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EU-Turkey Relations: Turkish Membership in the EU at Arm's Length

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Introduction

The current social, political and economic realities in Turkey are fluctuating at an alarming rate with massive changes across social and political fronts in the Turkish republic. From the weakening of the Turkish lira to an attempted coup d'état a short three years ago, Turkey is undergoing a massive transformation that is fundamentally changing the country and the lives of those living under the current regime.

However, these changes are not only instigated by external forces. Incumbent president Recep Tayyip Erdoğan himself has also been pushing for changes through a massive overhaul of governmental and international policy changes to promote a different kind of political agenda for Turkey.¹ To augment these policies, Erdoğan manipulates neighbouring political conflicts and domestic social issues to the benefit of his popularity and rule. Among these political instruments is Turkey's bid for membership in the EU, which, along with other changes in local and international Turkish affairs, is in serious jeopardy after facing strenuous opposition from EU member states in recent years. However, this change in the fate of Turkey in the EU is not unfounded.

Over the past two decades, Turkey has faced harsh criticism from Europe over its violations of human rights, ironclad policies on freedom of speech and restrictions on social and political life in the Republic, despite agreeing to the controversial EU-Turkey refugee deal. Accordingly, the fate of Turkey's bid to join the European alliance, which has been in the works for the past thirty years, has been put at risk despite Erdoğan and his government's adamant position on Turkey's EU accession. This contradiction between sabotaging the bid while simultaneously calling for it points to a number of intricacies.

¹ Foreign Policy, 2019

Since the attempted coup in 2016, Turkey has been pushed further away from consideration for membership despite pressure from the Turkish government on EU member states to re-engage in negotiations. (Gavrilov, 2019) To get a better understanding of the current state of Turkish membership in the EU, it is necessary to investigate how recent social and political happenings in Turkey and Europe have risked the abandonment of the bid. To phrase it another way, what can revisiting the Turkish membership bid to the EU tell us about the ebbs and flows of politics and ideology in Turkey and Europe?

The Imagination of Identity and the Non-European Other

The question of Turkey's accession to the EU is multifaceted and can only be analysed as such. A considerable aspect of this topic is that of the national and imagined identity of Europe. Accordingly, this paper is heavily informed by European integration theory, a concept developed by Antje Wiener and Thomas Diez in their similarly titled book, to better understand Turkey's membership bid. To augment this theoretical engagement, this paper will examine how politicians, individuals on the ground and the media have been engaging with Turkey's accession to the EU. The most prominent approach to this form of analysis is informed by 'discourse analysis' as developed by Michel Foucault in his seminal work *The Archeology of Knowledge*. Within this framework, this paper aims to understand how the formation of the EU and its identity impact Turkey's bid for EU membership.

The formation of the EU in the late 1990s was based on common social and political belief systems; institutions; and identities among leaders at the time. Both Wiener and Diez purport their theory as a 'systematic reflection on the process of intensifying political cooperation in Europe and the development of common political institutions, as well as on its outcome. It also includes the theorization of changing structures of identities and interests of social actors in the context of this process'² (Wiener & Diez, 2009). Understanding the EU's identity and what makes it a distinctive institution is crucial for comprehending the reasons behind the failure of Turkey's accession to the EU hitherto and the nature of the relationship between Turkey and Europe.

However, Europe's identity on a national and institutional level is not solely dependent on social constructions. In order to be both 'European' and a member of the EU, countries must voluntarily

² (Wiener & Diez, 2009), page 4

adopt a number of rules and regulations for admission into the organisation and accept them as binding obligations. (Wiener & Diez, 2009: p.148)³

Furthermore, Wiener and Diez present different perspectives towards the EU's identity. They argue that right-wing, populist parties in Europe promote the concept of a 'fortressed Europe' that emphasizes Europe's shared history, culture heritage and Christianity, and excludes foreigners, immigrants and Islam as constitutive elements of European identity. Notwithstanding, others view European identity as open and flexible, and not necessarily defined by a particular religion or culture.

