In recent years the European Union has emerged as a powerful external stimulant for political reforms in Turkey. The EU’s pre-accession conditions known as the Copenhagen political criteria coupled with Turkey’s long-sought aim of becoming a European power have overlapped creating a domestic and international environment conducive to take radical steps in the direction of improving human rights and democracy performance of Turkey. Turkey’s candidate status approved by the EU Helsinki Council in 1999 certainly unleashed a period of EU induced political reforms as formulated in the Accession Partnership Document issued by the EU in November 2000, which was incorporated into the National Program adopted by Turkish government in March 2001. It is not only with the post-Helsinki process that Turkish governments have become receptive to European diplomacy. Indeed, issues of human rights and democratization have been influencing EU-Turkey relations since the September 1980 military coup in Turkey, which marked the beginning of politicization of EU-Turkey relations. This article traces the roots of the human rights and democracy dimension of EU-Turkey relations and explores the limits and effectiveness of EU diplomacy on these issues in an attempt to assess the role the EU has played in the transformation of Turkish politics in the last two decades.

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Democracy, Human Rights and Authoritarian Politics

Problems of human rights and democratization in Turkey are to a very large extent generated from the Turkish state tradition that attaches an absolute value to the survival of the state.¹ This political culture contributed to the formation of the state along the problematique of security. The state is conceived as sacred and transcendental yet vulnerable to internal and external threats. To protect the state and its ‘right for survival’ the rights of the citizens could be sacrificed. Thus the state as

* This is a revised and expanded version of an article originally appeared in Journal of Southern Europe and Black Sea Studies, Vol. 1, No.3, 2001, pp.51-68.
an entity and its rights come first not that of citizens. As such the Turkish state tradition reflects the Hobbesian conception of politics *par excellence* based on a deep sense of insecurity and search for survival that justifies an authoritarian state formation. Security and survival of the state are considered as not only being threatened by hostile nations and states abroad but also by the citizens themselves who would betray their state due to conflicting ethnic or religious allegiances. ‘The enemy within’ requires more vigilance.

During the republican era the security concern of the elite was further widened by the inclusion of a notion of ‘internal security’ threatening not the state but the regime. As a result the right of the state to survive against the threats posed by external and internal “enemies” has transcended and often clashed with the rights of citizens. This discursive construction of threat justified and reinforced a security-centric notion of politics leaving a limited space for rights and liberties of the individual. A never-ending search for security dominated the political system and suppressed the calls for liberty. Demands for basic rights and freedoms could always be overwhelmed by a reference to the security consideration. Thus the security discourse has reigned.

The state/security centred approach seems not to recognize the constructive role performed by full realization of human rights and democracy to enhance the conditions for the survival of the state by laying down consensual bases of domestic politics. The challenge in the face of EU accession process is that the Hobbesian state tradition of fear and insecurity could be overcome by a notion of a new ‘social contract’ widening the space of the society vis-à-vis the state.

The authoritarian state tradition that does not leave much space to ‘civil society’ was enhanced by administrative and normative arrangements of the military regime between 1980 and 1983. In fact the roots of recent debate on the state of human rights in Turkey can be found in the legal, political and social distortion made by the 1980 military intervention. Issues that turned to be obstacles before Turkey’s accession to the EU like freedom of expression and association, closure of political parties, civil-military relations, state security courts, death penalty etc. were all introduced by the 1982 constitution. Whenever a political reform has been contemplated since then the straitjacket imposed by the military regime and the 1982 constitution had to be modified. Thus to explain the state of human rights and democratization in Turkey it is better to start with the military intervention and the institutionalization of a security-centric polity that followed which laid the ground for legal and practical violations of human rights in the later stages.

The military intervention of 1980 was the third in the republican era following the 1960 and 1971 ones. The recurrence of military interventions in Turkish politics since the establishment of multi-party politics displays the tension between the political elite represented by political parties who are bound to be sensitive to social needs and demands in a competitive politics and the state elite represented by the military who regard themselves as the vanguard of the state and the national interest. It is just expected that the vanguards would be called in when an imminent threat exists according to the prevailing security-centric perspective. The self-perception of the military as the embodiment of the nation and the true guardian of Kemalist reforms inevitably leads to a constant interest in political processes limiting the realm of politics and society vis-à-vis the state. Their self-appointed guardian role, justified

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The self-claimed role of the Turkish military has been enhanced by an unspecified conception of national security/ideology. They perceive Turkey surrounded by enemy states in a geo-politically sensitive environment as well as being under constant threat from internal enemies of the state and the regime. Such a security discourse contradicts and complicates the military's long-declared objective for western style government as a leading modernizing institution in Turkey.

