The European Union as a Transformative Power: Prospects and Dangers on Turkeys Progress towards Accession

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Introduction

What degree of influence does the EU-led democratization process exerts on the transformation of Turkey throughout the latter’s internal peace process? Despite the EU membership conditionality plays a significant role to facilitate this process, the vital role in transformation is not the ‘EU membership’ but rather the ‘process’ of EU-led democratization. This process based on Copenhagen criteria is an appropriate model for Turkey to peacefully transform her internal power struggles. It has proved undue challenges for Turkey to maintain her internal peace process without EU aids and assistance. The EU-led democratization process would facilitate Turkey’s internal peace process through the solution of internal power struggles in a similar way what consolidated Western democracies have already achieved. The view of this article laying its’ emphasize on the vitality of the accession process differentiates from the view of widespread literature laying their emphasize on the vitality of the EU membership.

The article elucidates a range of mechanisms offered by Slaughter and Burke with the claim that can maximize the benefits of the process while avoiding the drawbacks experienced in Turkey’s progress to fulfill EU’s expectations. Slaughter and Bourke-White-White points to the employment of EU way of law for transformation of her member states’ national legal systems that depends on its competences to backstop, strengthen and compel national legal systems. Through a focus on this EU way of law, this article examines EU’s transformative role on Turkey to investigate the possibilities that the former can lead to the transformation of the latter’s through facilitating its internal peace process. As a methodology to examine EU’s expectation and Turkey’s progress to fulfill these criteria, the article offers a content analysis of the relevant EU documents. These documents include: regular reports prepared by the European Commission once a year; the resolutions of the European Parliament; the relevant reports of EU officials such as the 1988 Walter Report, the 1992 Dury Report and Agenda 2000; and, the conclusions of the March 1995 Customs Union Agreement, the December 1996 Madrid Summit and the December 1997 Luxembourg Summit.

After briefly introducing the research question, its importance and the methodology to answer it in this part, the second chapter of the article interprets a historical literature about the debates on EU’s global role and theoretical model involving different pathways through which the EU can exert its transformative power. Then, the third chapter offers a content analyze to examine the EU’s expectations from Turkey and Turkey’s progress to fulfill these
Further then, the fourth chapter will develop a hypothesis addressing how to avoid dangers such as manipulating problem while successfully implementing the EU mechanisms to become ingrained in Turkey’s political system. To close, the article will conclude how to establish a successful link between the EU accession process and internal peace process.

A Brief History and the Pathways of EU’s Transformative Power

This chapter firstly interprets a brief historical literature about the debates on EU’s transformative role based on its civilian power and normative power. Then, it examines a theoretical model involving different pathways through which the EU can exert its transformative role as a part of her soft power. These pathways include conditionality of her relations, being a model of pooled sovereignty as well as a precedent for intrastate relations. During the Cold War, whilst the European integration project has strengthened the EU’s consolidated democracy with the aim of securing a lasting stability and internal peace within its borders, it also sought to spread this beyond its borders. The neighboring countries have been at EU’s target to extent its internal peace through political restructuring and elimination of the rivalries. Through making her relationship with third parties conditional on EU criteria, the EU sought to peacefully transform these countries.

The EU during her integration process, which started since the ratification of the 1951 Paris and the 1957 Rome treaties and still ongoing, has achieved economic integration through successfully completing the phases such as the Custom’s Union, Common Market and Common Currency. As the intellectual father of the concept of ‘Civilian Power Europe’, Francois Duchane lays a strong focus on EU’s economic capabilities.\(^1\) Despite her economic achievements as well as influence, it has nevertheless remained a debatable issue whether the EU is a global power – that has been a focus for the scholars of IR discipline. While economical and politically developed countries had mobilized hard power to transform the rest of the world in accordance with their preferences, this transformations have not been sustainable but rather triggered cancerous societies. Accusing hard power as short termed, Joseph Nye’s who first coined the concept of ‘soft power’ rather defines EU as a transformative power exerting attractiveness due to cultural as well as economic influence which, in turn, changing pluralistic global societies.\(^2\) The concept of soft power compromises

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\(^{1}\) Duchene 1971

\(^{2}\) Nye 1990
of: the degree of economic and political influence extended; political values; and, the level achieved in cultural, democratic and moral platforms. Also, the concept of soft power is more inclined to humanitarian intervention and policies. Being widely accepted among many IR scholars, this concept of power might be more sustainable according to hard power.

