

# Revising the Turkey-EU Narrative:

A Historical Institutional Approach to Turkey's  
EU Accession (1963-2017)



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International Relations in Historical Perspective

Master Thesis

February-June 2018

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Word Count: 16 184



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## **Abstract**

Developments in Turkey from 2015 onwards and the subsequent EU decision making question dominant theoretical narratives that try to explain the Turkish EU accession process. Both rationalist and constructivist takes on the process fail to come with an all-encompassing explanation for the way in which Turkey-EU relations have progressed. The problem is that the historical relationship and the institutionalization of that relationship is insufficiently taken seriously. In this study, historical institutionalism is used to revise the Turkey-EU narrative in order to explain recent developments and EU decision making, based on exactly this history and institutionalization. The study examines international agreements between the EU and Turkey, as well as EU enlargement legislation and EU documents regarding Turkish accession. The research shows that the institutionalization has created a path dependent relationship between the EU and Turkey in which the EU is not always capable of judging Turkey on the basis of normative concerns, but is forced to decide in Turkey's favour in case its geopolitical significance for the EU is suddenly inflated. This explains EU decision making, including the 1999 decision to grant Turkey membership and the 2017 decision not to suspend or end negotiations, both of which were puzzles in existing literature.

## **Abbreviations/Acronyms**

AKP	- Justice and Development Party
Commission	- European Commission
Council	- European Council
CoE	- Council of Europe
CVCE	- Virtual Centre for Knowledge about Europe
CSDP	- Common Security and Defence Policy
EC	- European Communities
ECHR	- Convention for the Protection of Human Rights and Fundamental Freedoms
EEC	- European Economic Community
EP	- European Parliament
ESDP	- European Security and Defence Policy
EU	- European Union
HI	- Historical Institutionalism
IR	- International Relations
NATO	- North Atlantic Treaty Organization
NGO	- Non-governmental organization
OHCHR	- United Nations Office of the High Commissioner of Human Rights
PR	- Progress Report
UK	- United Kingdom
UN	- United Nations
SEA	- Single European Act
SP	- Stability Pact



## Chronology

March	1957 – Signing of the Treaty of Rome
February	1959 – First Memorandum
July	1959 – Turkey applies for EEC association
September	1959 – Second Memorandum
January	1962 – Birkelbach Report
January	1963 – Blaisse Report
September	1963 – Signing of the Ankara Agreement, establishing association
June	1964 – Italian Memorandum
November	1970 – Implementation of Additional and Financial Protocol to the association
April	1978 – Council comes with Declaration on Democracy
September	1980 – Turkish coup d'état overthrows government, EEC freezes relations
November	1983 – General elections reinstate democracy, EEC resumes relations
February	1986 – Signing of the Single European Act
April	1987 – Turkey applies for EEC membership
December	1989 – Council confirms Turkey's EEC eligibility, but postpones candidacy
June	1993 – Institution of the Copenhagen criteria
December	1995 – Turkey-EU customs union comes into effect
July	1997 – Signing of Agenda 2000
December	1997 – Council decides to postpone Turkey's candidacy
December	1999 – Council grants Turkey EU candidacy
December	2004 – Council decides to open accession negotiations with Turkey
October	2005 – Opening of Turkey accession negotiations
June	2006 – First and only negotiation chapter <i>science and research</i> is closed
May	2012 – Turkey-EU Positive Agenda
June	2013 – Taksim Square demonstrations violently cracked down by Turkish police
March	2016 – Turkey-EU migration deal
July	2016 – Turkey neutralizes military coup d'état attempt
November	2016 – EP votes for the suspension of accession negotiations with Turkey
April	2017 – Turkish constitutional referendum institutes executive presidency

## Introduction

The Turkish European Union (EU) accession is a complex and slow moving process that finds its origin in 1963. The signing of the Ankara Agreement established an association between the European Economic Community (EEC) and Turkey that remains in force up until today.<sup>1</sup> After the negotiations finally opened as late as 2005, the EU accession process quickly lost its momentum. Blocked negotiation chapters and slowed down political reform in Turkey, meant that accession to the EU did not come significantly closer.<sup>2</sup> The question of whether Turkey would ever accede was then raised and debated by politicians and academics, promoting membership alternatives.<sup>3</sup> Developments from 2016 onwards have made it more difficult to make sense of the continued negotiations and overall accession bid. The fundamentally changing political situation in Turkey since 2016 affects the relationship between Turkey and the EU. President Recep Tayyip Erdoğan and his government passed authoritarian legislation and the human rights situation seriously deteriorated after the failed military coup of July 2016.<sup>4</sup> The death penalty seems to be on the verge of returning and thousands of regime critical journalists, scholars, teachers, soldiers and policemen were either fired or imprisoned.<sup>5</sup> The EU, strongly committed to democracy and human rights, condemned these developments.<sup>6</sup>

Apart from the changing political situation, Turkey's ongoing refusal to recognise the Republic of Cyprus, the seemingly never-ending Aegean dispute with Greece and the recent diplomatic trouble with the Netherlands and Germany have certainly not helped Turkey's EU bid.<sup>7</sup> Moreover, the more structural reservations that the EU holds against Turkey since the

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<sup>1</sup> European Council, "Agreement establishing an Association between the European Economic Community and Turkey," *Official Journal of the European Communities* 16, no. C 113 (1973): 1-16, henceforth: Ankara Agreement.

<sup>2</sup> Dan Bilefsky, "Sarkozy blocks key part of EU entry talks on Turkey," *New York Times*, June 25, 2007, <https://www.nytimes.com/2007/06/25/world/europe/25iht-union.5.6325879.html>;

David Phinnemore and Erhan İçener, "Holding the door half (?) open: the EU and Turkey 10 years on," *Journal of Contemporary European Studies* 24, no. 4 (2016): 446-450.

<sup>3</sup> *France 24*, "France says blunt 'non' to Turkey," February 25, 2011,

<http://www.france24.com/en/20110225-france-sarkozy-gul-turkey-eu-hopes>;

John Redmond, "Turkey and the European Union: troubled European or European trouble?," *International Affairs* 83, no. 2 (2007): 305-306.

<sup>4</sup> Phinnemore and İçener, "Holding the door," 449-450.

<sup>5</sup> Casper van der Veen, "Weer duizenden ontslagen in Turkije," *NRC Handelsblad*, July 14, 2017, <https://www.nrc.nl/nieuws/2017/07/14/weer-duizenden-ontslagen-in-turkije-a1566758>.

<sup>6</sup> European Commission, "Commission Staff Working Document: Turkey 2016 Report," November 9, 2016, COM (2016) 700 final, 5, henceforth: PR 2016.

<sup>7</sup> Cyprus and Greece: Harun Arikan, *Turkey and the EU: An Awkward Candidate for EU Membership?* (London: Routledge, 2006), 159-196; The Netherlands: *Reuters*, "Turkish president Erdogan calls Netherlands 'Nazi remnants, fascists'," March 11, 2017,

<https://www.reuters.com/article/us-turkey-referendum-europe-erdogan-idUSKBN1610E7>;

debate about its EU accession started have not been taken away. Up to this day, doubts about Turkey's identity, its human rights record, its possible migration prospect and its relative poverty exist on top of a declining support for Turkey in EU public opinion, all affecting the likelihood of Turkey's entrance into Europe.<sup>8</sup> Overall, Turkey seems to be drifting further away from its accession prospect.

Brussels, however, remains remarkably divided on the issue of conclusive suspension of accession negotiations. The European Parliament (EP) strongly opposed further negotiations in an unbinding vote as early as November 2016 and was later supported by fierce statements from European political leaders like German chancellor Angela Merkel and European Peoples Party leader Manfred Weber.<sup>9</sup> Still, in 2017 alone, these statements were contrasted by French President Emmanuel Macron, European External Action Service (EEAS) High Representative Federica Mogherini, European Enlargement Commissioner Johannes Hahn and European Commission (the Commission) President Jean-Claude Juncker who want to keep Turkey at the negotiating table.<sup>10</sup> The most influential EU officials on the topic of enlargement thus remain

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Germany: *The Telegraph*, "Erdogan urges Turks in Germany to reject Merkel, saying her party is 'the enemy'," August 18, 2017,

<https://www.telegraph.co.uk/news/2017/08/18/erdogan-urges-turks-germany-reject-merkel/>.

<sup>8</sup> Turkey's identity: Meltem Müftüler Bac and Lauren McLaren, "Enlargement Preferences and Policy-Making in the European Union: Impacts on Turkey," *Journal of European Integration* 25, no. 1 (2003): 18-19; Human rights record: William Hale, "Human Rights, the European Union and the Turkish Accession Process," *Turkish Studies* 4, no. 1 (2003): 107-111; Migration prospect: Ahmet İçduygu and Aysen Üstübcü, "Negotiating Mobility, Debating Borders: Migration Diplomacy in Turkey-EU Relations," in *New Border and Citizenship Politics*, eds. Helen Schwenken and Sabine Ruß-Sattar (London: Palgrave Macmillan, 2014), 52-53; Relative poverty: Eric Faucompret and Jozef Konings, *Turkish Accession to the EU: Satisfying the Copenhagen Criteria* (New York: Routledge, 2008), 151-170; EU public opinion: Sara B. Hobolt, "Religious intolerance and Euroscepticism," *European Union Politics* 12, no. 3 (2011): 359-361.

<sup>9</sup> Zia Weise, "EU parliament votes overwhelmingly in favour of scrapping Turkey accession talks," *The Telegraph*, November 24, 2016,

<http://www.telegraph.co.uk/news/2016/11/24/eu-votes-overwhelmingly-favour-scrapping-turkey-accession-talks/>;

Albrecht Meier, "Weber: Turkish EU membership 'makes no sense'," *Euractiv*, July 24, 2017,

<https://www.euractiv.com/section/global-europe/interview/weber-turkish-eu-membership-makes-no-sense/>; Lucy Pasha-Robinson, "Turkey will never become EU member, says Angela Merkel," *The Independent*, September 3, 2017,

<http://www.independent.co.uk/news/world/europe/turkey-german-chancellor-angela-merkel-eu-member-president-recep-erdogan-nato-a7927861.html>.

<sup>10</sup> Daniel Boffey, "EU minister says Turkey still on track to join bloc despite calls to stop accession," *The Guardian*, July 25, 2017,

<https://www.theguardian.com/world/2017/jul/25/eu-urged-to-call-off-turkish-accession-talks>;

*Euractiv*, "France's Macron urges continued EU ties with Turkey," September 7, 2017,

<https://www.euractiv.com/section/global-europe/news/frances-macron-urges-continued-eu-ties-with-turkey/>;

European Commission, "Remarks by Commissioner Johannes Hahn at the press conference following the EU - Turkey High Level Political Dialogue," July 25, 2017,

[https://ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/remarks-commissioner-johannes-hahn-press-conference-following-eu-turkey-high-level-political\\_en](https://ec.europa.eu/commission/commissioners/2014-2019/hahn/announcements/remarks-commissioner-johannes-hahn-press-conference-following-eu-turkey-high-level-political_en);

Jan Mericka, "European Commission President Juncker Refuses to End Accession Talks with Turkey," *ESJ News*, August 3, 2017,

committed to the Turkish case. Opportunities to end the negotiations that were presented in 2017 on account of a German proposal were therefore resolutely rejected by the Commission, notwithstanding Turkey's ignorance towards the EU's core principles.<sup>11</sup> With this trend in play for almost two years, the media, sections of the European political spectrum and the European public are left with the big question of why negotiations are ongoing, especially since the accession process is a costly operation for the EU. A scholarly answer is clearly needed.

In the search for an academic explanation it is necessary to look at the existing literature on Turkey's accession and EU enlargement in general which is rooted in the larger rationalism versus constructivism debate of international relations (IR).<sup>12</sup> Most of the literature surrounding the Turkish EU accession focuses on individual aspects of the process or on Turkey's side of the matter.<sup>13</sup> The scholarly accounts that try to characterise the entirety of the accession process from the side of the EU, the so-called supply side, can roughly be divided into two camps: the rationalists and the constructivists.<sup>14</sup> The rationalists argue that the EU's decision making on enlargement should be traced back to cost-benefit analyses or security considerations. The constructivists, on the other hand, believe the EU bases its decision-making on its normative identity and Turkey's ability to live up to this identity.

The two dominant theories on both sides of the Turkey-EU debate are rational liberal intergovernmentalism and normative institutionalism. Rational liberal intergovernmental accounts include Neill Nugent's cost-benefit analysis of Turkey's accession, in which he calculates that member states stand to gain from a Turkish accession whilst admitting that sober calculations are not the full story.<sup>15</sup> Saul Cohen and Carl Dahlman's arguments based on geopolitical considerations show that Turkey's geopolitical interests are in line with those of

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<https://www.esjnews.com/european-commission-juncker-accession-talks-turkey>.

<sup>11</sup> Mericka, "Juncker Refuses."

<sup>12</sup> See: James Fearon and Alexander Wendt, "Rationalism v. Constructivism: A Skeptical View," in *Handbook of International Relations*, eds. Walter Carlsnaes, Thomas Risse and Beth A. Simmons (London: SAGE Publications, 2002), 52-72; and: Richard Price and Christian Reus-Smit, "Dangerous Liaisons? Critical International Theory and Constructivism," *European Journal of International Relations* 4, no. 3 (1998): 259-294.

<sup>13</sup> For example: Kurdish question: Firat Cengiz and Lars Hoffmann, "Rethinking Conditionality: Turkey's European Union Accession and the Kurdish Question," *Journal of Common Market Studies* 51, no. 3 (2013): 416-432; Democratisation: Münevver Cebeci, "De-Europeanisation or Counter-Conduct? Turkey's Democratisation and the EU," *South European Society and Politics* 21, no. 1 (2016): 119-132; Civil society: Diez, Thomas, Apostolos Agnantopoulos and Alper Kaliber, "Turkey, Europeanization and Civil Society: Introduction," *South European Society and Politics* 10, no. 1 (2005): 1-15; Migration: Içduygu and Üstübcü, "Migration Diplomacy," 44-59.

<sup>14</sup> Ebru Turhan, *The European Council Decisions Related to Turkey's Accession to the EU: Interests vs. Norms* (Cologne: Nomos, 2012): 37.

<sup>15</sup> Neill Nugent, "The EU's Response to Turkey's Membership Application: Not Just a Weighing of Costs and Benefits," *Journal of European Integration* 29, no. 4 (2007): 481-502.

the EU member states, making Turkey a welcome addition to the EU.<sup>16</sup> Meltem Müftüler Bac and Ebru Turhan paint similar pictures based on predominantly security-related calculations.<sup>17</sup> Normative institutional accounts, on the other hand, are represented by the likes of Daniel Thomas, Frank Schimmelfennig and Gözde Yilmaz.<sup>18</sup> These authors argue that the EU's decision making on Turkey has been based on normative considerations. They argue that, especially in relation to the EU's 2004 decision to open membership negotiations, the EU has been unable to prevent membership negotiations with Turkey because of the EU's desire to be norm consistent. Doubts about Turkey's membership were overruled by member states' desire to act in line with the EU's rules, which meant that Turkey's normative development had to be rewarded with accession negotiations.

This study will explain how Turkey's accession process, including the recent worsening trend, is a problematic case for both of these prominent constructivist and rational perspectives. The dominant theories are unable to clarify recent developments, bringing up the question of whether we understand the nature of the Turkish accession process as a whole. The existing theories all have explanatory value for some of the chapters in Turkey's accession process, but a better understanding of the process in its entirety needs a more integrative approach. For these reasons historical institutionalism (HI) is proposed as an alternative and superior theoretical narrative. The reasoning behind the choice for HI as an alternative narrative is threefold. First of all, the existing approaches lack the flexibility to explain the full history of the Turkey-EU relationship. HI holds the advantage of being capable of integrating both normative and rational considerations. Second, a serious assessment of the institutionalization over time is lacking from the Turkey-EU literature. Third, HI has proven to be an approach with a lot of explanatory value for European integration.<sup>19</sup>

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<sup>16</sup> Saul Cohen, "The Geopolitics of Turkey's Accession to the European Union," *Eurasian Geography and Economics* 45, no. 8 (2004): 575-582; Carl Dahlman, "Turkey's Accession to the European Union: The Geopolitics of Enlargement," *Eurasian Geography and Economics* 45, no. 8 (2004): 553-574.

<sup>17</sup> Meltem Müftüler Bac, "Turkey's Role in the EU's Security and Foreign Policies," *Security Dialogue*, no. 4 (2000): 489-502; Turhan, *European Council Decisions*, 7.

<sup>18</sup> Daniel Thomas, "Explaining the negotiation of EU foreign policy: Normative institutionalism and alternative approaches," *International Politics* 46 (2009): 339-357; Frank Schimmelfennig, "Entrapped again: The way to EU membership negotiations with Turkey," *International Politics* 46 (2009): 413-431; Frank Schimmelfennig and Daniel Thomas, "Normative institutionalism and EU foreign policy in comparative perspective," *International Politics* 46 (2009): 491-501; Gözde Yilmaz, "EU Conditionality Is Not the Only Game in Town! Domestic Drivers of Turkey's Europeanization," *Turkish Studies* 15, no. 2 (2014): 303-321.

<sup>19</sup> Paul Pierson, "The Path to European Integration: A Historical Institutionalist Perspective" (Program for the Study of Germany and Europe Working Paper No. 5.2, Harvard University and Russell Sage Foundation, October 25, 1994),

[http://aei.pitt.edu/63633/1/PSGE\\_WP5\\_2.pdf](http://aei.pitt.edu/63633/1/PSGE_WP5_2.pdf), 4-7.

