party was to result in an agreement for the cease-fire, including disarmament and withdrawal of Kurdish fighters from Turkey, as means of calling an end to armed struggle.¹⁰¹

2.3.3. The slowdown between 2010—2014

The period between 2010 and 2014 has been experiencing an overall slowdown in adopting new reforms and democratic packages. Some of the positive changes undertaken by Turkey in 2010 had been acknowledged in the EU progress report, which commended the lifting of restrictions on broadcasting in languages other than Turkish, the expanded judicial reform, and on the fundamental rights improvements, all the while raising concerns about Turkey's slowdown in guaranteeing the freedom of expression, press, and religion.¹⁰² No new chapters of the *acquis* were opened in 2011 and little progress was noted in the ongoing negotiations. 2011 was also the year when the ruling party, AKP, won the parliamentary elections, thus reaffirming its dominance and the popular support for its leadership. The positive changes mentioned in the 2011 report referred to the progress on strengthening the civilian control of the military, financial services, competition policy, religious property and cultural rights, as well as in the judiciary,¹⁰³ yet the same concerns for human rights as those expressed in the previous reports had been restated.

In terms of Turkey's relationship with the EU, the Cyprus conflict arose again, as the then

⁹⁹ European Commission, Turkey 2009, p 8–10

¹⁰⁰ See <http://www.al-monitor.com/pulse/politics/2013/05/turkish-kurdish-peace-process-region-effects-iran.html>

¹⁰¹ See .(<http://www.theguardian.com/world/2013/mar/21/kurdish-ceasefire-peace-process-turkey>

¹⁰² EU Parliament, Press Release, 2010 "EU Enlargement: Turkey must do more to protect basic freedoms"

¹⁰³ European Commission Report, Turkey, 2011

Prime Minister's rhetoric reiterated the country's unchanged stance toward recognizing it as a state, inasmuch as Cyprus was to take over the EU presidency in 2012. During the six months of the Cypriot EU Presidency in 2012, Turkey's relations with the EC had been officially frozen by Ankara.¹⁰⁴

2012 was the year when Turkey's accession negotiations with the EU had reached a political and technical stalemate, with little anticipation of any additional chapters of the *acquis communautaire* to be opened in the near term.¹⁰⁵ However, the "Positive Agenda" launched by the EU in 2012 aimed to include legislative alignment, enhanced energy cooperation, visas, mobility and migration, Customs Union, foreign policy, political reforms, promote the fight against terrorism and increased participation in people-to-people programs.¹⁰⁶ In the framework of the "Positive Agenda", a number of working groups were set up for eight chapters (3 – Right of Establishment and Freedom to Provide Services, 6 – Company Law, 10 – Information Society and Media, 18 – Statistics, 23 – Judiciary and Fundamental Rights, 24 – Justice, Freedom and Security, 28 – Consumer and Health Protection, and 32 – Financial Control).¹⁰⁷ The third Judiciary Reform Package establishing new arrangements in order to increase the efficiency of judiciary services and addressing the postponement of cases and sentences related to offences committed through the press, took effect on 5 July 2012.¹⁰⁸

A number of negotiations chapters that would increase coordination between EU and Turkey in achieving accession progress in key policy areas are still blocked by Cyprus and France's veto, and by the EC decision, due to Turkey's position towards implementing the Ankara Protocol. Table 1 indicates the negotiations chapters that are being currently on hold by Cyprus, EC and France, respectively.

¹⁰⁴ Insel, 2013, p 49

¹⁰⁵ Morelli, 2013, p 10

¹⁰⁶ Ibid. p 11

¹⁰⁷ Turkey's Ministry of Foreign Affairs, <http://www.mfa.gov.tr/relations-between-turkey-and-the-european-union.en.mfa>

¹⁰⁸ Ibid.

Cyprus	European Commission	France
2 – Freedom of Movements for Workers	1 – Free Movement of Goods	11 – Agriculture and Rural Development
15 – Energy	3 – Right of Establishment and Freedom to Provide Services	17 – Economic and Monetary Policy
23 – Judiciary and Fundamental Rights	9 – Financial Services	22 – Regional Policy and Coordination of Structural Instruments ¹⁰⁹
24 – Justice, Freedom and Security	11 – Agriculture and Rural Development	33 – Financial and Budgetary Provisions
26 – Education and Culture	13 – Fisheries	34 – Institutions
31 – Foreign, Security and Defense Policy	14 – Transport Policy	
	29 – Customs Union	
	30 – External Relations	

Table 1. Negotiations Chapters blocked for Turkey by Cyprus, EC and France
(Source: Turkey's Ministry of Foreign Affairs)

While France' veto on chapter 22 on regional policy had been withdrawn in 2013, a development that signaled the chance re-launch negotiations, the restart of EU-Turkey accession talks had been opposed by Germany,¹¹⁰ after a wave of dissent and protests over the re-development of the Gezi park in Istanbul had been met with excessive police force in June 2013. The government's reaction prompted harsh criticism from Brussels over the use of force against freedom of assembly and speech. A resolution was adopted on June 13 by the European Parliament expressing its "deep concern at the disproportionate and excessive use of force by the Turkish police".¹¹¹

The 4th Judiciary Reform Package was adopted by the Turkish Grand National Assembly in April 2013. Additionally, grounded in the legislation adopted in June 2012, Ombudsman and Human Rights Institutions were established, and the Ombudsman started to receive petitions in March 2013.¹¹² As of 2014, the pace of negotiations has not substantially changed. In September, Turkey adopted a 'European Union Strategy' intended to re-invigorate its accession process, by adopting new constitutional reforms, addressing the socio-economic transformation, along with a new communication

¹⁰⁹ The veto on chapter 22 was later removed in 2013

¹¹⁰ (<http://www.bbc.com/news/world-europe-23044600>)

¹¹¹ European Parliament resolution on the situation in Turkey, 2013

¹¹² Turkey's Ministry of Foreign Affairs, <http://www.mfa.gov.tr/relations-between-turkey-and-the-european-union.en.mfa>

strategy.¹¹³

While the EU progress report on 2014 acknowledged the implementation of the 2013 democratization package and the steps taken regarding the Kurdish peace process, it raised serious concerns over the independence of judiciary and separation of powers, in light of the government's response to the corruption allegations of 2013.¹¹⁴ The EU's report also pointed out that the attempts to ban social media, later overturned by the Constitutional Court, and pressures on the press leading to a widespread self-censorship, reflected a restrictive approach to freedom of expression and freedom of association alike.¹¹⁵ Moreover, it reiterated Turkey's need to strengthen the rule of law and to commit to respecting the fundamental rights in both law and practice. Last but not least, the report stresses the importance of solving the Cyprus issue 'through constructive statements and concrete action',¹¹⁶ a step that would be crucial for opening new negotiation chapters and invigorating the relation between the two parties.

¹¹³ European Commission Report, Turkey, 2014, p 3

¹¹⁴ http://www.nytimes.com/2013/12/26/world/europe/turkish-cabinet-members-resign.html?pagewanted=all&_r=0

¹¹⁵ European Commission Report, Turkey, 2014, p 2

¹¹⁶ Ibid. p 3

CHAPTER THREE

INSTRUMENTS OF ASSESSING DEMOCRATIC PERFORMANCE

According to the EU admission conditionality, in its quest for membership, Turkey's good records at achieving a stable democracy, good governance and respect for human rights are considered the fundamental criteria for evaluating its progress, in terms of adopting and implementing reforms, so as to align its legislation with the EU *acquis*. The EU's annual evaluations have been instrumental for understanding Turkey's democracy performance, and have also offered valuable insight into the Union's own conceptualization of democracy. Nevertheless, among the diversity of frameworks for assessing democratic performance, a number of international indices and rankings produced by democracy monitoring agencies, through yearly surveys and data analyses, have been providing valuable assessments of countries' democratization patterns, reflected in the yearly trends. Turkey's presence in international indices and rankings has been recorded on varying time-spans—depending on each index—and its shifting position among other states, as well as its overall scores outline worthwhile patterns. This chapter introduces the main democracy-monitoring organizations' indices regarded for Turkey's analysis, as well as the methodology on which they rely, whereas the findings will be further discussed in chapter four, along with their implications for assessing the conditionality's impact on the country's accession prospects.

