

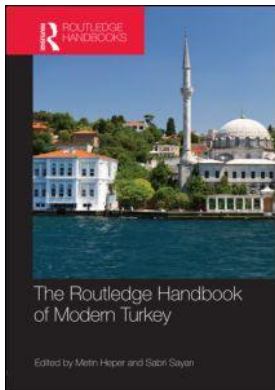
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## THE ROUTLEDGE HANDBOOK OF MODERN TURKEY

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### Turkey And The European Union

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## TURKEY AND THE EUROPEAN UNION

*Nathalie Tocci*

Turkey and the European Union (EU) are bound by a curious love affair. Both have always aimed at deepening relations, yet the precise interpretation of what this would entail has been highly contested. It is this odd mix between a shared commitment to each other and widely varying interpretations within (and between) both sides as to what this should mean that explains Turkey's tortuous path to Europe. This chapter first describes the ebbs and flows in Turkey's path to Europe from the 1963 Association Agreement to this day, before turning to the factors explaining the nonlinearity of the relationship, factors that lie both in Turkey and in the EU as well as in the interaction between the two.

**The ebbs and flows in EU-Turkey relations**

Turkey's first contractual relationship with the then European Economic Community (EEC) dates back to 1963, with the signature of the Association Agreement. The agreement envisaged the establishment of a customs union and opened the door to accession if and when the political and economic conditions were met. In 1987, following the gradual political stabilization and economic liberalization after the 1980 military coup, Turkey submitted a formal request for full membership. However, partly because of the Community's internal task of completing the single market and partly because of the problematic state of Turkish democracy and the mounting violence in Turkey's southeast at the time, in 1989 Ankara's application was rejected by the European Commission, and Turkey's European future was put on hold. While the application was rejected, however, the door for Turkey was left open, as the Commission in its Opinion confirmed Turkey's eligibility for membership.

The end of the Cold War brought about radical changes to Turkey's environment. Turkey's role as a bulwark against Soviet expansionism ended, ushering in a new period of mounting instability in the Middle East and Eurasia (Larrabee and Lesser, 2001). Turkey consequently underwent a period of intense soul-searching, assessing alternative geostrategic options such as pan-Turkism or regional leadership in the Middle East and Eurasia (Landau, 1995). Ultimately, the domestic debate converged on a renewed emphasis on the EU project by the mid-1990s. Turkish political *démarches* intensified, lobbying for inclusion in the EU customs union. Turkey's pressures were matched by those from the Clinton administration in the United States, which also urged member states to deepen ties with Turkey. The Union yielded, and in 1996

the EU-Turkey customs union entered into force, marking the beginning of higher levels of economic integration and, in the eyes of Ankara and Washington, the prelude to membership (Sayan, 2011; Taşpınar, 2006).

The positive atmosphere created by the conclusion of the customs union agreement deteriorated rapidly in 1997, however. Despite strong pressure from Ankara and Washington to upgrade EU-Turkey relations into the accession process, the 1997 European Council in Luxembourg underlined the fact that Turkey did not meet the standards for candidacy. It offered instead a “European strategy” based on the exploitation of the integration prospects foreseen under existing contractual relations—the Association Agreement. Unlike 1989, this second rejection, together with the EU’s finger-pointing at Turkey’s democratic deficiencies, was perceived in Ankara as a clear case of discrimination, given the political and economic situation in the Eastern European candidate countries at the time. In response, Turkey froze its political dialogue with the Union, and threatened to withdraw its membership application and integrate with the unrecognized Turkish Republic of Northern Cyprus (Tocci, 2004: 65–93). The goal of full membership was not abandoned, however, and the Turkish establishment began displaying a dichotomous approach to the Union, which would crystallize in the years ahead. While the government stepped up its campaign to obtain candidacy, the domestic political debate was rife with criticism of the Union, accusing Europe of double standards and of acting as if it were a “Christian club.”

The tide turned with the December 1999 Helsinki European Council, when Turkey’s long-sought candidacy was recognized (Öniş, 2003). Given the downturn in EU-Turkey relations in the 1997–99 period, the member states acutely felt the need to move the relationship forward—there was a growing sense within the Union of the need “not to lose Turkey.” Alongside this, the Clinton administration exerted strong pressure on the EU to grant Turkey candidacy (Öniş and Yılmaz, 2005). The European Council in Helsinki recognized the candidacy, but stopped short of opening accession negotiations, arguing that the country first had to fulfill the Copenhagen political criteria for membership. Consequently, the Commission was given a mandate to monitor progress and to draft a first accession partnership for Turkey, recommending areas for Turkish domestic reform. The EU also adapted its financial assistance to Turkey, redirecting aid to provide more explicit support for Turkey’s political, social, administrative, and economic reforms.