HI tries to explain events by looking far into history and identifying slow moving causal processes that shape institutions and influence decision making.<sup>20</sup> It argues that short term decisions create institutions or *rules* that consequently create *gaps in control* for the actors involved, meaning that they are restricted in their decision making and can be forced to go in against actor preferences.<sup>21</sup> In the case of the EU these gaps in control affect the decision making of the member states and therefore the decision making of the European Council (the Council) – which is controlled by the member states. The reduced freedom in decision making means that international institutions like the EU are in some cases characterized by *path dependency*.<sup>22</sup> This means that there is causality between decisions made over time. The further down a path, the more difficult or costly it becomes to change paths and the more unlikely this becomes.<sup>23</sup> The advantage that a theoretical approach like historical institutionalism holds, is the possibility to integrate multiple perspectives – both rational and constructivist – into a complex analysis of the accession process, deeply rooted in the history of the relationship. Exactly this complexity is what is needed to come to a full understanding of Turkey’s EU accession process.

The historically institutionalized relationship will be central to this research, rather than rationalist or constructivist ontologies characterizing the dominant theoretical narratives.<sup>24</sup> In practice, this means that both rational and constructivist rationales will be employed in order to make sense of the many decisions the EU has made regarding Turkey. In this way, the complexity of the relationship can be addressed. The main research question will be: *how has the institutionalization of the Turkey-EU relationship influenced the EU’s decision making on Turkey’s accession process (1963-2017)?* The year 1963 serves as the starting point with the signing of the Ankara Agreement between the EEC and Turkey, signalling the start of institutionalized political cooperation.<sup>25</sup> The first chapter will serve as the theoretical foundation

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<sup>20</sup> Paul Pierson and Theda Skocpol, “Historical Institutionalism in Contemporary Political Science,” in *Political Science: The State of the Discipline*, eds. Ira Katznelson and Helen Miller (New York: WW Norton & Co, 2003), 9.

<sup>21</sup> Sven Steinmo, “What is Historical Institutionalism?,” in *Approaches in the Social Sciences*, eds. Donatella Della Porta and Michael Keating (Cambridge: Cambridge University Press, 2008), 159-160.

<sup>22</sup> Pierson and Skocpol, “Historical Institutionalism,” 6-9.

<sup>23</sup> Isa Camyar and Halit Mustafa Tagma, “Why Does Turkey Seek European Union Membership? A Historical Institutional Approach,” *Turkish Studies* 11, no. 3 (2010): 376.

<sup>24</sup> See chapter 1 for an explanation on the rationalist and constructivist ontologies.

<sup>25</sup> “Turkey and the European Union (1963–2005),” CVCE, accessed May 28, 2018, [https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/ceeebbd2-8cac-4f8f-8074-7f69be1141b2/Resources#2ecb5efa-de73-4823-ab62-7e4c869079b5\\_en&overlay](https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/ceeebbd2-8cac-4f8f-8074-7f69be1141b2/Resources#2ecb5efa-de73-4823-ab62-7e4c869079b5_en&overlay); The research will also address the years 1957-1962, concerning the EU’s institution of its earliest membership criteria. 1963, however, serves as the starting point of the institutionalized Turkey-EU relationship, which is why this year is featured in the title and the main research question.

of this study. It will explain in more detail the current state of the literature on Turkey-EU relations and the problems that recent events pose. Also, it will explain in more detail why HI is the right tool to answer the questions that are subsequently raised. This chapter will be based on secondary literature surrounding the rationalism versus constructivism debate, existing literature on Turkey and accounts describing historical institutionalism.

The second and third chapter will then employ HI for the Turkey-EU case study. The two chapters examine the relationship based on institutions and the decision making concerning accession taking place between 1957 and 2017, with emphasis on the 1963-2017 period. Chapter two will look at the way the EU enlarged from the Treaty of Rome (1957) onwards and how Turkey was brought into this enlargement narrative in 1963, institutionalizing the Turkey-EU relationship.<sup>26</sup> It will subsequently ask the questions of how Turkey and the EU further institutionalized their relationship, what kind of dependency this created over time and how this relationship and dependency influenced EU decisions surrounding Turkey's accession. Then, in chapter three, the HI narrative that is brought up through historical assessment in chapter two will be put to the test to the period of the start of negotiations in 2005 up until 2017, the year in which an end to negotiations was proposed and rejected. The negotiations and the Commission's progress reports assessing Turkey's progress concerning the negotiations and accession will be central to this chapter. Is the dependent relationship that was created between the EU and Turkey from 1963 until 2004 still visible/strengthened and can it explain the EU's decision making between 2005 and 2017? How does the Commission judge Turkey's normative progress between 2005 and 2017? Is the EU's decision making concerning Turkey in line with the Commission's judgement? Can path dependency serve as an explanation for the EU's decision making?

HI focuses on institution building as an explanation for evolving processes. In order to fully address this, the four types of primary sources responsible for institutionalization will be assessed for chapter two and three, on top of secondary literature and news articles to further clarify and interpret sources and trends. First of all, agreements that are signed between the two parties will be examined. These include amongst others the Ankara Agreement with its additional protocols, the agreement creating a custom union and the *Negotiating Framework*. These agreements form the basis upon which the relationship is built.

Second, the Council decisions on Turkey's association and accession process will be assessed. These decisions are crucial since the Council is the central EU decision making body

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<sup>26</sup> The Treaty of Rome is officially called the Treaty on the Functioning of the European Union.

concerning enlargement, it has the last say in every step of the accession process. The documents including the Council's decisions not only show the actual decision, but also include a concise argumentation. Since this argumentation is brief and incomplete, additional secondary literature will be used to assess the additional argumentation used by the Council in order to come to a certain decision.<sup>27</sup>

Third, the yearly Commission reports on Turkey's progress that have been published since 1998 will be examined. Since 2005, the relationship between Turkey and the EU has been centred around the negotiations. The Commission's progress reports directly addressing the situation in Turkey surrounding each and every negotiation chapter are therefore the most important documents concerning the Turkey-EU relationship from that moment onwards. From the actual opening of the negotiations in 2005 these reports have been systematically analysed in order to be able to spot trends in Turkey's reform progress as judged by the Commission. The results of this research are summarized in annex 1. Since the Commission has to take the well-being of the entire EU into account and therefore risks the possibility of assessing Turkey in a biased way, the Commission's progress reports will be supported by independent scholarly research on Turkish progress.<sup>28</sup>

Lastly, since Turkey gets drawn into the wider EU enlargement institutionalization, EU documents drafting rules, policies and directives concerning enlargement must be analysed as well. These sources include amongst others the Treaty of Rome, several advisory memoranda and the Commission's enlargement strategy papers. In addressing all of these sources, the dependency between Turkey and the EU can be characterized, which will then be used to explain key EU decision making on Turkey's accession. The influence of all of these sources on the institutionalization of relationship – the rules/conditions/preferences/orders they pose – between the two parties will be constantly assessed.

Since the scope of this research is limited and not everything can be examined to great detail, the economic side of the relationship is largely left out of the narrative in this thesis. It has only been analysed as a part of the systematic progress report analyses and is occasionally

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<sup>27</sup> The following works, containing thorough analyses of the geopolitical situation in different stages of the process, will be especially important in this respect: Natalie Martin, *Security and the Turkey–EU Accession Process: Norms, Reforms and the Cyprus Issue* (New York: Palgrave Macmillan, 2015); Turhan, *European Council Decisions*.

<sup>28</sup> The following works, amongst others, will be especially important in this respect: Cebeci, "De-Europeanization," 119-132; Ergun Özbudun, "Europeanization and Turkey's constitutional reform process," in *The Europeanization of Turkey: Polity and politics*, eds. Ali Tekin and Aylin Güney (New York: Routledge, 2015), 33-49; Beken Saatçioğlu "De-Europeanisation in Turkey: The Case of the Rule of Law," *South European Society and Politics* 21, no. 1 (2016): 133-146.



mentioned in case this is of relevance to the general argument. Even though the start of cooperation between Turkey and the EEC was one based upon economic cooperation and the EEC was first and foremost an economic union, the political project soon takes centre stage in both the EEC and the EEC-Turkey relationship.<sup>29</sup> The integrating economies are only part of the greater project from that moment onwards. Another argument justifying this choice is the lack of prominence that the Turkish economy has in the accession process. Even though it is extensively discussed in the Commission's progress reports, the Turkish economy has always played second fiddle behind political and normative considerations regarding its accession. The strength of the Turkish economy is unlikely to be either a deal breaker or the central argument promoting accession.

With this new HI approach, a more fitting narrative is created, capable of explaining the Turkish accession process as a whole. Existing theoretical narratives struggle to do this, as the next chapter will show. This is what grants this research part of its academic relevance. Apart from clarifying questions surrounding Turkish accession and shining new light on the Turkey-EU accession process from a historical perspective, this research provides a better understanding of today's situation, enabling us to give careful predictions for the near future. Additionally, this research offers helpful insight into EU enlargement as a whole, specifically how slow moving processes influence EU decision making on enlargement. Zooming further out, this research contributes to a better understanding of EU policy and decision making, specifically the interplay between rational and constructivist rationales preceding Council decisions. The first chapter will now proceed with a discussion of the rationalism versus constructivism debate and how the Turkey-EU accession process is embedded into it.

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<sup>29</sup> These processes will be explained in more detail in chapter two.

# **1. Rationalism vs. constructivism and the introduction of historical institutionalism to Turkey-EU theory**

Over the course of its roughly sixty years existence, the EU has developed from a strictly Western European union of nation states into a pan-European political organization. Its borders stretch far beyond Central Europe into the Balkans, Greece and possibly Asia Minor. While the EU's political motives for the inclusion of a large number of new member states widely vary, theoretical explanations try to formulate an all-encompassing formula explaining why certain member states are accepted, while others are left out of the equation.<sup>30</sup> The goal of this first chapter is to assess the theoretical state of the art of EU enlargement in general and the case of Turkey specifically. The chapter will focus on what the state of the art currently lacks and how historical institutionalism, the theory used in this research, differs from existing approaches to the benefit of the Turkish case. Similar to a lot of theoretical IR debates, EU enlargement narratives are derived from the larger and more fundamental rationalism versus constructivism debate. Therefore, it is necessary to briefly touch upon this debate in order to understand its most important characteristics and the way they play a role in the Turkey-EU case. After introducing the fundamental debate this chapter will focus on how EU enlargement in general and the case of Turkey specifically fit into it, introducing the two dominant theoretical perspectives on Turkey's accession: rational liberal intergovernmentalism and normative institutionalism. These theories will be assessed and put to the test with the help of recent developments. Thereafter, historical institutionalism will be proposed as a more convincing and all-encompassing theoretical narrative for the Turkish case, explaining the theory, its concepts, and why it is applicable.

## **1.1. Setting the stage: rationalism vs. constructivism**

In 1998, two of the most important modern day IR scholars, Richard Price and Christian Reus-Smit, published an article in the *European Journal of International Relations* in which they predict the rationalism versus constructivism debate to become the central debate in IR for many years to come.<sup>31</sup> They were quickly backed by Richard Katzenstein, Robert Keohane and Stephen Krasner, who published an article in *International Organization* with a similar line of

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<sup>30</sup> Graham Avery and Fraser Cameron, *The Enlargement of the European Union* (Sheffield: Sheffield Academic Press, 1999), 175-177.

<sup>31</sup> Price and Reus-Smit, "Dangerous Liaisons?," 260.

argumentation.<sup>32</sup> The two influential articles claim that rationalism and constructivism are two metatheories which have a fundamentally different understanding of the way societies are and the way actors in IR interact, and will therefore fight each other in every research domain, on every inch.<sup>33</sup> In an account reacting on the latter article and the prediction it posed, prominent rationalist James Fearon and leading constructivist Alexander Wendt contradict the idea of a debate. They confirm the existence of differences between the two allegedly opposing theories, but see the two approaches as complementary rather than incompatible.<sup>34</sup> This distinction is something that remains debated, and which will prove essential for the remainder of this forthcoming research.

The two metatheories upon which all the aforementioned scholars base their claims, can be simply explained by portraying rationalism as an individualistic approach in which the whole solely exists because of the interaction of a number of individuals, while holistic constructivists argue the other way around: parts of the whole only exist in relation to the whole.<sup>35</sup> In other words, both approaches rely on different social ontologies or natures of being. A rationalist relies on individualism and materialism, whereas a constructivist relies on social and ideational ontologies.<sup>36</sup> Consequently, a rationalist traces actors' decisions back to a *logic of consequence* based on self-interest, contrasting a constructivists' *logic of appropriateness* in which actors behave in accordance with norms, roles and rules.<sup>37</sup> In this line of argument, a rationalist traces a states' decision to enter an international organization back to a positive cost-benefit calculation. If the state is set to materially benefit from acceding, it will do so when given the chance. Instead, a constructivist may argue that this same decision was based upon a states' normative or ideational compatibility with the organization, rather than a straightforward economic calculation. A country may even decide to enter this organization if the cost-benefit calculation turns out to be neutral or negative. Or it may use a positive cost-benefit calculation as a secondary factor for its decision to join. In this type of framing, as argued by Price, Reus-Smit, Katzenstein, Keohane and Krasner, the two theories seem destined for a war of paradigm.

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<sup>32</sup> Peter Katzenstein, Robert Keohane and Stephen Krasner, "International Organization and the Study of World Politics," *International Organization* 52, no. 4 (1998): 646.

<sup>33</sup> Price and Reus-Smit, "Dangerous Liaisons?," 270-275.

<sup>34</sup> Fearon and Wendt, "Rationalism v. Constructivism," 67.

<sup>35</sup> Fearon and Wendt, 53.

<sup>36</sup> Frank Schimmelfennig and Ulrich Sedelmeier, "The Politics of EU Enlargement: Theoretical and Comparative Perspectives," in *The Politics of European Union Enlargement: Theoretical Approaches*, eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 10.

<sup>37</sup> Katzenstein, Keohane and Krasner, "International Organization," 682.

Fearon and Wendt argue otherwise. Even though the two do not deny that both approaches ask different questions and take varying aspects of social life into their respective equations – raising questions on what truly matters – they deny the assumption of incompatibility since they do not see it as a necessity for IR scholars to pick a side in this alleged duel.<sup>38</sup> In their line of argument, scholars can use both approaches pragmatically. They can do so without claiming to truly understand the governing laws of society or IR based upon either of the two metatheories. Also, the two believe that certain arguments cannot be ruled out on philosophical grounds, both sides are useful approaches with plenty of philosophical and empirical basis.<sup>39</sup> The two approaches should be seen as “analytical lenses (which) do not in themselves force the researcher to make ontological or empirical commitments.”<sup>40</sup> Frank Schimmelfennig and Ulrich Sedelmeier agree with this notion in their work on theoretical approaches to EU enlargement and add that differences between the two metatheories are a matter of degree rather than principle.<sup>41</sup>

So, even though rationalist scholars are more likely to look at power and interest influencing actor behaviour, and constructivists predominantly see norms, identity and culture as governing principles, both metatheories can offer explanations for developments in IR without claiming to know the absolute truth about the way the world works.<sup>42</sup> In this way, both approaches can even be used interchangeably if this serves the case. The IR debate on EU enlargement is one of the debates in which both sides of the rationalism versus constructivism debate are represented, as the next section will show.

### 1.1.1. The debate in practice: EU enlargement

Before we go into detail about how EU enlargement fits into the frame of the rationalism versus constructivism debate, a clarification of what we understand as EU enlargement and which side of EU enlargement will be assessed in this research is needed. EU enlargement in this case is defined as *horizontal institutionalization* of the European Union. The EU is widened in the sense that new member states enter the political union. The deepening of the EU, meaning the intensification of cooperation and continuous internal integration is not the primary subject of research and will only be mentioned in case it influences the former process. Within the field of EU enlargement as a process of horizontal institutionalization a number of processes are

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<sup>38</sup> Fearon and Wendt, “Rationalism v. Constructivism,” 53-54.

<sup>39</sup> Fearon and Wendt, 53-54.

<sup>40</sup> Fearon and Wendt, 53.

<sup>41</sup> Schimmelfennig and Sedelmeier, “Politics of EU Enlargement,” 10.

<sup>42</sup> Katzenstein, Keohane and Krasner, “International Organization,” 675.

generally studied, among which (1) applicant states' enlargement politics, (2) member state enlargement politics, (3) EU enlargement politics and (4) the impact of enlargement are the most widely examined.<sup>43</sup> This research will focus on the third mentioned process, which occasionally will be used interchangeably with member state enlargement politics. The decision making of the EU and its member states in the Council on the acceptance or rejection of certain aspiring applicant countries is the focus of research here, leaving out the train of thought of the applicant countries governments and the effect that enlargement has had on the EU or certain countries as a result of earlier widening of the union unless, again, it influences the decision making of the EU or existing member states on enlargement.