In their analysis of these two discourses, Wiener and Diaz claim that, on the one hand, 'modern' Europe is open to Turkish accession as long as Turkey complies with the criteria for democracy; human and minority rights; and the rules known as the Copenhagen criteria. On the other hand, the exclusivity of Europe preempts the accession of Turkey, a predominantly Muslim country, on the basis of what Eisenstadt and Giesen called a 'primordial identity', which sees European identity in essentialist and anti-Turkish terms.⁴ (Eisenstadt & Giesen, 1995)

It is in this way that the EU constitutes the 'European' identity, informing the discourse which excludes Turkey one that public discourse around Turkish membership has ruled Turkey out of. To put it in Saidian terms, by 'othering' Turkey – defining 'the other' by what Europe is not – the EU has framed the Turkish 'other' as non-European.⁵ However, the Turkish government has argued that a new European identity should be defined according to the pending membership bids of Eastern European nations like Romania and Serbia, setting precedent for Turkey as a candidate.⁶ (Wiener & Diez, 2009: p.177)

The continuous failure of Europe to accept Turkey membership points to both, Turkey's failure to successfully 'Europeanise' and Europe's failure to accept Turkey as a fully-fledged member or perhaps both. Accordingly, the coming paragraphs will address these hindrances by questioning

³ 'EU membership implies', Wiener and Diez say, 'the voluntary acceptance of a particular political order as legitimate and entails the recognition of a set of rules and obligations as binding'.

⁴Eisenstadt & Giesen, 1995

⁵ (Said, 1979)

⁶ On this, Wiener and Diez say, 'the extent that Eastern Europe [has] figured in the set of differences that defined EU-Europe, redefinition of identity has to take place.'

Europe's identity; internal and external Turkish affairs; and EU-Turkey relations that perpetually postpone – if not preclude – the possibility of the EU's acceptance of Turkey's bid.⁷

Turkey and the Copenhagen Convention Criteria

Shortly after Angela Merkel was elected chancellor in 2006, negotiations with the EU regarding Turkey's membership bid were moving fast following Turkey's efforts to introduce legislation that would bring Turkish standards of civil and political freedoms closer to that of Europe. Despite these efforts, Merkel proposed the idea of making Turkey a 'privileged member' instead of a full member, leading Turkish politicians to claim the EU was attempting to remain a 'Christian club'.

Merkel, however, emphasized that the EU is not a Christian club but a cooperation that shares common values "derive[d] in large part from the teachings of Christianity".⁸ (DW, 2018) This disjuncture in Merkel's ideation of the EU's identity suggests the EU's concern over including a majority Muslim country within the Christian-influenced European community and its hesitance in admitting it. Are, in fact, Turkey's secular political make-up and separation between 'mosque and state' irrelevant since the country is still seen as a Muslim nation in Europe's eyes? While it remains true that Turkey has modernised its economy and appears to be advancing towards democracy, these 'modernisation' policies have been at odds with Turkey's questionable human rights record.

Also in 2006, Turkey introduced a new 'anti-terror' law that widened the definition of 'terrorism' and its perpetrators; restricted the right of accused perpetrators; and limited the rights of accused perpetrators regarding their legal procedures. (Amnesty International, 2006) The UN has specified that definitions of terrorism and its perpetrators 'should be brought in line with international norms and standards, notably the principle of legality as required by Article 15 of the International Covenant on Civil and Political Rights (ICCPR)'. (Human Rights Watch, 2010)⁹ This reframing of terrorism, which was once again renewed with the recent coup attempt in 2016, finds its roots in an earlier oppression in Turkey. Changes in Turkish legislation on terrorism and shifting discourses have

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⁸ <https://www.dw.com/en/germanys-angela-merkel-keeps-turkey-at-arms-length/a-44340611>

⁹ The Turkish legal system differentiates two types of offences: terrorist offences, which are limited to those specified under the Law 3713, and some offences against the territorial integrity of the state, and offences committed with terrorist aims. The former is considered as terrorist offences per se, while the latter can only be treated as such when committed within the framework of a terrorist organisation or in furtherance of its aims. According to this law, the punishment for terrorist offences and offences committed with terrorist aims shall be aggravated and special procedural and executional rules shall apply. (Legislation Line, 2001: 1)

obfuscated Turkey's membership bid in the face of European frustration over Turkey's oppression of ethnic Kurds.

