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# The President, the Preacher and Turkey's EU Accession Since 2005

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## Introduction

The Turkish case for progress within what is now the European Union has been dependent on its geostrategic value since its very first overtures were made to Brussels in 1959. With one or two exceptions<sup>1</sup> it has maintained strategic usefulness to the “West” and “Europe” since that time and owes its EU candidacy to it. The case in favour of Turkish accession has always been predicated on the need to maintain a working strategic relationship with Ankara<sup>2</sup>.

The current world order has rehighlighted Turkey’s geostrategic value. It remains at the centre of several interlocking security fault lines – hard and soft: it is crucial to the EU’s hard security policy in the Middle East and the Caucasus and is strategically important to considerations of energy and human security as pipelines cross its territory and humans cross its borders. The EU - and the USA - need to maintain a working relationship with Ankara in order to secure Ankara’s cooperation with migration, counter terrorism/radicalisation and the hard security situation in its neighbourhood as Ankara is at the centre of international efforts to deal with existential threats and wider issues such as migration, drugs and people trafficking.

It has been widely accepted that the best way to secure Ankara’s strategic cooperation has always been to “reward” it with progression into the European project. However, whilst geostrategic considerations have pushed the Turkish case forward on several occasions, and have maintained Ankara’s place within the accession process, the only time Turkey’s accession has moved forward significantly was in 2004, when it was agreed to open accession negotiations the following year, after it had made unprecedented progress towards meeting the Copenhagen criteria between 2002-2004.

For whilst the EU is increasingly a strategic actor it is still strongly driven by the norms and values associated with liberal democracy. It is inconceivable that Turkey could become an EU member without meeting the Copenhagen criteria – or at the very least making enormous strides towards doing so. This means that whilst the EU has a real geostrategic need to be able to work closely with the Turks on issues such as migration and counter terrorism – not to mention intelligence cooperation and hard security concerns in the region – it cannot offer membership as an incentive for cooperation unless Turkey presses forward with appropriate liberal democratic constitutional change.

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<sup>1</sup> In the immediate aftermath of the end of the Cold War and after the invasion of Iraq in 2003.

<sup>2</sup> See Martin 2015

The problem for Brussels therefore is that in recent years the constitutional and political movement in Turkey has been *away* from liberal democracy rather than *towards* it. In terms of media freedom, the rule of law and constitutional change, the situation has deteriorated since the early years of the new party. This has left the EU with the problem of having a relationship with Turkey which does not meet its geostrategic needs but over which it has limited influence. This article sets out to trace the process by which the EU lost influence in the Turkey-EU accession process for which it is now paying a high geostrategic price. It is not concerned with the Turkey-EU accession *per se* but the causes and nature of current illiberality in Turkey and the role the EU may have played within it.

This paper will first set out the theoretical framework and will then put the Turkey-EU accession process and Turkish political scene into context. It will then examine the response of the European Commission to the 2007-2008 Kemalist challenge to AKP rule, the *Ergenekon* and *Balyoz* investigations and the 2010 constitutional referendum.

## Theory and methodology

Theoretically this paper draws on the Normative Institutional approach of Schimmelfennig (2009; see also Thomas 2009). It argues that in 2004 member states were “rhetorically entrapped” by the EU’s previous commitments into opening accession negotiations with Turkey (see Martin 2015). It further argues that following the opening of accession negotiations in 2005 the slowdown in constitutional reform made it very hard for Turkey’s advocates to maintain the rhetorical entrapment. Indeed by 2006 the rhetorical entrapment was in the opposite direction: Turkey’s advocates had previously accepted the need for reform and therefore could no longer make the same case for Turkey. Underlying this is a commitment to Social Constructivism<sup>3</sup> as a theory of politics with emphasis on identity. It further utilises the refinement of Realist Constructivism<sup>4</sup> to argue that whilst the EU is a strategic actor in the Turkey-EU relationship it is nevertheless acting within an identity predicated on liberal democracy. This means although it has an acute geostrategic need to improve relations with Ankara through the incentive of accession it cannot do so because Turkey does not meet the Copenhagen criteria nor does it show any likelihood of doing so whilst the current government is in power.

Such a complex argument which encompasses both rational and normative motivations requires a flexible approach to metatheory which goes beyond the either/or debate between Positivists and Post-positivists. Scientific<sup>5</sup> or Critical Realism has been classified by Kurki and Wight<sup>6</sup> as the fifth

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<sup>3</sup> Wendt 1999

<sup>4</sup> Barkin 2003

<sup>5</sup> R. Bhaskar, *A Realist Theory of Science*, (2nd ed.) (Sussex, UK, Harvester, 1978).

debate in International Relations and provides a metatheoretical justification for this approach. 'For Scientific Realists what makes a body of knowledge scientific is not its mode of generation but its content.'<sup>7</sup> It is epistemologically relativist and methodologically pluralist. Material and ideational factors are equally valid and any decision about the relative influence of them should be made on the basis of the evidence available and judged on the quality of that evidence. In this way it is possible to 'rationally adjudicate'<sup>8</sup> between competing knowledge claims on the basis of the evidence provided for those claims.

This approach could be seen as a return to 'area studies' rather than 'political science' with the epistemological conflict associated with that debate<sup>9</sup>. Alternatively it can be seen as an example of the 'genre blurring'<sup>10</sup> advocated for political 'science' by Bevir and Rhodes<sup>11</sup> and Rhodes<sup>12</sup> or the strategic-relational model of Jessop<sup>13</sup> as applied to international relations and foreign policy analysis by Lim<sup>14</sup> and Brighi<sup>15</sup>. What these approaches have in common is the move away from parsimony as a virtue in favour of the use of 'thick description' or historical method in the interest of context. As Lawson argues, the division between social science and history is artificial and there is no need for an 'eternal divide' between them<sup>16</sup>. Instead Lawson argues that History can be 'scientific' in approach as long as 'science' is not defined by Positivists. '...history is social science. It is an approach that emplots, narrates and analyses causal stories'<sup>17</sup>. He argues for 'analytical narratives which accept that temporality is social, events are theorisable and narrativity is an indispensable

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<sup>6</sup> Kurki and Wight 'International Relations and Social Science', p.25.

<sup>7</sup> Kurki and Wight 'International Relations and Social Science', p.25.

<sup>8</sup> Kurki and Wight 'International Relations and Social Science', p.26.

<sup>9</sup> G.King, R. Keohane and S.Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (1st ed.), (London, Princeton University Press, 1984); R.H. Bates, 'Area Studies and the Discipline: A Useful Controversy?' *PS: Political Science and Politics*, Vol.30, (1997), pp.166-169. M.Tessler, J.Nachtwey and A. Banda, 'Introduction: The Area Studies Controversy' in P.O'Meara, H. Mehlinger, and R.Newman, (eds.), *Changing Perspectives on International Education* (1st ed.) (Bloomington, Indiana University Press, 2001) pp.67-76.