The extensive amount of literature on specific accession processes, rounds of accession or comparisons thereof can roughly be divided in the rationalism versus constructivism debate as shown in important works on the state on the art of EU enlargement and EU politics in general.<sup>44</sup> The rationalist explanations to a larger or lesser extent follow the argument that in case EU member states have more to gain, they favour deeper engagement and ultimately membership for the applicant state.<sup>45</sup> Specific examples of rationalist accounts include cost-benefit analyses, security analyses and geopolitical approaches.<sup>46</sup> Constructivists follow a different logic and doubt whether cost-benefit analyses are in fact beneficial to the EU and its member states and whether they shape EU policy.<sup>47</sup> They argue that countries that have been accepted have been able to successfully Europeanise, democratise or Westernise, making them normatively compatible with the EU. Countries that fail to normatively develop in a similar manner, will not be accepted into the union. Constructivist examples include, amongst others, assessments of national identity, EU identity construction and normative conditionality.<sup>48</sup>

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<sup>43</sup> Schimmelfennig and Sedelmeier, "The Politics of EU Enlargement," 6-9.

<sup>44</sup> For enlargement see: Schimmelfennig and Sedelmeier, "The Politics of EU Enlargement," 10-24; In general see: Neill Nugent, *The Government and Politics of the European Union*, 8<sup>th</sup> ed. (London: Palgrave Macmillan, 2017), 72-73.

<sup>45</sup> Nugent, *Politics of the European Union*, 457-458.

<sup>46</sup> For a cost-benefit analysis see: Nugent, "EU's Response," 481-502; For a geopolitical approach see: Lars S. Skålnes, "Geopolitics and the eastern enlargement of the European Union," in *The Politics of European Union Enlargement: Theoretical Approaches*, eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 213-234.

<sup>47</sup> Nugent, *Politics of the European Union*, 458-459.

<sup>48</sup> For a national identity analysis see: Sieglinde Gstöhl, "Scandinavia and Switzerland: Small, successful and stubborn towards the EU," in *The Politics of European Union Enlargement: Theoretical Approaches*, eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 33-51; For an EU identity analysis see: Ulrich Sedelmeier, "Eastern Enlargement: Risk, rationality and role-compliance," in *The Politics of European Union Enlargement: Theoretical Approaches*, eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 120-141; For an analysis on normative conditionality see: Mehmet Ugur, "Europeanization, EU Conditionality, and Governance Quality: Empirical Evidence on Central and Eastern European Countries," *International Studies Quarterly* 57 (2013): 41-51.

### 1.1.2. The debate in practice: the case of Turkey

The Turkish accession to the EU has been one of the most researched accession processes. This is no surprise since Turkey's candidacy is one that stands out in its longitude and complexity. The two dominant theories for the explanation of the Turkish accession process are liberal intergovernmentalism and normative institutionalism, respectively rooted in rationalism and constructivism. What makes the case of Turkey both interesting and confusing is that these theories fail to explain recent developments. To illustrate why these perspectives insufficiently do so, the liberal intergovernmental studies of Neill Nugent and Andrew Moravcsik and Frank Schimmelfennig will be examined. The normative institutional shortcomings will be illustrated by Daniel Thomas and, again, Frank Schimmelfennig who used both theories to try and find an appropriate theoretical narrative.

The liberal intergovernmental rational choice analysis of the process, introduced by Neill Nugent, uses sober cost-benefit calculations to explain why EU member states favour Turkey's accession and act accordingly.<sup>49</sup> Even though Nugent finds that all member states stand to gain from a Turkish accession, at least in the long run, two flaws render his argument little explanatory value. The theories' insufficiency was already admitted by Nugent himself, as well as Andrew Moravcsik and Frank Schimmelfennig, all three using the theory and concluding that it failed to tell the full story.<sup>50</sup> The first flaw is that the theory fails to address the normative concerns. Nugent admits this shortcoming by using the example of Turkey's identity threat to the EU, which played an important role in decision making processes on the issue in the Netherlands, Germany and Austria.<sup>51</sup> But the normative nature of the accession process in general is something that is largely disregarded in this theoretical narrative, even though the negotiations itself are for a large part normative in nature. This is especially the case concerning Turkey, with a strong emphasis on human rights and fundamental freedoms. Second, Nugent uses Turkey's Europeanisation pace in 2007, which was relatively promising since the slowed pace of reform from 2005 onwards was not yet as visible, to make cost-benefit calculations for the long run. With the pace used for his calculations, most member states only

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<sup>49</sup> Nugent, "EU's Response," 495-496.

<sup>50</sup> Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," in *The Politics of European Union Enlargement: Theoretical Approaches* eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 142-171; Andrew Moravcsik and Milada Anna Vaduchova, "Preferences, power and equilibrium: the causes and consequences of EU enlargement," in *The Politics of European Union Enlargement: Theoretical Approaches* eds. Frank Schimmelfennig and Ulrich Sedelmeier (London: Routledge, 2005), 203-205.

<sup>51</sup> Nugent, "EU's Response," 495-496.

just stood to gain from a Turkish accession. With Turkey's slowed down Europeanization pace persistent long after 2007, Europeanization coming to a full halt in 2011 and even reversing since at least 2016, even the central cost-benefit argument lost its original value.<sup>52</sup> Turkey's failure to move closer to the union's *Copenhagen criteria* now meant that it would prove too costly for the EU to let Turkey accede in the near future. The theoretical approach is therefore unfit to explain Turkey's accession process for the years after 2007.

A second widely used approach which has proven to be of great explanatory value to EU foreign policy in general, is normative institutionalism brought up by Daniel Thomas and Frank Schimmelfennig.<sup>53</sup> Normative institutionalism argues that member states find it difficult to escape the dictates of earlier instituted EU norms in their decision making and thus accept norm consistent decisions diverging from their own national preferences.<sup>54</sup> In the case of Turkey the 1999 decision to grant Turkey its candidacy status meant that Turkey was to be treated no differently than other candidate countries. If Turkey were to abide with the Copenhagen criteria, membership negotiations had to start in order for the EU to remain norm consistent, even if this meant that countries were to go in against their national preferences, a situation which Schimmelfennig calls "rhetorical entrapment."<sup>55</sup> The *brakemen* Austria, Germany and the Netherlands became rhetorically entrapped by EU norms and voted accordingly. The theory can also help explain the slowing down of accession progress shortly after 2005, which is in line with Turkish slowing reform progress.<sup>56</sup>

Despite its persuasive explanation of events taking place between 1999 and at best 2016, normative institutionalism has a hard time explaining the EU's 1999 decision to grant Turkey membership, in which norms were explicitly sidestepped to serve a geopolitical goal as will be explained in this research. Additionally it has also lost its explanatory value for the past few years. If the EU were to truly hold on to its dictated norms, the accession talks would already have been suspended or scrapped due to the institution of certain EU norms within Turkey's accession process. In the Commission's recommendation to open accession talks with Turkey, which was unanimously accepted by the Council, the Commission included a clear paragraph calling for suspension recommendations in case of

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<sup>52</sup> This Europeanization pace will be extensively addressed in chapter 3.

<sup>53</sup> Schimmelfennig and Thomas, "Normative institutionalism," 491.

<sup>54</sup> Schimmelfennig and Thomas, 492.

<sup>55</sup> Schimmelfennig. "Entrapped again," 424-427.

<sup>56</sup> Schimmelfennig, 428-429.

a serious and persistent breach of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded. The Council would decide on such a recommendation with a qualified majority.<sup>57</sup>

This same paragraph also exists in the Treaty on European Union and the Constitution of Europe and can thus be considered to be embedded strongly into the EU's normative principles.<sup>58</sup> According to normative institutionalism, this would mean that the Commission would be rhetorically entrapped into recommending an end to accession talks if this were to be put on the agenda, which happened in August 2017. The fact that the Commission specifically rejected a German proposal to scrap the negotiation talks at a time when the aftermath of the Turkish coup d'état had already proven disastrous for the aforementioned principles of liberty, democracy, human rights and rule of law shows that normative institutionalism does not stand the test of time.<sup>59</sup>

Both theories seem to struggle since Turkey's accession has taken a turn for the worse and are unable to answer the question of why the EU is still on negotiating terms with Turkey. Neither rationalism, nor constructivism seems to offer a fully satisfactory explanation for Turkey's accession process. Both approaches have a rather narrow line of argument, failing to do the process justice by oversimplifying the Turkey-EU relationship. It shows that it is time for a new approach, which brings us back to the larger rationalism versus constructivism debate.

## **1.2. Combining forces: historical institutionalism's promise**

If the Turkish accession process showed us anything, it is that the EU does not solely base its decision making upon normative or rationalist considerations. The accession process in which the EU's Copenhagen criteria, the political and economic criteria a country needs to fulfil in order to start accession negotiations, and the *acquis communautaire*, the whole body of EU law that should be adopted before accession, places great emphasis on norm abidance and adherence to EU law based upon these common norms. Likewise, it is naive to assume that norm abidance would automatically grant a nation EU membership. The EU should ultimately stand to gain from an accession since an enlargement round is a costly development for the EU as a whole. I

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<sup>57</sup> European Commission, *Recommendation of the European Commission on Turkey's progress towards accession*, October 6, 2004,

[https://www.cvce.eu/en/obj/recommendation\\_of\\_the\\_commission\\_on\\_turkey\\_s\\_progress\\_towards\\_accession\\_6\\_october\\_2004-en-af012542-6f7e-475a-a6c2-c763573fab2e.html](https://www.cvce.eu/en/obj/recommendation_of_the_commission_on_turkey_s_progress_towards_accession_6_october_2004-en-af012542-6f7e-475a-a6c2-c763573fab2e.html), 7.

<sup>58</sup> European Commission, *Recommendation of the European Commission*, 7.

<sup>59</sup> Mericka, "Juncker Refuses."



therefore propose to use an integrative theoretical approach in which both matters are taken into consideration. The justification of this approach is rooted in the aforementioned article of Fearon and Wendt, in which they argue that rationalist and constructivist approaches can be complementary and that the most interesting research is done when their respective forces are combined.<sup>60</sup>

HI is the approach which is capable of doing just this.<sup>61</sup> It is an approach which omits the zero-sum game of which Fearon and Wendt are so critical.<sup>62</sup> It is an inclusive approach rather than a metatheory with a strict ontology. HI places great emphasis on temporal processes and how events influence the origins and development of institutions that govern political relations.<sup>63</sup> It argues that short term induced decisions create institutions or *rules* (which can be a formal institution, but also an ideology, a relationship or a custom) that create *gaps in control* for the actors involved, meaning that they are restricted in their decision making and can be forced to go in against their rational preferences.<sup>64</sup> A decision that was made twenty years ago, can still influence decision making today and can force actors into choosing paths that they themselves do not prefer.

In the case of the EU these gaps in control affect the decision making of member states. The reduced freedom in decision making means that international institutions like the EU are in some cases characterized by *path dependency*. This means that there is causality between decisions made over time. The further down a path, the more difficult or costly it becomes to change paths and the more unlikely this becomes.<sup>65</sup> The all-important decision which leads actors into this path dependency is called the *critical juncture*.<sup>66</sup> If actors do manage to break out of their path dependency and go in a different direction, this is usually because extraordinary events transpire or circumstances radically change.

The advantage that a theoretical approach like HI holds, is the possibility to integrate multiple perspectives into a complex analysis of the accession process, deeply rooted in the history of the relationship. The benefit it holds over normative institutionalism for the Turkish case is the possibility to switch between normative and more rationalist explanations since HI

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<sup>60</sup> Fearon and Wendt, "Rationalism v. Constructivism," 52.

<sup>61</sup> Steinmo, "What is Historical Institutionalism?," 162-163.

<sup>62</sup> Pierson and Skocpol, "Historical Institutionalism," 21-22.

<sup>63</sup> Orfeo Fioretos, Tulia G. Falleti and Adam Sheingate, "Introduction," in *Oxford Handbook on Historical Institutionalism*, eds. Orfeo Fioretos, Tulia G. Falleti, and Adam Sheingate (Oxford: Oxford University Press, 2016), 3-5.

<sup>64</sup> Steinmo, "What is Historical Institutionalism?," 159-160.

<sup>65</sup> Camyar and Tagma, "European Union Membership," 376.

<sup>66</sup> Pierson and Skocpol, "Historical Institutionalism," 6.

focusses more on the historical relationships and historical paths, rather than solely on instituted norms. Where normative institutionalism sees the EU as a normative organization basing its decisions first and foremost on the norms it has incorporated, HI looks at history and geopolitics as well, without losing sight of the EU's normative character. Exactly this complexity is what is needed to come to an understanding of Turkey's EU accession process. Recent developments are affected by decisions that were made decades back. HI takes rationality, norms and above all, history seriously.<sup>67</sup>

The next chapter will be the start of the HI narrative. It will explain how the EU evolved from the Treaty of Rome (1957) onwards and how it developed by slowly enlarging over time, incorporating Turkey into its enlargement path as early as 1963. The Turkish inclusion into the enlargement narrative constituted a relationship based on agreements and treaties that eventually led the EU to grant Turkey candidacy in 1999 and open negotiations in 2004.

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<sup>67</sup> Steinmo, "What is Historical Institutionalism?," 164-165.

## **2. From Cold War ally to European candidate: institutionalizing Turkey's path into an enlarging Europe (1957-2004)**

From the ignition of post-war European integration in the 1950's, the EU and its forerunners have discussed and put in print their common ideas about enlargement and the facilitation of the ultimate 'unification of Europe.'<sup>68</sup> Since the signing of the Treaty of Rome in 1957, establishing the EEC, the European integration project desired to form a union in which European states not yet incorporated were encouraged to do so, as stated in the treaty's preamble.<sup>69</sup> The EEC thus opted for inclusiveness rather than elitism, serving the interest of wider Europe. They decided so without knowing the future scope and magnitude of the European project. With this decision, the community's critical juncture, its path of enlargement began to unfold, together with European cooperation and integration.

This chapter will serve as an explanation of how this enlargement path between 1957 and 2004 is characterized by consistent commitment and increased conditionality, answering the question of how the EU institutionalized its enlargement narrative. Then, the second part of this chapter analyses how Turkey was brought into this enlargement path early on and how the subsequent institutionalization of the Turkey-EU relationship progressed. On top of that, this chapter will examine what kind of dependency this relationship created and how this influenced the decisions that the EU made with regards to Turkey's accession process. The 1999 and 2004 decisions will get special attention, being crucial decisions in the process – granting candidacy and opening negotiations – and showing a path dependency based on the history of the process. The chapter will show the reader that for the EU's decision making on Turkey, sometimes norms were decisive (in 1989, 1997 and 2004), and sometimes geopolitical considerations (in 1963 and 1999), but that the EU was always dependent on the institutionalization and the implications of the taken path, diminishing the freedom of choice in its decisions.

### **2.1. The EU enlargement path: committed but conditional**

From the Treaty of Rome (1957) two clear trends can be discovered in the community's enlargement process. First, the European project commits to its enlargement narrative as it progresses down its path and remains committed at least until the turn of the century. The

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<sup>68</sup> European Economic Community, *Verdrag tot oprichting van de Europese Economische Gemeenschap en bijbehorende documenten*, March 25, 1957, 11.

<sup>69</sup> European Economic Community, *Verdrag tot oprichting*, 11.

unfolding of EEC and EU enlargement remains to be seen as a positive process, bringing peace and prosperity and promoting democracy of which the union as a whole stands to gain.<sup>70</sup> This means there is a process of increasing returns in which every step down the path that was chosen in 1957, reinforces the decision that was initially taken.<sup>71</sup> Every eligible country that showed interest in joining the community and remained dedicated, has been accepted into the union at an earlier or a later date, except for Turkey and the countries that have been under consideration for membership relatively recently.<sup>72</sup> Since the community's first enlargement in 1973 it has seen several new countries being admitted every decade, despite several member state veto's, negative Commission opinions and many domestic referenda.<sup>73</sup> Second, as the union's institutions become more vast and intertwined, the accession process for aspiring countries became more complex, elaborate and thus dependent on more conditions, a process which is referred to in the literature as *conditionality*.<sup>74</sup> This trend of increased conditionality on the enlargement path is what will be explained in this subchapter by analysing the union's documents that institutionalized the trend.

The standardization of accession and association processes, including membership criteria, was put on the EEC's agenda from the 1950's onwards when Greece and Turkey applied for an association partnership and the first official membership applications in the early 1960's by the United Kingdom (UK), Ireland, Denmark and Norway.<sup>75</sup> The Treaty of Rome, marking the birth of the EEC, was very clear but short on the possibility of enlargement. Only article 237 was dedicated to the enlargement of the community. It stated that any *European* state could apply for membership to the community's Council and that the Council would

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<sup>70</sup> David Phinnemore, "Beyond 25—the changing face of EU enlargement: commitment, conditionality and the Constitutional Treaty," *Journal of Southern Europe and the Balkans* 8, no. 1 (2006): 8-20; Michael J. Baun, *A Wider Europe: The Process and Politics of European Union Enlargement* (Maryland: Rowman & Littlefield Publishers, 2000): xvi.

<sup>71</sup> For a more detailed description of the process of increasing returns see: Pierson and Skocpol, "Historical Institutionalism," 6.

<sup>72</sup> Frank Emmert and Sinisa Petrovic, "The Past, Present, and Future of EU Enlargement," *Fordham International Law Journal* 37, no. 5 (2014): 1350-1355.