As expected the September 1980 military intervention dramatically changed domestic political scene with an enormous negative effect on civil and political rights. With the first decree of the National Security Council (NSC) the Parliament and the government were dissolved, all political activities were banned and the leaders of four major political parties were put under custody. Martial law was extended to the whole country, and the martial law authorities were empowered to monitor the press and to appoint or dismiss civil servants. Furthermore two trade union confederations were closed down and their leaders were arrested. Legislative power was transferred to the NSC and a new government headed by a retired admiral was installed. The first two executions since 1972 carried out in October. By the end of the military regime (1983) the number of executions reached 48.

To silence the remaining political opposition the NSC issued a degree in June 1981 banning the release or publication of any political statement from former politicians, and making any criticism of the ruling military regime illegal. Towards the end of 1981 the military increased its pressure on the former politicians as all political parties were closed down.

It seemed that all civil and political rights were suspended overnight. Since the coup justified itself by references to the need for the restoration of "state authority" a hunt for suspects was launched resulting in the detention of 60,000 suspects of terrorism and illegal political activities between September 1980 and February 1983. As part of the re-organization of the new disciplined political regime all lock-outs and strikes were declared illegal and freedom of press was violated while many newspapers were banned and journalist imprisoned. Mass trials were held to prosecute trade unionists, political parties, and outlawed organizations, with a sizable number of demands for death penalty.

The new constitution was drafted by the NSC appointed Consultative Assembly and finalized by the NSC itself. The power of the president and the military on domestic politics was significantly enhanced by the new constitution. The president was no longer a figure-head, but a head of state with some power to dissolve the parliament, preside over cabinet meetings and appoint some high officials, though bearing no responsibility. In addition the military, with the new constitution, found a

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5. The NSC decree of 52 was effectively used to stop and prosecute the opposition. For the decree, see *Keesing’s Contemporary Archives*, January 22, 1982.

channel to influence government policy on security and foreign policy matters through the enhanced role of the National Security Council. The main features of the new constitution were the loyalty to the Kemalist state ideology, the enhanced power of the president and the state elites vis-à-vis political elites, and a detailed description of freedoms with restrictions. Against the very logic of constitutionalism the 1982 Turkish constitution was geared not to protect individuals and their rights but the state and its authority against the society.

In the spring of 1983 the new Political Parties Law was enacted as a turning point for the restoration of democratic rule and the next election date was set. But the election was overshadowed by the two undemocratic provisional articles of the Political Parties Law which enabled the NSC to veto the founding members of the new political parties and their parliamentary candidates. Eventually 3 out of the 15 political parties were permitted to run for office in the November 1983 elections. Undemocratic elements in the NSC's policy continued right up to the elections. About 20% of all political parties' parliamentary candidates were disqualified by the NSC.7

Democratic Transition and Western Diplomacy

After the military coup issues of democracy and human rights became a major item regarding Turkey's economic as well as political relations with the EC.8 The day the coup took place the European Commission issued a statement in which it expressed the Community's concern about the internal developments in Turkey and its hope that the new regime would respect human rights and initiate moves to restore democracy.9 Furthermore the nine Foreign Ministers of the EC member states issued a statement, just after the coup, declaring that they "noted with concern" the internal developments in Turkey. The European Parliament too was highly critical of the military takeover right from the beginning warning that the continuation of military regime could jeopardize the application of the association agreement between Turkey and the EC.

The Community tended to think that it had a "right" to interfere in the domestic restructuring of Turkish politics since Turkey was attached to the Community with an association agreement signed in 1963. After consulting the Council of Foreign Ministers the Commission concluded that under these circumstances it would not resume the discussions on the release of the fourth financial protocol.10 This was the beginning of a process by which not only political but also economic/financial pressures were exerted over Turkey. By stopping the implementation of the fourth protocol the Community began to use concrete economic means to pressurize the Ankara government on the issues of democracy and human rights.

The military takeover was also strongly criticized by the Council of Europe, an organization that had become a watch-dog of democracy and human rights in the World at large. The Parliamentary Assembly called for the suspension of Turkey's

membership, a theme that lasted only by late 1983.\textsuperscript{11} Apart from adapting numerous resolutions on the ‘situation in Turkey’ and sending rapporteurs to Turkey before almost each term of parliamentary meetings to pressurize Turkey, the Assembly also called on the member states to use the Article 24 of the European Convention of Human Rights, the mechanism of inter-state complaint, to "verify the extent to which the allegations of torture and other violations of human rights in Turkey are founded".\textsuperscript{12}

Despite Turkey's diplomatic threat that the government would reconsider its relations with the countries involved in the inter-governmental complaint individual application of France, the Netherlands, Denmark, Norway and Sweden to the European Commission of Human Rights followed in July 1982. The applications alleged violations of Articles 3, 5, 6, 9, 10 and 11 of the Convention. Torture, trials of trade unionists, political parties and their leaders, execution of death sentences, abolition of political parties, prison conditions, the new constitution, the formation of new political parties all attracted considerable interest and debates in the Council of Europe and led to a close scrutinizing of political developments in Turkey.