Reviewing Duchene’s traditional view of the EU as ‘civilian power’, Manner’s view of the EU as a ‘normative power’ has been characterized by certain EU principles. These principles stems from the power of values that includes core norms such as centrality of peace, liberty, democracy, rule of law and respect for human rights and fundamental freedoms; as well as, minor norms such as social solidarity, anti-discrimination, sustainable development and good governance. The promotion and extension of these norms has already brought the EU to offer a transformative role which is far beyond than being a form of economic government for the management of global economics. Manner’s focus was rather on the ideational impact of the EU as a norm promoter that contributed the diffusion of norms through contagion, informational diffusion, procedural diffusion, transference, overt diffusion and cultural filter.

EU expert Mark Leonard’s view of the EU as ‘a transformative power’, on the other hand, defines her as “a decentralized network that is owned by its member-states.” The transformative characteristics of a global actor derives from: a stable and powerful economy stimulating her global corporations and brands; a stable democracy representing and promoting freedoms; and, a strong culture bringing her history, traditions and knowledge into a synthesis with realities of development – modernization. Contrarily to the US perspective of EU’s lacking military capabilities as a weakness, Leonard rather maintains that absence of military capabilities is demonstration of not weakness but more influential transformative power – due to her universality in democratic and legal platforms. Claiming this power as an ‘invisible hand’, Leonard maintains that countries having transformative power can acquire their demands from other in a more sustainable way.

The EU has offered a transformative power through her ‘processes and mechanisms’, wherein global law operates, which were first incorporated by means of institutionalization of EU’s relations with third parties – what Manner puts as procedural diffusion. Maintaining peace and stability within her borders, the EU has been in the pursuit of being a model for cooperation with neighbouring countries, prosperity, reconciliation and stability with regard

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3 Manner 2002
4 Leonard 2005
to security. The EU has intended to expand these policies through her enlargement policies which were conditioned on specific EU norms. The EU generally makes membership conditional on fulfilling the Copenhagen criteria as well as harmonization of national legislation with the acquis communautaire – which is explained in the EU’s official Europa webpage as “the body of common rights and obligations that bind all the EU countries together within the EU”. The EU’s overall approach towards candidate states is to express her expectations through stipulating a set of political criteria that has been established at the June 1993 Copenhagen European Council Summit. Since then the EU membership has become conditional on: a stable and institutionalized democracy; respect for human rights; and, protection and recognition of minorities. This, in turn, while clarifying the EU’s democratization expectations, has brought the EU to transform the candidate states through imposing Copenhagen criteria as conditions. Then following the December 1995 Madrid European Council Summit, ‘administrative capacity’ has become increasingly significant as conditionality for the candidate states seeking to become an EU member state. In the 2012 EU Enlargement Strategy, the ‘priority of law’ has become at the core of Copenhagen political criteria. Manners points out that both procedural diffusion and transference of EU aids as well as assistance are accelerated through EU’s commitment to make her internal and external relations informed by and conditional on universal norms and principles. The EU as a transformative power establish relationships based on a conditionality requiring third parties to consent for modifying their national legislation accordingly to EU laws and recognizing authority of the EU for continual observation – to safeguard whether they follow their responsibilities. These backstopping provisions of EU accession process, on one hand, offers a back line of guard in case of third parties’ internal components fail, while on the other hand, strengthens her capacity and will to act against transnational threats more effectively and efficiently through prevailing over the potential resistance of influential groups. The conditionality requirements of the EU accession process mobilizes a compelling inspiration for EU ‘aid’ and ‘assistance’ particularly targeted for internal restoration of third parties from the bottom up.