The struggle of the Kurds in the Turkish Republic can be traced to the Lausanne Peace Treaty of 1923, wherein minorities in the new republic were defined across religious lines and not ethnic lines, denying the right of self-identification to the Kurdish people.¹⁰ In the following years, the socioeconomic and political position of the Kurdish people deteriorated sharply, leading to the politicisation and mobilisation of the Kurds in what was to become the Kurdish Workers Party (PKK).

In 1999, head of the PKK Abdallah Öcalan was arrested and sentenced to death under the Turkish penal code. Following negotiations with the EU and the abolishment of capital punishment in Turkey in 2004, Öcalan's sentence was reduced to life in prison. However, Turkey's stance on capital punishment has recently reverted.¹¹¹²

The Kurdish question is not just an issue of national security for Turkey, since EU members have voiced that Turkish membership in the EU also hinges on how Erdoğan's regime treats the Kurdish people. (Cengiz and Hoffman, 2013) Since the end of the Cold War, the EU has shown sympathy for Kurdish political life in Turkey, which has been mirrored by Kurdish constituents in Turkish civil and political society. However, in a post-9/11 world, this has since changed, with the EU listing the PKK on its terror list. While previously imposed only on Kurdish guerillas in years past, recent changes in domestic politics in Turkey have widened the discursive scope of 'terrorism'.

Since the 2016 state of emergency following the attempted coup, Turkey has considered reintroducing the death penalty for 'terrorists'. In fact, Turkey temporarily suspended the European Convention on Human Rights altogether in 2016.¹³ (Hurriyet, 2016) Despite the risks, the EU explicitly stated that the reintroduction of capital punishment would put an absolute end to talks on Turkish

¹⁰ [Article 16 of the penal code], which stipulated that children could not be given names that contradict with the "national culture" and "Turkish customs and traditions", was changed [in 2009]. The amendment dropped the terms "national culture" and "Turkish customs and traditions", and stated that only names that disregard moral norms or offend the public could not be given as first names'. Despite the change in the law's wording, the article is still loose and incapable of defining naming that is considered to 'disregard moral norms'. (Aslan, 2009: p.14).

¹¹ The abolishment of capital punishment in Turkey was accomplished in accordance with Article 2 of the Charter of Fundamental Rights of the EU.

¹² <https://fra.europa.eu/en/charterpedia/article/2-right-life>

¹³ <http://www.hurriyetdailynews.com/turkey-to-temporarily-suspend-european-convention-on-human-rights-after-coup-attempt.aspx?pageID=238&nid=101910&NewsCatID=338>

membership.¹⁴ (Middle East Eye, 2018) In the face of European condemnation of Turkey's retaliation following the events of 2016 and calls for Turkey to reform its domestic counter-terror legislation, Erdoğan responded by saying "We'll go our way, you go yours."¹⁵

Following the 2016 coup attempt, the Turkish government declared a state of emergency and began a two-year purge of journalists, government officials and individuals.¹⁶ Since the ordeal, hundreds of thousands of judges and government officials have been dismissed or detained; the assets of more than one thousand companies have been seized; and dozens of websites, including Wikipedia, have been blocked. Despite ending the state of emergency last year, Turkish parliament passed an updated anti-terror law in July 2018 to enshrine emergency state-like practices in the constitution.

These changes in the Turkish constitution have allowed Turkey to shut down hundreds of media outlets and cancel the passports of thousands of Turkish citizens, restricting freedom of speech and movement in and out of the republic. Since the passing of the amended anti-terrorist law in 2018, those arrested have been charged with terrorism through links to the PKK and Gülen, altering public discourse in Turkey to connect the Kurdish population of Turkey and critics of Erdoğan's government with terrorism.