Amnesty International actively campaigned against the policies of the military regime that contravened the principles of human rights as conceived by Amnesty. The main issues raised and followed by Amnesty were torture cases, prison conditions, prisoners of conscience, Kurdish activists and execution of death penalty.\textsuperscript{13} Amnesty’s intense publications kept the issue of human rights in Turkey on the agenda of the European press and public opinion, as well as European organizations.

Among the activities of Amnesty International the one that had the strongest implications for the Turkish case was its contribution to the committees in the Parliamentary Assembly of the Council of Europe and the European Parliament. This was effective in keeping the human rights issues on the agenda of the European organizations. The Council of Europe and the European Community were receptive to the lobbying of Amnesty International in their dealing with Turkey. Hence, the pressure exerted on Turkey by these organizations was partly originated in and justified by the reports and lobbying of Amnesty International.

The period following the military coup of 1980 shaped the form and the content of Turkey-Europe relations. The importance of this period was that Turkey’s domestic politics was opened up to the international realm where issues of democracy and human rights emerged as the central question. Furthermore European concerns and pressures about human rights conditions kept the Turkish governments defensive in foreign policy matters, particularly in its affairs with Europe.\textsuperscript{14}

This was also a period in which international organizations emerged as an important dimension of Turkish foreign policy. Turkish diplomacy was especially confronted with international non-governmental human rights organizations, trade unions, press associations, national parliamentary delegations and fact-finding missions, observers etc. Turkey was bound to recognize the power and the scope of transnational organizations, and thus coming to terms with the new constituent elements of modern international community. The activities and interference of

\textsuperscript{12} Resolution 765 (1982) on the Situation in Turkey, \textit{Texts Adopted by the Assembly}.
international organizations also encouraged the remaining elements of internal oppositions in Turkey, human rights activists and peace campaigners who were suppressed and far from organized. This linked up Turkish civil/political communities with the European circles encouraging the process of democratization and calls for full respect for human rights.

**Democratization and the Quest for Europeanization**

The November 1983 general elections that brought the Motherland Party of Turgut Ozal in power did not lead to the elimination of human right violations, and thus stop the debate in Europe about the democratic nature of the new regime and its respect for human rights. The country was still under martial law, mass trials including the trials of controversial DISK trade unionists and Peace Association members were continuing in military courts and the allegations about inhuman prison conditions and torture were wide-spread. Meanwhile, the Kurdish question as a result of the PKK’s beginning of systematic attacks on Turkish security forces and the counter-measures taken by the government started to appear on the agenda of various European government. The media were occasionally placed under restrictions and some publications were temporarily banned. Over one thousand signatories of a petition by Turkish intellectuals demanding greater democracy and respect for human rights and alleging violations of human rights in May 1984 were put on trial which caused embarrassment for the civilian government, particularly in its dealings with European organizations and governments. The trials of intellectuals, which ended with their acquittal in early 1986, provoked an international controversy and renewed interest in Turkish human rights record in Western Europe.\(^\text{15}\) By July 1987 martial law was lifted all over the country but a state of emergency rule was replaced in the South-Eastern provinces.

In the spring of 1986 the government took two fundamental steps to enhance its domestic and international credentials. First, the ban on the former politicians preventing them speaking about political issues was lifted, opening up the way for eventual reversal of the constitutional ban. Soon later a limited amnesty was made possible with an amendment on the execution of prosecution law which resulted in the release of 31,000 prisoners.\(^\text{16}\)

Premier Ozal recognized that human rights had become an international issue which transcended national boundaries.\(^\text{17}\) Internationalization of human rights became evident in the policies of the EC towards Turkey when the Ozal government expressed the membership in the Community as its "ultimate aim" in the government program. Despite the return to civilian government, Turkey's \textit{de facto} frozen relations with the Community did not immediately start moving. The EC continued to make the re-activization of relations conditional on an improvement in the Turkish human rights record. The prevailing view was that despite general elections Turkey still had a long way to go for the full realization of democracy.\(^\text{18}\)