<sup>10</sup> C.Geertz, *Local knowledge: Further essays in interpretive anthropology* (1st ed.) (New York, Basic Books, 1983).

<sup>11</sup> M. Bevir and R.A.W. Rhodes, 'Studying British government: Reconstructing the research agenda' *The British Journal of Politics and International Relations*, Vol.1, (1999) pp.215-239.

<sup>12</sup> R.A.W.Rhodes. 'From Prime Ministerial Leadership to Court Politics: Broadening horizons by blurring genres', in P.Strangio, P.'t Hart and J.Walter. (eds.) *Prime Ministerial Leadership: Power, Party and Performance in Westminster Systems*, (Oxford, Oxford University Press, 2012).

<sup>13</sup> R.Jessop, 'Critical Realism and the Strategic-Relational Approach' *New Formation*, Vol. 56 (2005) pp.40-53.

<sup>14</sup> T.C.Lim, *Doing Comparative Politics: An Introduction to Approaches and Issues* (Boulder Colorado, Lynne Reiner, 2006).

<sup>15</sup> E. Brighi, *Foreign Policy and the International/Domestic Nexus* (London, Routledge, 2013 forthcoming)

<sup>16</sup> G. Lawson, 'The Eternal Divide? History and International Relations', *European Journal of International Relations*, Vol.18 (2012) pp.203-226.

<sup>17</sup> G.Lawson 'The Eternal Divide', p.222.

part to causal stories<sup>18</sup>. Accordingly the methodology is a qualitative assessment of official documentation and media sources which will trace the process of how the EU lost track of Turkey's illiberal tendencies.

## Context

### Turkey-EU accession negotiations

The EU agreed to open accession negotiations with Turkey on the basis of institutional obligation and geostrategic necessity rather than inclination (Martin 2015). The EU member states had been rhetorically entrapped into agreeing to open negotiations with Turkey by the unprecedented constitutional progress Ankara had undoubtedly made particularly after the election of the AKP in November 2002. However this did not change the underlying opposition to the Turkish case within the elite and public opinions of several member states which resurfaced almost as soon as the ink was dry on the agreement.

The problem faced by Turkey's advocates within the EU was that they could only continue to make the case for Turkey if the AKP continued on the path of constitutional reform towards meeting the Copenhagen criteria. The EU's political identity was heavily predicated on its commitment to human rights and democracy and it was unthinkable that Turkey could continue to full membership if it did not improve its liberal democratic framework. However the opposition to the Turkish case which resurfaced so quickly was a deterrent to the AKP to continue on this path as it made it vulnerable on the Turkish domestic political scene.

For the Brussels agreement had left the AKP vulnerable to accusations it had won EU glory for its own reasons<sup>19</sup> at the expense of the Turkish Cypriots. This had not been helped by comments from the Cypriot President, Thassos Papadopoulos, that whilst he had conceded one big veto (at Brussels) he still had 62 "little vetoes" referring to the opening and closing of the 31 "chapters" of the EU's rule book, the *acquis communautaire* with which he could delay the Turkish case.<sup>20</sup> Taken together with comments from the French presidential hopeful, Nicholas Sarkozy, that Turkish accession would undermine the EU, this made EU accession a very sensitive issue for the AKP.<sup>21</sup> Additionally the CHP opposition party was scathing about the terms of the Brussels agreement (which appeared to hint at

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<sup>18</sup> G.Lawson 'The Eternal Divide', p.223. See also P.T. Jackson, *The Conduct of Inquiry in International Relations: Philosophy of Science and Its Implications for the Study of World Politics*, (London, Routledge, 2010).

<sup>19</sup> The desire for religious freedom

<sup>20</sup> Financial Times, December 20th 2004, Still a lot to do before we can join EU, warns Turkish prime minister

<sup>21</sup> Agence France Presse, December 24th 2004, German conservatives look to France in bid to bloc Turkey's EU hopes: report

something much less than full membership<sup>22</sup>) and this put additional pressure on the AKP. By early 2005 the costs to the AKP of implementing further reforms in line with the Copenhagen criteria were appearing to outweigh the benefits and it appeared to have developed “reform fatigue”<sup>23 24</sup>.

Hence, this self-perpetuating cycle of underlying opposition within the EU, and Turkey, to accession hindered the Turkish accession process even before it had formally begun. However the UK was a long standing advocate of Turkey and was determined that accession negotiations would be opened. In the run up to October 2005, there was “no plan B” for the British diplomats and they “pulled out all the stops” to make sure it happened.<sup>25</sup> The final and most successful attempt to scupper Turkish accession came in 2006: Austria took over the presidency of the EU Council in January 2006 and made it clear that Turkey had until the end of the year to recognise Cyprus within an EU framework.<sup>26</sup> In March 2006 the Enlargement Commissioner Olli Rehn warned all sides, but particularly the Turks, that “...the Commission is working to avoid a train crash at the end of the year.”<sup>27</sup>

The problem was the signing of the additional protocol to the Ankara Agreement of 1963 to take Cyprus into account. It was necessary for Turkey to acknowledge the existence of Cyprus as a state in order to progress further into the EU – and this was politically very sensitive indeed. Within Turkey, there was a feeling that the Turks had “done their bit”<sup>28</sup>. The EU was deemed to be demanding but unreceptive to Turkish concerns on Cyprus. As the December 2006 European Council approached Turkey continued to insist that the Cyprus issue should not be linked to its EU accession with the underlying threat that it would walk away from accession rather than concede further over Cyprus.