3.1. Democracy Indices

3.1.1. Freedom House

Freedom House (FH) is a US-based non-governmental organization which has been known as a widely used source for annual ratings of a country's political and civil liberties progress. While its initial report in 1950 focused on political trends and their consequences for individual freedoms, it has evolved into a larger research body, with a periodically revised methodology, featuring a number of country reports and global ratings. According to its mission statement, FH's broad purpose is supporting the

expansion of freedom in the world, which is possible ‘only in democratic political systems in which the governments are accountable to their own people; the rule of law prevails; and freedoms of expression, association, belief and respect for the rights of minorities and women are guaranteed.’¹¹⁷

Freedom House’s criteria for an electoral democracy include: a competitive, multiparty political system, universal adult suffrage, regularly contested elections conducted on the basis of secret ballots, reasonable ballot security and the absence of massive voter fraud, and significant public access of major political parties to the electorate through the media and through generally open campaigning.¹¹⁸

Freedom in the World, Freedom House’s annual global comparative report on political rights and civil liberties, comprises numerical ratings, rankings and statuses for approximately 195 countries¹¹⁹, alongside other related and disputed territories. The related territories are depending on a sovereign state, without being in certain legal or political dispute, whereas the disputed territories are areas within internationally recognized sovereign states whose status is in serious political or violent dispute, and whose conditions differ substantially from those of the relevant sovereign states.¹²⁰

The analysts score countries in light of the conditions and events within their borders during the coverage period, using a broad range of sources, such as news articles, academic analyses, reports from nongovernmental organizations, and individual professional contacts.¹²¹ The *Freedom in the World* report classifies countries as ‘free’, ‘partly free’, and ‘not free’. While this specific designation has been disputed¹²² because it does not classify countries into democracies and non-democracies, but into ‘free’, ‘partly free’, and ‘not free’ countries, the threshold can be nonetheless explored by looking at the numeric indicators. Therefore, the score on which the classifications rely ranges from 1 to 7. The composite score is the arithmetic average of two other factors’ index – civil liberties and political liberties, which are also evaluated on a 1 to 7 scale (1 being the most free, and 7 the most authoritarian). Consequently, a country’s composite index between 1.00 and 2.50 is defined by Freedom House as free, 3.00–5.00 as partly free, and 5.50–7.00 as non-free. Each one of these ratings rely on the scores of subsequent

¹¹⁷ Freedom House, 60 Years Report, 2010

¹¹⁸ European Intelligence Unit, “The World in 2007”, p 2

¹¹⁹ The number of countries may vary each year

¹²⁰ Freedom House, 2014 Freedom In the World Methodology

¹²¹ Ibid, p 2

¹²² Schimmelfennig, 2004, p 7

indicators as following: the political rights indicators incorporate electoral process, political pluralism and participation, and functioning of government scores, whereas the civil liberties indicators rely on four subcategories which are freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights¹²³

Freedom of the Press has been another report annually released by the Freedom House since 1980, covering the freedom of the media in 197 countries and territories around the world. ‘The index assesses the degree of print, broadcast, and internet freedom in every country in the world, analyzing the events of each calendar year’.¹²⁴ It provides numerical rankings and rates each country's media as "Free," "Partly Free," or "Not Free." Country analyses assess the legal environment for the media, along with the political pressures that may influence reporting, as well as the economic factors that affect the access to information.

3.1.2. The Economist Intelligence Unit (EIU)

The Economist Intelligence Unit’s democracy index attempts to reflect an up-to-date assessment of democracy worldwide, for 165 independent states and two territories.

Unlike the Freedom House democracy indicators which focus primarily on freedoms, the EIU Index’s focus emphasizes the elements of political participation and functioning of the government. The democracy index, on a 0 to 10 scale, is based on the ratings for 60 indicators grouped in five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Each category has a rating on a 0 to 10 scale, where the overall index of democracy is the simple average of the five category indexes, which are based on the sum of the indicator scores in the category, converted to a scale of 0 to 10.¹²⁵

The threshold points for assessing the regime type ranges between: 8—10 for full democracies, 6—7.9 for flawed democracies, 4—5.9 for hybrid regimes, and scores below 4 for authoritarian regimes.

3.1.3. Reporters Without Borders

Reporters without Borders is a France-based non-profit organization, established in 1985

¹²³ Freedom In the World, 2014, p 4

¹²⁴ <https://freedomhouse.org/report/freedom-press/freedom-press-2014>

¹²⁵ Economist Intelligence Unit, “The World in 2007”, p 2

as a press freedom monitoring agency, whose mission is “to denounce any attacks on the freedom of information in the media, to act in cooperation with governments to fight censorship and laws aimed at restricting freedom of information, to morally and financially assist persecuted journalists, as well as their families, and to offer material assistance to war correspondents in order to enhance their safety.”¹²⁶

The annual World Press Freedom Index attempts to measure the level of freedom of information in 180 countries by using data gathered with a questionnaire applied through a network of similar international NGOs, journalists and other researchers.¹²⁷ Each country is assessed a score and a rank, which are complementary indicators of the state of the press freedom.¹²⁸ The questions focus on six broad criteria: pluralism, media independence, environment and self-censorship, legislative framework, transparency, and infrastructure. Using a system of weighting for each possible response, countries are given a score of between 0 and 100 for each of the six overall criteria—with 0 being the best possible score and 100 the worst. These scores are then used as indicators in calculating each country’s final score.

3.2. Governance Indicators

3.2.1. The World Justice Project

The World Justice Project (WJP) is a US-based independent non-profit organization working on monitoring and promoting the rule of law around the world. The Rule of Law Index, firstly published in 2009, attempts to reflect complex governance indicators across 99 countries around the globe with differing social, cultural, economic, and political systems.

The eight indicators of the WJP’s Rule of Law Index—constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice—derive from conceptualizing rule of law as a democratic system upholding the government and its officials’ accountability, consistency in applying the legislation evenly and transparently while protecting the fundamental rights and the security of persons and property, enacting and

¹²⁶ <http://en.rsf.org/who-we-are-12-09-2012,32617.html>

¹²⁷ Reporters Without Borders, 2014 World Press Freedom Methodology

¹²⁸ Ibid. p 2

enforcing laws in a fair and efficient way, as well as delivering justice equally and competently.¹²⁹

While the Index values provide a quantitative indication of trends in rule of law, changes in the dimension's variability convey information on the quality of the changes: an increase in rule of law may be achieved by improving the performance in specific dimensions, while a decrease in the coefficient of variation may be achieved by reducing gaps in performance between dimensions.¹³⁰

The WJP collects data from delineative samples of the general public (the General Population Polls or GPPs) and legal professionals (the Qualified Respondents' Questionnaires or QRQs), so as to measure the Index scores and rankings. Individual answers are then mapped onto the 47 sub-factors of the Index (or onto the intermediate categories that make up each sub-factor), codified so that all values fall between 0 (least rule of law) and 1 (most rule of law), which are later aggregated at the country level using the simple (or un-weighted) average of all respondents.¹³¹

3.2.2. Transparency International

Transparency International is an international non-governmental organization founded in Germany in 1993, focusing on monitoring and combating corruption in the governmental, business, and international environment. Yearly, the organization publishes two international corruption evaluations—the Global Corruption Barometer and the Corruption Perception Index.

The Corruption Perceptions Index (CPI) was established in 1995 as a composite indicator used to measure perceptions of corruption in the public sector in different countries around the world. The index relies on data sources from independent institutions specializing in governance and business climate analysis.¹³² After subsequent revisions in the previous methodology, the 2014 CPI was calculated using 12 different data sources from 11 different institutions that capture perceptions of corruption within the past two years.

The CPI score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is

¹²⁹ <http://worldjusticeproject.org/what-rule-law>

¹³⁰ The World Justice Project Methodology, p 43

¹³¹ The World Justice Project, 2014, Rule of Law Index

¹³² Transparency International Methodology, 2014

perceived as very clean. A country's CPI score is calculated as the average of all standardized scores available for that country (minimum three), which is later rounded to whole numbers, whereas the country's rank indicates its position relative to the other countries and territories included in the index.¹³³

While the CPI has been widely referenced as one of the most frequently used corruption indicators, it has nonetheless been criticized¹³⁴ for its accuracy, given that the data relies primarily on perception-based evaluations, which are ultimately subjective, this bottom-up evaluation approach has been argued to risk reinforcing other biases as well, thus bringing forth a circular understanding of corruption.¹³⁵

3.2.3. GRECO

The Group of States against Corruption (GRECO) is a corruption-monitoring organization founded by the Council of Europe in 1999, to oversee the States' compliance with the organization's anti-corruption standards. GRECO membership, based on an enlarged agreement, currently incorporates 49 States (48 European States and the United States of America), which were joined by Turkey in January 2004.