\(^{15}\) See \textit{The Times}, July 16, 1984; August 17, 1984; February 8, 1986; for the visit and reactions of the playwright Harold Pinter and Arthur Miller see \textit{The Times}, March 23, 1985.
Meanwhile the Community was in a process of defining its human rights policy towards the third countries. In this context that it declared that "respect for human rights is one of the cornerstones of European cooperation...and an important element in relations between third countries and the Europe of Twelve". The employment of diplomatic and economic means was regarded as justified to promote respect for human rights. The message passed to Turkey by the Commission was that the normalization of relations depended on the continuation of the process of democratization and respect for human rights. Premier Özal, in a way to dismiss criticism that Turkey's democratic standards were lower than those of the other members of the Community, argued that Turkey's membership would irreversibly consolidate the parliamentary democratic regime in Turkey. Therefore, if the EC wanted Turkey to have a viable and durable democracy, the best way of doing this was political integration of Turkey into the Community. Such arguments indicate that Turkish authorities were aware of the transformative effects of EU membership bid as early as in 1987.

With this state of mind Turkey presented its application for full membership on 14 April 1987, showing the determination of the Turkish government to integrate into Europe against all odds. With the lodging of the application the Turkish government moved into sphere of the Community's influence and even became vulnerable to pressures originating from the EC or its member states on the issues of human rights. Therefore, from the time Turkey made its intention to apply for membership clear, the Community moved to a position to judge Turkish domestic political structure in the light of Western democratic standards. Turkey's quests for re-activiziation of the Association Agreement and later for admission to the Community were immediately made conditional on the complete restoration of democracy and human rights. As a result, Turkey faced an effective pressure centre on the European front and a dilemma that put its self-image as a modern-European state into question resulting in Turkey's attempt to "westernize" its political system further as its quest to join Europe continued.

The membership application provided the EC with political and legal leverage and a framework of influence within which the Community was able to exert on Turkey. The political objectives set by the government itself became the main source of domestic and international constraints for policy planning and implementation, and motivated the government to take national and international commitments. Thus Turkey's objective of attaining full membership in the EC imposed its own limits, dynamics and imperatives starting off a process which enabled the Community to set the rules of the game.

In a way to open a path for integration with Europe the Özal government declared in January 1987, two months before Turkey's official application to join the EC, its acceptance of the right for individual petition to the European Human Rights Commission. The government's decision was hailed by the Council of Europe as a fundamental step in the full realization of human rights in Turkey. This was a decisive gesture by the government to show that it was genuinely committed to improving its human rights record and to liberalize the country. It was, to a large extent, prompted by the need to prepare the country internally and internationally for the bid to join the

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EC, as such it was part and parcel of a liberalization program that emerged with the intensification of the European dimension in Turkish politics.

Turkish government also signed the UN convention against torture, and signed and ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Turkey was the first country to ratify the European convention that empowered an international committee to investigate torture allegations on the spot without the permission of the national government. A year later the government took a more astonishing step by accepting the compulsory jurisdiction of the European Court of Human Rights as declared by Premier Ozal himself on his visit to the Council of Europe in September 1989.

In the process of preparing the country for the EC membership a human rights committee in the Parliament was set up in December 1990. Furthermore, Turkey's official policy towards its Kurdish population began to change gradually as the Kurdish issue became another source of friction between Turkey and Europe. The government embarked on a softer policy, the first step of which was the recognition of Kurdish ethnicity that had been denied. This moderate change, which started off domestic debates over the issue, could be linked to Turkey's quest for a rapprochement with Europe.

But all these did not stop the criticism raised, at home and abroad, about the shortcomings in the field of civil and human rights. Amnesty International, other human rights organizations and the EC continued to complain about the lack of full respect in practice for human rights. Allegations of torture were still one of the main sources of embarrassment for the government. Hunger strikes held in the prisons highlighted the durability of this problem and deteriorating prison conditions. The trial of the communist leaders opened the debate about the sustainability of the ban on political movements, and raised the question of full existence of civil and political rights in Turkey. The emerging political violence coupled with the already challenging Kurdish insurgency in the South East put the government under significant constraints in pursuing advancement in the promotion and protection of human rights.

Thus Turkey, awaiting the opinion of the Commission, was under considerable constraint to make its case acceptable to the Community. The European Parliament was clear on its stand; "Turkey's membership of the Community is scarcely conceivable without freedom of opinion and association, without independent courts and with continuing torture and with the existence of the death penalty".