<sup>73</sup> Examples of referenda on EU membership: Denmark, Ireland, Norway (1972), United Kingdom (1975), Austria, Finland, Norway, Sweden (1994), Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia (2003), Croatia (2012), San Marino (2013); "Member States and EU applicant countries: chronology of EC/UE association and accession agreements," CVCE, last modified 8 July, 2016, [https://www.cvce.eu/en/obj/member\\_states\\_and\\_eu\\_applicant\\_countries\\_chronology\\_of\\_ec\\_ue\\_association\\_and\\_accession\\_agreements-en-9c983946-ead0-4021-8098-5c4d7aa8242c.html](https://www.cvce.eu/en/obj/member_states_and_eu_applicant_countries_chronology_of_ec_ue_association_and_accession_agreements-en-9c983946-ead0-4021-8098-5c4d7aa8242c.html).

<sup>74</sup> Phinnemore, "Changing face of EU enlargement," 15-18; Mehmet Ugur, "Europeanization," 42; Yilmaz, "EU Conditionality," 303-304; Conditionality refers to the EU's increased economic and political criteria it demands prospect candidate countries and candidate countries to adhere to before negotiations can be started and/or membership is granted.

<sup>75</sup> CVCE, "Member States."

decide unanimously after being advised by the community's Commission.<sup>76</sup> This process is still in place today. Apart from this geographical requirement, other conditions for membership would be discussed and decided by the existing member states and the aspiring state's government on a case by case basis.<sup>77</sup> There were no specific criteria that had to be adhered to before negotiations could be opened. Apart from accession, article 238 specified an association partnership, which would be short of full membership. What an association would precisely consist of remained largely unclear. It would be an alternative to accession and would also be open to non-European states and even international organizations.<sup>78</sup>

In order to specify the procedure and conditions for membership and/or association, five committees and rapporteurs were ordered to expand on the specifications of accession and association between 1959 and 1964, all publishing their results in respective reports (1959: First Memorandum, 1959: Second Memorandum, 1962: Birkelbach Report, 1963: Blaisse Report, 1964: Italian Memorandum).<sup>79</sup> Even though the reports that these groups submitted were discussed, none of their proposals were incorporated into EEC law or used as EEC policy.<sup>80</sup> Since the six states were unable to come to an agreement on the matter and since the EEC saw the flexibility of case by case analysis as something it could use to its advantage, the vagueness of articles 237 and 238 remained.<sup>81</sup>

Still, the reports showed a first step towards stricter conditionality on the part of the EEC. The Birkelbach Report of 1962, which was adopted by the EP and widely supported

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<sup>76</sup> European Economic Community, *Verdrag tot oprichting*, 156.

<sup>77</sup> European Economic Community, 157.

<sup>78</sup> European Economic Community, 157.

<sup>79</sup> First Memorandum: European Economic Community Commission, "First Memorandum of the Commission of the European Economic Community to the Council of Ministers of the Community (pursuant to the decision of 3 December 1958), concerning the problems raised by the establishment of a European Economic Association," (February 1959),

[http://aei.pitt.edu/933/1/external\\_first\\_eea\\_memo\\_1959.pdf](http://aei.pitt.edu/933/1/external_first_eea_memo_1959.pdf), henceforth: First Memorandum; Second Memorandum: European Economic Community Commission, "Memorandum from the Commission to the Special Committee for the Study of Problems Concerning a European Economic Association," *Bulletin of the European Economic Community*, no. 4 (September 1959): 13-20, henceforth: Second Memorandum; Birkelbach Report: Willi Birkelbach, "Report of the Political Committee on the political and institutional aspects accession to or association with the European Economic Community," *European Parliament Working Paper*, no. 122 (January 1962) henceforth: Birkelbach Report; Blaisse Report: P.A. Blaisse, "Report on behalf of the Committee on External Trade on the Common Trade Policy of the EEC towards Third Countries and on the Applications by European Countries for Membership and Association," *European Parliament Working Paper*, no. 134 (January 1963) henceforth: Blaisse Report; Italian Memorandum: "Italian memorandum on the Community's relations with third countries," *Monthly Bulletin of European Documentation*, no. 6 (June 1964): 22-23, henceforth: Italian Memorandum.

<sup>80</sup> David Phinnemore, *Association: Stepping-Stone Or Alternative to EU Membership?*, (Sheffield: Sheffield Academic Press, 1999), 33.

<sup>81</sup> Ronald Janse, "The evolution of the political criteria for accession to the European Community, 1957-1973," *European Law Journal* 24, no. 1 (2018): 61; Phinnemore, *Association*, 33.

within the EEC, was the start of a normative approach to accession negotiations. This was due to the report's clear stance on the advancing European political project and its demand for democratic government in acceding states.<sup>82</sup> Though official incorporation into the accession process was lacking, the union's general support hinted at the importance of democracy in the enlargement process. The different reports remained inconsistent on whether association would be a stepping stone towards membership. The Birkelbach Report avoided the subject, while the Blaisse Report explicitly argued that association would not precede accession.<sup>83</sup> On the other hand, the Italian Memorandum argued the opposite: association would eventually progress towards membership.<sup>84</sup> The advisory nature of the documents meant that the issue of association in relation to accession remained unresolved.

Only from the late 1970's onwards the normative approach that the Birkelbach Report had hinted at was brought into the official membership criteria with the Council's adoption of the Declaration on Democracy in 1978, the Single European Act (SEA) of 1986 and the Copenhagen criteria of 1993.<sup>85</sup> With the Declaration on Democracy the Council decided that the "respect for and the maintenance of representative democracy and human rights in each Member State are essential elements of membership of the European Communities."<sup>86</sup> On top of that, the SEA clarified the European Communities' (EC) principles on human rights as a criterion for membership with direct references to the United Nations (UN) Charter and the European Convention on Human Rights (ECHR).<sup>87</sup> These two additions were the last ones to be added to the membership criteria before the Copenhagen criteria of 1993 came with a model of conditionality which would be universal and replaced the case by case analysis instituted by the Treaty of Rome.

Surprisingly, in the middle of this increasing conditionality, the union decided to incorporate countries lacking consolidated democracies and competitive economies. Examples of these have been Greece, who suffered a military coup d'état in 1967. It resulted in a suspension of association, after which it was still allowed to accede in 1981.<sup>88</sup> Spain and Portugal serve as additional examples. Spain acceded in 1986, despite Francesco Franco's military dictatorship ruling until 1975, a military coup d'état attempt in 1981 and the first

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<sup>82</sup> Birkelbach Report, 7-11 and 22-25; Janse, "The Evolution," 66-67.

<sup>83</sup> Birkelbach Report, 3-4; Blaisse Report, 34-35.

<sup>84</sup> Italian Memorandum, 22-24.

<sup>85</sup> European Council, *European Council Presidency Conclusions*, April 7-8, 1978, 99-100.

<sup>86</sup> European Council, *Presidency Conclusions 1978*, 100.

<sup>87</sup> European Commission, "Single European Act," *Bulletin of the European Communities* 2, no. 86 (1986): 5; The ECHR is officially called the Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>88</sup> Neill Nugent, *Politics of the European Union*, 60.

voluntary democratic transfer of power only taking place in 1982.<sup>89</sup> Portugal's democratic transition took place in a similar fashion in 1974, after which it was accepted into the union in 1986 as well. Apart from democratic concerns, the EEC had strong doubts about the agricultural economies' strength and competitiveness, even at the time of their accession.<sup>90</sup> Still, all three were admitted into the union after the EC chose to emphasize the importance of EC membership for democratic stability, an argument that would be reused with the Eastern enlargement roughly twenty years later.<sup>91</sup>

After these accessions the Copenhagen criteria were installed as the next step in EU conditionality in 1993. From that moment onwards, aspiring countries had to comply with these criteria before negotiations on membership could start. The negotiations would then be focussed on the adoption of the *acquis communautaire* – the whole body of EU law.<sup>92</sup> The criteria are the most vital conditions for a country to be considered for membership and remain in force today. The criteria are formulated in two concise sentences stating that

membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.<sup>93</sup>

These criteria were further specified in the Agenda 2000 document, drafted by the Commission and adopted by the Council in 1997.<sup>94</sup> The main differences between the Copenhagen criteria and the preceding conditions for membership is that the 1993 criteria incorporate the importance of the rule of law and protection of minorities, and the demand for stable institutions guaranteeing the countries' adherence to EU standards.

## **2.2. Turkey's incorporation: no relationship without membership**

Now that the development of the EU's normative membership criteria has been sketched, the next subchapter will focus on Turkey's path into Europe, and the way in which the EU has applied its criteria along Turkey's path into Europe. Every crucial decision that was taken in

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<sup>89</sup> Emmert and Petrovic, "EU Enlargement," 1366-1367.

<sup>90</sup> Nugent, *Politics of the European Union*, 60.

<sup>91</sup> Nugent, 60; Ulrich Sedelmeier, "Eastern enlargement," 120; Eirini Karamouzi, *Greece, the EEC and the Cold War 1974-1979: The Second Enlargement* (New York: Palgrave Macmillan, 2014), 61-61.

<sup>92</sup> European Council, *European Council Presidency Conclusions*, June 21-22, 1993, 13.

<sup>93</sup> European Council, *Presidency Conclusions 1993*, 13.

<sup>94</sup> European Commission, "Agenda 2000: For a stronger and wider Europe," *Bulletin of the European Communities* 5, no. 97 (1997): 39-46.

the development of the Turkey-EU relationship from 1963 onwards will be separately discussed. Special attention will be paid to reasons behind EU decision making and the way each decision changed the institutionalization of the relationship.

### 2.2.1. 1963 – The start of Turkey’s European path

As soon as the EEC was established in 1957, Turkey showed an interest in close cooperation with the new community. This was in line with its choice to join the Western power block in the Cold War divided world, illustrated by its membership of the Council of Europe (CoE) and the NATO.<sup>95</sup> In 1959, Turkey applied for EEC association, a status it would be granted in 1963.<sup>96</sup> The community took four years to come to a decision since Germany favoured closer cooperation with Turkey, while France opposed.<sup>97</sup> The ultimate decision of the EEC to start Turkey’s path into Europe can be seen as an unintended consequence of the Cold War.<sup>98</sup> After France under de Gaulle saw a common EEC foreign policy future disappear, France became more interested in closer ties with Turkey, specifically to get a grip on the country and its politics in the light of its geopolitical position within the Cold War.<sup>99</sup> When the deal was eventually sealed, Turkey saw it as the affirmation of its European and Western identity. With it its long path into Europe began, even before the EEC had made decisions on normative conditionality.

From the outset of the relationship between the two parties, the prospect of membership was the ultimate goal and Turkey thus became part of the enlargement narrative of the EEC and its successors since 1963. The preamble of the agreement states that “the support given by the European Economic Community to the efforts of the Turkish people to improve their standard of living will facilitate the accession of Turkey to the community at a later date.”<sup>100</sup> EEC president Walter Hallstein spoke of an “evolutionary association” that would make Turkey,

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<sup>95</sup> Hakan Yilmaz, “Europeanisation and Its Discontents: Turkey, 1959–2007,” in *Turkey’s Accession to the European Union: An Unusual Candidacy*, ed. Constantine Arvanitopoulos (Berlin: Springer, 2009), 54; Julio Crespo MacLennan, “The EU–Turkey Negotiations: Between the Siege of Vienna and the Reconquest of Constantinople,” in *Turkey’s Accession to the European Union: An Unusual Candidacy*, ed. Constantine Arvanitopoulos (Berlin: Springer, 2009), 22.

<sup>96</sup> Camyar and Tagma, “European Union Membership?,” 371; Ankara Agreement, 1-16; European External Actions Service (EEAS), *Association Agreements*, May 11, 2011, [http://www.eeas.europa.eu/archives/docs/association/docs/agreements\\_en.pdf](http://www.eeas.europa.eu/archives/docs/association/docs/agreements_en.pdf), 1.

<sup>97</sup> Pierre Gerbet, “The case of Turkey,” last modified July 8, 2016, [http://www.cvce.eu/obj/the\\_case\\_of\\_turkey-en-97eb9c0b-c49c-4111-86ab-52d33c5ece94.html](http://www.cvce.eu/obj/the_case_of_turkey-en-97eb9c0b-c49c-4111-86ab-52d33c5ece94.html), 2.

<sup>98</sup> Natalie Martin, *Turkey–EU Accession Process*, 6.

<sup>99</sup> Gerbet, “case of Turkey,” 2.

<sup>100</sup> Ankara Agreement, 2.



“just like Greece”, a full member of the community.<sup>101</sup> Hallstein spoke of a tough task that laid ahead, but proclaimed in threefold: “Turkey belongs to Europe.”<sup>102</sup>

The Turkish and Greek associations were seen as equal and shared the same expected timeline and end goal, based on the similarities between the Greek and Turkish economy and their respective political situations. The association agreements did not mention any normative concerns whatsoever. Possible explanations include the predominantly economic nature of the EEC at that time and the lack of consensus on normative criteria.<sup>103</sup> Additionally, the EEC member states were unable to come to a common agreement on what association to the union would precisely mean. This gave Turkey every reason to draw its conclusions from the actual Association Agreement. In the agreement the EU stated that membership would be a subsequent step in the process after the establishment of association. The agreement consisted of three consecutive stages; (1) laying the groundwork, (2) establishing a custom union and (3) moving towards membership.<sup>104</sup> It was complemented by two additional protocols in 1970, launching the second stage and specifying the agreement.<sup>105</sup>

Turkey-EU relations from the 1970’s onwards have been described as a cyclical process, as a process with ups and downs and as an outright difficulty.<sup>106</sup> Still, Turkey has consistently remained committed to closer cooperation with the EU and has time and again reaffirmed its interest in full membership.<sup>107</sup> Its expectation to be admitted into the union has from the beginning been based upon the 1963 association. The EU reaffirmed Turkey’s hopes and expectations on many occasions along the path of intensifying Turkey-EU relations as we can see from the 1980’s onwards. Precisely because of this, increased conditionality could not hamper Turkey’s expectations.

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<sup>101</sup> Walter Hallstein, “Address to mark the signing of the Association Agreement between the EEC and Turkey,” 12 September, 1963,

[https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/ceeebbd2-8cac-4f8f-8074-7f69be1141b2/Resources#c79fccb6-6c2e-4d9d-86aa-5e830da3ac9e\\_en&overlay](https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/ceeebbd2-8cac-4f8f-8074-7f69be1141b2/Resources#c79fccb6-6c2e-4d9d-86aa-5e830da3ac9e_en&overlay).

<sup>102</sup> Hallstein, “Address.”

<sup>103</sup> Ankara Agreement.

<sup>104</sup> Ankara Agreement, 4.

<sup>105</sup> European Council, “Additional Protocol and Financial Protocol,” *Official Journal of the European Communities* 16, no. C 113 (1973): 17-33, henceforth: Additional Protocol.

<sup>106</sup> Luigi Narbone and Nathalie Tocci, “Running around in circles? The cyclical relationship between Turkey and the European Union,” *Journal of Southern Europe and the Balkans* 9, no. 3 (2007): 233-245; Diez, Agnantopoulos and Alper Kaliber, “Introduction,” 1-15.

<sup>107</sup> Meltem Müftüleri Bac and Lauren McLaren, “Enlargement Preferences and Policy-Making in the European Union: Impacts on Turkey,” *Journal of European Integration* 25, no. 1 (2003): 17-30.

### 2.2.2. 1989 – Turkey’s European eligibility reconfirmed

In the early 1980’s the EC finally applied its normative criteria to the expense of Turkey. After a coup d’état the EC suspended relations with Turkey when a military government ran the country for three years. With it, the EC confirmed the importance of democracy as a normative criteria since the introduction of the Declaration on Democracy (1978).<sup>108</sup> Turkey managed to reinstate its democratic governance in 1983 and resumed its relations with the EC and with it, its temporarily paused path into Europe. In 1987, still seeing Europe as the nation’s future, Turkey officially applied for EC membership knowing that Greece, Portugal and Spain – countries sharing a recent undemocratic past – had already progressed towards full membership with a similar association agreement.<sup>109</sup> The Commission, however, denied Turkey its candidacy due to political concerns in the aftermath of the military government in 1989.<sup>110</sup> Still, the Commission did reaffirm Turkey’s eligibility for membership at a later date, promoted closer cooperation and suggested the completion of the customs union of the Ankara Agreement.<sup>111</sup> The EU thus denied Turkey’s membership aspirations in 1989 temporarily, based on normative concerns, but confirmed Turkey’s position on the path towards accession. The *no* was therefore not interpreted by Turkey as a strong turn down, but rather as a *yes, but at a later date*.<sup>112</sup>

The completion of the customs union was the next step in the relationship of the two parties, which finally went into force in January 1996.<sup>113</sup> The relationship seemed to be progressing once again and renewed optimism was sparked with the implementation of what was already targeted in 1963. With the completion of the second stage of the Ankara Agreement membership negotiations would be next, if the EU were to adhere to the 1963 agreement.<sup>114</sup> The Turkish government was fully expecting to be granted official candidacy in 1997, when the union would decide on the opening of accession negotiation with Turkey and the eastern European countries.<sup>115</sup>

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<sup>108</sup> Kenan Aksu, “A Historical Background to Turkey-Europe Relations,” in *Turkey-EU Relations: Power, Politics and the Future*, ed. Kenan Aksu (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), 7-8.

<sup>109</sup> Müftüler Bac and McLaren, “Enlargement Preferences,” 21.

<sup>110</sup> European Commission, “Commission Opinion on Turkey’s request for accession to the Community,” December 20, 1989, 2-6.

<sup>111</sup> European Commission, “Opinion on Turkey’s request,” 5-6.

<sup>112</sup> Aksu, “Historical Background,” 10-11.