Whereas GRECO does not have command over performing corruption measurements in each of its member states, the evaluation procedures rely on mutual analysis and peer pressure, a process that involve several NGOs' cooperation. A country's monitoring process requires data collection through questionnaire(s), on-site country visits by which evaluation teams gather relevant information from domestic key players. The evaluation reports provide progress assessments and recommendations to the evaluated countries in order to improve their level of compliance with the provisions under consideration.¹³⁶

3.2.4. World Bank Data

The Worldwide Governance Indicators (WGI) published by the World Bank, report on six broad dimensions of governance for 215 countries and territories over the period of 1996-2013. The WGI draw from defining governance as "the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to

¹³³ Ibid.

¹³⁴ Hawthorne, 2013

¹³⁵ Ibid.

¹³⁶ GRECO, Rules of Procedure, Title II, Rule 22

effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.”¹³⁷

The WGI are a research dataset summarizing the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms. In this context, the measured indicators are: voice and accountability, political stability and absence of violence/terrorism, government effectiveness, regulatory quality, rule of law, and control of corruption.¹³⁸

The data on each country is reported in percentile rank terms, ranging from 0 (lowest) to 100 (highest) worldwide, indicating the percentage of countries worldwide that rank lower than the indicated country, so that higher values indicate better governance scores.

3.3. Human Development Indices

3.3.1. Human Development Index (HDI)

Human development entails not only economic development but also social and cultural improvements. The United Nations (UN) measures human development throughout the World using the human development index (HDI), which is a summary measure of three key indicators of human development: income, educational attainment, and life expectancy. Whereas the ‘long and healthy life’ dimension is measured by the life expectancy indicator, the ‘access to knowledge’ describes the mean years of education for adult population, and the expected years of schooling for children. A country’s Gross National Income (GNI) per capita is the measure for the living standard. The HDI has a maximum rating scale of 100; a HDI of 80–100 denotes “high human development,” 50–79 denotes “middle human development,” and a HDI score between 0–49 denotes “low human development.”¹³⁹

The *Gender Inequality Index (GII)* is another inequality indicator focusing on the gender-based dimension of human development, by assessing three subsequent indicators—reproductive health, empowerment, and economic activity in 149 countries. The index

¹³⁷ Worldwide Governance Indicators, 2010, Indicators and Methods, -p 4

¹³⁸ Ibid, p 3

¹³⁹ Human Development Index, 2013, Technical Notes

reflects the deficiencies in human development due to uneven achievements for both genders. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is valued by the share of parliamentary seats held by women and by the achievements in secondary and higher education by each gender, whereas economic activity is evaluated by the labor market participation rate for women and men.

A more recent index, introduced in 2014, has been the *Gender Development Index (GDI)*, a sex-disaggregated HDI, determined by the ratio of female to male HDI in areas of health, education, and command over economic resources.¹⁴⁰ The index assesses the gender-related inequalities of 148 countries, by accounting for inequality in favor of men and women equally.¹⁴¹

3.3.2. The World Economic Forum

The World Economic Forum (WEF) is a non-governmental international organization established in Switzerland in 1971, engaged in shaping global and regional agendas by promoting entrepreneurship in the global interest.¹⁴² Since 2006, through the *Global Gender Gap Report* series, the WEF has been quantifying the degree of gender-based disparities and tracking their progress over time. By providing a comprehensive framework for benchmarking global gender gaps, rather than levels, the index shows a strong correlation between a country's gender gap and its national competitiveness, income and development, pointing out that a country's contribution to closing gender gaps is not only a matter of human rights and equality, but also one of efficiency.¹⁴³

The *Global Gender Gap Index (GGI)* seeks to measure out the relative gaps between women and men, across a set of over 200 countries in four key areas: health and survival, educational attainment, economic participation and opportunity, and political empowerment. The countries are ranked according to gender equality, rather than women's empowerment.¹⁴⁴ The final scores for all the subindexes range between 1 (equality) and 0 (inequality).

The Global Competitiveness Report (GCR) is WEF's overview of 144 economies' performance measured by over 100 indicators of competitiveness and global risks.

Competitiveness is defined as the set of institutions, policies and factors that determine

¹⁴⁰ Human Development Report, 2014, p 4

¹⁴¹ Ibid. p 3

¹⁴² http://www3.weforum.org/docs/WEF_InstitutionalBrochure_2014.pdf

¹⁴³ World Economic Forum, 2013, Gender Gap Report

¹⁴⁴ Ibid. p 12

the level of productivity of a country.¹⁴⁵ The level of productivity influences the countries' growth rates, which, in turn, reflect the country's level of prosperity. The various aspects of the Global Competitiveness Index (GCI) address the existing institutions, infrastructure, macroeconomic environment, health and primary education, good market efficiency, labor market efficiency, financial market development, technological readiness, market size, and business sophistication and innovation.¹⁴⁶

3.4. Annual Progress Reports of the European Commission

The EU accession conditions set forth in 1993 with the adoption of the Copenhagen criteria provided the basis for a standardized evaluation of the prospective members' progress on the adoption and implementation of the *acquis*. As the EU's accession conditionality evolved from a political economy-oriented integration criteria characteristic of the early ECSC, toward a broader vision incorporating a pronounced concern for good human rights practices, a more articulated emphasis on the importance of democracy implementation has been accompanying its annual assessment of the candidate states' progresses. The reports' evaluations cover the strengths and weaknesses of the *acquis* adoption and implementation and offer recommendations for effectively addressing the problematic issues, acting as guidelines for democratic consolidation. The granting of the candidacy, beginning of the accession negotiations, as well as the opening and closing of new chapters are determined in large part by the Commission's Reports.

Annual Reports on Turkey's progress in complying with the accession conditionality have been issued since 1998, when it had first acknowledged its progress in preparing for membership and laid grounds for the first Accession Partnership Document of March 2001.¹⁴⁷ One of the main themes that the EC's discourse on Turkey consistently refers to is democracy and the country's developments on transferring and implementing the *acquis*.

¹⁴⁵ WEF, 2014, Global Competitiveness Index Report

¹⁴⁶ Ibid. p 385

¹⁴⁷ http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/turkey_en.pdf

CHAPTER FOUR

TURKEY'S DEMOCRACY UNDER INTERNATIONAL INDICES

Whereas a varying number of instruments and frameworks for measuring democracy can account for a diversity of approaches to assessing a country's progression in time, Turkey's presence in international indices and ratings provides a valuable resource for examining its democracy patterns over time. The data gathered from international agencies' annual reports will thus be disseminated in the current chapter, with an emphasis on democracy, governance and human development – as the main components of the political dimension of the accession criteria. Although in various country evaluation reports, these spheres appear interconnected, without a clear-cut categorization, in this study, Turkey's ratings and rankings will be divided according to the three major policy areas—democracy, governance, human development—and interpreted accordingly.

4.1. Democracy

4.1.1. Freedom in Turkey – Freedom House Index

Figure 1 indicates Turkey's freedom scores over the years, between 2005 and 2013. The left vertical axis indicates the ratings' range, according to which, the lower the score is, the freer the country. Throughout this period, Turkey has maintained its 'partly free' status unchanged, yet the increased score of the recent years signaled a decrease in the overall freedoms and rights.

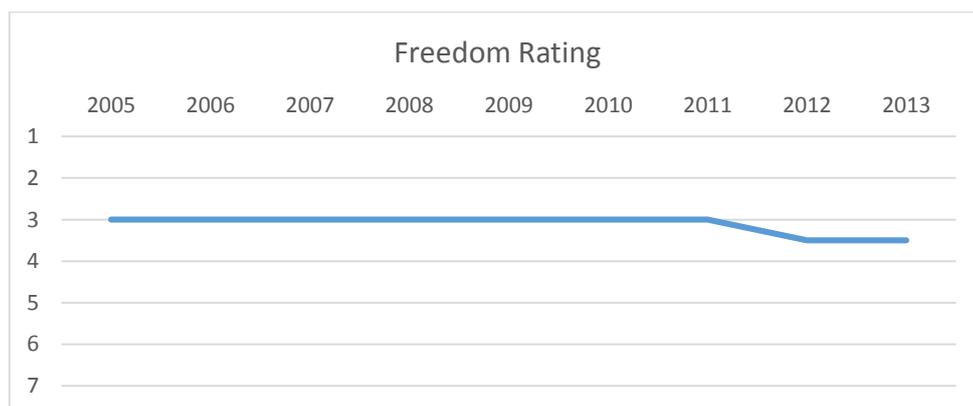


Figure 1. Freedom in the World Index

The Freedom House report points out that one of the reasons for the declining trend line on fundamental freedoms has been the increasingly harsh government stance on public protests, as much as increasing pressure on private companies to conform to the party agenda.¹⁴⁸

Figure 2 shows Turkey’s political rights indicators’ fluctuations between 2005 and 2013. The subscores range from 1 to 60 (where 60 indicates the highest performance), and reflect the country’s developments in regards to the electoral process, political pluralism and participation, as well as the functioning of the government. The latter is shown to have maintained its position, as FH notes that corruption still remains a problematic issue in Turkey.