The Commission in late 1989, underlining the overriding importance of its internal integration process, recommended the Council not to start accession negotiations with any country before 1993, thus effectively putting off the Turkish demands. The Commission's reservations for Turkish entry had three dimensions. Firstly, the report concluded that Turkish economy was incapable of coping with the integration process. Secondly, despite all the efforts of the Ozal government to persuade the Europeans otherwise, the opinion of the Commission was that Turkey's level of democracy and respect for human rights fell behind the standards of the EC. Finally, the Turkish-Greek dispute was found obstructing Turkish accession to the

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22. See Resmi Gazette (Official Gazette), February 27, 1988, No.19738.
23. See Ozal's speech before the Parliamentary Assembly in which he explained the decision, Parliamentary Assembly of the Council of Europe, Official Report, 27 September 1989, p.507.
The Post-Cold War Politics of Human Rights: From Crisis to Reconciliation

Diplomatic rejection of Turkey's application for full membership of the EC, by the Commission in December 1989, coincided with dramatic changes in Eastern Europe which suddenly left Turkey face to face with the new political and security environment in international politics. The end of the cold war by the spectacular victory of Western democracies was hardly welcomed by the Turkish government, for some immediate reasons. Having based its whole post-war foreign and security policies on the strategic importance for the West of its location vis-à-vis the Soviet Union, Turkey suddenly found itself in a "security limbo".

Furthermore, the end of East-West division in Europe widened the political and economic options for an enlarging European Community, and hence virtually diminished any hope Turkey still had for a possible accession after 1993. Additionally, the growing talk of "democracy and human rights" in the West and the accompanying questions regarding Turkey's strategic significance was unwelcome to the government on the ground that this could lead to a greater degree of Western interference in Turkish politics in the field of democratization and respect for human rights.

Turkey was quick to respond to the changing international environment by introducing reforms at home. A legal reform bill, in April 1991, commuted all death sentences (approaching 300), and reduced the other prison terms resulting in the release of about 40,000 prisoners including political ones. Within the same package an outstanding issue was also resolved by the abolition of articles 141, 142 and 163 of the penal code which outlawed communist and Islamist political activities. The abolition of these articles was expected to remove the legal basis for so-called "thought crimes". However, the widening definition of terrorism and the "crimes against the state" in the new legislation (anti-terror law) invalidated the above mentioned change.

As part of the government's initiative to eliminate the long-standing issue of human rights restrictions on cultural activities of the Kurds were also relaxed; they were allowed to speak Kurdish in public, and for the first time traditional Kurdish new year was openly celebrated. Despite these moderate steps the Kurdish issue became a central political problem and the basis for many allegations of human rights violations. The existence of a "Kurdish problem" was officially admitted; a significant step to take any kind of positive measure. Yet the exodus of the Iraqi Kurds following the Gulf War raised the interest of the world community in the Kurdish problem and ironically, at the end, left Turkey vulnerable to international demands on Kurdish cultural and political rights.

The change in government in late 1991, that brought the veteran politician Suleyman Demirel to power in a coalition government, seemed in tune with the global

drive for liberal democracy and a market economy. A state ministry responsible for human rights was established. The ban on the political parties which were closed in 1981 by the military regime was lifted and a new judicial reform increasing the access of lawyers and the rights of suspects before trial was introduced.

Yet the allegations of human rights violations at home and abroad did not disappear. Turkish human rights activists claimed that torture, death in custody and political killings and repression in the South East continued unabated. Amnesty International reported the continuation of torture and other forms of human rights violations, and accused the government of not living up to its promises.30

Meanwhile a crisis between Turkey and the West started to take place culminating into a wave of growing anti-Westernism contributing to the electoral victory of pro Islamic Welfare Party in 1995 and the 1997 Luxembourg EU summit distancing Turkey further.31 Growing anti-Westernism was partly prompted by the policies of the EU which pressurized Turkey on the issues of human rights and the Kurdish question but at the same time pursued a policy of exclusion towards Turkey. Disappointed with the West, a deep scepticism about Western values and the friendship of the Europeans emerged.32 The reactions led to putting long-aspired Western values on trial, opening up possibilities for new forms of value synthesis and sources of inspiration. In this context, the question of Turkey's Western orientation, more precisely the future of the "Westernization project", became less certain. In a way, to express the radical perceptual changes in Turkish society about itself and the West the arguments were put forward that the West and westernization became irrelevant for Turkey, thereby the process of Western inspired movement for modernization came to an end.33

Under these circumstances both Turkey and the EU seemed to settled with a customs union as envisaged by the Ankara agreement of 1963. However, even in the routine process of setting a customs union the issues of human rights and democratization came up in a degree that put Turkish government under pressure as the government was determined to reach an agreement. At the end the association council decided in March 1995 to start the customs union.34 Since the decision of the EU-Turkey association council to start customs union was to be approved by the European Parliament a new reform process was needed in order to persuade the EP on the prospect of human rights and democratization in Turkey. The EP had passed a resolution following the decision of the association council that human rights conditions in Turkey were not satisfactory to permit setting up a customs union with this country.35