The Finnish presidency suggested a deal whereby Turkey would lift the ban of Cypriot-flagged ships and the EU would take control of the Turkish Cypriot port of Famagusta thereby allowing a level of reciprocal trade without forcing Papadopoulos to back down. However attempts to push this through at a meeting of EU foreign ministers in November 2006 was unsuccessful.<sup>29</sup> Accordingly in December 2006 the European Council agreed to freeze eight chapters of the negotiations - free movement, finance, agriculture, fishery, transport, customs, foreign policy and services trade. This was actually a compromise between the harsher terms of setting a deadline for compliance requested by the Cyprus government and the preferred options of the UK FCO for only three

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<sup>22</sup> Agence France Presse, December 17th 2004, Turkish opposition urges PM to reject EU offer

<sup>23</sup> Patton 2007: 341

<sup>24</sup> Ugur 2010: 979

<sup>25</sup> Senior EEAS official C – interview – June 2013

<sup>26</sup> Agence France Presse, February 21<sup>st</sup> 2006, *Turkey must recognise Nicosia government this year: Schuessel*

<sup>27</sup> The Guardian, April 6<sup>th</sup> 2006 *Turkey warned hardline tactics may derail EU talks*

<sup>28</sup> Financial Times, November 3<sup>rd</sup> 2006, *EU warned of Turkey relations breakdown*

<sup>29</sup> Agence France Presse, November 27<sup>th</sup> 2006, *Cyprus blames Turkey for failure of Finnish proposal*

chapters to be frozen.<sup>30</sup> This meant that, although chapters could be opened and negotiations could continue, no other chapter could be closed until the conditions of the Additional Protocol had been met. UK diplomacy was not able to save the day as the pace of reform in Turkey had not been good enough to make Ankara's case convincing. By 2006 the UK FCO's case for Turkey had run out of steam.<sup>31</sup>

## Turkish politics

The election of the AKP in December 2002 had been a seismic shift in Turkish politics which broke the Kemalist pattern for the first time since the Republic was established. During its first term in office the AKP was operating within a governmental system dominated by the Kemalist elite in the military, civil service and judiciary – and there was considerable, mutual, antipathy and mistrust. The power struggle between the Kemalist elite – and the political newcomers gathered pace in 2007.

By this time the EU was one of the fault lines separating the two sides of Turkish politics. From 2002-2004 the reforms necessary for EU accession had been broadly supported by all Turkish political parties and the process was helped by the AKP's healthy parliamentary majority. However after December 2004 the main opposition CHP started to suspect that the AKP was prepared to make concessions to the EU for its own, purposes<sup>32</sup> specifically, to gain religious freedom.<sup>33</sup> Suspicions were based on early AKP attempts to include such things as making it easier to open religious schools and restricting the sale of alcohol within reforms dubbed as being necessary for EU accession<sup>34</sup>. It also meant that the EU – and the reforms necessary to progress accession - became associated with the AKP.

By 2006 the AKP was just a year from a general election and its public support was waning.<sup>35</sup> This meant it was less and less willing to take political risks towards EU accession and it also became more determined to meet the threat from the Kemalist establishment head on. The AKP moved its focus from meeting the Copenhagen criteria towards "...consolidating its power by establishing the full scale control of all the autonomous agencies of the state."<sup>36</sup>

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<sup>30</sup> The Guardian, December 12<sup>th</sup> 2006, *Turkey deal set to avoid EU summit row*

<sup>31</sup> Agence France, Presse, September 5<sup>th</sup> 2006, *Denmark warns Turkey over access to Cyprus planes, ship*

<sup>32</sup> Kalaycioglu 2011: 273

<sup>33</sup> US Diplomat A – interview – March 2014

<sup>34</sup> Agence France Presse, November 24<sup>th</sup> 2005, *Turkish ruling party cracks down on alcohol*

<sup>35</sup> Deutsche Presse-Agentur, October 1<sup>st</sup> 2006, *Poll puts Turkish ruling party at lowest-ever support*

<sup>36</sup> Kalaycioglu 2011: 274

The situation worsened in 2007 as President Necdet Sezer's term of office came to a close and the question loomed over who would replace him. At that time the Turkish presidency was elected by parliament within which the AKP held a large majority. When Abdullah Gül stood for election the Turkish military issued a statement stating: "It should not be forgotten that the Turkish armed forces are a side in this debate and are a staunch defender of secularism."<sup>37</sup> The CHP also opposed Gül's nomination. It boycotted the parliamentary presidential election opening the way for the Constitutional Court to rule it inquorate. Erdogan called a snap general election in July 2007 and the AKP won with 47% of the vote<sup>38</sup> which translated into 339 seats in the 550-member parliament and Abdullah Gül was duly elected president by the parliament in August 2007.

The tension between the AKP and the Kemalists continued and in March 2008 the chief state prosecutor tried to close down the AKP for "anti-secular" activities because of its support for the wearing of headscarves on university campuses.<sup>39</sup> Ultimately the court drew back from closing down the AKP and settled for cutting its state funding instead.<sup>40</sup> However the crisis put the AKP even more onto the defensive.<sup>41</sup> So, by 2008 the favourable conditions, which had helped the AKP to implement constitutional reforms between 2002 and 2005, had changed. The quest for reform in Turkey was enmeshed in accusations of the AKP's "hidden" Islamist agenda.

The AKP's resurgence after the 2007 general election victory revolved around securing its power base from Kemalist attack. In doing so it has matched the previous undemocratic inclinations of the Kemalist elite point for point and continued the authoritarian vein familiar in Turkish politics. It is ironic that the AKP's domestic political success and determination not to have its existence or its policies threatened again contributed to a gradual increase in tendencies which have made it less and less able to make its case for accession negotiations to progress in Brussels.

## Ergenekon

"*Ergenekon*"<sup>42</sup> is the name of an alleged network of hardline Kemalists which, it was claimed, conspired to destabilise Turkey in the early years of the AKP government. It was alleged the *Ergenekon* network plotted "attacks against religious minority groups, planting explosives in

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<sup>37</sup> Deutsche Presse-Agentur, April 28<sup>th</sup> 2007, *Turkish army observes presidential vote with "concern"*. See also Turkish Daily News, April 30<sup>th</sup> 2007, *Army uneasy with far more than Gül*; Agence France Presse, April 28<sup>th</sup> 2007, *Turkish government hits back at army in secularism row*

<sup>38</sup> Agence France Presse, July 22<sup>nd</sup> 2007, *Massive election victory for Turkey's ruling party*

<sup>39</sup> Turkish Daily News, March 14<sup>th</sup> 2008, *Turkey's top prosecutor demands closure of the governing AKP*; Agence France Presse, March 14<sup>th</sup> 2008, *Turkish prosecutors seek to ban ruling party*

<sup>40</sup> Agence France Presse, July 30<sup>th</sup> 2008, *Turkey's ruling party escapes ban, gets sanctions*

<sup>41</sup> Financial Times, April 22<sup>nd</sup> 2008, *Secular strains: Turkish political Islam comes under new fire*

<sup>42</sup> *Ergenekon* itself is a place referred to in Turkic mythology where the early Turkic people's congregated. Such mythology, along with that of the grey wolf, was used in the early days of the Republic to foster nationalist pride. See Jenkins 2009

mosques, assassinating prominent individuals or bombing a newspaper with the purpose of creating the right circumstances for the military to stage a coup and intervene against the government.<sup>43</sup> The investigation began to percolate in 2006<sup>44</sup>. In June 2007 police found a cache of “guns, explosives, hand grenades and incriminating documents” at a flat in Istanbul linked to the military<sup>45</sup>. This remained low key until January 2008 when a series of arrests started to be made. By July 2008, 86 people had been detained, including several retired generals, lower ranking officers, journalists, business, leaders, lawyers and politicians. They included the retired generals Hursit Tolon and Sener Eryugu, a senior Cumhuriyet journalist<sup>46</sup> and the head of the Ankara Chamber of Trade. All had been vocal in their criticism of the AKP and its policies.