<sup>113</sup> EC Turkey Association Council, “Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union,” *Official Journal of the European Communities* 39, no. 35 (1996): 1-46.

<sup>114</sup> Ankara Agreement, 2.

<sup>115</sup> Turhan, *European Council Decisions*, 24.

### 2.2.3. 1997 – Turkey: accession or nothing at all

In 1997, in line with the 1989 decision and with the Copenhagen criteria now institutionalized, the Council decided that Turkey was still not eligible. They did so without going into detail on what was specifically lacking from Turkey's EU-bid. Its overall economic and political conditions were judged to be insufficient and the Council did not see the urgency in Turkey's accession.<sup>116</sup> The Council did however decide on a strategy for the future of the Turkish EU bid in which it, again, reaffirmed Turkey's path into Europe. This strategy consisted of an intensification of the customs union agreement, implementation of financial cooperation and a start to the adoption of the union's *acquis communautaire* along with the drafting of yearly progress reports by the Commission.<sup>117</sup>

This time the Turkish government did not respond in an understanding fashion, instead the Council's conclusions sparked Turkish anger and disbelief.<sup>118</sup> The 1989 decision was accepted as a revival of Turkey's EU membership aspirations after a suspension of relations, but the 1997 was more difficult to swallow. Turkey believed its long history of EU affiliation and NATO loyalty should now have earned them the long awaited candidacy alongside the former Eastern power bloc nations.<sup>119</sup> This attitude was strengthened by the fact that countries like Romania and Bulgaria, equally normatively underdeveloped nations, saw accession talks open without further delay.<sup>120</sup> After Greece, Portugal and Spain were given priority in the 1980's, Turkey now saw former communist regimes being given preference over their own countries' track record of being an established NATO member and EU associate state. Prime Minister Mesut Yilmaz rejected the proposed strategy and called the EU's opinion on Turkey "partial, prejudiced and exaggerated."<sup>121</sup> Ankara froze its political dialogue with Brussels and consequently avoided the Cardiff European Council (the Council) meeting in 1998.<sup>122</sup> With its absence at this Council meeting, Turkey showed the EU that if the union was not serious about its accession prospect, Turkey was not interested in relations at all. The EU realised it had lost control over Turkey as a result of the 1997 decision.<sup>123</sup> But since Turkey lost most of its

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<sup>116</sup> European Council, *European Council Presidency Conclusions*, December 12-13, 1997, 6.

<sup>117</sup> European Council, *Presidency Conclusions 1997*, 6-7.

<sup>118</sup> Müftüler Bac and McLaren, "Enlargement Preferences," 17.

<sup>119</sup> Martin, *Turkey-EU Accession Process*, 31.

<sup>120</sup> Müftüler Bac and McLaren, "Enlargement Preferences," 17.

<sup>121</sup> Martin, *Turkey-EU Accession Process*, 25-26.

<sup>122</sup> Martin, 25-26.

<sup>123</sup> Turhan, *European Council Decisions*, 146.

geopolitical significance being a strategic partner against the Soviet power block as a result of the end of the Cold War, the urgency of reinstating control was lacking.<sup>124</sup>

#### 2.2.4. 1999 – Tables turned: candidacy granted

The Turkish rejection of the Council's conclusions in 1997 did not stop the Commission from assessing Turkey on the basis of the Copenhagen criteria in yearly progress reports in the years 1998 and 1999. These assessments of the political and economic situation in Turkey painted a clear picture: Turkey was unable to make progress on the Copenhagen criteria and appeared no closer to accession than in 1997. In its 1998 report, The Commission voiced its concern over Turkey's human rights record, its treatment of minorities, military influence in political affairs and the situation in south-eastern Turkey on top of less alarming economic shortcomings.<sup>125</sup> The 1999 report is thoroughly pessimistic. The judgement shows a deterioration in the Turkish political situation. It even mentions widespread torture and mistreatment and a lack of freedom of expression, excluded from the 1998 report.<sup>126</sup> In contrast, the Turkish economic situation slightly improved compared to a year earlier with reduced imbalances, public deficit and inflation.<sup>127</sup>

Still, the Council decided to grant Turkey the status of candidate in 1999. It characterized Turkey as "a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states," while postponing the opening of negotiations for the time being.<sup>128</sup> The reasons behind this surprising change of heart cannot be sought in Turkey's normative progress, but rather in the realist area of geopolitics in combination to Turkey's attitude towards the EU after the 1997 Council's denial of Turkish candidacy. The Turkish reaction to its EU rejection in 1997 showed the EU that Turkey-EU relations had progressed so far down the European path, that Turkey was unwilling to accept anything less than the EU membership prospect. A sudden restoration of Turkey's geopolitical significance, which had dropped since the end of the Cold War, gave the union no other option than to grant Turkey its candidacy even though normative preferences in both the Commission and all subsequent member states had not changed since 1997.<sup>129</sup>

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<sup>124</sup> Martin, *Turkey-EU Accession Process*, 2.

<sup>125</sup> European Commission, "Regular Report from the Commission on Turkey's progress towards accession 1998," December 17, 1998, COM (98) 711 final, 53-54, henceforth: PR 1998.

<sup>126</sup> PR 1998, 15-16.

<sup>127</sup> European Commission, "1999 Regular Report from the Commission on Turkey's progress towards accession," October 18, 1999, COM (99) 513 final, 25-26, henceforth: PR 1999.

<sup>128</sup> European Council, *European Council Presidency Conclusions*, December 10-11, 1999, 3.

<sup>129</sup> PR 1998, 53-54; PR 1999, 46-47; Turhan, *European Council Decisions*, 231.

The years 1998 and 1999 showed the EU that it needed a stable and strong Turkey on their side more than ever. The end of the Cold War had a destabilizing effect on the Balkan region, bringing out forces of nationalism. Especially the outbreak of the Kosovo war in 1998 and the NATO bombing in the region in 1999, gave the union the idea that it should play a more active role the region with regards to its own security.<sup>130</sup> With the introduction of the Stability Pact (SP) in 1999, the Council tried to incorporate the Balkan countries into its EU structures, a method that had already proved peace enhancing and democracy promoting in the past.<sup>131</sup> In addition to the SP, the EU realised that it needed a Europe-minded Turkey to stabilize the region. Turkey had strong historical ties with the region and had recently strengthened its relations with Croatia, Albania and Macedonia, creating great Turkish leverage over the region.<sup>132</sup>

Moreover, the union urgently needed Turkey to solve the Cyprus issue which had suddenly become urgent. Greece used its veto power within the Council to push for the inclusion of Cyprus in the planned Eastern enlargement.<sup>133</sup> Since Turkey still occupied a large part of the Cypriot territory after a military invasion on the island in 1974, and since the EU did not want to leave the issue unresolved before a Cypriot accession, it needed a Turkey willing to cooperate with the EU and willing to negotiate with Cyprus.<sup>134</sup>

On top of this, the EU had decided it needed the ability to take autonomous military action and moved to the creation of a European Security and Defence Policy (ESDP). To be able to use NATO assets and capabilities within this new defence policy, it needed NATO assent, which Turkey was threatening to veto.<sup>135</sup> The EU was presented with a loss of control over Turkey which had, as a result of the 1997 decision turned against them. Its geostrategic vitality and its desire for EU candidacy created a gap in member state control. It forced the EU to sidestep its enduring normative concerns playing an increasingly larger role in the accession process, and to grant Turkey its candidacy in line with its European path. Only by keeping Turkey on its path into Europe Turkey was willing to cooperate.

#### 2.2.5. 2004 – EU's hands tied: the opening of negotiations

The 1999 decision brought along a string of unintended consequences in the process. The EU was now obliged to judge Turkey on the same criteria as other candidate states, if Turkey were

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<sup>130</sup> Turhan, *European Council Decisions*, 134-135.

<sup>131</sup> European Council, *European Council Presidency Conclusions*, June 3-4, 1999, Article 71.

<sup>132</sup> Turhan, *European Council Decisions*, 137.

<sup>133</sup> Martin, *Turkey-EU Accession Process*, 71-73.

<sup>134</sup> Martin, 58.

<sup>135</sup> Martin, 38-41.

to abide the Copenhagen criteria, negotiations would have to be opened. Also, slowing down the accession process was made more difficult, now that a new crucial step in Turkey's European path was taken and the relationship between the two parties was further institutionalized on the basis of accession.

The Commission remained negative on Turkey's compliance to EU conditionality in its 2000 and 2001 reports, but the 2002 report was the first report with an overall positive tone.<sup>136</sup> Still, its conclusions maintained the idea that Turkey did not fulfil the Copenhagen criteria, especially in terms of the implementation of reforms.<sup>137</sup> Commission President Prodi did state that Turkey was "now closer to the European Union in terms of its democratic credentials", welcoming Turkey's political reform.<sup>138</sup> Later that year, in line with this new positivity, the Council decided to reward Turkey for their shown dedication to political reform and declared that if the Commission were to conclude that Turkey complied to the criteria in 2004, it would decide to open accession talks without delay.<sup>139</sup> The EU showed that it adhered to its earlier adopted institution in judging Turkey on the basis of the same criteria as other candidate countries. Then, in 2004, after two more overtly positive progress reports, the Commission advised the Council to open accession negotiations, whilst again stressing the importance of implementation of reforms.<sup>140</sup> The Council accepted the Commission's advice and decided to open accession negotiations in 2005.<sup>141</sup>

As this chapter has shown, the Ankara Agreement and consequent relationship between Turkey and the EU brought Turkey onto the EU's enlargement path. The increasingly normative nature of EU enlargement was applied to the Turkish case from the 1980's onwards. The EU at times denied Turkey a next step in their relationship based on these norms, as can be seen in the 1989 and 1997 decisions. However, in 1999 the situation was different. That year the relationship showed its downside for the union. At that moment, the EU needed Turkey on the

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<sup>136</sup> European Commission, "2000 Regular Report from the Commission on Turkey's progress towards Accession," November 8, 2000, COM (2000) 713 final, 72-74, henceforth: PR 2000; European Commission, "2001 Regular Report on Turkey's progress towards accession," November 13, 2001, SEC (2001) 1756 final, 96-99, henceforth: PR 2001; European Commission, "2002 Regular Report on Turkey's progress towards accession," October 9, 2002, SEC (2002) 1412 final, 137-143, henceforth: PR 2002.

<sup>137</sup> PR 2002, 137-143.

<sup>138</sup> Meltem Müftüleri Bac, "Turkey's Political Reforms and the Impact of the European Union," *South European Society and Politics* 10, no. 1 (2005): 29.

<sup>139</sup> European Council, *European Council Presidency Conclusions*, December 12-13, 2002, Article 20.

<sup>140</sup> European Commission, "2003 Regular Report on Turkey's progress towards accession," November 5, 2003, SEC (2003) 1212 final, 132-138, henceforth: PR 2003; European Commission, "2004 Regular Report on Turkey's progress towards accession," October 6, 2004, SEC (2004) 1201 final, 165-173, henceforth: PR 2004; European Commission, "Recommendation of the Commission on Turkey's progress towards accession," October 6, 2004, 2-5.

<sup>141</sup> European Council, *European Council Presidency Conclusions*, December 16-17, 2004, 3-4.

basis of its suddenly increased geopolitical significance. Turkey's fierce reaction to the 1997 decision had shown the EU that it could only use Turkey to its benefit in case it traded Turkey's geopolitical loyalty with progression on its EU accession path. The two parties had progressed down Turkey's EU path long enough for changing paths to become too geopolitically costly. The urgency of the geopolitical situation therefore meant that Turkey's lack of normative reform was sidestepped for the greater strategic interest, with Turkey benefitting in terms of progression on its EU accession. The 1997 situation shows us that the EU would not have taken its 1999 decision in case the geopolitical stakes were not this high. This constitutes the gap in control that the EU suffered. It was forced to take decisions it originally did not want to make. The evolution of the relationship has thus created a clear dependency on the part of the EU for as long as Turkey desired EU membership and was geopolitically vital.

The 2004 decision showed that the EU still values its instituted norms highly. With Turkey's geopolitical significance less urgently present, the EU felt it had to open accession negotiations due to the reformative dedication portrayed by the Turkish government. So apart from revealing the nature of the relationship between the EU and Turkey, this chapter has additionally shown us how the EU applies its accession criteria. It does so selectively, in case it does not prove too costly. Initially, the EU judges on the basis of its norms. But the Turkish accession process from 1963 until 2004 showed us that in case the geopolitical stakes are high, the EU is willing to sidestep its normative criteria and move forward on the basis of geopolitical interests. Both rational and constructivist rationales thus apply to EU enlargement and the Turkish case.

The next chapter will focus on the period stretching from 2005 up until 2017. It will examine whether the relationship that has been constructed from 1963 and manifests itself more clearly from the 1990's onwards can be seen between 2005 and 2017, years that proved problematic for existing narratives.

### 3. Unveiling dependency: Turkey's normative collapse and revived geopolitical significance (2005-2017)

For Turkey, the opening of the EU accession negotiations meant three things. First, Turkey was now levelled with other candidates and would be judged on the basis of the same criteria. Second, accession to the union would only be a matter of time, alignment with the *acquis* would normally be sufficient.<sup>142</sup> Third and lastly, all relations with the EU would now – directly or indirectly – be linked to the accession process. This chapter will look at the recent developments in Turkey-EU relations (2005-2017), which have proved to be so puzzling for existing theoretical narratives. Similar to chapter two, this chapter will examine agreements between Turkey and the EU to make sense of the institutionalization of the relationship and the subsequent decision making. This chapter however, the Commission's progress reports – and documents that the reports refer to – play a more prominent role.<sup>143</sup> Since 2005 the progress reports are the most important documents for Turkey concerning accession. The reports portray the Commission's opinion on Turkey's reform and serve as advice to the Council regarding decision making. The reports have been systematically assessed and will be discussed in detail.<sup>144</sup> The chapter opens with the discussion of the Negotiating Framework the Turkey-EU agreement upon which the negotiations are based. Afterwards the reports will be analysed, followed by an assessment of EU decision making. The following question will then be answered: How does the Commission judge Turkey's normative progress between 2005 and 2017? Is the EU's decision making concerning Turkey in line with the Commission's judgement? Then Turkey's geopolitical relevance for the EU will be discussed, followed by an analysis of the Turkey-EU historical institutional path dependent relationship. The question that will be answered in this part of the analysis is: Can path dependency serve as an explanation for the EU's norm inconsistent decision making?

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<sup>142</sup> David Phinnemore and Erhan İçener, "Holding the door half (?) open: the EU and Turkey 10 years on," *Journal of Contemporary European Studies* 24, no. 4 (2016): 447.

<sup>143</sup> These documents are: Council of Europe Commissioner for Human Rights (CoE), "Memorandum on the human rights implications of the measures taken under the state of emergency in Turkey," October 7, 2016, <http://www.refworld.org/docid/58120efb4.html>; and: United Nations Office of the High Commissioner of Human Rights (OHCHR), "Turkey: UN Report details extensive human rights violations during protracted state of emergency," March 20, 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22853>.

<sup>144</sup> Annex 1 shows the results of the systematic assessment of the Commission's progress reports which was done in advance to writing this chapter.



### 3.1. The Negotiating Framework

Before opening the actual negotiations, the EU and Turkey agreed on the Negotiating Framework, serving as the basis upon which Turkey-EU relations were to be furthered. The objective, content, details and specific procedures of the negotiations are accounted for in this document. On the one hand the framework labels Turkey's accession process as an open-ended trajectory without guarantees.<sup>145</sup> On multiple occasions the agreement emphasizes that the union can only absorb Turkey as a member state if this can be done whilst maintaining its pace of integration in the process.<sup>146</sup> On the other hand the framework emphasizes that accession to the union is the ultimate shared objective.<sup>147</sup> So while the ultimate goal is undebated, the EU does make sure that there are ways out, even if Turkey fully complies to their accession standards. The agreement also states that in case Turkey persistently breaches the principles of liberty, democracy, respect for human rights, fundamental freedoms and the rule of law, the Commission – or one third of the member states – will recommend to suspend or end the negotiations, upon which the Council will then decide.<sup>148</sup>

During the negotiations the Commission assesses Turkey's adherence to the political and economic Copenhagen criteria and the *acquis communautaire*. The opening and closing of negotiation chapters based on the *acquis* will be decided by the Council upon unanimous vote. Despite mentioning economic criteria, neighbourly relations, the Cyprus issue and overall *acquis* abidance, special emphasis is placed on Turkey's ability to implement the principles of liberty, democracy, respect for human rights and rule of law in their domestic society, since these are the most important criteria for accession as well as the most challenging criteria for Turkey to implement.<sup>149</sup> The cruciality of these principles in Turkey's quest for membership have been emphasized on more occasions including the Commission's Enlargement Strategy papers.<sup>150</sup> This stresses the importance of a specific assessment of the sections in the progress reports assessing the political criteria and the rule of law, as well as the five chapters most closely related to these principles; respectively (10) *information society and media*, (19) *social policy and employment*, (23) *judiciary and fundamental rights*, (24) *justice, freedom and*

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<sup>145</sup> European Council, *Negotiating Framework*, October 12, 2005, 1, accessed May 25, 2018, [https://www.ab.gov.tr/files/AB\\_Iliskileri/Tur\\_En\\_Realitons/NegotiatingFrameowrk/Negotiating\\_Frameowrk\\_Full.pdf](https://www.ab.gov.tr/files/AB_Iliskileri/Tur_En_Realitons/NegotiatingFrameowrk/Negotiating_Frameowrk_Full.pdf).