The acceleration of Turkey’s reform momentum, particularly after late 2001, spilled into EU-Turkey relations, especially when the Copenhagen European Council in December 2002 concluded that it would determine whether and when to open accession negotiations with Turkey in December 2004 (Tocci and Evin, 2004; Derviş *et al.*, 2004; Verney and Ifantis, 2009). The approaching green light for the opening of negotiations set the target and the timeline for the reform program of the new Justice and Development Party (JDP) government elected in November 2002. Turkey’s progress in reforms under the first JDP government meant that the decision of the European Council at its December 2004 meeting was that Turkey “sufficiently” fulfilled the political criteria and that accession talks could begin in October 2005. EU actors, however, appreciated the need to sustain Turkey’s reform process over the course of the negotiations. Hence, the European Council foresaw a continuing EU role in determining Turkey’s reform priorities through drafting updated accession partnerships, monitoring compliance by means of the Commission’s progress reports, and threatening to suspend negotiations in the event the reform process should backtrack. In addition, the negotiating chapter on the “judiciary and fundamental rights” impinged directly on ongoing political reforms. All seemed in place for the virtuous circle between Turkey’s domestic reforms and EU integration to continue (Tocci, 2005).

Yet, following the opening of accession negotiations in 2005, the forward momentum of the 1999–2005 golden years in EU–Turkey relations came to a (temporary) standstill, as the relationship slipped back into a vicious dynamic resembling more closely the 1997–99 period (Redmond, 2007). Since then, Turkey’s accession negotiations have proceeded at a snail’s pace, with 13 (out of 35) chapters opened by late 2010, and only one chapter (science and research) provisionally closed. France has informally vetoed the opening of several other chapters on the grounds that they are too closely linked to the prospect of full membership, about which Paris is openly negative. Moreover, accession talks—increasingly entangled with the Cyprus conflict since the entry of the divided island into the EU in 2004—risk grinding to a halt unless a solution to the situation on the eastern Mediterranean island is found. On the grounds of Turkey’s non-implementation of the protocol amending the customs union agreement to allow Greek Cypriot-flagged flights and vessels into Turkish airports and seaports, the Union in fact decided in December 2006 to suspend negotiations with Turkey on eight chapters of the *acquis*. In the fall of 2009 the European Council reviewed Turkey’s accession process in relation to Turkey’s (non-) implementation of the Additional Protocol. While the December 2009 European Council averted a much-feared derailment of Turkey’s accession negotiations, Turkey’s ratification of the Additional Protocol continues to be a sword of Damocles hanging over Ankara’s head. In so far as Turkey links its extension of the customs union to southern Cyprus to progress in the Cyprus peace process, or at the very least to the lifting of the EU’s isolation of northern Cyprus—an unfulfilled promise by the EU since the 2004 failure of the Annan Plan—the Cyprus quagmire becomes increasingly a sinkhole for EU–Turkey relations. Indeed, much as Greece had complicated progress in EU–Turkey relations during the first two decades of Greek membership in the European Community (Tocci, 2004: 119–43), today the Republic of Cyprus appears to be doing likewise, failing to recognize that in practice an EU-member Turkey would be the best (if not the only) genuine guarantee for its security.

### **Explaining Turkey’s tortuous path to Europe**

Turkey’s path to Europe has been tortuous and cyclical. There have been moments when a virtuous dynamic was set in motion, such as the 2001–05 period when Turkey’s efforts to comply with EU conditionalities and forward steps by the EU regarding the accession process triggered what may be viewed as a “silent revolution” in the country (Independent Commission on Turkey, 2004: 6). That revolution is ongoing and the greater Turkish ownership of the process that has developed since 2005 is both desirable and inevitable. Yet what is equally clear is that since 2005 the relationship with the EU has slipped back into a vicious dynamic, reminding observers of the mistrust and mutual accusations that characterized EU–Turkey relations in the 1997–99 period. The paragraphs that follow seek to reveal the underlying causes of Turkey’s uneven path to Europe, focusing on factors existing within the EU and within Turkey as well as in the relationship between them.