Through establishing standards and incentives, the EU as a model of ‘pooled sovereignty’ exerts a transformative power that has sought to spread her internal peace far beyond her borders through extending member states decentralized government networks. These government networks of EU officials are mechanisms of law making and codes of global best practices wherein European law is typically made and executed. The EU as a model of global
best practice has sought to extent influence through exporting her decentralized network mode and experience of regional integration. The EU’s pooled sovereignty has become a model promoting of this process when her member states started delegating their Westphalian type of sovereignty to supranational EU institutions through the Treaty of Rome. The EU instruments have gradually diffused throughout Europe while eliminating interstate wars and, in turn, spreading internal peace of Europe to far beyond the borders of EU.

The focal point of the EU institutions to tackle intrastate relations rather than interstate relations has already become a precedent and internationalized. This, in turn, facilitated the expanding intertwined dynamism between the global legal rules and national institutions while the former has a crucial function to build up the latter – which is expected to incorporate several mechanisms. The unexpected dynamism of the transnational threats experienced during the post-Cold War era, has put pressure on European decision makers to formulate policies that go beyond the agenda of EU enlargement policy and extent EU’s experience of internal peace to its region. Slaughter and Burke-White link the main shortcomings of the global system to the absence of institutions and determinations of national governments while the relative strength of transnational threats surpassing their capabilities. For tackling this shortcoming, Slaughter and Burke-White recommend maintenance of the global legal system’s moving role from “independent regulation above the national state to direct engagement with domestic institutions through: strengthening domestic institutions, backstopping national governance, and compelling domestic action”.

To conceptualize, the EU as a soft power exerts a transformative role which is stemming out from: EU conditionalities for procedural diffusion and transference of EU aids and assistance, as a model of ‘pooled sovereignty establishing standards and incentives’ and as a precedent of tackling intrastate relations rather than interstate relations. This transformative role is more influential for the candidate states that the EU membership conditionality mobilized pressure over them to fulfill the criteria what the EU expects from them. These procedures facilitate peaceful transformation of internal power struggles within these candidate countries in a similar way what consolidated EU democracies have already achieved. Even, it is the ‘process’ rather than EU membership that is more vital for the transformation of these candidate states. Once a candidate state becomes an EU member, it might not obey the EU conditionalities such as the Copenhagen criteria which are designed for candidate states.

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*Slaughter and Burke-White 2006*
Thus, the process might be more transformative for candidate states restoration based on the Copenhagen criteria. Turkey’s prolonged accession process has already proved that Turkey’s soft power strengthened as much as progress she achieved to fulfill EU’s expectations from her.

EU’s Expectations and Turkey’s Progress

This part of the article seeks to examine the EU’s expectations as well as Turkey’s progress regarding the democratic consolidation in the latter. Stemming out from the Copenhagen criteria as well as some other political conditions, the EU’s expectations have been intensified on the democratic settlement of the Kurdish issue as well as the balance between civilian and military relations. Turkey’s accession process with the EU has experienced a roller-coaster progress and proved that the mechanisms of conditionality depend on a concrete prospect of membership. Turkey’s initial application to join the European Economic Community was only due to the application of Greece in 1959. While the EU-Turkey relations had experienced a rupture during the military regime of 1980-1983, the prolonged accession process has only started to move upon Turkey’s return to civilian government. Following the conclusions of the September 1986 Brussels EU-Turkey association Council meeting, Turkey was expected to facilitate restoration of democracy and human rights in order to normalize relations. Turkey recognized the competencies of the European Commission of Human Rights on January 23, 1987 and officially applied to be a candidate for EU membership on April 14, 1987 – which is taken as the starting point to examine Turkey’s progress.⁶ The analysis of EU-led democratization process will be divided in three parts including: firstly, the initial period during the years 1987 to 1998; Secondly, the golden period during the years 1998 to 2005; and, thirdly the rifted period since 2005 to present. As a methodology, what offered is the content analysis of relevant EU Parliaments resolutions and the reports prepared by the Commission once a year to report the progress made by Turkey – since the December 1997 Luxembourg Summit.