In response Turkish government introduced some reforms before December 1995, when the EP expected to vote the fate of the customs union. In July 1995 15 articles of the constitution were changed enabling wider political participation for

associations, trade unions, the youth and academics. Moreover the much criticized article 8 and 13 of anti-terror law was amended in October 1995 reducing the prison terms, converting prison terms into fines and suspending others. Responding to the reforms and heavy lobbying of Turkish government the EP approved in December 1995 the customs union. Yet with an accompanying resolution it called on Turkey to take concrete measures on the questions of human rights, democratization and the Kurdish issue.36

Agenda 2000 and the ensuing Luxembourg summit reflected the mood of the Union that Turkey could not be considered as a candidate country in the process of enlargement due to its poor human rights record.37 The report and the Council decision underlined Turkey’s poor performance in the field of human rights, democracy, Kurdish question and the role of military in Turkish politics. While including almost all aspirant countries of the Eastern Europe as candidates exclusion of Turkey from the enlargement process, despite stating Turkey’s eligibility, was shocking for Turkey. The government decided to stop all political dialogue with the EU and turned down invitation of the EU to join the European Conference held in March 1998 in London. Turkey-EU relations were at a standstill. From 1989 to 1999, Turkey’s economic and political expectations from Europe, which culminated in its application for full membership in the EU, were proved unrealizable.38 This led a weakening of the European dimension in Turkish politics, thus reducing the influence of European diplomacy on Turkey regarding human rights and democratization processes.

Radical Reforms under the EU Supervision in the Post-Helsinki Period

Declaration of Turkey as a candidate country in the 1999 Helsinki European Council summit has changed the mood in the public as well as in the official circles.39 Opinion poll conducted right after this date indicated an overwhelming support, around 75 per cent, to go ahead with the EU. The Turkish government took the offer of the EU despite its reservations about the possible membership of Cyprus without the Turkish side and the prospect to settle the Aegean Sea disputes with Greece in International Court of Justice.

The declaration of the council in Helsinki made it clear that not the eventual membership but even the start of negotiation for accession depends on meeting the Copenhagen political criteria calling for democracy, human rights, the rule of law and respect for minorities, which specified what was needed in Turkey by the accession partnership document produced by the Council in November 2000.

The prospect for full membership has restored the European dimension of Turkish politics with a positive impact on the reform process at home. It has been clearly understood that if Turkey really wants to be a member it must re-form domestic political architecture along the European standards. As such in the post-Helsinki process the reformist social, economic and political sectors have gained the

36 Official Journal of the European Communities, C 17, 22.1.1996.
upper-hand with a vision that resulted in major reforms. Since than 9 harmonization packages plus a new Turkish Civil Code and Penal Code have been passed by the parliament as requested by the Accession Partnership Document issued by the European Council.

In October 2001 the parliament approved a package of amendments to the constitution. In accordance with the National Program one-fifth of the constitution was renewed with regard to freedom of expression, the prevention of torture, freedom of association and gender equality. Immediately after the new civil code was adopted in line with the constitutional amendments.40

At the beginning of 2002 the ruling coalition government introduced a legislative technique in which amendments were made to various laws within one law passed by the parliament, known as harmonization package. With the first harmonization package in February 2002 a series of amendments were enacted in the penal code, the anti-terror law, the law of the state security courts and the code of criminal procedure providing the expansion of the freedom of expression, the reduction of pre-trial detention period and improving the safeguards for prisoners. Much debated articles of 159 and 312 of penal code were revised. Article 7 and 8 of the anti-terror law used by the courts to limit freedom of expression were softened. Pre-trial detention period was reduced from 7 to 4 days, and 10 to 7 days in the state of emergency areas. The change also enabled for the full access of defendants to their counsels.

In April 2002 the second harmonization package was adopted amending the laws of press, political parties, associations, meetings and demonstration marches and civil servants. The amendments further enhanced the exercise of freedom of expression, association and peaceful assembly. One of the most significant reforms was taken in August 2002 by which some taboo issues like death penalty and minority rights were resolved. Under the new provision the death penalty was no longer be enforced except in times of war. With this package of reform retrials were allowed in line with the decisions of the European Court of Human Rights by which the jurisprudence of the Court became directly applicable to Turkish legal system. Some articles of the Association Law were amended facilitating activities of national and international associations, and restrictions on civil servants and students to establish associations were removed. Furthermore the reform package lifted the ban on broadcasting and learning in languages other than Turkish effectively opening the way for the usage of Kurdish in broadcasting and teaching privately.