### ***A divided Europe facing Turkey***

Turkey, alongside the western Balkans, gravitates within the orbit of enlargement. Yet, its final destination of EU membership, while agreed back in 1999, remains highly contested in several European capitals (Tocci, 2007, 2008). All member states recognize that Turkey has been pivotal to European security interests, both during the Cold War, when it stood as a barrier against Soviet expansionism, and thereafter in serving as a potential beacon of Western democracy, peace, and stability in the midst of the turbulent Middle East and Eurasia. EU member states also recognize

the strong and committed American support for EU-Turkey relations and the potential assets that Turkey could yield to Europe in terms of contributing to energy security and a more effective foreign policy, as well as to economic growth and competitiveness in an increasingly multipolar world. This being so, EU actors have had a longstanding interest in deepening relations with Turkey and have appreciated the imperative of promoting Turkey's political, institutional, and socioeconomic reforms.

Moreover, in view of Turkey's entry into the enlargement process, EU institutions and member states have recognized the importance of promoting the country's reforms in line with EU standards. Aspiring to further Turkey's "EU-ization" has entailed support for Turkey's compliance with EU political criteria and with the EU *acquis communautaire*. Compliance with the political criteria elaborated at the 1993 European Council in Copenhagen was necessary in order to open accession negotiations with candidate Turkey. These criteria include the stability of institutions; the respect for human and minority rights, democratic principles, and the rule of law; and the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. When applied to candidate Turkey, these criteria, spelled out in the European Commission's successive progress reports and accession partnership documents, have stressed the need to guarantee nondiscrimination and the freedoms of expression, association, peaceful assembly, and religion. The EU has called for the abolition of the death penalty, the eradication of torture, and respect for rights and standards in trials and detention periods. Beyond individual human rights, the Commission has made specific demands regarding governance and cultural and minority rights. It has called upon Turkey to ensure effective, transparent, and participatory local government. It has insisted upon Kurdish broadcasting and education. It has also called for administrative and judicial reform and for a rebalancing of civil-military relations, as well as for the bridging of regional disparities through socioeconomic development, which would improve health, education, infrastructure, and water facilities in the Kurdish-populated southeast (Commission of the EC, 2004: 167; Council of the EU, 2008).

Turkey's EU-ization has also entailed its harmonization with the EU's *acquis communautaire*, that is, the adoption and implementation of the entire body of EU laws, rules, and regulations spanning all policy domains of European integration. Harmonization with the *acquis* represents the nuts and bolts of the accession negotiations, divided into 35 policy "chapters," which candidate Turkey and the European Commission "open" and "provisionally close" by reviewing Turkey's adoption and implementation of the relevant minutiae of the *acquis*.

Notwithstanding the declared commitment to promote Turkey's reforms in line with EU norms and regulations, several member states have been increasingly concerned about Turkey's full membership in the EU regardless of the status of Turkey's reform efforts (Tocci, 2007). Until 2002–03, EU skepticism regarding Turkey's membership was rarely voiced in the open. With a few notable exceptions, European declarations normally focused on Turkey's shortcomings in the areas of democracy and human rights. However, as the prospects of Turkey's membership became more tangible with the approaching launch of accession negotiations in 2005, the underlying interests and positions of the member states came to the fore. Key personalities in France voiced their fears that Turkey's entry would dilute the EU's loosely defined "*esprit communautaire*," imperil the EU's deepening integration, and push the EU's borders into the volatile Middle East and Eurasia. Actors in Germany, France, the Netherlands, and Austria have argued that Turkey's economic development would entail high levels of redistribution of EU funds to Anatolia, bankrupt the Common Agricultural Policy, and lead to an invasion of "Turkish plumbers" into the Union. Greece and more recently Cyprus have mobilized EU conditionality (requirement/s for a candidate state to become a full member) to win bargaining

points in their bilateral disputes with Turkey. Least noble of all, politicians, political parties, and journalists across the EU have been reluctant to embrace a country with an allegedly “different” culture and religion (Casanova, 2006), which might hamper the definition of a cohesive European identity. Member states’ skepticism has been compounded by other intra-EU problems, such as enlargement fatigue since the 2004 “big bang” enlargement, and the EU’s constitutional ills during the period between the Dutch and French “no” to the Constitutional Treaty in 2005 and the Irish ratification of the Lisbon Treaty in 2009,<sup>1</sup> which have cast dark shadows over Turkey’s EU future.