The first period covers the years from when Turkey first applied to be a candidate for EU membership in the 1987 to when her application has meet the approval of the European Council – during the December 1999 Helsinki meeting. On September 27, 1989 Turkey’s President Turgut Özal proposed a democratization plan to the Council of Europe. The plan

⁶ Tocci 2011, 50
then became perceived as a manifesto promising for the amendment of the constitutional laws that criminalized the exercise of thought as well as the right to freedom of expression, association and religious belief. Özal’s manifesto also promised to acknowledge the authority of the European Court of Human Rights (ECtHR). The AVIS was declared upon the December 17, 1989 meeting of EU Commissions that looked askance at the Turkey’s EU candidateship. After examining the political situation of Turkey, the AVIS report draw the conclusions that the reforms made in Turkey brought her into a parliamentary democracy more closed to those of European Community members but not enough to be at the same level that a consolidated democracy requires. Since an official candidate status was not given to Turkey, during the ongoing process it was not the Commission and the Council but rather the European Parliament that played a significant role to manage process. Fulfilling the Copenhagen criteria was at the core of what expected from Turkey as called by many European Parliament Resolution’s as well as other relevant reports – such as the 1988 Walter Report, the 1992 Dury Report and Agenda 2000. Also the conclusions of the March 1995 Customs Union Agreement, the December 1996 Madrid Summit, the December 1997 Luxembourg Summit and the 1998 Regular Report of the Commission called for a non-military solution of Kurdish problem through a democratic framework as well as a balance to civil-military relations through strengthening civilian control. In addition to these, the EU called for constitutional amendments to comply with the principles of Organization for Security and Co-operation in Europe (OSCE) – that seeks to guarantee freedom of expression. The EU was uncomfortable with the democratic deficits in Turkey such as: unfairly functioning of the public authorities; state repression as a reaction against the PKK terrorist activities; the dissolution of pro-Kurdish the Democracy Party (DEP) and the detention of their deputies; Article 8 of the Anti-terror law that prohibited the propaganda making; torture and ill treatment in police custody; and, the death penalty. In addition to these Turkey was expected to deliver her commitment through acknowledging the authority of the ECtHR – as it was promised. Lacking conditionality mechanisms of EU membership, Turkey’s progress remained limited during this period.

The golden age of Turkey’s EU accession process has been the period from the December 1999 Helsinki Meeting to the October 2005 Luxemburg meeting when Turkey’s accession negotiations have officially started. The EU’s democratization expectations from Turkey in

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7 Tocci 2011, 50  
8 Agenda 2000, 1997  
9 Regular Report 1998, 53
executive part have been harmonization with the procedures in the EU member states and reform of the public administration. The AKP coming to power in November 2002 has increasingly strengthened its control over the military, while sought to bringing into line with EU practice. The domination of military members over civil members in the National Security Council (NSC) has been limited. The AKP government appointed a civilian Secretary General of the NSC while limiting his control over the president and prime minister. Also, Turkey took cautions to increase budgetary transparency through transferring authority to Court of Auditors to supervise military and defense expenditures and including budgetary funds in the general budget. Nevertheless, the military’s influence through a series of informal mechanisms has continued to remain as a key concern of the EU. The EU also expected an independent and efficient judiciary through: strengthening the accountability of public officials; harmonization to ECTHR as well as ECHR; and, the abolishment State Security Courts as well as Military Courts issues. In line with the EU’s expectation regarding the legislative system, the AKP adjusted the law establishing Intermediate Courts of Appeal. What remained the key concerns of the EU, on the other hand, were defined as “the draft new code of Criminal Procedure, the draft laws on the Establishment of the Judicial Police and on the Execution of Punishment”. The EU welcomed Turkey’s approval of European Councils Private Legal Treaty against Corruption and membership to Group of States against Corruption (GRECO) as well as adjusting some anticorruption measures through ethical rules for public servants. Yet, continuing to negatively influence many spheres of the economy and public affairs, the advanced level of corruption has remained another key concern of the EU. Briefly stating, Turkey realized political reforms in line with EU’s expectation which have been introduced by the 2001 and 2004 Constitutional reforms as well as eight legislative modifications including a Civil Code and a Penal Code. And, many laws, regulations, decrees and circulars such as the reform monitoring group were established to ensure the implementation of reforms. As a result, Turkey’s significant progress fulfilled the Copenhagen Criteria that the European Council decided in December 2004 to open accession negotiation.