Europe the Non-Saint

Earlier this year, the Turkish people took to the polls to vote in local elections across the country. To the surprise of Erdoğan, his Justice and Development Party (AKP) lost the majority vote by a slim margin to its rival, the Republican People's Party (CHP), in Turkey's two biggest electorate cities, Istanbul and Ankara. Astonished and perplexed, Erdoğan's government called for a revote in early May, deeming the primary vote void due to regulatory violations.¹⁷ (Hurriyet, 2019)

Shortly after the announcement to re-hold elections, the Strasbourg-based Council of Europe urged the Turkish government to abstain from a revote, claiming it would push Turks to "lose trust" in their

¹⁴ <https://www.middleeasteye.net/news/turkish-leaders-agree-death-penalty-terrorists-and-child-killers-report>

¹⁵ <https://www.theguardian.com/world/2016/jul/20/turkeys-long-road-to-eu-membership-just-got-longer>

¹⁶ <https://www.aljazeera.com/news/2018/07/turkey-parliament-approves-anti-terror-law-180725152308059.html>

¹⁷ <http://www.hurriyetdailynews.com/electoral-lists-unchanged-for-istanbul-revote-supreme-election-council-chair-143453>

government.¹⁸ (euObserver, 2019) In response, the Turkish Foreign Ministry deemed the vote 'baseless' and 'biased', and reiterated the strategic importance of Turkey's membership bid.

The EU has not shied away from expressing disapproval of Turkey's regression on freedom of speech and human rights violations, in particular since 2016. In March 2019, the EU voted to suspend Turkey's EU membership bid and, in passing the non-binding vote, cited Turkey's 'poor track record in upholding human rights, the rule of law, media freedom, and the fight against corruption' as reasons for the vote.¹⁹ The EU also called for the rerouting of financial assistance that had been promised as part of the EU-Turkey refugee deal from the government to Turkish civil and political organisations.

Europe's condemnations of Turkey place Europe and Turkey on two opposite polemics: Europe the democratic, liberal and tolerant, and Turkey the autocratic, conservative and oppressive. Despite the on-the-ground realities of Turks that can prove or disprove these claims, the problem lies with Europe placing itself on a moral and humanitarian pedestal and framing Turkey, the only Muslim country to pursue membership in the EU, as non-European.

Thus, the question is not whether or not the Turkish government lives up to its reputation, but instead how the EU frames Turkey within European discourse and the European identity. The implications of this framing, aside from precluding EU membership, can extend to perceptions of Turks, Muslims and immigrants in larger European discursive circles. In this sense, it seems Europe does not want Turkey's eighty-three million citizens – the overwhelming majority of whom are Muslim – becoming European.

One-Way Lane on a Two-Way Street

When Turkey submitted its bid to become a full member of the EU in the 1990s, member states initially accepted the call with open arms. However, much has changed since then. In a post-9/11 world, Turkey's political climate is tense: from the oppression of the Kurds and LGBTQI* peoples; to border skirmishes with Greece; to the Syrian revolution-turned-proxy war, things have taken a turn for the worse.

¹⁸ <https://euobserver.com/tickers/144817>

¹⁹ <https://www.dw.com/en/european-parliament-votes-to-suspend-turkeys-eu-membership-bid/a-47902275>

During the pinnacle of the so-called 'refugee crisis' in 2015, Europe was left scrambling to 'secure Europe' from the perceived threat of Syrian refugees.²⁰ With a growing anti-immigrant and Islamophobic sentiment among the right wing of Europe, Angela Merkel came up with a plan that became known as the 'European solution' for the mass exodus of refugees coming mainly from Syria and elsewhere in the Middle East and South Asia.

Since 2015, Turkey has received more than two million Syrian refugees due to its geographical proximity to Syria, in addition to approximately 300,000 refugees from Iraq, Afghanistan and Pakistan. In March 2016, EU leaders signed an agreement stipulating the return of people who had crossed from the Greek islands through irregular channels to Turkey to prevent the arrival of new asylum seekers in Europe. With the premise of reopening talks on the membership bid, Turkey was to receive three billion euros, the waiver of Schengen visa requirements for Turks and a resettlement program for Syrians from Turkey known as the 'one-in-one-out' system. In addition to the 'cycle of despair' that this deal catalysed, the EU successfully 'secured' the fortress that is Europe from refugees who have become conflated with 'Islamic terrorists' through public discourse across the continent despite the fact that refugees are not the main perpetrators of terrorism in Europe.²¹ (Diisk, 2017) To date, approximately 72,000 Syrians are trapped in deteriorating conditions on Greek islands as a result of the refugee deal.²² (MSF, 2019)