These concerns, which relate to the widespread European perception that Turkey represents a somewhat “different” candidate, have led to a growing EU focus on a formerly forgotten Copenhagen criterion for accession: the EU’s “absorption capacity.” Turkey’s size, location, and strategic significance set it apart from previous candidates, for good and for bad. Hence, the question that looms large in the minds of European policymakers is the impact that Turkey’s membership would have on EU institutions, on the goods and services market, on labor markets, on the EU’s budget projections, and on EU foreign policy. Whereas on some of these questions the benefits of membership are self-evident, on others European policymakers see the need to tackle potential areas of concern through efforts undertaken both by Turkey and by the EU (Tocci, 2007).

### *A changing Turkey facing Europe*

The EU has always represented far more to Turkey than a foreign policy project. Associating with and integrating into European structures has been an integral element of Turkey’s own modernization process, be this as interpreted by establishment actors, by more liberal forces, by the socially conservative Justice and Development Party (JDP), or by groups on the fringes of the Turkish mainstream, such as Kurds, Armenians, and other minority groups. In other words, the EU has represented a project, a process, and an aspiration for a wide spectrum of groups, which often have shared little else among themselves. The shared European objective of multiple actors in Turkey explains why the EU has been a constant feature in Turkish politics. Yet the sheer number of actors involved, with different aims, visions, and thus interpretations of EU integration and Turkish development, also contributes to explaining the highly contested and erratic nature of EU-Turkey relations.

The trends in Turkish politics, alongside developments in the country’s security situation and economy, represent the flip side of the coin determining the pace and shape of EU-Turkey relations (Narbone and Tocci, 2007). The mid-1990s were characterized by a relatively high degree of instability in Turkish party politics, featuring unstable coalition governments, the rise of political Islam, and an ensuing “soft” military coup in February 1997. At the same time, the Turkish economy, while reaping the benefits in terms of growth and export capacity from its global opening in the 1980s, was hampered by deep macroeconomic instability, giving rise to recurrent crises. The security situation was also dire, as Kurdish separatism, which in the 1980s and 1990s led to 35,000 deaths and multibillion-dollar costs, fed the security discourse. This discourse interlocked with rising Euroscepticism in Turkey in the context of the 1997–99 nadir in EU-Turkey ties, particularly when in 1999 Kurdistan Workers’ Party (PKK) leader Abdullah Öcalan toured Europe in search of a safe haven. The Öcalan affair reinforced the feeling that when territorial integrity and national security were at stake, Turkey could rely only on itself. In terms of EU-related reforms, this meant that few steps were taken during those years. For its part, the EU was hardly forthcoming in its decisions regarding Turkey’s EU membership, viewing the 1996 Customs Union agreement as an adequate substitute for, rather than a stepping stone to membership.

Yet following the 1999 elections in Turkey, which led to a coalition government between the Democratic Left Party, the Nationalist Action Party, and the Motherland Party, and even more so after the landslide 2002 election, which saw the rise of the JDP, a greater degree of domestic political stability induced a newfound commitment to pursue the EU project. Hence, there occurred the beginning of a reform process in the wake of the 1999 Helsinki European Council decision, and beyond that, the wave of reforms in the 2001–05 period.

Particularly in 2001–05, the convergence of domestic economic and political factors shaped the acceleration of Turkey's EU-related reforms. At the economic level, two major crises, which struck Turkey in November 2000 and February 2001, precipitated a wide-ranging debate on the country's structural flaws. Half-hearted reforms were ruled out. Turkey could not afford to fall yet again into a cycle of short-lived adjustment, followed by uncontrolled public spending at the first signs of recovery. The political class had to lead the country toward long-term reform, increasing transparency and accountability, reducing the state's presence, and eradicating corruption, cronyism, and political influence over the economy. The economic reforms that followed, ushered in by the minister for economic affairs, Kemal Derviş, and the ensuing economic recovery and stabilization, provided a major boost to Turkey's EU accession prospects. At the political level, the rise to power of the JDP led to a new determination to pursue EU-related reforms. Unlike the unwieldy coalition governments of the 1990s, the landslide victory at the 2002 general elections equipped the JDP with the capability to pursue a reform agenda largely unhindered. The first JDP government was not only able to act, but also determined politically to follow an EU-related reform path. The accession process provided the JDP with a politically acceptable framework within which to pursue political liberalization without raising too many eyebrows in the secularist establishment. In addition, the accession process became the vehicle by which the JDP could shed its Islamist reputation, above all within the EU. On the basis of its commitment to reform, the first JDP government succeeding in marginalizing the nationalist opposition and winning over a large informal coalition of supporters (Cook, 2009), which included sectors of the establishment and of the liberal elites in academia, journalism, and business, as well as of the more marginalized groups, such as the country's Kurdish citizens.