Whilst initial details of the charges against them were sketchy it was reported widely in the Turkish media that the *Ergenekon* network was responsible for incidents previously blamed on terrorists. These included the murders of a senior judge, Mustafa Yucel Ozbilgin, in 2006<sup>47</sup>, the Armenian journalist, Hrant Dink, in 2007<sup>48</sup> and conspiracies to murder the novelist Orhan Pamuk and several prominent Kurdish figures.<sup>49</sup> The official indictment, lodged in July 2008, had 2,455 pages and included allegations of creating an "armed terrorist organisation", attempting to use violence to topple the government and provoking an armed uprising.<sup>50</sup>

The common narrative about the *Ergenekon* investigation at the time was that it was the unmasking of the “deep state”, a network of devout Kemalists dedicated to maintaining the secular Turkish state against Islamism at any cost. This was plausible given Turkish political history<sup>51</sup> and its veracity was accepted *prima facie* by all but the most vehement AKP opponents. A trial of 86 people started in October 2008<sup>52</sup> and was generally supported by AKP voters and liberals who wanted to move away from the previous undemocratic and often repressive habits of the Kemalist elite.

As time went on, and arrests continued<sup>53</sup>, dissenting voices became louder and more credible but still didn’t break into the international mainstream opinion. In January 2009 the Chief of the Army,

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<sup>43</sup> Gursoy 2012, Pg 6. See also Cizre 2010

<sup>44</sup> Agence France Presse, July 13<sup>th</sup> 2006, *Turkish army officers, policemen accused of anti-government plot*

<sup>45</sup> Agence France Presse, June 16<sup>th</sup> 2007, *Three arrested in Turkey over ammunition cache.*

<sup>46</sup> Cumhuriyet is a staunchly Kemalist broadsheet newspaper

<sup>47</sup> Agence France Presse, May 18<sup>th</sup> 2006, *Angry secularist protests in Turkey after court shooting*

<sup>48</sup> Agence France Presse, January 19<sup>th</sup> 2007, *Prominent Turkish-Armenian journalist shot dead in Istanbul*

<sup>49</sup> Agence France Presse, March 21<sup>st</sup> 2008, *Turkish party leader, journalist arrested in nationalist gang probe*

<sup>50</sup> Agence France Presse, July 14<sup>th</sup> 2008, *Turkish prosecutor charges 86 over alleged coup plot*

<sup>51</sup> For example see the Susurluk incident of 1996. New York Times, December 31<sup>st</sup> 1996, *In Turkey, New Accusations of Links Between Police, Politicians and Criminals*

<sup>52</sup> Agence France Presse, October 20<sup>th</sup> 2008, *Turkish trial of 86 alleged plotters opens chaotically*

<sup>53</sup> Agence France Presse, January 7<sup>th</sup> 2009, *Turkish police round up more than 30 in coup probe*

General Ilker Basbug, made his “views known” to Erdogan and Abdullah Gül<sup>54</sup>; the head of the Istanbul Bar Association, Muammer Aydin, expressed concerns that *Ergenekon* was being used as a means of silencing opposition.<sup>55</sup> This was further exacerbated as the *Ergenekon* investigation branched out, from the military, media and judiciary, to include civil society groups, trade unionists and academics who were known critics of the AKP.<sup>56</sup> In June 2009 General Basbug alleged that some documentary evidence in the *Ergenekon* investigations had been faked.<sup>57</sup>

By late summer 2009 almost 140 people had been charged under *Ergenekon*.<sup>58</sup> This escalated even further in 2010 when the *Balyoz* (Sledgehammer) and *Kafes* (Cage) sub “plots” within *Ergenekon* emerged prompting further arrests of very high ranking members of the military. *Balyoz* included allegations of a conspiracy to plant explosives in a mosque and orchestrate soldiers dressed as Islamists to attack secularist or Kemalist places. Basbug vehemently denied that these were tactics the military would use.<sup>59</sup> He also hinted that the army knew more about the issue than it was admitting and threatened revelations.<sup>60</sup> The *Balyoz* case in particular started to stretch credulity on the *Ergenekon* and related issues and initiated closer scrutiny of the wider investigations. Serious doubts started to be raised about the legitimacy and veracity of some of the evidence<sup>61</sup> but it is still important to note that at this stage the investigation was accepted *prima facie* without too much question in the foreign media and civil society.<sup>62</sup>

The beginning of the end for credulity with the *Ergenekon*, and associated, investigations was the emergence of books by a former police officer Hanefi Avci in 2010<sup>63</sup> and the journalist Ahmet Sik in 2011.<sup>64</sup> Both alleged the corrupt complicity of well-placed police officers and prosecutors in the

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<sup>54</sup> Associated Press, January 8<sup>th</sup> 2009, *Turkish general, government hold urgent talks*

<sup>55</sup> Agence France Presse, January 8<sup>th</sup> 2009, *Turkey coup probe being used for revenge: lawyers*

<sup>56</sup> Anatolia News Agency, April 13<sup>th</sup> 2009, *Turkish police search NGO offices in Ergenekon operation*

<sup>57</sup> Agence France Presse, June 26<sup>th</sup> 2009, *Turkey's army chief denounces talk of 'coup plot'*

<sup>58</sup> Agence France Presse, August 5<sup>th</sup> 2009, *Dozens more to stand trial in Turkey coup case*

<sup>59</sup> Associated Press, February 2<sup>nd</sup> 2010, *Turkish military no longer calls shots*

<sup>60</sup> Agence France Presse, February 20<sup>th</sup> 2010, *Moderate Islamists threaten Turkey army prestige*. There were further claims to underhand tactics made by the Eskisehir police chief Hanefi Avci in September 2010 when he alleged police and prosecutors had fabricated evidence in the *Ergenekon* investigation. Avci was arrested in September 2010 and charged with assisting a leftist terrorist organisation. Another Gulen author, the investigative journalist Ahmet Sik was also arrested under *Ergenekon* in 2011 for writing a book about the movement. General Ilker Basbug was also arrested as part of the *Ergenekon* investigation in January 2012

<sup>61</sup> Rodrik 2010; Jenkins 2011

<sup>62</sup> Veteran Turkey watcher Hugh Pope of the International Crisis Group said in February 2010 that the judiciary "would certainly not have taken so many high-profile people into custody unless they had an absolute certainty in their mind that this is a real case." Agence France Presse, February 23<sup>rd</sup> 2010, *Top brass grilled over Turkey 'coup plot'*. However, Jenkins 2009 had raised doubts as to due legal process

<sup>63</sup> Agence France Press, August 24<sup>th</sup> 2010, *Turkey to investigate claim Islamists manipulate coup probes*. Hanefi Avic's book is called *Haliç'te Yaşayan Simonlar: Dün Devlet Bugün Cemaat* (Yesterday a state: Today a community).