During the last period since the opening of accession negotiations on October 2005, the pace of democratization reforms slowed down in part reflecting the lack of membership
conditionality. While the democratization achieved in civil-military relationship through the increased civil control over military and defense budget have been seen as positive developments by the EU, there are still need for more reforms especially civil supervision of military judgment system and gendarmerie. Apart from the increased civil supervision on security forces, the EU has also been satisfied with the achievements in provision of public scrutiny, national human rights institution, woman’s rights and gender equality, as well as approval of third and fourth judgment packages. Nevertheless, there has also been growing evidence in Turkey’s behavior proving stepping back from the EU-led democratization process. One of the sources of EU concerns intensified on the actions of President Erdoğan for the adoption of a new constitution setting up a presidential system of governance and struggle against the so-called ‘parallel structure’.14 This strong influence by the executive over the judiciary has confronted the independence of the judiciary as well as the principles of separation of powers. While the EU had been impressed from the Gezi demonstrations that aimed to defense liberal and democratic values, she condemned the AKP for allowing police cruelty during intervention against demonstrators through accusing them as linked to terrorist organizations.15 In order to justifying these anomalies, the AKP proposed and approved many articles of an internal security package – that gives unlimited authority to police forces as another step backward from the EU accession process. Another source of EU concern is the miscarriage of internal peace process through the continuation for mistreatment of Kurds. The EU strongly supports a new constitution to ensure objectivity and independency of the judiciary and to find a political solution for Kurdish issue that came to a halt. Thus, Turkey is expected to encourage a greater participation of all legitimate political groups in this process of constitution making. Then, what expected in legislature is to further strengthening supervision capacities of the Grand National Assembly of Turkey and Court of Accounts.16 The EU expected Turkey to fight against corruption through encouraging civil participation and increasing self-awareness. What the EU officials also found unacceptable was the way of treatment of the December 2013 corruption scandal and unseating many police as well as security officials upon accusations for AKP’s involvement in crony capitalism.17 Sending journalists to prison, changes to the internet law that justified arbitrarily eliminating the use of social media has also became one of the source of EU concerns.18 The recent dismissals as

14 Turkey Progress Report 2005, 9
15 Turkey Progress Report 2005, 62
16 Turkey Progress Report 2015, 9
17 Turkey Progress Report 2015, 17
18 Turkey Progress Report 2015, 20
well as demotions and centralized administration of state institutions ran against the EU expectations of public administration reform. Thus, strengthening local administrations, local participation and decentralization is expected to strengthen the institutional capacity and modernization of the delivery of public.

Specifying these drawbacks from democratization process, the Middle East expert Robert Fisk questioned the President Erdoğan’s actions in an Independent article on April 12, 2014 whether “had a conservative, level headed democrat suddenly shown his true colors?”. To answer his question, Turkey’s recent process of general elections deserves a further investigation. Being elected as president through popular vote in August 2014 and eliminating military coup threats in internal power struggle, President Erdoğan was perceived as being encouraged to rule Turkey through a presidential system. The Progress Report 2015 noticed his apparently biased role in the campaign of the 7 June general elections which “was confrontational and focused on a possible shift to a presidential system of governance”19. The international observers criticized his behavior “as overstepping the President’s constitutional prerogatives”.20 The Progress Report also stated that “the use of public resources to support the AKP campaign was criticised. The media faced increased pressure and intimidation, which contributed to self-censorship.”21 Nevertheless, the AKP lost the chance to come to power alone in the June 7, 2015 elections. Thus, in order to override the result of these elections, the AKP has brought forward November 1, 2015 elections. The campaign of repeat elections was under influence of a confronting security environment that government carried out extensive security and military operations as a response to terrorist attacks. It was suspicious that the operations targeted districts that voted more than 90% to People’s Democratic Party (HDP) which raised slogan “we'll not let you be president” – through addressing President Erdoğan. This raised questions whether the main motivation behind these operations was to eliminate legitimate opposing groups.