Since 2005, however, the reform momentum in Turkey has slowed, while the public has become increasingly disillusioned by the EU (Transatlantic Trends, 2009: 27). Since 2005 there has been a worrying wave of prosecutions limiting the freedom of expression of activists and intellectuals, as well as a resurgence of violence in the southeast. Particularly since 2007, the country has become increasingly polarized with reference to the acrimonious power struggle between opposing domestic forces, epitomized by the crisis over the election of Abdullah Gül as president in 2007, the judiciary's closure case against the ruling JDP party in 2008, and the Ergenekon case in 2009 (Jenkins, 2009; European Stability Initiative, 2008).<sup>2</sup> Viewed from a different angle, however, Turkey, having undertaken groundbreaking reforms on paper in 2002–05, has since then been undergoing the "real" domestically induced transformation of its political, economic, and social structures as well as of its identity, norms, and values. Like any transformation, this entails complex and multifaceted power struggles between and within different sectors of society, the outcome of which cannot be assured. What can be ascertained is that for the time being, Turkey's domestic transformation has become more detached from the EU moorings than was the case in the early years of the twenty-first century. Testimony to this is that even those initiatives that have been applauded by EU actors, such as the 2009 "Kurdish opening" or the signature of the protocols foreseeing the normalization of relations between Turkey and Armenia,<sup>3</sup> have been initiated and pursued by Turkey for the most part independently of the EU accession process.

In addition to the EU's increasingly cold feet regarding Turkey's accession process, domestic political and security factors explain Turkey's detachment from the EU. At the security level, the re-eruption of PKK violence in 2004–05, coupled with Turkish concerns about Kurdish secession in northern Iraq, reawakened dormant fears and nationalism in Turkey. The global mobilization against the 2003 war in Iraq and the Turkish insecurity and nationalism ignited by the Kurdish problem combined to trigger anti-Western sentiments within some sectors of Turkish society, which were magnified by the longstanding Sèvres syndrome in the country.<sup>4</sup> Mounting tensions and mistrust between Turkey and both the EU and the United States were conflated into a new anti-Western brand of Turkish nationalism (Grigoriadis, 2006). At the political level, the growing polarization between the JDP and establishment forces, and the growing disenchantment of the JDP and its sympathizers with the EU in view of EU policies toward Cyprus and Turkey have led to a reduced ability and willingness to pursue an EU reform agenda in Turkey.<sup>5</sup> This in turn led to a growing disaffection on the part of liberal and minority segments of the country, which had been formerly supportive of the JDP and its EU agenda.

### **Virtuous and vicious cycles of interaction between the EU and Turkey**

The cyclical character of EU–Turkey relations lies in the contested nature of the relationship on both sides. Yet, equally important is the interaction between the dynamics within the EU and Turkey. It is the interlocking of these two sets of dynamics that has determined the direction, pace, and shape of the relationship over the years.

The vicious circle in EU–Turkey relations was reversed into a virtuous one after the December 1999 Helsinki European Council, when Turkey was recognized as a candidate for membership and began preparing for the opening of accession talks. As Turkey switched from the framework of association and the customs union to that of the accession process, EU incentives for Turkey's domestic transformation were magnified. EU actors had become increasingly sensitive to Turkey's domestic shortcomings in the 1990s. Indeed, during negotiations over the customs union, EU actors had attempted to exert pressure on Turkey regarding its internal political situation (Krauss, 2000). Nonetheless, Ankara had snubbed EU pressure and limited itself to slightly modifying a controversial article of its anti-terror law. Likewise, during the 1997–99 period when Turkey was kept out of the enlargement process, there was little progress or incentive to pursue domestic political reforms. The only steps forward were minor amendments in the penal code, reduction of the time period during which someone may be held in police custody, and the removal of military judges from service in state security courts.