<sup>64</sup> İmamın Ordusu (The Imam's Army)

preparation of evidence of the *Ergenekon* cases. Ironically both were subsequently arrested under the *Ergenekon* banner. The claims by Avci and Sik outlined the role of the Fetullah Gulen *Hizmet* or *Cemaat* movement in the *Ergenekon* investigations<sup>65</sup>. Nevertheless in 2011 the *Ergenekon* naysayers were still largely in the domestic opposition camp and were easily dismissed as bad political losers or troublemakers. In international political and civil society circles there was still apparent acceptance of the *Ergenekon* and associated allegations largely because of the military's previously blemished record and history of alleged deep state activity. When the *Balyoz* trial reached sentencing in September 2012 the human rights organisation Amnesty International issued a statement saying that it highlighted "...the importance that those responsible for rights violations are delivered to justice". It said that if the plot had succeeded many citizens would have died and a series of human rights violations would have taken place. It continued: "It is important that such kind of allegations are effectively investigated for the protection of human rights and those responsible are delivered to justice as a result of a fair trial process."<sup>66</sup> What the Amnesty statement does not appear to have done is question the veracity of the evidence used in the *Balyoz* case. This has only really emerged into the international mainstream since the AKP and the Gulen movement fell into bitter, and public, dispute in December 2013<sup>67</sup>.

## EU reaction

The focus of this paper is the EU's reaction after 2007 to the ongoing standoff between the Kemalist and Islamist factions in Turkish politics. It is argued that the European Commission appeared to miss the nuances of Turkish politics. In focussing on a strict unbending definition of liberal "democracy" the European Commission inadvertently encouraged the AKP to consolidate its power base through very un-liberal democratic means.

For the mismatch of political cultures and consequent pattern of mutual misunderstanding can be seen before 2007: the relationship between the EU and the military in Turkey was historically tetchy as the military was seen as a major impediment to "democracy" in Turkey because of their previous record of intervention<sup>68</sup> and sense of entitlement to defend the secular legacy of Ataturk. As such the Turkish military was seen in Brussels as part of the problem for Turkish accession. In the autumn of 2006 the outgoing Commission representative in Ankara, Hansjeorg Kretschmer, said publically

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<sup>65</sup> See also the case of Nedim Sener, a Turkish journalist who was arrested under the auspices of Ergenekon after he published a book alleging police involvement in the assassination of Hrant Dink in 2007. The case was outlined in the 2012 report on press freedom by the Campaign for the Protection of Journalists, page 16. Available here: <https://cpj.org/reports/Turkey2012.English.pdf>. Last accessed 20.8.2014

<sup>66</sup> Agence France Presse, September 21<sup>st</sup> 2012, *Three ex-generals jailed for 20 years in Turkey coup trial*

<sup>67</sup> Financial Times, December 18<sup>th</sup> 2013, *Turkey shaken by mass arrests as conservatives' feud deepens; Corruption probe*

<sup>68</sup> In 1960, 1971, 1980 and 1997.

that the military did not “respect the legal and institutional order” and hindered efforts to promote democracy in Turkey. The response of the Chief of General Staff General Yasar Buyukanit was that Kretschmer had exceeded the “limits of (diplomatic) custom, courtesy and tolerance.”<sup>69</sup>

### The EU and the Turkish military

Part of the issue between the EU and the military at this time was the EU’s criticism of the application of Article 301 of the Turkish Penal Code and its influence on freedom of expression<sup>70</sup>. Article 301 outlawed the “denigration”<sup>71</sup> of Turkishness<sup>72</sup> and facilitated the prosecution of various free thinking writers and artists including Orhan Pamuk, Perihan Magden, Elif Shafak and Hrant Dink<sup>73</sup> for questioning the Turkish state’s narrative on national issues. For example, Pamuk was prosecuted in 2005 for querying the official version of the Armenian genocide; Shafak<sup>74</sup> and Dink were also prosecuted in 2006 for very similar reasons.

Olli Rehn’s consistent reaction was to highlight the disparity between this and the EU’s own liberal post-Enlightenment identity based around freedom of expression. He also made it clear that the implementation of Article 301 would affect Turkey’s EU prospects. Speaking in 2005 about Orhan Pamuk’s case, Rehn said it was not Orhan Pamuk who was on trial but the Turkish accession process. “This is a litmus test whether Turkey is seriously committed to the freedom of expression and reforms that enhance the rule of law and benefit all Turkish citizens.”<sup>75</sup> Rehn made a similar reaction to the prosecution of Hrant Dink in July 2006<sup>76</sup>.

The issues raised at this time were also difficult for the AKP – as it was being chastised by Brussels for the misdemeanours of its domestic opponents. Hence the EU was failing to make a clear

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<sup>69</sup> Agence France Presse, October 2<sup>nd</sup> 2006, *Turkish army rejects EU criticism of political meddling*

<sup>70</sup> Another crunch point between the Turkish military – and Kemalist establishment – and the European Commission was the emphasis placed on the Cyprus and Kurdish issues. Both were highly politically sensitive to the Kemalist military and contributed to the deteriorating relationship between them and the EU as the reforms the EU was repeatedly pressing were deemed to be threatening the core identity of the Turkish Kemalist republic.

<sup>71</sup> The word denigrate has also been translated as “humiliate,” “insult,” “deride” and “degrade”. . See Bulent Algan, 2008, *The Brand New Version of Article 301 of Turkish Penal Code and the Future of Freedom of Expression Cases in Turkey*, German Law Journal, 9:12. Pp. 2237-2252.

<sup>72</sup> Article 301 was revised in 2008 but is still seen as being contrary to freedom of expression. See Algan 2008

<sup>73</sup> See Turkey: Article 301: How the Law on

“Denigrating Turkishness” Is an Insult to Free Expression, AMNESTY INTERNATIONAL, 10 May 2008, available at: <http://www.amnesty.org/en/library/asset/EUR44/003/2006/en/dom-EUR440032006en.html>

<sup>74</sup> BBC News, September 21<sup>st</sup> 2006, *Top novelist acquitted in Turkey*. Available at: <http://news.bbc.co.uk/1/hi/world/europe/5366446.stm>. Accessed 2<sup>nd</sup> August 2015.