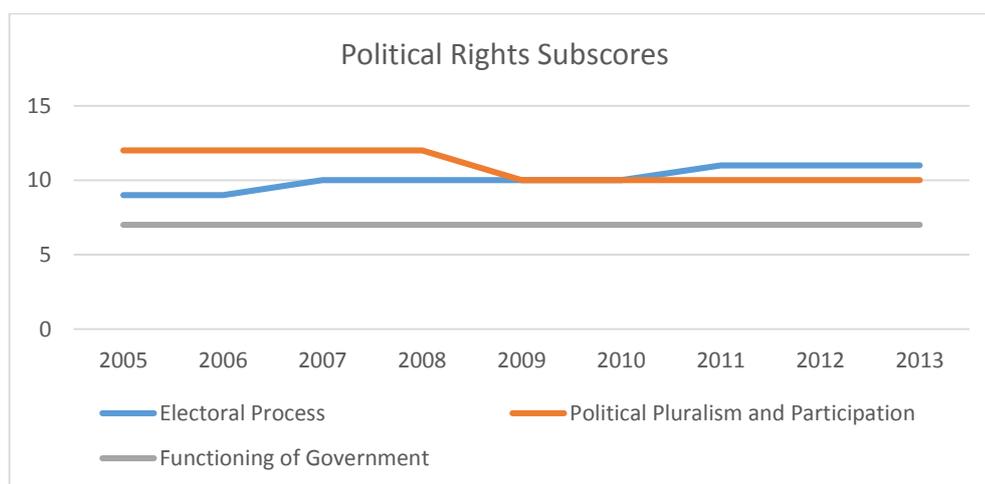


Figure 2. Freedom in the World Index Political Rights Subscores

In regards to the electoral process, Turkey has made visible progress in 2011, at a time when the parliamentary elections of June were the first ones to allow for campaigning in Kurdish.¹⁴⁹ The AKP managed to secure its victory by winning nearly 50% of the votes and 326 of 550 seats. The opposition Republican People’s Party (CHP) and Nationalist Action Party (MHP) took 135 and 53 seats, respectively, and independents, mostly from the BDP, won the remaining 36 seats.

The freedom of political pluralism participation is shown to have slightly decreased over time, as, although there is a competitive multiparty system in place, political parties can still be disbanded for endorsing policies that are not in agreement with constitutional parameters.

¹⁴⁸ Freedom House, 2014, Freedom in the World Report

¹⁴⁹ FH, 2014, FIW <https://freedomhouse.org/report/freedom-world/2014/turkey-0#.VJ6ZgV4DDA>

Figure 3 shows the Freedom Index's subscores on civil liberties in Turkey between 2005 and 2013. Most indicators are shown to have experienced a decline in 2012. Freedom of expression and belief has been steadily declining since 2005, experiencing a descending trend line.

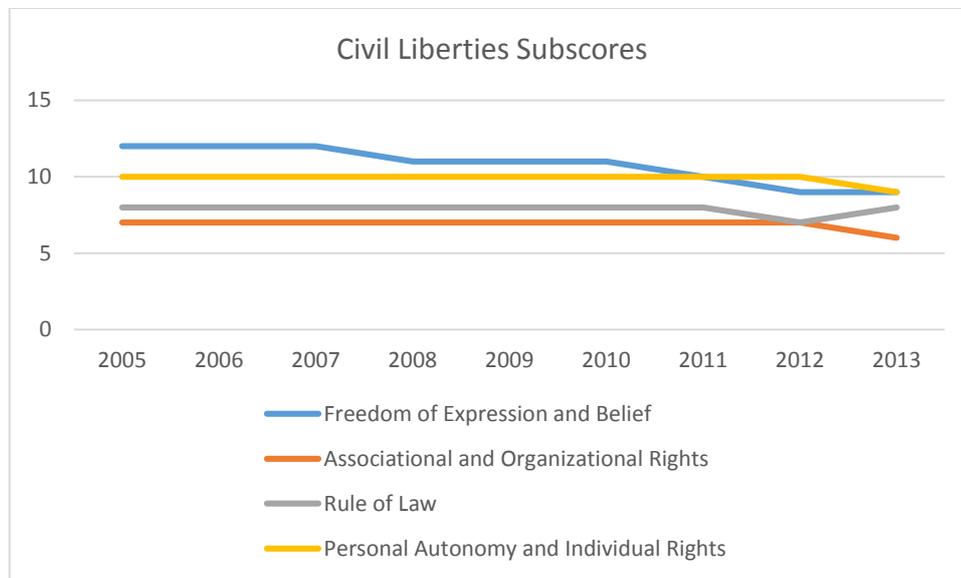


Figure 3. Freedom in the World Index Civil Liberties Subscores

The four main legal sources concerning freedom of expression have been The Constitution, the Turkish Penal Code, the Press Law and the Anti-Terror Law. The Article 28 of the Constitution guarantees the freedom of the press but likewise restricts it, as publications endangering the integrity or security of the state, concerning state secrets or publications with the intention to encourage rebellion or other offenses are prohibited.¹⁵⁰ Such legal provisions allowed the government increased legal grounds to restrict freedom of expression and belief and, as the EU's annual reports emphasized, Turkey is still expected to increase the reform pace so as to guarantee the respect for civil liberties as well.

The personal autonomy and individual rights, as well as the associational and organizational rights have also been declining since 2012, a decline that has been experienced more recently through the consistent, forceful police interfering with public gatherings, on grounds of maintaining order and alleging the presence of violent hooligans and radical groups among the protesters. The government's response to the

¹⁵⁰ Constitution of the Republic of Turkey http://global.tbmm.gov.tr/docs/constitution_en.pdf

Gezi protests of 2013 has been criticized in the FH's report, as well as the legal restrictions imposed on labor union's activities,¹⁵¹

Regarding the strengthening of rule of law, FH notes that, although certain legal steps have been formally taken in 2012 so as to guarantee an independent judiciary, in practice, the government can still influence judges through appointments, promotions, and financing.¹⁵² Moreover, despite certain laws had been enacted to prevent torture, reports of mistreatment are still continuing.

The declines in Turkey's civil freedoms, as well as the weak performance in guaranteeing equal political freedoms, as reflected by the Freedom in the World Index, are consistent with the EU's skepticism of Turkey's true commitment to fulfill the accession conditionality, noting that 'the vulnerable status of freedom of expression pointed to 'an excessively narrow interpretation of the Constitution and other legal provisions'.¹⁵³

4.1.2. The Economist Intelligence Unit (EIU) Democracy Index

Figure 4 shows Turkey's scores under the EIU Democracy index, between 2006 and 2012, in comparison with the average scores per geographical region. The left vertical axis indicates the score range, between 0 and 10 (10 being the highest score). Turkey's scores showed little fluctuation (the lowest—5.69, the highest—5.73) and were closer to the Easter Europe's average, rather than to Western Europe or the Middle East.

Turkey's rank slightly fluctuated from 87/165 in 2008, to 89 in 2010, and 88 in 2012, while it maintained its status as a hybrid democratic regime. A full democracy is represented by a score between 8.0 and 10, a flawed democracy—6 to 7.9, a hybrid regime—4.0 to 5.9, and an authoritarian regime—0 to 3.9.