Turkey’s suspicious electoral process raised in our minds the question whether the President Erdoğan and the AKP have manipulated the EU-led democratization process and EU conditionalities to serve his secret agenda. It cannot be ignored that the lack of a concrete prospect of EU membership plays a part in the drawbacks from the EU-led democratization process. But this assumption contradict with the President Erdoğan’s previous statement on

19 Turkey Progress Report 2015, 7
20 Turkey Progress Report 2015, 7
21 Turkey Progress Report 2015, 7
the record that even if a rupture happens in EU accession process, Turkey will still implement the ‘Copenhagen Criteria’ under the name of the ‘Ankara Criteria’. To conclude, The EU’s democratization expectations from Turkey have been intensified on strengthening civil supervision mechanisms while shifting the power from military bureaucracy to civil authorities. Nevertheless, the recent drawbacks from EU-led democratization proves that the EU conditionalities has been manipulated as a justification to eliminate military decision making that would have been a major resistance against any attempt to end democracy in favor of a single party system ruled by the AKP.

**Reinforcing EU-led Democratization while Avoiding Manipulation Problem**

Based on the conclusions drawn from the previous chapter, this chapter seeks to offer appropriate mechanisms to eliminate the manipulation problem experienced throughout Turkey’s EU-led democratization process. The EU-led democratization process facilitated bringing military decision making under the AKP’s authority which, in turn, has ironically exploited its increased authorities to eliminate legitimate opposing groups – as the Progress Report 2015 on Turkey emphasizes. In the forefront of threats in implementing the EU mechanisms is that national governments might manipulate EU conditionalities to serve their own ambitions. To avoid these threats, the article elucidates a range of mechanisms suggested by Slaughter and Burke with the claim that “the goal must be to maximize the benefits of backstopping, strengthening and compelling functions while avoiding the dangers evident.”

The pooled sovereignty model of EU well appropriates with Slaughter and Burke-White’s recommendations for strengthening government institutions through: ‘government networks’, as instruments of incorporating international authority into internal components of countries; pooled sovereignty, what Stephan Krasner offers a model for intertwined dynamism of global legal rules with particular subject fields within countries through the establishment of self-ruling institutions; setting benchmarks and standards, stemming from legal instruments and codes of international best practices; and fostering various methods of extending aid and assistance such as conditionality requirements. Then for backstopping domestic institutions, the conflict resolution mechanisms such as the International Criminal Court can intervene and

22 Gürbüz 2015, 18
23 Slaughter and Burke-White 2006, 348
24 Slaughter and Burke-White 2006, 337
guarantee for backstopping ineffective national governance institutions. Slaughter and Burke-White as a last resort offer for global legal system to actively compel national governments to reverse their choices in favor of universal norms. Stressing the need of global legal system to target states like Turkey, Slaughter and Burke-White call global rules, regimes and institutions to be reorganized in order to tackle resources and capabilities of governments like the AKP.

It has been unacceptable for the EU that appointed military staffs exerting power over the elected parliament in Turkey had been unacceptable by the EU. A significant achievement throughout Turkey’s EU-led democratization process has been bringing the military decision making under civilian authority, which fulfilled one of the most important expectations of the EU from Turkey. Additionally, following this shift of power from military to civilian authorities, the EU expected Turkey to strengthen her internal control mechanisms in order to secure legal and institutional independence as well as embedded checks and balances – through consolidating her democracy similar to EU member states. Nevertheless, a great challenge arose when AKP’s totalitarian policies as well as President Erdoğan’s ambitions for presidential system have already proved stepping back from Turkey’s EU-led democratization process. This presidential system is not based on a model where checks and balances works efficiently to contribute effective executive power, but rather based on a model that aims to prevent checks and balances in order to not become as an obstacle to monopolization on power. Thus, AKP’s increased totalitarianism proved suspicions whether the EU accession process has been manipulated by the AKP to facilitate monopolization of power throughout internal struggles – which is actually against the principle of separation of powers.