<sup>75</sup> EU Observer, December 15<sup>th</sup> 2005, *Turkey will be on trial in Pamuk case, Rehn says*. Available at: <https://euobserver.com/political/20562>. Accessed 17<sup>th</sup> August 2015.

<sup>76</sup> Agence France Presse, July 12<sup>th</sup> 2006, *EU warns Ankara over ruling on Armenian journalist*

distinction between the AKP and its Kemalist adversaries: it criticised the AKP by implication for something beyond its control and in so doing alienated both sides of the Turkish political divide<sup>77</sup>.

### The presidency issue

The trend continued in 2007 and came to the fore with the announcement of Abdullah Gul's intention to stand for election to the presidency. As outlined above, the military made their position on Gul's presidency ambitions clear with an email implying intervention. The EU's reaction was to urge the army "not to interfere" in the democratic process. Olli Rehn said: "It is important that the military leaves the remit of democracy to the democratically elected government. This is a test case if the Turkish armed forces respect democratic secularism and the democratic arrangement of civil-military relations."<sup>78</sup>

Ahead of the actual parliamentary vote on the presidency in August 2007, Olli Rehn re-iterated the need for democracy to "take its course"<sup>79</sup> and the 2007 Progress Report later contained guarded praise for the way the AKP had handled the presidency issue. It was also critical of the judiciary and their involvement in politics<sup>80</sup> expressing "concerns....as regards the independence and the impartiality of the judiciary".<sup>81</sup>

So, when the state prosecutor Abdurrahman Yalçınkaya tried to close down the AKP the following spring by alleging it was challenging secularism, the reaction of the European Commission was predictable. Olli Rehn was un-nuanced and accused the judiciary of "meddling" in politics. He said: "In a normal European democracy, political issues are debated in the parliament and decided through the ballot box, not in the court rooms,"<sup>82</sup> He added: "The executive shouldn't meddle into the court's work, while the legal system shouldn't meddle into democratic politics..." Rehn appeared exasperated saying he viewed the case with "growing concern and frankly disbelief" and unequivocally blamed the Kemalist elite coming very close to saying it was jeopardising Turkey's EU

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<sup>77</sup> The 2006 Progress Report was also critical of the Turkish record.

<sup>78</sup> Agence France Presse, April 28<sup>th</sup> 2007, *EU warns Turkish army not to interfere in politics*. Furthermore the Secretary General of the Council of Europe, Terry Davis, also rebuked the Turkish military for trying to influence the Turkish presidential elections suggesting they should "...stay in their barracks and keep out of politics." See: Der Spiegel online, English language version, 2<sup>nd</sup> May 2007. *New Elections in Turkey: Erdogan Calls Court Decision 'Bullet Aimed at Democracy'*. Available at <http://www.spiegel.de/international/world/new-elections-in-turkey-erdogan-calls-court-decision-bullet-aimed-at-democracy-a-480520.html>. Accessed 2nd August 2015.

<sup>79</sup> Agence France Presse, August 16<sup>th</sup> 2007, *EU's Rehn calls for respect for democracy ahead of Turkey vote*

<sup>80</sup> European Commission Turkey 2007 Progress Report, SEC(2007) 1436, Page 9.

<sup>81</sup> European Commission Turkey 2007 Progress Report, SEC(2007) 1436, Page 10.

<sup>82</sup> Agence France Presse, March 15<sup>th</sup> 2008, *Turkey's ruling party hits back at bid to ban it*

accession. "I hope the judges will consider Turkey's long-term interests... to be an important European democracy respecting all democratic principles of the EU," he said.<sup>83</sup>

The language used by the Commission and its rhetorical emphasis on democracy reinforced the self-confidence the AKP had taken from the second general election victory in 2007. By this time the AKP had "democracy" on its side in the form of an increased electoral and parliamentary majority – but its notional commitment to the EU's *liberal* democratic identity was drifting significantly. By mid-2008 the AKP had successfully begun the process of securing the office of presidency and changing its constitutional role. This would come back to the fore in 2010. In the meantime it began to restrict media freedom and to abuse the rule of law. The next section will look at how this was achieved and will assess the nature of the EU's reaction to it.

### "Causes for concern"

When the *Ergenekon* indictment was presented in July 2008 a spokesperson for Olli Rehn urged the AKP to "to comply with highest international standards during the police investigation and the trial process in operation *Ergenekon*"<sup>84</sup> but did not suggest any doubt as to the dependability of the case itself. In other words the investigation was accepted at face value as an indication of subversive military involvement in Turkish politics and seen as a reason to doubt the deep rootedness of democracy in Turkey. Thereafter, the November 2008 Progress Report made only a fleeting reference to *Ergenekon*<sup>85</sup> and, doubts about the application of due process by the AKP notwithstanding, it does not appear that the EU was publically questioning the charges themselves or the veracity of the evidence brought to support them.

Attitudes began to shift in 2009 for two reasons: firstly the *Ergenekon* net had widened to include journalists and academics, among others, as well as military, giving rise to concern of political score-settling and threats to press freedom. Secondly, this was exacerbated by the case of the Dogan Media Group. In February 2009 the influential company – which owned newspapers and a TV station – was fined more than 300 million euros for tax evasion. The previous year a Dogan publication had alleged the AKP had received money which should have gone to a charity. This allegation – made in a court case in Germany – could have been grounds for a renewed closure case against the AKP in Turkey. This led to suspicions that the tax allegations – and the scale of the fine – were punitively designed to deter similar stories which may be critical of the AKP.<sup>86</sup>

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<sup>83</sup> Agence France Presse, March 29<sup>th</sup> 2008. *EU urges Turkey to consider 'long-term interests' in AKP case*

<sup>84</sup> Turkish Daily News, July 2<sup>nd</sup> 2008, *Turkey speeds up judgment process in controversial Ergenekon case*

<sup>85</sup> 2008 Progress Report page 6.