<sup>146</sup> European Council, *Negotiating Framework*, 1.

<sup>147</sup> European Council, 1.

<sup>148</sup> European Council, 2.

<sup>149</sup> European Council, 1-4.

<sup>150</sup> European Commission, "Enlargement Strategy and Main Challenges 2013-2014," October 16, 2013, COM (2013) 700 final, 21-22; European Commission, "Enlargement Strategy and Main Challenges 2014-2015," October 8, 2014, COM (2014) 700 final, 26-28; European Commission, "EU Enlargement Strategy," November 10, 2015, COM (2015) 611 final, 15-16.

*security*, and (26) *education and culture*. Since the reports can be subject to a certain level of bias, several scholarly accounts independently researching Turkey's progress will be used to strengthen the argument. The results of the systematic progress report analysis that was done as research for this chapter and upon which large parts of this chapter are based are found in annex 1.

### **3.2. 2005-2017 – Turkey's normative development: from Europeanization to de-Europeanization**

In the previous chapter we have seen that the period between 2000 and 2005 has been the most reformative period in the history of Turkey's relationship with the EU – as figure 1 shows.<sup>151</sup> Figure 1 furthermore displays that the outstanding pace of this reformative period was short-lived. Turkey would never return to this dedicated normative development of before 2005. But the Commission progress reports between 2005 and 2017 do not show an outright decline either, at least not at first sight.<sup>152</sup> In some areas Turkey shows promising development (*financial control, company law and science and research*), some areas are characterized by stability (*taxation, transport policy and public procurement*) and in some areas Turkey seems to slip into decline (*fisheries, statistics, economic and monetary union*).<sup>153</sup> In 2005, the Commission found five out of 33 chapters to sufficiently align with the *acquis*.<sup>154</sup> In 2010 this number increased to twelve whereas in 2015 this dropped to eleven, in 2017 to eight.<sup>155</sup> Even though the Turkish development pace would not return to pre-2005 standards, a shallow analysis does not leave Turkey's prospect hopeless. It is when a closer analysis of the sections relating to the EU's core principles is applied, that the predominantly pessimistic view of Turkey's progress becomes clear. 2005, 2011 and 2016 are the three breaking points in Turkey's reform process. 2005-2011 shows a slowed reform pace, 2011-2016 is characterized by decline and from 2016 onwards we see a watershed of anti-democratic reforms, authoritarian tendencies and a general disregard of human rights.

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<sup>151</sup> Ergun Özbudun, "Turkey's constitutional reform process," 33-43.

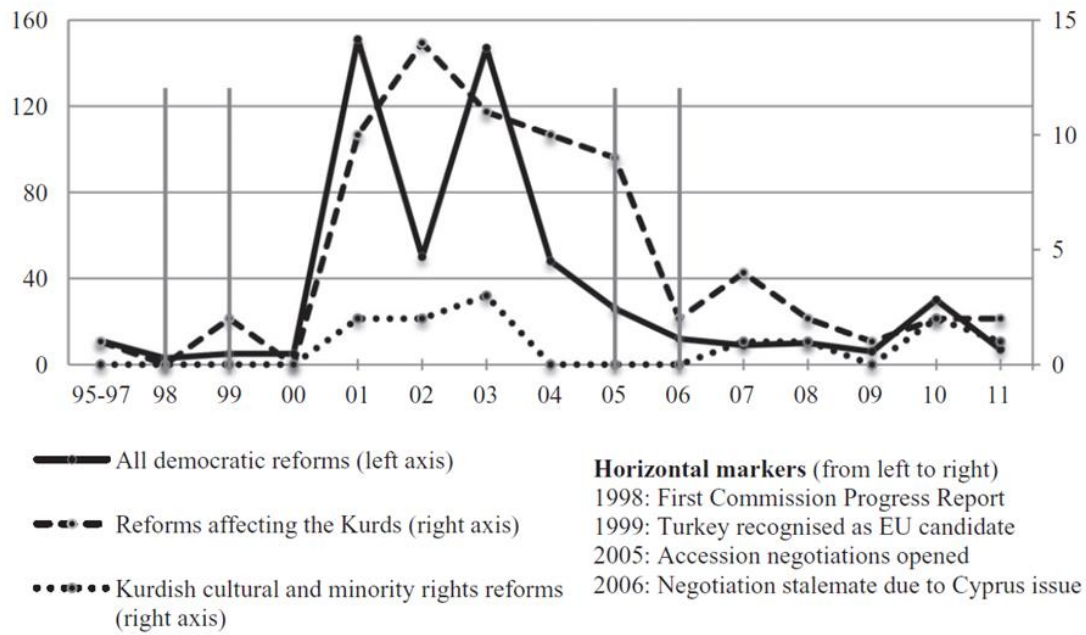
<sup>152</sup> In 2017 the Commission did not provide a report, instead it published a 2018 progress report in April 2018, which includes Turkish progress over 2017 and the first three months of 2018. Therefore, if the text refers to Turkish progress in 2017, the information was taken from the 2018 progress report.

<sup>153</sup> Annex 1, see: financial control – chapter 32, company law – chapter 6, science and research – chapter 25, taxation – chapter 16, transport policy – chapter 14, public procurement – chapter 5, fisheries – chapter 13, statistics – chapter 18, economic and monetary union – chapter 17.

<sup>154</sup> Annex 1, see: 2005.

<sup>155</sup> Annex 1, see: 2010, 2015 and 2018.

Figure 1: Number of Democratic Reforms in Turkey, 1995–2011



Source: Database of the Turkish Grand National Assembly.

Still, to paint a realistic picture of Turkey’s overall progress in the years between 2005 and 2016, one cannot look past some of Turkey’s achievements. These consist of reduced influence of the armed forces in political and societal issues, the introduction of the new 2010 constitution more in line with European standards and an ombudsman system after years of Commission advice on the matter, a growing and increasingly more vocal civil society, the ability to hold fair elections on a number of occasions and a downward trend in torture and ill-treatment cases.<sup>156</sup> The Commission does, however, come with reservations surrounding the

<sup>156</sup> Armed forces: European Commission, “Turkey 2005 Progress Report,” November 9, 2005, SEC (2005) 1426 final, 41, henceforth: PR 2005; European Commission, “Commission Staff Working Document: Turkey 2007 Progress Report,” November 6, 2007, SEC (2007) 1436 final, 9, henceforth: PR 2007; European Commission, “Commission Staff Working Document: Turkey 2009 Progress Report,” October 14, 2009, SEC (2009) 1334 final, 10-11, henceforth: PR 2009; European Commission, “Commission Staff Working Paper: Turkey 2011 Progress Report,” October 12, 2011, SEC (2011) 1201, 12-14, henceforth: PR 2011; European Commission, “Commission Staff Working Document: Turkey 2013 Progress Report,” October 16, 2013, SWD (2013) 417 final, 10-11, henceforth: PR 2013; European Commission, “Commission Staff Working Document: Turkey 2014 Progress Report,” October 8, 2014, COM (2014) 700 final, 12, henceforth: PR 2014; Ombudsman: PR 2007, 6-8; European Commission, “Commission Staff Working Document: Turkey 2008 Progress Report,” November 5, 2008, SEC (2008) 2699 final, 12-13, henceforth: PR 2008; PR 2011, 11-12; PR 2013, 5-6; New constitution: PR 2009, 7-9; PR 2011, 7-11; PR 2013, 7; Civil society: PR 2013, 11-12; PR 2014, 12-13; Fair elections: PR 2007, 6-8; PR 2009, 8; PR 2011, 7-9; PR 2013, 7-8; PR 2014, 7; Torture and ill-treatment: PR 2005, 41-42; European Commission, “Commission Staff Working Document: Turkey 2006 Progress Report,” November 8, 2006, SEC (2006) 1390 final, 13-14, henceforth: PR 2006; PR 2008, 13-14; European Commission, “Commission Staff Working Document: Turkey 2010 Progress Report,” November 9, 2010, SEC (2010) 1327, 18, henceforth: PR 2010; European Commission, “Commission Staff Working Document: Turkey 2012 Progress Report,” SWD (2012) 336 final, 19-20, henceforth: PR 2012; PR 2014, 14-18.

positives. The lack of constitutional implementation, governmental cooperation with the ombudsman and civilian control over intelligence services remain cause for concern.<sup>157</sup> The same goes for the biased media coverage and the use of government funds for Erdoğan's 2014 presidential campaign.<sup>158</sup> These additions show that Turkey has a long way to go, even in areas in which most achievement is booked.

On top of this, the Commission lectures Turkey on the overall lack of decentralisation, the disproportionate use of police violence against demonstrations, restrictions on rights for minorities, widespread corruption, doubts about the independence, impartiality and transparency of the judiciary, self-censorship of media due to government pressure and prosecution of journalists, the lack of political will to resolve the Kurdish issue and women's rights with consistent honour killings, forced marriages and cases of domestic violence.<sup>159</sup>

### 3.2.1. 2011-2016 – Normative decline

The specific downturn in development which manifests itself from 2011 onwards, and worsens from 2016, is characterized by backsliding in a number of vital issues surrounding the EU's aforementioned core principles. Serious backsliding in media freedom, freedom of expression, freedom of assembly, freedom of association and judicial independence are reported.<sup>160</sup> The Commission is also very critical of the way the Turkish authorities have dealt with the Gezi-park protests in 2013.<sup>161</sup> New concerns were raised about the right to fair trial in some of the high profile court cases as well.<sup>162</sup> Above it all, the decreasing political will that the Commission reports on takes away most of the confidence in a quick revival of the Turkish reformative spirit of before 2005. Specifically on the Kurdish issue, the fight against corruption, minority protection and the full establishment of separation of power with adequate checks and

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<sup>157</sup> PR 2014, 6-13.

<sup>158</sup> PR 2014, 7.

<sup>159</sup> Decentralisation: PR 2007, 6-8; PR 2009, 8-9; PR 2011, 10-12; PR 2014, 9-10; Violence against demonstrations: PR 2005, 41-42; PR 2006, 15; PR 2008, 16-17; PR 2010, 21; PR 2013, 5-6; PR 2014, 14-18. Minority rights: PR 2006, 15; PR 2008, 18-26; PR 2010, 22-24; PR 2012, 24-26; European Commission, "Commission Staff Working Document: Turkey 2015 Report," November 10, 2015, SWD (2015) 216 final, 4-5, henceforth: PR 2015; Corruption: PR 2007, 11; PR 2009, 12-13; PR 2012, 19-20; PR 2013, 12-13; PR 2014, 9-14; PR 2015, 4-5; Judiciary: PR 2007, 9-10; PR 2009, 11-12; PR 2011, 14-18; PR 2013, 12; PR 2014, 9-10; PR 2015, 4-5; Self-censorship: PR 2012, 21-22; PR 2014, 14-18; PR 2015, 4-5; Kurdish issue: PR 2009, 8; PR 2011, 7; PR 2014, 5-6; PR 2015, 5; Women's rights: PR 2006, 18; PR 2008, 19-21; PR 2010, 25-26; PR 2012, 18; PR 2014, 14-18.

<sup>160</sup> PR 2011, 5; PR 2011, 5-6; PR 2012, 21-22; PR 2014, 14-18; PR 2015, 4-5.

<sup>161</sup> PR 2013, 5-6.

<sup>162</sup> PR 2011, 5-6.

balances safeguarding democracy and the rule of law, the political will to make changes appears to be lacking.<sup>163</sup>

The trend that is seen from 2011 onwards is characterized in the literature as *de-Europeanization* as opposed to Turkey's earlier *Europeanization*. De-Europeanization is defined as a process in which the EU or Europe loses its character as a normative reference point in domestic Turkish politics and society.<sup>164</sup> It results in a turn away from Europe in political and societal matters by reversing EU driven reforms and instituting reforms which do not align with Europe or the EU.<sup>165</sup> Scholarly analyses of Turkey's normative reform in the areas of democracy, rule of law and media freedom all show de-Europeanisation from 2011 onwards, after an earlier period of Europeanization, in line with the Commission's reports.<sup>166</sup>

This development of de-Europeanization in combination with a lack of political will only worsens from 2016 onwards. A government lacking the political will to reform, turns into a government actively work against the EU's standards and core principles.

### 3.2.2. 2016-2017 – Ignoring the EU's core principles

From 2016 onwards, both the Commission's progress reports and human rights reports written by the Council of Europe and the United Nations Office of the High Commissioner of Human Rights (OHCHR), to which the progress reports refer, show a significant further diminishment. This sharp deterioration was predominantly sparked by the military coup attempt that the Turkish government suffered on the 15<sup>th</sup> of July in 2016.<sup>167</sup> The coup was swiftly neutralized and the Justice and Development Party (AKP) government responded in a strong and decisive way by blaming religious leader Fethullah Gulen and his Gulen-movement and proclaiming emergency state.<sup>168</sup> Both the CoE and the Commission condemned the coup and understood Turkey's decision to take action through firm emergency measures.<sup>169</sup> Still, both monitoring

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<sup>163</sup> PR 2015, 4-5; PR 2014, 5-14.

<sup>164</sup> Senem Aydın-Düzgit and Alper Kaliber, "Encounters with Europe in an Era of Domestic and International Turmoil: Is Turkey a De-Europeanising Candidate Country?" *South European Society and Politics* 21, no. 1 (2016): 6-7.

<sup>165</sup> Aydın-Düzgit and Kaliber, "Encounters with Europe," 6-7.

<sup>166</sup> Democracy: Cebeci, "De-Europeanisation," 119-132; Rule of law: Saatçioğlu "Case of the Rule of Law," 133-146; Media freedom: Gözde Yılmaz, "Europeanisation or De-Europeanisation? Media Freedom in Turkey (1999-2015)," *South European Society and Politics* 21, no. 1 (2016): 147-161.

<sup>167</sup> Gul Tuysuz and Elliott C. McLaughlin, "Failed coup in Turkey: What you need to know," *CNN*, July 18, 2016,

<https://edition.cnn.com/2016/07/18/middleeast/turkey-failed-coup-explainer/index.html>.

<sup>168</sup> The AKP is an abbreviation of *Adalet ve Kalkınma Partisi* in Turkish, which translates to Justice and Development Party in English. The acronym that is commonly used in the literature is AKP, which will be used in this thesis as well.

<sup>169</sup> Council of Europe Commissioner for Human Rights (CoE), "Memorandum on the human rights implications

bodies were concerned about the way in which Turkey decided to deal with the overall aftermath of the coup.

Instead of carefully eliminating the threats to Turkish society and returning to the normal state of affairs afterwards, the Commission, the CoE and the UN judged that the AKP government took disproportionate measures for a disproportionate period of time.<sup>170</sup> Within this time human rights, democracy and rule of law were disregarded on a large scale. Only three months after the coup 31 844 persons were placed in detention and 1 477 persons in police custody.<sup>171</sup> Between 70 000 and 110 000 persons were dismissed, of which 3400 judges and prosecutors.<sup>172</sup> Thousands of NGO's and media establishments were disbanded or liquidated without judicial interference.<sup>173</sup> With all of these numbers still effectively on the rise at that time, the scale of concern is unsurprising. With almost unlimited discretionary powers for administrative authorities and severe infringements of the freedom of expression, assembly and association, the CoE spoke of a breach of the principles of democracy, human rights and rule of law.<sup>174</sup> It therefore called on the Turkish authorities to immediately return to their regular state of security.<sup>175</sup>

The report that was published by the OHCHR in March 2018 shows that this recommendation was not brought into practice. On the contrary, almost two years after the failed coup attempt, the state of emergency remained in place with all its persistent implications for human rights protection.<sup>176</sup> The number of arrests rose to 160 000 and civil servant dismissals were brought up to 152 000.<sup>177</sup> Torture and ill-treatment returned on a wide scale, 100 000 websites were banned and blocked and the situation in the Southeast exceedingly deteriorated.<sup>178</sup> The freedom of expression, assembly and association were still in a precarious state and on top of it all, the 2017 referendum that extended the presidential powers extensively is judged to be seriously problematic for the functioning of democracy and rule of law.<sup>179</sup> Turkey continuously extended the state of emergency and continued the infringements on its

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of the measures taken under the state of emergency in Turkey," October 7, 2016, 1-2, <http://www.refworld.org/docid/58120efb4.html>; PR 2016, 4-5.

<sup>170</sup> The Commission: PR 2018, 8; CoE: CoE, "Memorandum," 3; UN: OHCHR, "Turkey."

<sup>171</sup> CoE, "Memorandum," 2.

<sup>172</sup> CoE, 2.

<sup>173</sup> CoE, 2.

<sup>174</sup> CoE, 2-4.

<sup>175</sup> CoE, 4.

<sup>176</sup> "Turkey's state of emergency extended for seventh time," *Hurriyet Daily News*, April 18, 2018, <http://www.hurriyetdailynews.com/state-of-emergency-in-turkey-extended-for-seventh-time-130539>.

<sup>177</sup> OHCHR, "Turkey."

<sup>178</sup> OHCHR.

<sup>179</sup> OHCHR; PR 2018, 4-5.

own democracy, rule of law and protection of human rights.<sup>180</sup> Arguing from the reports written by the OHCHR, the CoE and the Commission altogether, the situation in Turkey took a harsh and consistent turn for the worse in all crucial areas. The government ignored demands by the CoE and the Commission to improve the situation and instead proceeded. The next section will look at the actual decision making of the EU towards Turkish accession. Is the decision making in line with Turkey's normative development or are other interests influencing EU decision making on Turkey, as was the case in 1999.