In the general elections held on November 3, 2002 a new political party, the Justice and Development Party (JDP) led by former mayor of Istanbul Tayyip Erdogan, came to power by capturing 34 percent of popular vote and controlling almost 2/3 of the parliament. The government, comfortable with its clear majority in the parliament, declared the EU membership as its priority. The EU membership had in fact been described in the election declaration of the JDP as a natural outcome of Turkey's modernization history; "meeting Copenhagen political criteria is an important step forward for the modernization of the country".41 Right after the November elections the JDP leader Erdogan, labelled as Islamist by the opponents, declared that their priority was not to resolve the ‘headscarf’ problem, as would be expected from a pro-Islamic party, but instead to speed up the process to get Turkey into the EU, once called the Christian Club by the ‘National View’ movement of

which the JDP and its leadership came. He toured the European capitals before the Copenhagen European summit of December 2002 to secure a specific date to start membership negotiations with the EU. The EU Council however postponed its decision on Turkey until its 2004 summit at which a decision would be taken to start, without delay, the accession negotiations with Turkey provided that Turkey fulfils fully the Copenhagen political criteria. This was a challenge for the new government since Erdoğan stated that the Copenhagen Political Criteria was not only part of the requirement for Turkey’s entry into the EU but an objective to be reached regardless of EU membership.\(^{42}\)

It seemed that the EU’s demands for reforms and the JDP’s search for consolidating its power and acquiring wider legitimacy within the system vis-à-vis the army and other radical secularist forces through a policy of enhancing democracy, human rights and civilian supremacy over the military overlapped resulting in a speedy process of political reforms in Turkey. The EU membership perspective has thus enabled the government to persuade the military and wider public to accept rather radical reforms. As a result since its formation the government has introduced fundamental reforms on the Kurdish issue, human rights in general, and civil-military relations with 7 harmonization packages passed by the parliament in less than two years, and even seemed ready to make compromise to resolve the long-standing Cyprus dispute.

With the fourth harmonization package in January freedom of association, deterrence against torture and mistreatment, and safeguard for the rights of prisoners was enhanced. Article 8 of anti-terror law was abolished in July 2003 along with the provisions that have allowed political propaganda in other languages than Turkish, ended the lessening of sentence for so called honour-killings, and removed the NSC representatives in the censor board and the Radio and Television Supervision Board.\(^{43}\) With the package passed by the parliament in August 2003 a significant reform was introduced with regard to civilian-military relations limiting the jurisdiction of military courts over civilians, enabling the auditing of military expenditure and property by the court of auditors, repealing executive powers of the General Secretary of the NSC, increasing the time period of regular NSC meeting from one month to two and opening the way for appointment of a civilian secretariat general for the NSC. By turning the NSC into a merely advisory body and the Secretariat General as an administrative unit the political weight of the military has significantly been reduced if not diminished.\(^{44}\)

Beside these legislative reforms the government set up a Reform Monitoring Group, composed of the Ministers of Foreign Affairs, Justice and the Interior, and high-ranking bureaucrats in September 2003 in response to the EU’s insistence to oversee effective implementation of the reforms introduced.

The European Council meeting in Brussels in December 2003 welcomed the ‘considerable and determined efforts’ of the government, and recognized that the reforms undertaken ‘have brought Turkey closer to the Union’. However the Council underlined the need for sustained efforts to strengthen the independence and functioning of the judiciary, the exercise of freedoms of association, expression and religion, the alignment of civil-military relations with European practice, the exercise of cultural rights.\(^{45}\) Over the decision of the Council, Premier Erdogan declared that

\(^{42}\) Radikal, November 7, 2002.
\(^{44}\) Briefing, July 28, 2003, p. 9.
\(^{45}\) Briefing, December 15, 2003, p. 4.
his government would complete the work necessary and ‘make the Copenhagen
criteria as Ankara’s own criteria’.

In April 2004 another comprehensive package of amendments in the
constitution was approved by the parliament. With the amendments the State Security
Courts were abolished, all references to death penalty including in times of war were
removed, international treaties were accorded precedence over Turkish law, military
representative from the higher education board was removed. The ninth package
harmonizing the law with the constitutional amendments was passed by the
parliament in July 2004. Moreover in June 2004 four former deputies from pro-
Kurdish Democracy Party (DEP) including Leyla Zana were released from prison
while at the meantime the state-owned TRT started to broadcast in Kurdish.

Furthermore a number of international conventions were signed and ratified in
the post-Helsinki period. Among them are the ratifications of the International
Covenant on Civil and Political Rights, the International Covenant on Economic,
Social and Cultural Rights, Protocol No 6 to the European Convention on Human
Rights, the Optional Protocol to the Convention on the Rights of the Child, and the
signature of Protocol No.13 to the ECHR.