The EU must target to assist candidate states in making best of EU-led democratization process, while counteracting the obvious risks in states like Turkey – wherein institutional independence as well as embedded checks and balances are threatened. The EU mechanisms such as twinning administrations and agencies may step in reinforcing the capacity or will of AKP government where it proves not sufficient to consolidate Turkey’s democracy similarly to those of the EU member states. Moreover, the regular reports prepared by the European Commission have emphasized the insufficiency of the administrative and judicial capacity as one of the primary reasons why the candidate countries experience difficulties “to implement

25 Slaughter and Burke-White 2006, 339  
26 Slaughter and Burke-White 2006, 343
and enforce the acquis”.27 Therefore, for the purpose of assisting the candidate states to overcome these challenges, the European Commission has provided substantial financial aids and human sources. Through employing “the mechanism of twinning administrations and agencies”,28 the European Commission offers to the candidate states to benefit from “the vast body of Member States’ public sector expertise available to the candidate countries through the long-term secondment of civil servants and accompanying short-term expert missions and training”29

As Slaughter and Burke offer, capacity-building or compelling through reorganizing global rules, regimes and institutions can also be employed to advance global legal pursuits.30 Nevertheless, this capacity building should address the well-functioning mechanisms of Turkey while constraining the influence of manipulative ones. In distinguishing between those well-functioning mechanisms from manipulative ones, it would be helpful to investigate how Slaughter and Burke define characteristics of states that are not expected to manipulate power.31 Firstly, Slaughter and Burke emphasize the need for directly reinforcing well-functioning institutions that are distinguished from abusive ones according to their liberty and transparency. Subsequently, these institutions should be secured by strong constitutional frameworks as well as embedded checks and balances. Ultimately, states having these characteristics will secure their legal system and institutions from malevolent governments that are inclined to manipulate the power. In case of any attempt for manipulation of power, a self-correction mechanism will arise within the internal system. Slaughter and Burke provide EU member states as illustration due to fact that many of those have independent and transparent institutions which proves this prediction. Even if any EU member states government similarly the AKP uses alignment with acquis to justify its strategy of declining the power of legitimate opposing groups, there would be self-correction mechanism within the domestic political system.

Furthermore, Slaughter and Burke devote crucial importance to: on the one hand, for check and balances “to be embedded into the system itself, pushing not only for particular substantive outcomes, but also for legitimate domestic processes to achieve those goals”; and on the other hand, for global regimes “to balance a range of competing values – such as

28 Regular Report 2004 on Turkey, 10
29 Regular Report 2004 10
30 Slaughter and Burke-White 2006, p. 329
31 Slaughter and Burke-White 2006, p. 348
human rights and national security – rather than focus on one particular goal when compelling state action.”\textsuperscript{32} Specific mechanisms should be developed to balance human rights with security issues in countries like Turkey - having specific security problems. Supportively, as a famous German sociologist and philosopher in the tradition of critical theory and pragmatism, Jürgen Habermas points out that the EU experiences democratic legitimacy crisis.\textsuperscript{33} The democratic EU institutions experience technocrat administrations as a result of very low level participation of European Citizens to the functioning of transnational institutions. According to Habermas, this well illustrates the hardship of shifting to ‘transnational democracy’ which requires ‘cooperation’ and ‘collaboration’ through more ‘democracy’ – based on a ‘political framework’ and ‘legal foundations’. The EU’s transformative power is also directly proportionate to the level of legitimate domestic processes. It is not a top-down approach but a bottom-up approach that would facilitate and ensure EU-led democratization process. Public opinion in Turkey still offers potential to mobilize pressure for the reinforcement of the acquis. Thus, in order to convince the public opinion, Turkey should be treated equally as other candidate states. Habermas, nevertheless, criticizes that political parties in the EU can’t feature collaboration due to their ‘populism’ as well as ‘fears’. This behavior towards a superiority feeling and security fears would provoke the very concern expected to be avoided – the expansion Islamic fundamentalism.