### **3.3. 2005-2017 – EU decision making**

#### **3.3.1. 2005-2014 – Slow reform, slow progress, no reform, no progress**

The overall decision making of the European Council on the Turkish case is in line with the country's normative development over the period stretching from 2005 up until 2014. The negotiating progress shows an extremely slow moving progress up until 2010.<sup>181</sup> This is especially the case in comparison to other accession processes in which all negotiation chapters are usually closed somewhere between two and seven years.<sup>182</sup> Only 13 chapters are gradually opened between the beginning of the negotiations and that year.<sup>183</sup> From 2010 onwards, this process of gradually opening negotiation chapters comes to a halt, in line with Turkey's trend of de-Europeanization. One could argue that this halt in opening chapters is for a large part dependent on the blocking of 17 chapters by the Council (2006), France (2007) and Cyprus (2009).<sup>184</sup> But this argument cannot explain why the four chapters that were not blocked and therefore open to negotiations (*public procurement, competition policy, taxation and social policy and employment*), were not opened by the Council.<sup>185</sup> The sudden stop in the opening of negotiation chapters should therefore be ascribed to Turkey's de-Europeanization going in against the union's *acquis* and Copenhagen criteria, specifically the core principles.

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<sup>180</sup> European Commission, "Commission Staff Working Document: Turkey 2018 Report," April 17, 2018, SWD (2018) 153 final, 4, henceforth: PR 2018.

<sup>181</sup> Phinnemore and İçener, "Holding the door," 450; The pace of the negotiations is measured by the opening and closing of the negotiation chapters. Once all chapters are opened and subsequently closed, the final decision on accession can be made by the Council.

<sup>182</sup> Other negotiation timelines: Portugal 1978-1985, Spain 1979-1985, Czech Republic 1998-2002, Slovakia 2000-2002, Croatia 2005-2011.

<sup>183</sup> PR 2006, 4; PR 2010, 5.

<sup>184</sup> PR 2007, 4-5; PR 2018, 3; Independent Commission on Turkey, *Turkey in Europe: The Imperative for Change* (New York: Open Society Foundation, 2014), 7-8; Phinnemore and İçener, "Holding the door," 448-449.

<sup>185</sup> Annex 1, see: public procurement – chapter 5, competition policy – chapter 8, taxation – chapter 16, social policy and employment – 19.

The EU responded with the launch of the *Positive Agenda* in 2012, aimed at reviving Turkey's reformative spirit through cooperation in areas of joint interest.<sup>186</sup> In the hope of encouraging a Turkish change of heart, the Council decided to unblock one chapter and open negotiations on it the following year. The fact that Turkey did not respond with fundamental reforms and instead stuck to its de-Europeanization trend, took more of the union's confidence in Turkey's accession away. It spurred discussion on membership alternatives in the form of a 'privileged partnership' within the EU, something Turkey has rejected on multiple occasions.<sup>187</sup>

### 3.3.2. 2015-2017 – Backsliding remains unpunished

Then, the decision making process of the EU from 2015 onwards fails to be explained through Turkey's normative progress. In December 2015 the Council decided to open a blocked negotiation chapter without any sign of change in Turkey's de-Europeanizing trend, especially in the aforementioned principles of democracy, human rights and rule of law.<sup>188</sup> Also the excessive and persistent breach of these principles from 2016 onwards should, according to the Negotiating Framework, lead to a recommendation of a suspension or an end to negotiations.<sup>189</sup> Despite the European Parliament voting to suspend negotiations and Germany proposing an end to negotiations in 2017, the Commission remained extremely clear on the matter: an end to negotiations is not an option.<sup>190</sup> The norm consistent decision making that was in place from the start of the negotiations in 2005 up until 2014, was moved aside for norm inconsistency. Turkey's serious and persistent backsliding did little harm to the decision making of the EU towards the negotiating process. Although member state leaders and EU officials have frequently condemned the way Turkey has been dealing with the aftermath of the failed coup attempt, no serious measures were taken.

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<sup>186</sup> PR 2014, 4; PR 2012, 4; Cemal Karakas, "EU-Turkey: Integration without Full Membership or Membership without Full Integration? A Conceptual Framework for Accession Alternatives," *Journal of Common Market Studies* 51, no. 6 (2013): 1057-1058.

<sup>187</sup> Karakas, "EU-Turkey," 1058-1059; "EU should not forget Turkey has alternatives, PM warns," *The Guardian*, October 22, 2016, <https://guardian.ng/news/eu-should-not-forget-turkey-has-alternatives-pm-warns/>; Tom Batchelor, "Turkey still wants 'full membership' of EU, Erdogan says," *The Independent*, March 26, 2018, <https://www.independent.co.uk/news/world/europe/erdogan-turkey-eu-full-membership-european-union-commitment-president-a8274166.html>.

<sup>188</sup> PR 2015 7-24.

<sup>189</sup> European Council, *Negotiating Framework*, 2.

<sup>190</sup> Ece Toksabay and Tulay Karadeniz, "EU parliament calls for Turkey accession talks to be suspended," *Reuters*, July 6, 2017, <https://www.reuters.com/article/us-turkey-eu-parliament/eu-parliament-calls-for-turkey-accession-talks-to-be-suspended-idUSKBN19R194>; Dominika Jandová, "German effort to stop Turkey accession talks has limited support in EU," *ESJ News*, September 8, 2017, <https://www.esjnews.com/german-stop-turkey-eu>; Merička, "European Commission."



The next section of this research tries to address this problem by looking at Turkey's geopolitical significance. In 1999, Turkey's increased geopolitical significance meant that the EU had no choice but to offer Turkey candidacy, going in against Turkey's normative development. This was due to the relationship that had progressed since 1963 in which Turkey was brought into the union's enlargement narrative. Given the fact that this enlargement narrative between the two parties has nothing but strengthened, the question whether the EU has recently found itself in a similar situation in which norms were sidestepped in order to serve its wider geopolitical interests is raised. The next section will answer that question.

### **3.4. Turkey's geopolitical significance**

Turkey's geopolitical significance for Europe has existed since the first rapprochement between Turkey and the EEC in 1963. Up until the end of the Cold War Turkey held a strategic position in close proximity to the Soviet Union and its allies, which was utilised by the United States and its NATO partners in Western Europe.<sup>191</sup> Between 1989 and 1998 Turkey's geopolitical relevance to the EU declined due to the end of the Cold War. Afterwards, as touched upon in the previous chapter, Turkey became a key player to enhance stability in the Balkan region. Then, with the EU's Common Security and Defence Policy (CSDP), the union's long awaited common foreign policy gaining more significance in 2009, Turkey was transformed into a crucial player to address any unrest in the Mediterranean, the Middle East, Central Asia and the south Caucasus.<sup>192</sup> On top of that Turkey has for a long time been a crucial player for Europe in terms of energy security, which will remain that way for at least the coming few decades.<sup>193</sup> So during the time of the two decisions in 2015 and 2017, Turkey's geopolitical position for the EU was one of great importance. However, this does not automatically explain the decision making in 2015 and 2017. The EU could have decided to keep chapter 17 closed, without this being a problem for the Turkey-EU relationship in terms of geopolitics. As long as EU membership was on the table, Turkey was willing to cooperate. As this chapter will show, the EU needed leverage over Turkey. This leverage was achieved through the opening of chapter 17. In 2017 a string of events with geopolitical implications made norm consistent decision making impossible. In the aftermath of the failed coup attempt of July 2016 the EU was thus incapable of ending or suspending membership negotiations.

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<sup>191</sup> Martin, "Turkey-EU Accession Process," 28-30.

<sup>192</sup> Thanos Dokos, "Turkey and European Security," in *Turkey's Accession to the European Union: An Unusual Candidacy*, ed. Constantine Arvanitopoulos (Berlin: Springer, 2009), 76.

<sup>193</sup> Mehmet Efe Bireselioglu, *European Energy Security: Turkey's Future Role and Impact* (New York: Palgrave Macmillan, 2011), 155-164.

### 3.4.1. 2015-2016 – Geopolitical urgency: ‘we need Turkey’

In 2011, the Arab Spring proved to be the first step towards undeniable geopolitical importance for Turkey in the eyes of the EU. Its outburst, which eventually proved fatal for a number of North African and Middle Eastern authoritarian regimes, presented the EU with a growing influx of refugees. This swiftly became a refugee problem when neighbouring countries were unable to take care of the ever increasing number from 2015 onwards.<sup>194</sup> The fact that more than one million refugees were heading towards the EU in 2015 alone meant that there was an immediate refugee crisis for which action had to be taken and for which no workable common policy was in place.<sup>195</sup> It thus posed an immediate security issue for the EU.

On top of internal measures to improve the distribution of refugees among its member states, the EU turned to Turkey. The EU needed Turkey in order to significantly decrease the influx of refugees and make the crisis manageable. Even though Turkey needed the EU in return as well it was clear that Turkey held the better negotiating position.<sup>196</sup> Turkey was willing to cooperate with the EU as long as incentives were offered in return. These incentives were threefold, consisting of (1) visa liberalization for Turkish citizens travelling within the EU, (2) financial assistance and (3) re-energisation of the accession negotiations.<sup>197</sup> In order to satisfy Turkey’s third incentive and make this compromise possible, France lifted its block on negotiation chapter 17 (*economic and monetary union*).<sup>198</sup> The chapter was then opened in December 2015, after the Commission had presented the Turkey-EU Joint Action Plan as a solution to the migration crisis a month earlier.<sup>199</sup> The refugee crisis once more showed the power relation between Turkey and the EU, in which Turkey was only willing to compromise in case the membership negotiations were re-energized. The EU was quick to provide these incentives given the urgency of the situation, notwithstanding Turkey’s normative decline.

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<sup>194</sup> Pinar Gedikkaya Bal, “The Effects Of The Refugee Crisis On The EU-Turkey Relations: The Readmission Agreement And Beyond,” *European Scientific Journal* 12, no. 8 (2016): 14-15.

<sup>195</sup> Priscilla Oltean and Claudia Anamaria Iov, “EU-Turkey Negotiations in the Context of Securitizing Migration after the 2015 Refugee Crisis: Joint Action Plan and the Readmission Agreement,” *Research & Science Today* 13, no. 101 (2017): 102-103; The Dublin Convention was incapable of dealing with the enormous influx of refugees, since it placed the full burden on the countries bordering the Mediterranean, specifically Italy and Greece.

<sup>196</sup> Oltean and Iov, “EU-Turkey Negotiations,” 104.

<sup>197</sup> Bal, “Effects Of The Refugee Crisis,” 18-24.

<sup>198</sup> Annex 1, see: economic and monetary union – chapter 17.

<sup>199</sup> European Commission, “European Commission - Fact Sheet: Turkey-EU joint action plan,” October 15, 2015,

[http://europa.eu/rapid/press-release MEMO-15-5860\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm).

Turkey's geopolitical significance granted the country this negotiating position. Turkey was the only EU partner that could help find a proper solution to this unprecedented crisis.<sup>200</sup>

### 3.4.2. 2016-2017 – Turkey remains fierce: no membership, no relationship

This revival in the Turkey-EU negotiations did not guide Turkey onto a more reformative path.<sup>201</sup> Instead, the 2016 neutralized military coup brought Turkey into a lingering emergency state in which the EU's core norms were disregarded on a great scale. The European Parliament was clear in its judgement in November 2016 and demanded an end to accession negotiations.<sup>202</sup> Some European leaders were quick to support the EP, showing that this kind of sentiment was certainly present within some sections of the Brussels establishment.<sup>203</sup> Yet, the experience of the refugee crisis and several Turkish statements made the Commission and the Council decide to ignore its own Negotiating Framework and keep negotiations alive. This was even the case when Germany proposed to end negotiations in September 2017 as a result of continued anti-democratic and illiberal measures.<sup>204</sup> Again, this decision making shows the nature of the Turkey-EU relationship, which is deeply rooted in the accession narrative.

The refugee crisis had shown the EU two aspects of its relationship with Turkey. First, Turkey proved to be a powerful and vital ally in crisis situations involving the Middle-East and the Mediterranean. Second, Turkey was only willing to cooperate in case full membership was on the negotiating table. Then, in the aftermath of the failed coup, Turkey on multiple occasions expressed its regret at the way the EU showed – or failed to show – its support. The EU immediately condemned the coup and expressed its full support in the defence of Turkey's democratic institutions.<sup>205</sup> But the Turkish government still felt that the EU let them down by failing to make an appearance in Ankara and instead voicing sharp criticism at the way Turkey implemented measures in the aftermath of the coup.<sup>206</sup> In addition, Erdoğan tried to improve its relationship with Russia, showing the EU that Turkey had other potential powerful allies to choose from.<sup>207</sup> After the EP vote against Turkey's accession bid Turkish officials reacted

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<sup>200</sup> Oltean and Iov, ““EU-Turkey Negotiations,” 104.

<sup>201</sup> Çigdem Üstün, “Can EU Act as a Democracy Promoter? Analysing the Democratization Demand and Supply in Turkey-EU Relations,” *Romanian Journal of European Affairs* 17, no. 1 (2017): 85-86.

<sup>202</sup> Toksabay and Karadeniz, “EU parliament.”

<sup>203</sup> Jandová, “German effort.”

<sup>204</sup> Jandová.

<sup>205</sup> PR 2016, 5.

<sup>206</sup> Erhan İçener, “Turkey – EU Relations after the Failed July 15 Coup Attempt,” *Journal of Social Sciences of the Turkic World* 79 (2016): 80-81.

<sup>207</sup> Michael Birnbaum and Karen DeYoung, “The aftermath of Turkey's failed coup threatens its ties with Western allies,” *Washington Post*, September 21, 2016,

harshly, comparable to reactions after the Council decision in 1997. Prime minister Benali Yildirim said the EU should “decide whether it wants to continue its future vision with or without Turkey.”<sup>208</sup> With this statement Yildirim once again hinted at a change of course in Turkish policy, perhaps to the benefit of Turkey-Russia relations. President Erdoğan even went as far as threatening to end the refugee deal if accession talks were to be ended.<sup>209</sup>

With the Islamic State still not fully defeated and refugees still on the move into Europe, the EU realised ending or suspending Turkey’s accession negotiations would be a risky and possibly costly move. Instead, the Commission decided to keep its leverage over Turkey intact and keep accession talks open. Recent statements made by EU officials on Turkey-EU relations strengthen this line of argument. With Erdoğan continuously reiterating the Turkish wish to belong to Europe, the EU continuously points towards the areas of common interest in which it needs Turkey.<sup>210</sup> It keeps negotiations open, without any considerable progress to be found and Turkey continuing to ignore the very core of the EU’s normative identity.<sup>211</sup>

### **3.5. 2005-2017 – The continued path dependent relationship**

What the years 2005-2017 have confirmed, is that the EU is unable to escape the path dependency that is Turkey’s EU accession process. With the negotiations officially opening in 2005, a choice for a different path proved more costly than it already was. It would require an official end to negotiations, a hard blow for a candidate member state like Turkey, who had previously reacted fiercely to EU rejection. For as long as Turkey slowly progressed in terms of normative reforms, the negotiations did not pose an existential threat to Turkey-EU relations. But as soon as Turkey’s development turned into decline around 2011, matters for the EU became more difficult. Turkey’s accession process hardly moved forward. As this decline persisted and the Turkish political will to make fundamental changes faded, the accession progress completely came to a halt, with doubts about accession ever happening. Still, the relative slow pace of decline meant that the EU was capable of leaving the situation as it was, until 2015. In that year the migration crisis presented the EU with an urgent situation in which it was clear that it needed Turkey in order to come to a solution. With Turkey still keen to

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[https://www.washingtonpost.com/world/europe/the-aftermath-of-turkeys-failed-coup-threatens-its-ties-with-western-allies/2016/09/20/314bb754-6e0d-11e6-993f-73c693a89820\\_story.html?utm\\_term=.4db3707104aa](https://www.washingtonpost.com/world/europe/the-aftermath-of-turkeys-failed-coup-threatens-its-ties-with-western-allies/2016/09/20/314bb754-6e0d-11e6-993f-73c693a89820_story.html?utm_term=.4db3707104aa).

<sup>208</sup> Jennifer Rankin and Karim Shaheen, “Turkey reacts angrily to symbolic EU parliament vote on its membership,” *The Guardian*, November 24, 2016,

<https://www.theguardian.com/world/2016/nov/24/eu-parliament-votes-freeze-membership-talks-turkey>.

<sup>209</sup> Rankin and Shaheen, “Turkey reacts angrily.”

<sup>210</sup> Georgi Gotev, “Varna to become permanent venue for EU-Turkey talks,” *Euractiv*, March 27, 2018,

<https://www.euractiv.com/section/global-europe/news/varna-to-become-permanent-venue-for-eu-turkey-talks/>

<sup>211</sup> Batchelor, “Turkey still wants 'full membership'”; PR 2018, 3-6.

continue its EU membership path, the EU had to let Turkey progress in order to gain Turkish cooperation. Once again the EU experienced a gap in control, unable to make decisions based on its preferred norms and Turkey's reformative achievements. It decided to open a negotiation chapter as part of the migration deal.