However, Turkey has not experienced any advancements on talks to date nor has had the Schengen visa requirements waived for Turkish citizens. The EU claims that Turkey met most of the seventy-two criteria required for the visa waiver but apparently failed to meet the remainder by the June 2016 deadline. Following the vote in March by the EU, it does not seem that Turkish citizens will be flying to Europe visa-free anytime soon. Can this simply be seen as a question of criteria fulfillment?

What seems to have occurred is that Europe has obtained what it sought from Turkey but failed to keep its end of the agreement. This can arguably be due to Europe's exclusive identity concretised by

²⁰ The term 'refugee crisis', which was widely used in Western media following the exodus of millions of Syrians starting 2015, has created a discourse that vilifies the presence of refugees and immigrants in Europe. This discourse was also the basis for the racist and Islamophobic rhetoric of right-wing groups across Europe. Thus, we say 'so-called' to dispel the myths that construct the current refugee situation as a 'crisis', implying it is only a problem for Europe and erasing the larger plights of the refugees and immigrants themselves.

²¹ <https://www.diis.dk/en/research/european-citizens-not-refugees-behind-most-terrorist-attacks-in-europe>

²² <https://www.msf.org/eu-turkey-deal-continues-cycle-containment-and-despair-greece-refugees>

rising Islamophobia in Europe, decreasing support for leaders like Angela Merkel and Brexit – all of which point to a crumbling EU as it stands. Europe increasingly mimics Turkey's problematic political praxis regarding political dissidence, censorship and democratic processes, which are undoubtedly nearing Turkey's current regime in autocratic rule. However, it seems Europe had no intention of admitting Turkey to the EU in the first place. In 2017, Angela Merkel explicitly denied the possibility of Turkey becoming a member state altogether, despite claiming otherwise in 2013 at a time when talks had already been at a stand-still since 2006.

However, Turkish membership in the EU remains a valid pursuit for Erdoğan and his regime, rooted in Turkey's desire to reassert geographic domination in the region under the guise of a modern republic – despite Erdoğan's anti-Atatürk rhetoric. According to Meltem Ahiska, Turkey internalised notions of modernity and Western civilisation with the Atatürkification of the republic. However, Europe rejected this 'imitation' of its values and, in the othering of Turks as Islamic, non-European peoples, there remains a general understanding of 'us' against 'them'. Turkey is not European and we are what Turkey is not; therefore, we are European and Turkey is everything but. (Ahiska, 2003: 358)

Conclusion

Turkey and the EU have been at odds over the membership issue for almost fifteen years, and it appears negotiations, or lack thereof, point to the end of Turkey's membership bid altogether. Questions of where Turkey is headed under the current leadership are legitimate and important to pose, especially since campaigns against Academics for Peace, journalists and multiple other groups do not seem to be stopping anytime soon. However, we cannot focus on the failures of Turkey as a democratic nation without considering the imperial power embedded in the EU as the main arbiter for the membership bid.

With the creation of the monolithic European Union, the entire continent has assumed the identity of the gatekeeper of democracy, human rights and tolerance. However, this narrative negates the role Europe plays in destabilising other parts of the world through arms sales, political meddling and increasing xenophobia, all of which are incongruent with this notion of Europe as a 'haven'. As such, there are many layers that this question of the future of Turkey in the EU peels back aside from those highlighted in this paper.

To return to the primary question: Turkish membership in the EU will not happen anytime soon; not necessarily as the result of people's volition or that of Turkish and European governments, but rather due to the 'assemblage' of which the membership bid seems to be a part. Nevertheless, the political decisions made in both Turkey and Europe definitely influence the prospects of Turkish membership in the EU and have a more pressing influence on the lives of people on the ground.

These lives – often seen as 'collateral damage' in large-scale political projects such as this – should not be glossed over.

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