<sup>86</sup> Agence France Presse, February 23<sup>rd</sup> 2009, *Hefty tax fine raises fears over media freedom in Turkey*

The Dogan Media Group case was noticed in Brussels and, taken together with the issue of journalists being caught in the net cast by the *Ergenekon* investigation, began to ring alarm bells about the state of press freedom in Turkey. In a briefing for journalists in Brussels in September 2009 a British diplomat, Anna Bradbury, said the Dogan Group case – taken with the *Ergenekon* journalist arrests – was a “cause for concern”:

“Any sense of an individual journalist victimized or freedom of press suppressed is a matter of concern....it is not good for Turkey's public image, especially in the Turkey-sceptic countries. That could spark new questions about Turkey's performance on human rights and fundamental freedoms.”<sup>87</sup> In addition, the 2009 Commission Progress Report also highlighted the issue of Dogan Media and warned of a wider problem of press freedom.<sup>88</sup> Olli Rehn voiced concerns about the scale of the Dogan Media fine:

“If a tax fine is worth the annual turnover of the company, it is quite a strong sanction. It may not only be a fiscal sanction, it feels also like a political sanction.”<sup>89</sup>

However, it is important to note that whilst the EU and its member states were beginning to notice the illiberal trend in terms of media freedom there was still no public suggestion that there was anything amiss with the underlying case against the military. The 2009 Progress Report remained focussed solely on the need for due legal process to be done – and to be seen to be done:

“It is important that proceedings in this context fully respect the due process of law, in particular the rights of the defendants. Turkey still needs to bring its legislation on political parties in line with European standards.”<sup>90</sup>

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<sup>87</sup> Turkish Daily News, September 30th 2009, *EU's concerns over press freedom in Turkey deepen*. Wider concerns were also being raised in mid-2009 about the application of due process of the *Ergenekon* investigation. The analyst Gareth Jenkins was one of the first to point out that many of those arrested were detained without charge and on very flimsy evidence. They “appeared to have nothing in common except their political opposition to the AKP in particular and to Islamic conservatism in general”. The result of this was a “growing climate of fear spreading in the ranks of the substantial section of the Turkish population that is opposed to the AKP government and to Islamic conservatism.” See: Jenkins 2009 vii

<sup>88</sup> European Union, European Commission, 2009, *Regular Report from the European Commission on Turkey's Progress towards accession*. [http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index\\_en.htm](http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm)

<sup>89</sup> Agence France Presse, October 14<sup>th</sup> 2009, *EU wannabe Turkey rapped over rights, media freedoms*

<sup>90</sup> European Union, European Commission, 2009, *Regular Report from the European Commission on Turkey's Progress towards accession*. [http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index\\_en.htm](http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm)

## *Balyoz*

The situation escalated somewhat in early 2010 as the *Ergenekon* investigation expanded further to include the *Balyoz* allegations. This was an alleged plot to run a series of false flag attacks on mosques and disputes with Greece in the Aegean in order to create civil unrest and discredit the AKP government enough to reinstate martial law. The European Commission's reaction to the *Balyoz* allegations, and more than 40 arrests, in February 2010 was to once again stress the need for due process to take place as ".....Turkish citizens are entitled to hear the entire truth on these cases....the investigation must be exemplary and carried out in full respect of the principles and standards of a fair judicial process."<sup>91</sup> Once again it appeared that the motivation of the prosecuting authorities may have been doubted – but the substance of the charges was accepted.

Whilst the EU's reaction was slightly more sceptical than previously it remained circumspect and in international civil society circles the benefit of the doubt was still being given to the AKP. One highly respected international observer, said in February 2010 that the judiciary "would certainly not have taken so many high-profile people into custody unless they had an absolute certainty in their mind that this is a real case."<sup>92</sup> The alternative view, that the AKP were surreptitiously trying to clip the wings of the Kemalist and nationalist opposition in order to consolidate power, was being expressed – but was not the dominant narrative.<sup>93</sup> At this time the common consensus of public statements, outside of Turkish domestic opposition circles, was that there was an element of truth in the allegations and the main concern was with due process in the courtroom. In spite of their protestations of innocence and fabricated evidence<sup>94</sup>, sympathy for the military was limited because of its previous track record of intervention. *Ergenekon* in particular was widely seen as evidence that the Turkish military was a leopard which had not changed its spots. The veracity of the evidence was not challenged. Instead it was seen widely as a civil military power struggle which would ultimately be a positive move for Turkey's democratisation and Europeanisation process:

"...the *Ergenekon* affair has shown that it is also a country where coup attempts to bring down the government, organised by civilian figures and active and retired military officers, are not relics of the past but still represent a real threat to the political and economic stability of the country."<sup>95</sup>

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<sup>91</sup> Commissioner Stefan Fule's spokesperson Angela Filoti quoted by Agence France Presse, February 24<sup>th</sup> 2010, *Turkey's defence chiefs assess 'serious' coup plot arrests*

<sup>92</sup> Hugh Pope, of International Crisis Group Agence France Presse, February 24<sup>th</sup> 2010, *Turkey's defence chiefs assess 'serious' coup plot arrests*

<sup>93</sup> Agence France Presse, February 20<sup>th</sup> 2010, *Moderate Islamists threaten Turkey army prestige: analysts*

<sup>94</sup> General Ilker Basbug hinted strongly of hidden depths to the allegations and said "If we are pushed to the edge, we will make public what we know". See: Agence France Presse, February 23<sup>rd</sup> 2010, *Generals' arrest deepens Turkey power struggle*

<sup>95</sup> Cizre and Walker 2010 pg 90

Nevertheless, the *Balyoz* allegations were starting to test credulity.<sup>96</sup> In May 2010 the Harvard economist Professor Dani Rodrik and his wife Pinar Dogan<sup>97</sup> alleged much of evidence in the *Balyoz* investigation (and *Ergenekon*) had been faked – and provided evidence for it.<sup>98</sup> According to Dogan and Rodrik the evidence ranged from the flimsy to the fabricated and:

“Given the scope of the deception, we have come reluctantly to the conclusion that the government is *at a minimum* complicit in the massive perversion of justice that is taking place in the name of democratization. These fabricated cases target the government’s opponents, benefit the Islamist groups, and would have been difficult to mount without the cooperation and participation of the Justice and Development Party (AKP) and its supporters.”<sup>99</sup>

## 2010 referendum

However, there was virtually no further reaction from the European Commission to shortcomings in either the *Ergenekon* or *Balyoz* cases in 2010. Moreover there was no reference to the role of the Gulen movement. In the meantime the EU’s forbearance with the AKP extended to its handling of the 2010 referendum as well. This began over plans to implement reforms ostensibly aimed at liberalising the 1980 constitution and giving more rights to trade unions, women and children, among others, in accordance with the EU’s longstanding wishes. However this process had become bound up with opposition mistrust as it was believed the AKP was trying to consolidate its power base by using the EU reforms as cover to also enact legislation to strengthen its own position. This was through enabling itself to make key appointments in the judiciary using its parliamentary majority and taking away the rights of military officers to be tried in a military court – forcing them instead through the civilian system.