The years 2016 and 2017 saw the failed military coup and its aftermath move Turkey quicker and further away from EU standards. Under the state of emergency, fundamental human rights were being ignored on an unprecedented scale and authoritarian amendments to the constitution were being passed. The EU had reason enough to end negotiations as agreed upon in multiple EU documents, most prominently the Turkey-EU Negotiating Framework. But with Erdoğan flirting with Putin, the migration pressures not fully under control and Middle-Eastern unrest continuing, the EU realised that punishing and losing control over Turkey like they had in 1997, would be a misguided choice.

## Conclusion

Turkey and the EU share a long and complex history which certainly has not simplified since the EU finally opened negotiations with Turkey in 2005. The declining relationship between the two parties that has only been damaged further in recent years, begs the question of why negotiations are still ongoing. This research has shown that it is precisely the long and complex history that serves as an answer. The answer to this question and the reasons behind EU decision making is not simply geopolitics or Turkey's normative development. The decisions that the EU has taken on Turkey are embedded in the relationship that was strengthened and institutionalized over decades of association. This same relationship now leaves the EU no other option but to stay in its seat at the negotiating table.

From the 1957 Treaty of Rome onwards, the member states within the EEC wanted their European project to expand across the continent. While accession to the union became increasingly dependent on the union's normative principles as these were slowly developed from the 1960's onwards, Turkey's association was already in place since 1963. From the outset, accession was the ultimate goal of the association agreement. It started Turkey's slow moving path into Europe. The membership goal was reconfirmed on many occasions, in spite of lulls in the Turkey-EU relationship and the EU applying its increasing conditionality to the Turkish case from the 1980's onwards. It institutionalized the Turkey-EU relationship, based first and foremost on EU accession, and constantly deepened the path that was taken. It spurred the idea in Turkey that accession was inevitable and only a matter of time. This Turkish expectancy made matters more difficult for the EU starting in the late 1990's.

The 1989 decision to adjourn Turkey's official candidate status until a later date was accepted by Turkey. After relations were put on hold for the period that the military government was installed, Turkey was happy enough to be labelled as eligible for membership again and to be able to continue their European path. The 1997 decision, however, pushing the candidacy decision further forward was not accepted. Turkey felt it had earned the right to candidacy, especially since other equally normatively underdeveloped nations were given priority. The Turkish government reacted with sharp disapproval and threatened the EU to fully quit its European aspirations. But changing paths would prove too costly for the EU. A series of geopolitical problems arose, for which the EU needed the Turkish government it had just disappointed. The Cyprus issue, the situation in the Balkans and the EU's decision to move forward with their common foreign policy meant that Turkey suddenly became the key geopolitical player it urgently needed. As Turkey had just made clear to the EU that membership

was a precondition for further relations, the EU had to accept the gap in control and grant Turkey its candidacy. By deciding so, Turkey's EU path deepened with the union now having to judge Turkey on the same normative principles as the other candidates.

Since its candidacy was officially awarded, the Turkey-EU relationship became based upon Turkey's normative development and the consequent negotiations. After Turkey's reform pace between 2000 and 2004 brought it on a level that was judged as sufficiently in line with the Copenhagen criteria, the Council opened negotiations in 2005. After 2005, the EU was brought into a similar situation as in the late 1980's and the 1990's. The EU's optimism about Turkey's normative progress turned into a continuously growing pessimism. This was translated into the negotiations with no new chapters being opened. The negotiations spurred more scepticism with a number of politicians calling for an end to negotiations or alternative forms of partnership. Turkey remained unambiguous: membership or no relationship.

Again, changing paths to an EU without Turkey proved too costly for the union. Turkey's geopolitical significance experienced a new sudden boost with the migration waves bringing Europe on the verge of a major crisis. The EU needed Turkish cooperation, again. Turkey, being unhappy with its slowed down European path, gladly cooperated in return for renewed dedication to the accession process. This was given to it in the form of a newly opened negotiation chapter in December 2015. But this short lived revival was not enough to fundamentally change the downward trend in Turkey-EU relations.

The Turkish government further disregarded the EU's core normative principles in its reaction to the failed military coup d'état of July 2016. The wide-scale human rights violations, harsh freedom restrictions and authoritarian measures instigated austere reactions by the Commission, along with demands for improvement. Turkey did not improve the situation and instead showed that the violations and undemocratic measures were persistent. An end to negotiations was never this close, with the EP voting for a suspension and the Negotiating Framework dictating a suspension or end to negotiations in a situation like this. The EU, however, realised that Turkey's strategic position in the union's geopolitics requires leverage over Turkey. 1999 and 2015 had shown the union that the most important leverage that the EU has, is membership. With Erdoğan hinting at a closer relationship with Russia, the unrest in the Middle-East far from over, migration troubles not yet solved and Turkey playing a crucial role in Europe's energy security, ending negotiations with Turkey would again prove too costly. The EU is not free in its decision making and thus the gap in control prevails. The relationship it has built up with Turkey and institutionalized from 1963 onwards, based on EU accession, has brought the EU in a difficult situation in which it needs to continue the process, even though

real confidence in accession seems to have faded long ago. In order to make sense of recent events, the long historical path that the two parties embarked upon together had to be taken into account. It offers more insight into the character of the relationship and the interdependency within the partnership. The institutionalization of the relationship has brought the EU into positions in which it made decisions it did not want to make. It had to decide in favour of Turkey in order to solve urgent crises. And the EU's realisation of Turkey's geopolitical vitality means that it needs to continue in this way, on the path towards membership.

Apart from providing an alternative and more convincing narrative to the Turkey-EU case study, the study has given us helpful insight in the decision making process of the EU, or rather, on what grounds the EU bases its decisions. The EU presents itself as an institution that holds its core norms – human rights, democracy, equality and rule of law – high and preferably bases its decisions on them, especially considering enlargement. But in case other interests present the union with a more urgent situation that needs to be dealt with, it is quick to set aside or move in against its normative considerations. EU enlargement in general and the Turkish case specifically are therefore characterized by an interplay between constructivist and rational logic. This research has shown that an integrative approach as such can be helpful in order to come to useful explanations of processes, like Fearon and Wendt argued in their 2002 article.<sup>212</sup>

The biggest challenge that this research uncovered was the sheer scope of time that had to be covered, in combination with the finite amount of research time and limited capacity of this thesis. This meant that choices had to be made and that not everything could be analysed in as much depth as ideally would have been the case. In order to be comprehensive, this research chose to cover all of the crucial documents capable of contributing to an answer to the main research question, while leaving out certain parts of the analysis, most prominently the economic side of the institutionalization and the accession process. The reasons for this have been mentioned in the introduction to this thesis. Still, the economic side of the relationship can be a vital part to the Turkey-EU dependency and subsequently the path dependency within the relationship. More research into the economic side of the dependent relationship should be done in order to come to a more complete understanding of the exact dynamic of the Turkey-EU relationship.

The limited scope of this thesis also meant that the Council had to be treated as a unitary actor deciding on behalf of the EU, as an analysis of member state bargaining preceding every decision would have proved far too extensive. For this research the ultimate decision was vital,

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<sup>212</sup> Fearon and Wendt, "Rationalism v. Constructivism," 53-54.



not so much the internal divisions within the EU. Accordingly, the treatment of the Council as a unitary actor was not a fundamental problem. But to come to a greater understanding of how decisions along this path dependent process came into practice and who were the so called *drivers* and/or *brakemen*, more research is needed into the internal decision making within the Council.

The last challenge that this research posed is the most fundamental challenge. The search for a more suitable and conclusive theoretical narrative is difficult. The narrative that was chosen after careful research ideally lines up with every single event that transpired perfectly and brings order into the chaos that is history. In reality, there are chapters within the history that fit better into the chosen narrative and chapters that seem less suitable for the chosen perspective. Though all crucial decisions in the Turkish accession process fit the narrative and seem to confirm the underlying relationship, the one decision that moves in against the theoretical narrative of this thesis is the 2012 decision of the EU to spark a revival in the accession process with the *Positive Agenda* and the opening of a negotiation chapter.<sup>213</sup> Without a sign of increased Turkish reform and no geopolitical threats in which the EU was urgently dependent on Turkey, the accession process was reenergized. In the literature this decision is explained as an attempt of the EU to encourage reform in Turkey. This is also the way it has been incorporated into this research in order to keep the narrative moving. But since it goes in against the relationship and narrative that this thesis poses, it deserves to be mentioned. As this narrative solves certain puzzles, new puzzles arise, serving as challenges for additional research.

As for the future of the Turkey-EU accession process based upon this narrative, it is unlikely that the Turkish accession process will come to a halt soon. There will presumably not be much progress as long as Turkey shows no sign of renewed Europeanization. But an end to the process is not an option for the EU, as the relationship that was laid out in this research continues to exist. It is only when this relationship changes, that an end to negotiations can become reality. If the Turkish government gives up its membership aspirations on its own behalf, this could be achieved. In this case the EU cannot be blamed and should be capable of resuming normalized relations with Turkey without EU accession playing a role. This is highly unlikely with President Erdoğan reconfirming membership aspirations in March this year.<sup>214</sup> Another option would require an end to Turkey's geopolitical significance. A change of path would not prove as costly for the EU and it could fully judge Turkey on its normative standards.

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<sup>213</sup> This is discussed in chapter 3.3.1., 43-44.

<sup>214</sup> Gotev, "EU-Turkey talks."

This seems an option that is even less likely, since Turkey's strategic position in (energy) security for Europe and the EU is estimated to prevail and possibly increase in the years to come.<sup>215</sup> If the accession negotiations outlive the current AKP government and Erdoğan's presidency, who knows what will happen in the future. As long as the two remain at the negotiating table, that last spark of hope for a common future within the European Union remains with it.

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<sup>215</sup> Biressioglu, *European Energy Security*, 149.



	2010	2011	2012	2013	2014
1. Free movement of goods	Some progress	Advanced	Some progress	Advanced	Some progress
2. Freedom of movement for workers	Some progress	Early stage	Some progress	Early stage	Advanced
3. Right of establishment and freedom to provide services	No progress	Early stage	Some progress	Early stage	Early stage
4. Free movement of capital	Some progress	Early stage	Some progress	Early stage	Moderate
5. Public procurement	Some progress	Some preparation	Some progress	Some progress	Moderate
6. Company law	Some progress	Moderate	Moderate	Moderate	Advanced
7. Intellectual property law	Backsliding	Good level	Some progress	Advanced	Advanced
8. Competition policy	Some progress	Good level	Some progress	Moderate	Moderate
9. Financial services	Some progress	Moderate	Progress	Advanced	Advanced
10. Information society and media	Progress	Moderate	Some progress	Some progress	Advanced
11. Agriculture	Some progress	Early stage	Some progress	Moderate	Advanced
12. Food safety, veterinary and phytosanitary policy	Some progress	Early stage	Some progress	Early stage	Early stage
13. Fisheries	Some progress	Some preparation	Some progress	Some progress	Early stage
14. Transport policy	Some progress	Moderate	Some progress	Moderate	Moderate
15. Energy	Good progress	Moderate	Some progress	Good level	Advanced
16. Taxation	Some progress	Moderate	Some progress	Moderate	Moderate
17. Economic and monetary union	Some progress	Good level	Progress	Advanced	Advanced
18. Statistics	Good progress	Advanced	Good progress	Advanced	Advanced
19. Social policy and employment	Some progress	Some preparation	Some progress	Moderate	Moderate
20. Enterprise and industrial policy	Progress	Good level	Progress	Good level	Good level
21. Trans-European networks	Progress	Advanced	Some progress	Advanced	Advanced
22. Regional policy and coordination of structural instruments	Progress	Some preparation	Some progress	Moderate	Moderate
23. Judiciary and fundamental rights	Progress	Some preparation	Some progress	Some preparation	Some preparation
24. Justice, freedom and security	Some progress	Early stage	Some progress	Early stage	Early stage
25. Science and research	Some progress	Good level	Good progress	Good progress	Advanced
26. Education and culture	Some progress	Moderate	Some progress	Moderate	Moderate
27. Environment	Some progress	Early stage	Some progress	Early stage	Early stage
28. Consumer and health protection	Progress	Good level	Some progress	Good level	Good level
29. Customs union	No progress	Good level	No progress	Good level	Good level
30. External relations	No progress	Good level	No progress	Good level	Good level
31. Foreign, security and defence policy	No progress	Advanced	Backsliding	Moderate	Moderate
32. Financial control	Some progress	Moderate	Some progress	Moderate	Moderate
33. Financial and budgetary provisions	Some progress	Early stage	Some progress	Early stage	Early stage
* Chapters blocked by 2006 Council decision		8 Early stage	8 Early stage	7 Early stage	9 Early stage
** Chapters blocked by France		5 Some preparation	3 Some preparation	3 Some preparation	1 Some preparation
*** Chapters blocked by Cyprus		8 Moderate	10 Moderate	11 Moderate	10 Moderate
**** In 2017, the Commission did not provide a progress report		8 Good level	7 Good level	6 Good level	5 Good level
		4 Advanced	5 Advanced	6 Advanced	8 Advanced

	2015		2016		2018****		Chapter opened	Chapter frozen	Chapter unfrozen	Chapters closed
1. Free movement of goods	Backsliding	Good level	Some progress	Good level	Some progress	Good level	Chapter 2006*	December 2006*	December 2009****	
2. Freedom of movement for workers	No progress	Early stage	No progress	Early stage	No progress	Early stage	Chapter 2006*	December 2006*	December 2009****	
3. Right of establishment and freedom to provide services	Some progress	Early stage	Some progress	Early stage	No progress	Early stage	Chapter 2006*	December 2006*	December 2009****	
4. Free movement of capital	Some progress	Moderate	Some progress	Moderate	No progress	Moderate				
5. Public procurement	Some progress	Moderate	Some progress	Moderate	No progress	Moderate				
6. Company law	Some progress	Advanced	Some progress	Advanced	Some progress	Advanced				
7. Intellectual property law	Some progress	Advanced	Some progress	Advanced	Some progress	Good level	Chapter 2008	June 2008		
8. Competition policy	Some progress	Moderate	Backsliding	Some preparation	No progress	Some preparation				
9. Financial services	Some progress	Advanced	Some progress	Advanced	Some progress	Good level				
10. Information society and media	Some progress	Moderate	Some progress	Moderate	Backsliding	Some preparation	Chapter 2008	December 2006*	December 2006*	
11. Agriculture	Some progress	Some preparation	Some progress	Some preparation	Some progress	Some preparation				
12. Food safety, veterinary and phytosanitary policy	No progress	Early stage	Some progress	Some preparation	Some progress	Some preparation				
13. Fisheries	Some progress	Early stage	Some progress	Early stage	Some progress	Early stage	Chapter 2010	June 2010		
14. Transport policy	Some progress	Moderate	Some progress	Moderate	Some progress	Moderate				
15. Energy	Good progress	Moderate	Good progress	Moderate	Some progress	Moderate	Chapter 2009	June 2009	December 2006*	December 2009****
16. Taxation	Some progress	Moderate	No progress	Moderate	No progress	Moderate				
17. Economic and monetary union	Backsliding	Moderate	No progress	Moderate	No progress	Moderate	Chapter 2015	June 2007**	December 2009****	December 2015
18. Statistics	Some progress	Moderate	Some progress	Moderate	Some progress	Moderate				
19. Social policy and employment	Some progress	Moderate	Some progress	Moderate	Backsliding	Some preparation				
20. Enterprise and industrial policy	Some progress	Advanced	Some progress	Advanced	Some progress	Good level	Chapter 2007	March 2007		
21. Trans-European networks	Good progress	Advanced	Good progress	Advanced	Good progress	Advanced	Chapter 2007	March 2007		
22. Regional policy and coordination of structural instruments	Some progress	Moderate	Some progress	Moderate	No progress	Moderate	Chapter 2007	November 2013	June 2007**	February 2013
23. Judiciary and fundamental rights	No progress	Some preparation	Backsliding	Some preparation	No report	No report				
24. Justice, freedom and security	Some progress	Moderate	Good progress	Advanced	No report	Advanced				
25. Science and research	Some progress	Advanced	Some progress	Advanced	Some progress	Advanced	Chapter 2006	June 2006	December 2009****	June 2006
26. Education and culture	Some progress	Moderate	Some progress	Moderate	Some progress	Moderate				
27. Environment	Progress	Moderate	Some progress	Some preparation	No progress	Some preparation	Chapter 2009	December 2009	December 2009****	
28. Consumer and health protection	Some progress	Good level	Some progress	Good level	Some progress	Good level				
29. Customs union	No progress	Good level	No progress	Good level	No progress	Good level	Chapter 2007	December 2007	December 2006*	December 2006*
30. External relations	Some progress	Good level	Some progress	Good level	Backsliding	Moderate				
31. Foreign, security and defence policy	Some progress	Moderate	Good progress	Moderate	Some progress	Moderate	Chapter 2007	July 2007	December 2009****	
32. Financial control	Progress	Good level	Some progress	Good level	Some progress	Good level				
33. Financial and budgetary provisions	No progress	Early stage	Some progress	Some preparation	Some progress	Some preparation				
* Chapters blocked by 2006 Council decision		5 Early stage		3 Early stage		3 Early stage				
** Chapters blocked by France		2 Some preparation		6 Some preparation		7 Some preparation				
*** Chapters blocked by Cyprus		15 Moderate		13 Moderate		11 Moderate				
**** In 2017, the Commission did not provide a progress report		5 Good level		6 Good level		7 Good level				
		6 Advanced		5 Advanced		3 Advanced				
						2 No report				

Source: PR 2005 – PR 2018

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