In sharp contrast, when Turkey moved into the framework of accession, the instruments and incentives embedded in this framework granted the EU far greater influence over Turkey's domestic transformation. Hence, after a slow start in 2000 and 2001, Turkey's reform momentum accelerated in 2001–05. The first major breakthrough came in October 2001 when 34 constitutional articles were amended. An even more significant turning point came in August 2002, when the Turkish parliament approved a far-reaching legal harmonization package, including abolition of the death penalty, the right to broadcast and teach in languages other than Turkish, broadening of the freedoms of speech, association, and assembly, and recognition of religious minorities' property rights. As Turkey made efforts to gain its "date" to begin accession negotiations, incentives for reform peaked, and consequently 2003 and 2004 were the most intense years of the reform process. During that time, another major constitutional reform, a series of legislative packages, a new penal code, and numerous laws and regulations modified



many of the most restrictive features of Turkey's legal and political system. As Turkey transformed domestically, its allies in the EU grew in strength and number, leading to the opening of Turkey's accession negotiations in October 2005.

Concomitantly with the opening of accession negotiations, however, the virtuous dynamic lapsed again into a vicious one. As European debates on the desirability of Turkey's membership became more vocal, acrimonious, and detached from objective assessments of Turkey's reform process, Turkish incentives to reform in line with EU standards waned. For the EU to play a constructive role in Turkey's domestic transformation, Turkey's reforms must be viewed as the prime determining factor shaping the evolution of Turkey's accession process. When other factors, lying beyond the volition of candidate Turkey, are flagged as determinants of Turkey's European future, then Turkey's incentives to transform in line with EU standards decrease dramatically. All energies are devoted instead to the political battles raging in the country, which have characterized domestic politics in Turkey particularly since 2007. This is because the absence of a strong European commitment to Turkey's membership fuels Turkey's insecurity, ignites a sense of rejection, and reawakens Turkey's Sèvres syndrome. In doing so it provides ammunition for those in Turkey who abhor the prospects of a Europeanized Turkey, as well as those in the EU who would prefer that Turkey's accession process come to a halt.

Much as in the mid-1990s, since 2005 “anti-Turks” in Europe and “anti-Europeans” in Turkey have thus reinforced each other, generating a spiraling cycle of antagonism and lack of reform within Turkey, together with a distancing from Turkey on the part of Europe. Alas, at the time of writing, this continues to be the prevalent dynamic between the EU and Turkey. However, as this chapter has demonstrated, the history of the relationship suggests that this will quite possibly not be the case in the future. When a different constellation of actors and factors within the EU and Turkey interlocks and interacts, a virtuous dynamic may well be set in motion again.

## Notes

- 1 Following an initial Irish rejection of the Treaty in 2008.
- 2 Ergenekon is the name of an alleged clandestine, secular, and ultranationalist organization in Turkey, said to include members from numerous sectors of society (academia, the media, politics, administration, and the judiciary) with ties to members of the country's military and security forces. The group is accused of fomenting terrorism in Turkey with the aim of toppling the JDP government and derailing Turkey's accession process. Over 100 people, including generals, party officials, lawyers, and a former secretary-general of the National Security Council have been detained or questioned since July 2008. Hearings began on 20 October 2008 and were ongoing at the time of writing in 2011.
- 3 The two protocols signed by Turkey and Armenia in October 2009 provide for the development of bilateral relations (including the establishment of diplomatic relations as well as a commission of historians) and for the opening of the border between the two countries.
- 4 The Sèvres syndrome indicates the preoccupation in parts of the Turkish political culture with the 1920 Treaty of Sèvres, which redesigned and drastically scaled down the size of the prospective Turkish state after the end of World War I and the collapse of the Ottoman Empire. The collective memory of Sèvres has deeply influenced the psychological development of the Turkish Republic, inducing it to highlight “territorial integrity” as a leading principle underpinning laws and policies as well as wider political and popular cultures. The memory of Sèvres has also led to the interpretation in Turkey of international recommendations and pressures as undue external interference aimed at disintegrating the Turkish state.
- 5 While the body in question is distinct from the EU, the JDP was particularly disappointed by the judgment of the European Court of Human Rights (Council of Europe) on Turkey's headscarf ban, which ruled that the ban does not constitute a violation of fundamental rights: *Leyla Şahin v. Turkey*, Application No. 44774/98, 10 November 2005.

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