All these reforms were finally recognized as meeting the Copenhagen political
criteria by the European Commission in its 2004 progress report on Turkey. The
commission noting that Turkey has ‘sufficiently fulfilled’ the political criteria has
recommended the council to open ‘accession negotiations’.

Westernization from Below via the EU

The reforms have been realized despite significant resistance put up by a powerful
bureaucratic-civilian elite representing central republican institutions and the
ideology. When the Helsinki summit of 1999 the EU invited Turkey to join among the
candidate countries, a place that had been denied two years earlier the Turkish
government, under pressure from various “state institutions” did not take the offer
immediately. Solana, the EU commissioner for defence and security matters, came to
Turkey the same day to persuade the Turkish side who displayed some hesitancy. It
was reported that the Turkish Armed Forces were concerned about the conditions
attached to the membership process. Certainly the Kemalist circles approached the
EU’s offer as a plot to impose unacceptable terms on the issue of the Kurds, and to
encourage the so-called moderate Islamists. Thus the EU’s offer was taken as a threat
to security, territorial integrity and the regime security, i.e. laicism. The reforms had
then to be bargained not only within the government but also within the state
institutions where security-centric attitude traditionally prevailed.

Convinced that meeting the conditions set by the EU involves a risk for the
survival and security of the state, and ends the privileges provided for those who are
loyal to the ideology of the state the traditional pro-western elite have grew sceptical
of both the EU membership and westernization itself. Political and social components
of westernization to be pursued by the EU membership were found disturbing for the
regime defined itself with a survivalist/minimalist political culture. As such they fell
behind even the Tanzimat reformers: advocating technological modernization but
resisting political renovation.

46 Briefing, December 15, 2003, p.5.
Yet the post-Helsinki hesitancy displayed by the state elite put the centuries old objective of westernization into question. It can be argued that the process of westernization continued with a difference that while the state elite who had initiated the process fell hesitant, even fearful, the public at large and the peripheral forces in Turkish economy and politics moved in to take the process to its logical end: that is the formation of a liberal democracy. The objectives of westernization, first time in history, have started to be pursued by social and economic forces from below. This owes to the opportunities –discursive and alike- provided by post-Helsinki conditions. New social and economic actors have emerged in recent years from both centre and the periphery convinced that the Turks can redefine the West, westernization away from the historical fear of the West and the concerns for security. The EU candidacy has provided such a new avenue for coming terms with the insecurity inherited from the past.

The transformation in viewing the West and westernization among the people as displayed by the approval rate of the EU membership over 75 percent over the years has taken place in connection with the fact that westernization in recent years has gone beyond its traditional function of ‘controlling’ social and economic demands of the periphery, on the contrary it has turned into a mechanism through which the state and its power is checked by the people at large. As such westernization as now defined by the EU membership has acquired a civil and democratizing content against authoritarian tendencies of the state elite. This also explains the reason for the hesitant attitude of the state elite in complying with the Copenhagen political criteria. Thus in the EU accession process the elitist model of westernization has been replaced by a democratizing westernization. As such westernization for the first time in Turkish history has started to stand on its foot with the EU accession process that provided a catalyst for re-thinking the West and westernization among both the Kemalist/statist elite who abandoned the idea and ideal of westernization and the people at large who embraced a new “popular” and democratizing westernization.

Conclusion

At the end it should be noted that in the post-Helsinki period major steps forward have been taken. The death penalty has been abolished, tougher penalties have been introduced for the cases of torture, the composition and function of the NSC has been revised making it an advisory body headed by a civilian secretariat-general, the State Security Courts has been abolished, the Turkish Radio and Television Institution has begun broadcasting in Kurdish, private courses have been offered in Kurdish. All these would not have been possible without the dynamics unleashed by Turkey’s EU membership perspective that was approved by the Helsinki summit of the European Council in 1999. The European dynamics of political reform was also recognized by the Turkish public at large. Asked in a public opinion survey if the EU process has contributed to the improvements in the field of human rights and freedom of expression 63 percent of the respondent said “yes” with only 24 percent “no”.

The impact of the European diplomacy on political reforms has been evident in the Turkish case which can be described as promotion of democracy and human rights through a policy of integration by the EU. Aspiration and expectation to join

the EU has had a transforming influence on Turkey. For Turkey membership of the EU represents the ultimate aim of westernization, and the embodiment of its political, economic and identificational aspiration and orientation. As actual membership is claimed and expected to consolidate democracy, the very expectation, prospect and process themselves have increased the European influence over democratization and human rights policy. Hence, to say the least, the prospect for full membership in the EU after the Helsinki summit has been an important incentive for Turkey's gradually improved democratic and human rights performance.