¹⁵¹ FIW Report, 2014

¹⁵² Ibid,

¹⁵³ European Commission 1998, p 15

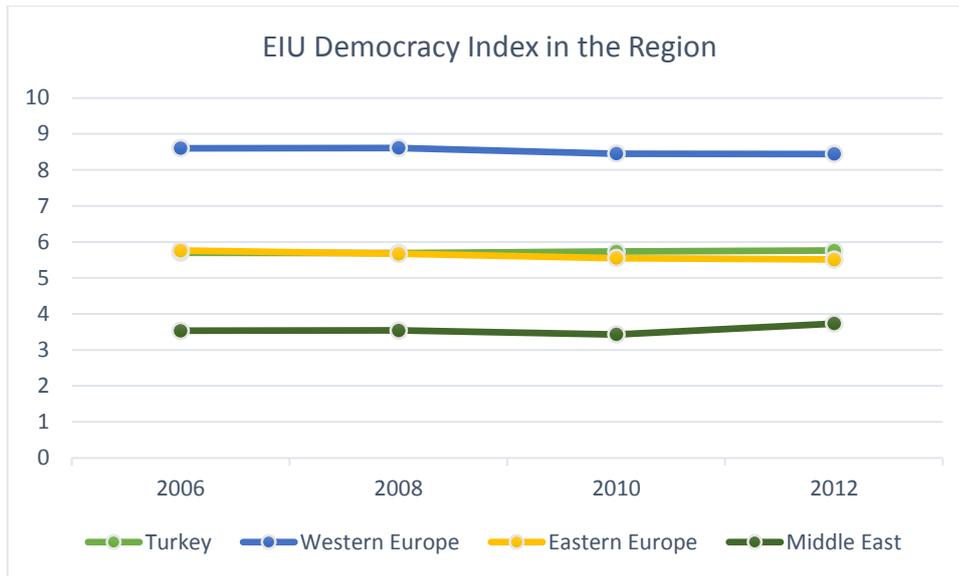


Figure 4. EIU Democracy Index

According to the EIU Democracy Index’s methodology, even though half of the world’s countries are considered to be democracies, the number of ‘full democracies’ is relatively low, and they are mostly OECD countries. Almost twice as many are rated as ‘flawed democracies’, while, out of the remaining 85 states, 55 are authoritarian and 30 are considered to be ‘hybrid regimes’. The EIU Index shows that Turkey’s democratization process has not seen any major improvements between 2006 and 2012.

4.1.3. Press Freedom Ranking – Freedom House

Figure 5 shows Turkey’s scores on Press Freedom, according to data from Freedom House between 2005 and 2014. The left vertical axis indicates the score range, between 0 and 100 (0 being the best, and 100—the worst). Whereas between 2005 and 2010, the little-fluctuating press freedom score indicated a certain constancy, after 2010, Turkey’s press freedom path appears to be abruptly declining, especially after 2013. FH’s latest freedom of the media assessment qualify Turkey as ‘not free’ – a unique status change in the past decade. Turkey’s legal environment score, 23, is also low (30 is the worst), political environment scores 26 out of 40 (40 being the worst), and the economic environment receives 13 points out of 30 (30 being the worst). Turkey has experienced a sharp decline in its press freedom scores, having had a fluctuation of 11 points over the course of 4 years (see Annex 1).



Figure 5. FH Press Freedom Ranking

FH explains the status change by referring to the sharp deterioration of the press freedom environment following the 2013 protests and the government's formal and informal pressures on media owners.¹⁵⁴ The report points out that the aggressive use of the antiterrorism law, and the long periods of pretrial detention signaled that the constitutional guarantees of press freedom and freedom of expression are not implemented in practice. Notably, the 2011 amendment to the press law (previously improved under EU conditionality) further restricted the media by allowing for any broadcasting to be interrupted should a threat to national security emerge.¹⁵⁵

According to the Freedom House 2013 Corruption Report, the Turkish government's greatest leverage over the media, is economic, as the prime minister's office controls the allocation of billions of dollars in privatized assets, housing contracts, and a public procurement process that allows rewarding favored companies, and punishing the media outlets critical of the government.¹⁵⁶

The antiterrorism law has also been criticized by the EU in its 2014 progress report, stating that certain Turkish legal provisions and their subjective interpretation allow for severe restrictions on the freedom of expression and freedom of expression, notwithstanding the restrictions brought forth by the amended Internet Law and the subsequent bans, a development which is entirely against EU's core principles to which Turkey has been officially adhering.¹⁵⁷

¹⁵⁴ FH, 2014, Press Freedom Report

¹⁵⁵ Ibid.

¹⁵⁶ Ibid. p 4

¹⁵⁷ European Commission Report, Turkey, 2014, p 5

4.1.4. The Press Freedom Index - Reporters Without Borders

Figure 6 shows Turkey's ranking according to the Press Freedom Index published by Reporters Without Borders. The ranking is classified countries according to the press freedom score achieved in a particular year, ranging from 0 (free) to 100 (not free). Turkey's ranking shows an abrupt decline after 2008, moving from the 102nd position to the 154th.



Figure 6. Reporters Without Borders, Press Freedom Index

In the detailed report, RSF concluded that, despite its regional aspirations, Turkey registered no improvement whatsoever and continues to be one of the world's biggest prisons for journalists.¹⁵⁸ The events related to the protests from 2013 highlighted the repressive methods used by the security forces, the increase in media's self-censorship and the dangers of the Prime Minister's polarizing discourse.

The report also noted that, despite a few limited reforms, judicial practices continue to be repressive and the number of detained journalists is still at a level that is unprecedented since the end of the military regime. Despite increasing international criticism of the use of provisional detention, journalists often spend months if not years in prison before being tried. The number of imprisoned journalists at the end of 2013 arguably made Turkey one of the world's biggest prisons for media personnel.¹⁵⁹

¹⁵⁸ Reporters Without Borders, 2014

¹⁵⁹ Ibid.

RSF’s assessment of the freedoms of expression and freedom of the media in Turkey mirrors the FH evaluation, as well as the EU’s voiced concern over Turkey’s democratic consolidation and compatibility with European Union’s core values.¹⁶⁰

4.2. Governance

4.2.1. Rule of Law Index - The World Justice Project

Figure 7 shows Turkey’s ratings by the Rule of Law Index of the World Justice Project, between 2010 and 2014. The axis values are 1 for the most rule of law and 0 for the least rule of law. Turkey’s rule of law progress has been rather constant, with little fluctuations.

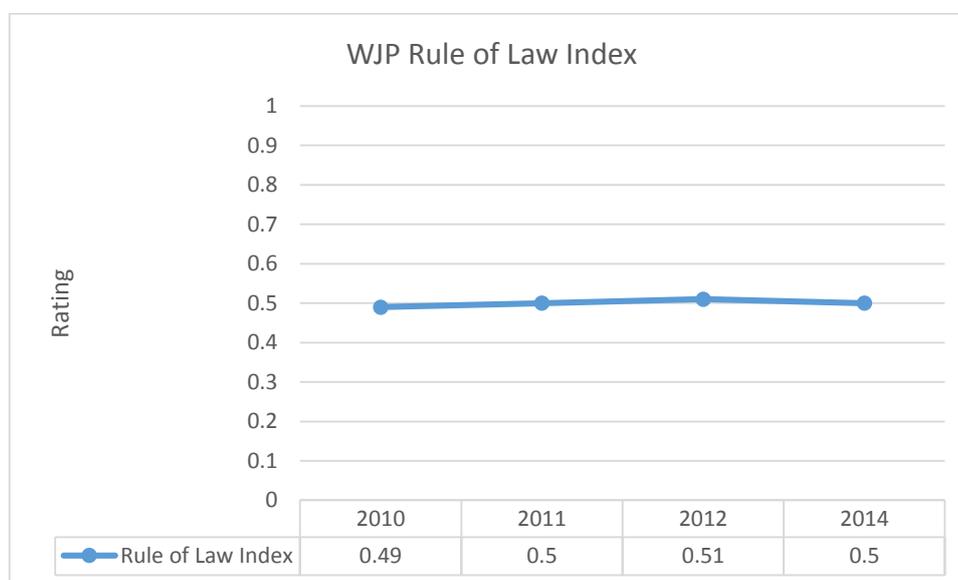


Figure 7. WJP Rule of Law Index

The relatively unchanged position of the eight Rule of Law indicators—constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice—are showing a lack of any substantial changes, despite EU’s concerns and recommendations on ensuring the separation of powers and adequate checks and balances guaranteeing rule of law.¹⁶¹

¹⁶⁰ <http://www.europarl.europa.eu/news/en/news-room/content/20141212IPR01101/html/President-Schulz-shocked-at-media-crackdown-in-Turkey>

¹⁶¹ European Commission Report, Turkey, 2014, p 15

4.2.2. Worldwide Governance Indicators

Rule of Law

Figure 8 shows Turkey's ranking according to the World Bank's Rule of Law indicators between 2004 and 2013. The vertical axis indicates the percentile rank, and the inner blue line shows Turkey's rank fluctuations, whereas the orange lines delineate the margins of error.