Sharing the same opinion with Slaughter and Burke, it can be claimed that these threats such as manipulation of power can be avoided. To conceptualize, Slaughter and Burke suggest that the EU mechanisms should directly tackle strengthen independent and transparent institutions secured by strong constitutional frameworks as well as embedded check and balances. Nevertheless, the candidacy for EU membership and monitoring mechanisms should be reawakened as a set of push-pull dynamics and checks on the AKP government. This can safeguard that Turkey realizes substantial democratization, that is, what she has already committed to modify in their national constitutions and laws. But the EU-led democratization process should be based on a legitimate domestic process. For this reason, the EU needs to justly offer Turkey a concrete EU membership as the pull side of conditionality and maintain monitoring mechanisms to implement internal restoration process.

\textsuperscript{32} Slaughter and Burke-White 2006, 348
\textsuperscript{33} Habermas, 2015
Conclusion

Following Turkey’s application to be a candidate for EU membership in 1987, the EU expected from Turkey to lessen the efficiency of military bureaucracy in Turkey’s governance while strengthening the power of civil authorities and to simultaneously strengthen internal controls and supervision mechanisms for civil authorities. Since Turkey’s candidateship approved in the December 1999 Helsinki meeting, a significant progress has been achieved in strengthening civil control on military authorities through constitutional and judicial changes. This balance in civil-military relations has been pivotal in opening of full-fledged membership negotiations with Turkey in 2005. Nevertheless, still there is need for the strengthening of supervision mechanisms that are required to consolidate power spheres within Turkey in a way that developed democracies of EU member states have already achieved. There is no need to get desperate when the EU conditionality and other mechanisms are not working efficiently. Despite the recent political view of Turkey’s democracy signals alarm, actually it is experiencing its own legitimate domestic process. These expected mechanisms must be established through using EU member states governance measures and models in order to maximize the benefits of the process while avoiding the dangers evident – such as the manipulation problem how Slaughter and Burke defines.

The Justice and Development Party (AKP) coming into power had initially mobilized a strong commitment to achieve progress towards the first step through bringing the military under its rule. And, the initial attempts for the transformation of Turkey’s Kurdish issue through civil and non-military settlement was based on Copenhagen Criteria – which was stemming out from the EU-led democratization process. This would have been a solution model for Turkey’s internal peace process through consolidating its democracy similarly to those of the EU member states. Nevertheless, the expected internal controls and supervision mechanisms for civil authorities could not have been established yet – what the Progress Report 2015 on Turkey puts as ‘backsliding’. Rather, Turkey recently has mobilized military power to transform the Kurdish issue in accordance with ruling powers preferences. Through a more authoritarian behavior, the AKP has become more effective at the suppression of legitimate opposition groups including Kurdish people. Additionally, counter terrorism has been used as an excuse to justify oppressive new laws such as the new internal security package that expanded police power in house raids and addressing popular protests. In other words, the main target of the internal security package has rather been to reinforce the hand of AKP versus opposition groups – as what the increased evidence has already proved. Nevertheless,
these kind of military solutions have already proved to not been sustainable, but rather triggering cancerous societies.

The increased evidence of the drawbacks from the EU accession process raised the doubts whether the EU conditionality had been blackly used by the President Erdoğan in line with his manipulative ambitions for the presidential system. This presidential system threatens not only Turkey’s institutional independence and embedded checks and balances but also lasting stability and peace in the EU’s borders. If the President Erdoğan doesn’t want to enforce these claims, he should keep his word to make the Copenhagen political criteria the Ankara criteria. The lack of EU membership conditionality would have taken the wind out of Turkey’s sails which, in turn, has provoked the decay of Turkey’s political interest on EU-led democratization process based on Copenhagen criteria. A peaceful transformation of Turkey is not possible without the EU-led democratization process based on this Copenhagen model.

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