When the opposition parties refused to support the changes the president Abdullah Gul called a referendum on the issue which was duly passed with a majority of 58% on a 78% turnout in September 2010<sup>100</sup>. The referendum and its result was welcomed by Olli Rehn’s replacement as enlargement Commissioner, Stefan Fule, who said “...it demonstrates the continued commitment of

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<sup>96</sup> See comments by Fadi Hakura of Chatham House on February 24th 2010 that “some of the allegations may be too far-fetched and seem to be getting more dramatic with the passage of time.” CNN News, February 24th 2010, *Turkey’s president holds crisis talks*, available at: <http://edition.cnn.com/2010/WORLD/asiapcf/02/25/turkey.sledgehammer.arrest/index.html> accessed 16th August 2015.

<sup>97</sup> Dogan is the daughter of one of the *Balyoz* defendants General Cetin Dogan. She is married to Dani Rodrik.

<sup>98</sup> The New Republic, May 24<sup>th</sup> 2010, *Turkey’s other dirty war*. Available at: <http://www.newrepublic.com/article/world/75123/turkey%E2%80%99s-other-dirty-war>. Accessed July 27<sup>th</sup> 2014.

<sup>99</sup> “Supporters” is a reference to the Gulen movement. See Dani Rodrik’s weblog May 29<sup>th</sup> 2010. Available at [http://rodrik.typepad.com/dani\\_rodriks\\_weblog/2010/05/](http://rodrik.typepad.com/dani_rodriks_weblog/2010/05/). Accessed July 27<sup>th</sup> 2010.

<sup>100</sup> It was held on September 12<sup>th</sup> 2010 – 30 years to the day since the 1980 *coup d’etat*

Turkish citizens to reforms in view of enhancing their rights and freedoms....these reforms are a step in the right direction as they address a number of long-standing priorities in efforts towards fully complying with the accession criteria to European Union.”<sup>101</sup>

The Commission’s reaction to the referendum result was nuanced and subtle. It called for further reform and preferably the establishment of a brand new constitution:

“We share the views of many in Turkey that the 12 September vote needs to be followed by other much needed reforms to address the remaining priorities in the area of fundamental rights, such as freedom of expression and freedom of religion. In this respect, we agree with those across the political spectrum in Turkey who believe that a new civilian Constitution would provide a solid base for a sustained development of democracy in Turkey, in line with European standards and the EU accession criteria.”<sup>102</sup> However it did not question the case itself. The publication of the Hanefi Avci and Ahmet Sik books meant that the Progress Report of 2011 was more credulous – but still stressed the importance of due process above all else<sup>103</sup>.

## Conclusion

Turkey has had a high geostrategic value to “Europe” and the “West” since World War Two and continues to do so. In terms of various and multiple hard and soft security issues – eg: transatlantic relations, energy pipelines, counter terrorism and migration – it remains a vital partner because of its geopolitical location. For this reason, according to historical trends, the accession process should be making progress to facilitate and encourage cooperation. However it can make no further progress because Turkey does not meet the Copenhagen criteria and shows no sign of moving towards them. At the time of writing (September 2015) Turkey is significantly less liberal than it was in 2004/5 when accession negotiations were opened and, arguably, less liberal than it was under the previous Kemalist governments.

This happened because Turkey, and its allies within the EU, were unable to maintain the reform momentum after the enormous efforts of 2002-2004 and again when accession negotiations were actually opened in October 2005. Without continuing reform it was too difficult for Turkey’s case to be made against strong opposition. The tables had turned and Turkey’s advocates were as

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<sup>101</sup> Xinhua News Agency, September 13<sup>th</sup> 2010, *EU hails referendum result on reforms in Turkey*

<sup>102</sup> [http://europa.eu/rapid/press-release\\_MEMO-10-402\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-10-402_en.htm?locale=en)

<sup>103</sup> See Sec. 2.1 of the European Union, European Commission, 2011, *Regular Report from the European Commission on Turkey’s Progress towards accession*. Available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/tr\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf). Accessed 23<sup>rd</sup> August 2015.

rhetorically entrapped as the EU had been in December 2004.<sup>104</sup> The conclusion here however is also that the EU may have exacerbated the problem thereafter for two broad reasons.

Firstly the EU saw the Kemalist-Islamist power struggle as a binary of “democratic” and “non-democratic”. Defined as pure democratic electoral process the military were non-democratic and therefore illiberal - a negative for accession - whereas the AKP were “democratic” with an electoral mandate – and were therefore presumed to be liberal by implication. For this reason the AKP were supported by the EU – and the military were criticised. However, the European Commission’s definition of “democracy” is simplistic because of the presumption that “democratic” meant liberal as well.

Secondly, having bolstered the AKP against the Kemalist opposition in this way the Commission drastically *underestimated* the AKP’s propensity to continue the military’s illiberal practices. It took several years to recognise the full extent of the illiberality involved. Concerns about media freedom were in evidence from 2010 but it was not until 2013 that the European Union<sup>105</sup> - and most major international civil society organisations – were publically acknowledging the extent of collusion between the AKP and the Gulen movement in *Ergenekon* and its associated cases.

These cases – based on highly disputable evidence - had the effect of bolstering the power of the AKP through intimidating its opponents and reducing the influence of those with a scrutinising role in society. This strategy has certainly been effective and may have been democratic – but it wasn’t liberal. However by the time it was realised it was hard to reverse the process as the AKP and Recep Tayyip Erdogan had also begun the process of entrenching power in an executive presidency.

In summary, the reason why Turkey has become a highly illiberal country was that it was the continuation of the long standing Kemalist Islamist rivalry in Turkish politics. The question of how it happened is largely due to the influence and machinations of the Gulen movement which had a considerable number of loyal and influential followers prepared to work for the good of the Islamist cause in Turkey.

The EU’s failing was not to realise the extent of the AKP’s illiberal tendencies soon enough. There is evidence of an overly simplistic view of “democracy” in the years immediately after the opening of accession negotiations and several years delay in facing up to the failings of the AKP which enabled the AKP to consolidate its power base – ironically with another democratic electoral victory in 2011. In the Commission’s defence it should also be said the AKP/Gulen strategy was highly audacious and not easy to disentangle from the murkiness of Turkish politics historically. The Commission was also

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<sup>104</sup> See Schimmelfennig 2009; Martin 2015

<sup>105</sup> This includes the EEAS as well as the European Commission and member states

working within a sensitive political environment. However, this paper concludes that the EU has played a part in creating the geostrategic quandary in which it now finds itself regarding Turkey.

The EU, and its allies, can no longer use the incentive of accession to encourage liberal democratisation and strategic cooperation in Turkey because accession is not an option in the current highly illiberal climate. Therefore, neither can they rely on the rationality or coherence of standalone Turkish foreign policy and Ankara's cooperation with its allies over issues such as radicalisation and counter terrorism and migration/border control.

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