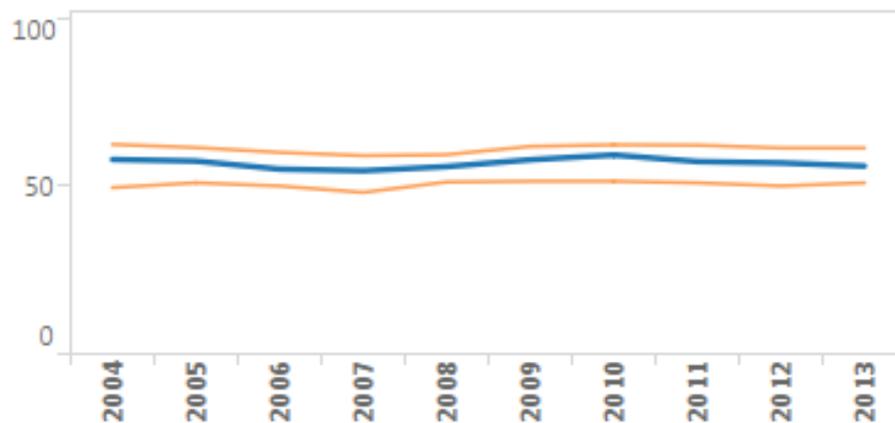


Figure 8. World Bank – Turkey's Rule of Law

The WGI Rule of Law ranking is consistent with the WJP Rule of Law index in outlining Turkey's international position, which, aside from a minor increase in 2010 and a slight decrease in 2013, has been predominantly constant throughout the decade.

Control of Corruption

Figure 9 shows Turkey's ranking reflected by the Control of Corruption Index between 2004—2013. The percentile ranks are plotted on the horizontal axis, while their estimates of governance and associated confidence intervals on the vertical axis. The data show that Turkey's has had an ascending progress between 2004 and 2008, which has stalled after 2009, maintaining its position at 61/100.

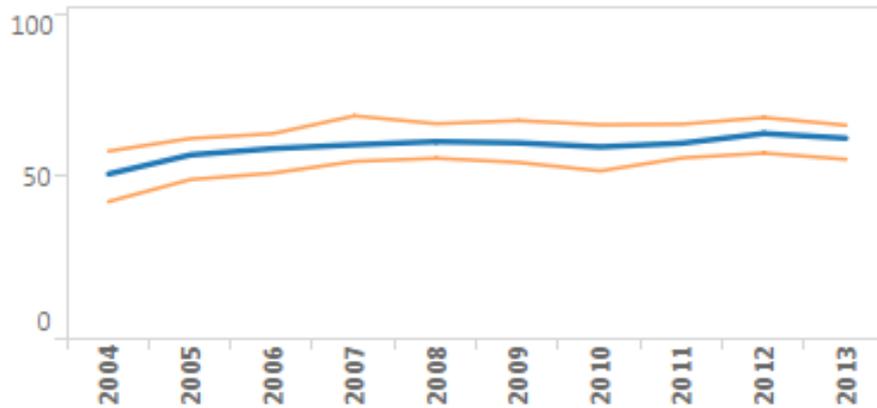


Figure 9. World Bank – Corruption Perception Index

Corruption has been a significant problem in Turkey over the years. Despite limited positive developments reflecting modest rank changes, other indicators suggest that the country has yet to overcome this obstacle. The EU has repeatedly signaled the need for transparency regarding political parties' funding and criticized the lack of effective legal solutions for enforcing anti-corruption policies. In its 2014 Progress Report, the European Commission noted that no concrete steps were taken to implement the 2010-2014 national anti-corruption policy and that the action plan continued without any information given to parliament or civil society on the resulting impact.¹⁶²

4.2.3. Corruption Perception Index - Transparency International

Figure 10 reveals Turkey's score under Transparency International's Corruption Perception Index (CPI), ranging from 2005 to 2014. The CPI score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that the country is perceived as highly corrupt and 100 means it is perceived as very clean. Turkey's CPI score has been on an ascending path between 2005—2008 and 2011—2013. The corruption perception has been declining in 2014, as a result of the high-profile corruption allegations of 2013.¹⁶³

¹⁶² Ibid. p 22

¹⁶³ See <http://www.wsj.com/articles/SB10001424052702303949504579263601010522432>

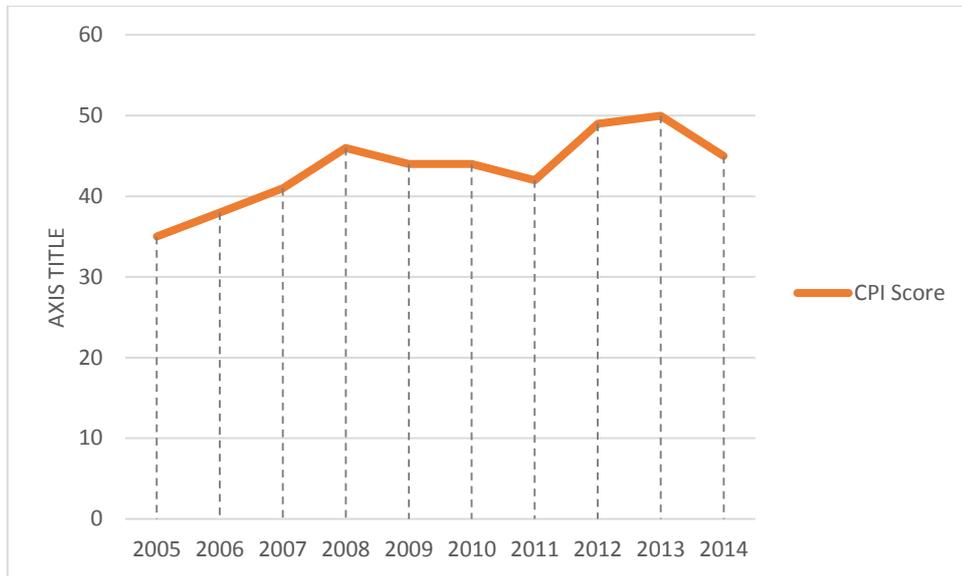


Figure 10. Transparency International – CPI Turkey

The strong immunity regulations for high-ranking public officials have also been brought up by the EU, as obstacles in addressing corruption in a transparent way as part of strengthening the rule of law. According to the immunity law, corruption cases involving members of the parliament, ministers, the Prime Minister, or the President cannot not pursued unless the Prime Minister decides so.¹⁶⁴ Permission is also required from the superiors of public officials in order to open investigations against them.¹⁶⁵ As the FH 2008 Report pointed out, the main argument against lifting the immunity of MPs has been that they would be constantly facing corruption allegations from the opposition, and this would hinder carrying out their professional duties.

According to Transparency International's 2013 Report, the sector most affected by corruption in Turkey are public administration, education, and the private sector, closely followed by political parties and the military.¹⁶⁶ These aspects are also emphasized by the EU in its recommendations for Turkey regarding its compliance with the accession conditionality.

4.2.4. GRECO Evaluations

As of 2014, GRECO has launched four evaluation rounds regarding certain dispositions of the Twenty Guiding Principles (and associated provisions of the Criminal Law

¹⁶⁴ Wigley, 2009

¹⁶⁵ Ibid.

¹⁶⁶ Transparency International

Convention). The Fourth Evaluation Round, started in January 2012, focuses on the prevention of corruption through examining the Members of Parliament, Judges and Prosecutors' ethical principles and rules of conduct, conflict of interest, prohibition or restriction of certain activities, declaration of assets, income, liabilities and interests, enforcement of the rules regarding conflicts of interest, and awareness.¹⁶⁷

The latest report on Turkey has been released in the third evaluation round. Whereas upon GRECO's previous recommendations expressed in the Compliance Report of 2012 Turkey has adopted a new legal framework for the criminalization of corruption offences by expanding the definition of bribery and corrupt behavior and thus bringing new legal provisions into practice, Turkey's legal framework has yet to effectively address the private sector bribery, the special defense and the jurisdictional rule.¹⁶⁸

In regards to party funding transparency—as one of the key points of the third evaluation report—Turkey has also not made any substantial progress, as its efforts to carry forth new regulations for implementing transparency have mostly resumed to a “Draft Bill on the Amendment of Certain Laws for the Purpose of Ensuring Transparency in the Financing of Elections” prepared by the Ministry of Justice, and which has not been submitted in the Parliament nor received Governmental approval.¹⁶⁹ Having taken into account the fact that Turkey has not acted upon any of the nine recommendations set forth in the Compliance Report of 2012, and according to GRECO's rules of procedure,¹⁷⁰ the Second Compliance Report of March 2014 found Turkey's progress as “globally unsatisfactory”.

4.3. Human Development

4.3.1. Human Development Index (HDI)

Figure 11 shows the HDI values between 2005 and 2013 for Turkey and the World. The HDI classifications are based on HDI fixed cut-off points, which are less than 0.550 for low human development, 0.550–0.699 for medium human development, 0.700–0.799 for high human development and 0.800 or greater for very high human development.

¹⁶⁷ http://www.coe.int/t/dghl/monitoring/greco/evaluations/intro_en.asp

¹⁶⁸ GRECO, 2013, Second Compliance Report on Turkey

¹⁶⁹ Ibid. Art. 101

¹⁷⁰ GRECO, 2013, Rules of Procedure, Rule 31, Paragraph 8.3

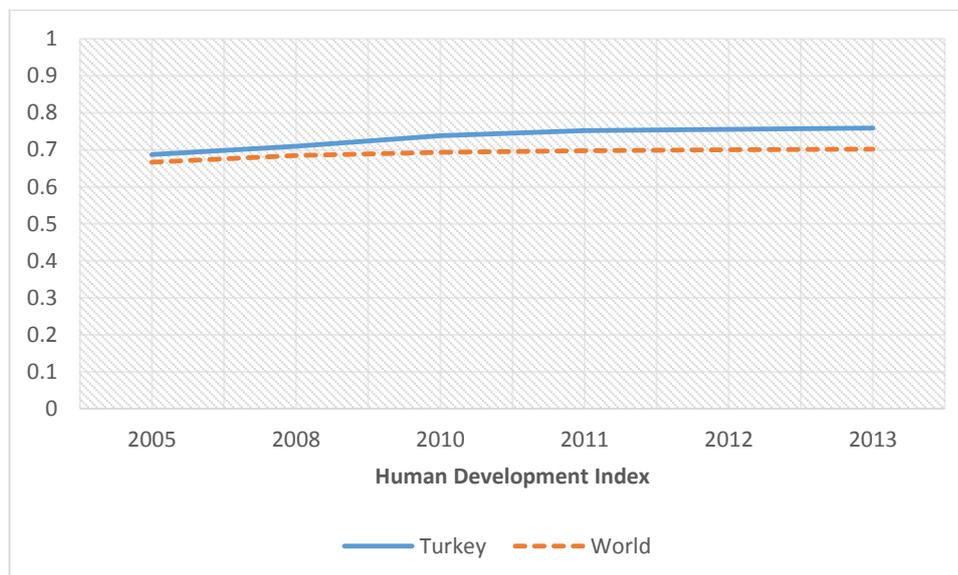


Figure 11. Human Development Index 2005—2013

Turkey’s HDI values have been steadily increasing between 2005 and 2011, and remained constant for the following two years. The score on 2013 is 0.759— which is representative for the high human development category—positioning the country on the 69th rank out of 187 countries and territories.

Table 2 shows Turkey’s progress regarding the HDI indicators between 2000 and 2013. Turkey’s life expectancy at birth increased by 5.3 years, the mean years of schooling increased by 2.1 years and the expected years of schooling increased by 2.3 years. Turkey’s GNI per capita also increased significantly between 2000 and 2013.

Table 2. Turkey’s HDI trends, 2000—2013 (Source: HDR 2014)

	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (2011 PPP\$)	HDI value
2000	70.0	11.1	5.5	12,890	0.653
2005	72.5	11.9	6.0	15,060	0.687
2010	74.3	13.9	7.2	16,587	0.738
2011	74.6	14.4	7.4	17,814	0.752
2012	74.9	14.4	7.6	18,011	0.756
2013	75.3	14.4	7.6	18,391	0.759

4.3.2. Gender Inequality Index (GII)

Turkey’s 2013 ranking according to its GII score (0.360) is 69 out of 149 countries. Regarding women’s participation in politics, the GII reports that, as of 2013, 14.2 percent of the parliamentary seats were held by women. Additionally, 39.0 percent of adult women have reached at least a secondary level of education whereas 60.0 percent of male

adults have succeeded as such. Female participation in the labor market is 29.4 percent compared to 70.8 for men.¹⁷¹ These high differences between gender participation in education, politics and economy fall below the high HDI countries.¹⁷²

The EU 2014 progress report also notes that Turkey’s gender disparity remains considerable in some regions, despite an overall decrease—of 1.2 percent. At the same time, Turkey did not make any recent progress on adopting measures to promote gender equality, although they have been pending since the relevant 2010 constitutional amendments had been adopted.¹⁷³

4.3.3. Gender Gap Index - The World Economic Forum

Figure 12 shows Turkey’s Gender Gap Index (GGI) ratings between 2006 and 2013 according to economic participation, educational attainment, health and survival, and political empowerment subindexes. For all indicators, except the two health indicators (for which it is 1.06), the equality benchmark is considered to be 1, thus meaning equal numbers of women and men.

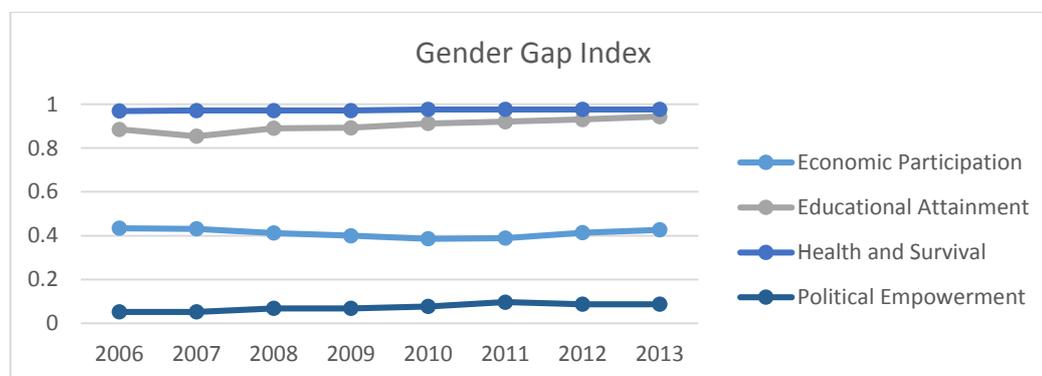


Figure 12. Turkey’s GGI ratings, 2006—2013

Turkey’s highest subindex score is for the health and survival indicator, ranging from 0.969 in 2006 to 0.976 in 2013. This means that the sex ratio at birth and life expectancy is closest to equal between women and men. The educational attainment score is also high, ascending from 0.854 in 2007 to 0.943 in 2013, indicating that the equal access to education has also been increasing. The economic participation indicator has not shown any significant change, remaining situated below the 0.5 benchmark. As for the political empowerment gap, Turkey’s scores are very close to the inequality benchmark, with the

¹⁷¹ HDR, 2014

¹⁷² Ibid.

¹⁷³ European Commission Report, Turkey, 2014, p 14

highest score achieved in 2001, of 0.097, and on the 103rd position out of 136. This reflects a great disparity between women and men at the highest level of political decision-making (minister-level positions and parliamentary positions). This finding is also consistent with the EU's 2014 progress report which noted that no significant change in the gender balance in the field, with women making up approximately a quarter of the judiciary and being particularly underrepresented in prosecutorial and managerial positions.¹⁷⁴

As of 2013, out of the 136 countries evaluated by the Report, over 96% of the gap in health outcomes has been closed, 93% of the gap in educational attainment, 60% of the gap in economic participation and 21% of the gap in political empowerment. The GGI rankings by region place Turkey at the bottom position in Europe, with an overall score of 0.6081, compared to Iceland's, 0.8731.¹⁷⁵

4.3.4. Global Competitiveness Index – The World Economic Forum

Figure 13 shows Turkey's Global Competitiveness Index (GCI) scores and ranking, between 2006 and 2014. The left vertical axis shows the ranking spectrum, from 0 to 148, and the right vertical axis measures the GCI numeric values, ranging from 1 to 7 (1 being the lowest GCI, 7—the highest). The global ranking has increased from 63 in 2009, to 45 in 2014. The GCI score has remained steady between 2012—2014, in an overall pattern of increase. Turkey's 2013—2014 weighted average score on transparency of government policymaking is above average, as 4.4 out of 7 (7 is the highest), ranking 42 out of 144.¹⁷⁶ In regards to the ease of doing business, the most problematic factors outlined by the GCI report are the inefficient government bureaucracy, policy instability, the inadequately educated workforce, followed by tax rates.¹⁷⁷

¹⁷⁴ Ibid p 22

¹⁷⁵ WEF, Gender Gap Report, 2013

¹⁷⁶ WEF, Gender Gap Report, 2014, p 368

¹⁷⁷ Ibid.



Figure 13. Turkey's GCI Ratings, 2006—2014

The 2014 EU progress report also brought up Turkey's shortcomings in terms of implementing a comprehensive strategic framework for public administration reform.¹⁷⁸ While limited progress with the reform implementation was noted, the report readdressed the importance of increasing transparency and accountability by further strengthening policy development and coordination.

¹⁷⁸ European Commission Report, 2014, Turkey, p 16

CONCLUSION

Although Turkey's identification with democracy dates back to the earliest days of the Republic, the actual process of democratic consolidation has been less articulate, being marked by cyclical ups and downs patterns, reflecting a series of complex domestic dynamics, faced with the shifting realities of its geopolitical challenges. Whereas Turkey's Kemalist ruling elite envisioned modernization as the adoption of European norms, the reforms that came through had been imposed by a top-down approach, 'for the people, despite the people'. Although Turkey's Europeanness has been actively debated, in the context of applying for EU membership—for most of its Republican days—Turkey has seen itself as a bridge between the East and the West, notwithstanding its belonging in Europe. Turkey's first official ties with the EU took place in 1963, by signing the Ankara Agreement. 36 years later, at the Helsinki summit of December 1999 the European Council decided to include Turkey in the Union's enlargement process.

The post-Helsinki era brought a multitude of reforms and legislative changes, grounded in the commitment to comply with the EU conditionality, as means of progressing toward full membership. The conservative AKP, which came to power in 2002, undertook a series of reforms aimed at addressing democracy issues, all the while openly promoting EU integration. The commitment to implement the reforms has been met positively, and the EU decided to grant Turkey the official candidate status in 2005. After the negotiations started, the reform pace began to slow down. Since opening new negotiation chapters required the EU member states' approval, Cyprus' entering the EU in 2004 further complicated Turkey's bid for membership, as the decades-old conflict over recognizing the Republic of Cyprus resurfaced. In 2005, before the official start of the accession negotiations, Turkey had signed the Additional Protocol regarding the adoption of the Ankara Agreement, which was to include Cyprus as well, among other new member states in the Customs Union. Notwithstanding Cyprus' new EU membership, Turkey maintained its decision to not recognize the state and, consequently, declined to open its ports and airports to Cypriot ships and planes. Despite pressures from members of all political groups in the European Parliament, Turkey has not fulfilled its full non-discriminatory implementation of the Additional Protocol to the Association Agreement, which contributed to a halt in opening new negotiation chapters.

The EU's demand for solving the Cyprus conflict as a prerequisite for opening new strategic negotiation chapters remained unchanged, and had also been read as a sign of decreased commitment for considering Turkey as a true potential member state. Consequently, this lack of credibility arguably contributed to Turkey's reduced eagerness to implement new democratic reforms.

As of 2014, the Cyprus issue still halts the opening of new chapters and the overall negotiations progress, and the entire post—2005 period witnessed a decreased commitment in fulfilling the EU conditionality by strengthening democracy and the rule of law.

The first part of the thesis introduced the EU, its core values and their transfer mechanism toward non-member states by means of conditionality and external governance. The second chapter outlined Turkey's history of democratic rule, as well as its quest for modernization through adjoining European political organizations, and, lastly, examined the reforms undertaken in line with EU conditionality. The third chapter introduced the international indices for measuring democracy indicators around the world, and their methodology.

The fourth chapter examined Turkey's rankings and scores under international indices. In all cases, the index reports had been consistent with the EU's annual progress evaluation, reflecting weak, almost inexistent progresses. In terms of democracy indicators, Turkey's worst decline has been registered regarding the freedom of expression and belief, freedom of association and freedom of the press. For most cases, these developments had been referred to as having been exacerbated by the 2013 Gezi events when the police forcefully intervened and prevented the citizens from exercising their freedom of assembly. The increased media censorship had also been reflected in the press freedom index, along with the strong government pressures and control over television channels' broadcasting rights. For the first time in a decade, the Freedom House changed Turkey's Press Freedom status from 'partly-free' to 'not-free', while strongly criticizing the government's involvement in the media and the Press Law, which allows for certain restrictions of the press' freedom and long periods of detention prior to arrest. The Reporters Without Borders' report also resonates with Freedom House's assessment of Turkey's press freedom regression, condemning the journalists' imprisonments, as much as the increased censorship within the media.

The governance indicators showed no progress on rule of law, which appears to have remained under the same values it had since 2005. The control of corruption indicators

also fail to show any substantial progress in the fight against corruption. The GRECO report concluded that Turkey has not acted upon any of the nine recommendations set forth in 2012 and declared it “globally unsatisfactory”. In spite of a number of democratization reforms adopted through constitutional amendments and harmonization packages, corruption remains a problematic area in which the EU anchor did not incentivize a systemic reform.

The human development indicators show moderate progress in terms of life expectancy and equal access to education. As for the gender gap index, Turkey still has a high gap between women and men’s political participation, and the score has changed negligibly since 2006. In terms of human rights abuses, Turkey has made progress in recent years, by providing training for judges, prosecutors and police on human rights issues and through the establishment of rights-monitoring boards and of a Parliamentary Human Rights Investigation Committee. However, Human Rights organizations continue to point out violations and human rights defenders can still face prosecution.

Overall, the international indices rankings reflect a decline in civil liberties indicators and a stagnation in strengthening the rule of law. Whereas the gender inequality indicators seem to indicate an improvement, genuine respect for human rights has yet to be transferred into practice.

Whereas Turkey’s positioning under international indices over the past decade indicate a slight decline in individual freedoms and an overall stagnation in rule of law, it can be argued that there has been little to no advance of democracy, nor a firm consolidation of the adopted constitutional reforms by transferring them into practice. This can be accounted for by considering both domestic and external factors, namely a rising wave of Euroskepticism, decreased attractiveness of EU membership from both sides, as well as the emergence of new challenges and opportunities for the country’s foreign policy. The EU anchor has not significantly fostered democratic consolidation, especially in the recent years, when sharp declines in fundamental freedoms have occurred, despite the country’s de facto adherence to EU values and institutional framework. As of 2014, Turkey’s accession progress is still stalling, with only 14 negotiation chapters opened¹⁷⁹ and 17 of the remaining chapters blocked by member states’ veto and by the EC’s decision

¹⁷⁹ These chapters are: 4- Free Movement of Capital; 6- Company Law; 7- Intellectual Property Law; 10- Information Society and Media; 12- Food Safety, Veterinary and Phytosanitary; 16- Taxation; 18- Statistics; 20- Enterprise and Industrial Policy; 21- Trans-European Networks; 25- Science and Research (provisionally closed); 27- Environment; 28- Consumer and Health protection; 32- Financial Control

originated in Turkey's non-implementation of the Additional Protocol to the Ankara Agreement in regards to the Cypriot state. Developments such as the Cyprus conflict, the decrease in fundamental freedoms, the rising polarization, as well as the declining political and public support for membership in both the EU and Turkey are aspects that undoubtedly influenced the pace of political reforms. Nevertheless, Turkey may still benefit from opening key chapters such as 23 (on Judiciary and Fundamental Rights) and 24 (on Justice, Freedom and Society), a process that would re-address democracy consolidation. As the latest EU progress report pointed out, "the constitutional reform process would constitute the most credible avenue for advancing further democratization of Turkey, providing for the separation of powers and adequate checks and balances guaranteeing freedom, democracy, equality, the rule of law and respect for human rights, including the rights of people belonging to minorities."¹⁸⁰

¹⁸⁰ European Commission Report, Turkey, 2014, p 14

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ANNEXES

Annex 1. The largest Gains and Declines in FH Press Freedom Scores, 2009—2013

