THE IMPACT OF THE EUROPEAN UNION ON TURKISH COUNTER-TERRORISM POLICY TOWARDS THE KURDISTAN WORKERS PARTY

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ABSTRACT

This study seeks to examine the impact of the EU on Turkish counter-terrorism policies towards the Kurdistan Workers Party (PKK). It analyses what impact it has had within three distinct periods: the pre-Helsinki European Council (1984-1999) period, the post-Helsinki European Council (1999-2004) period, and the post-Brussels European Council (2004-2013) period. It conceptualizes and empirically investigates the EU's norm diffusion role by relying on the concept of "Rule Adoption", and by utilising two norm diffusion mechanisms: the "Conditionality" and the "Socialization" mechanism, and their domestic and EU-level determinants. The thesis argues that when the EU has promoted democratisation in Turkey, it has also implicitly impacted on Turkey's counter-terrorism policies. It argues for this thesis by generalizing from the following empirical findings: When the EU has provided a credible membership prospect to Turkey, and when the PKK attacks have been at a low-level, then the EU conditionality mechanism has been influential on Turkey's adoption of EU promoted norms. However, when there has been no membership prospect and high levels of PKK violence, it has been the openness of Turkish political actors that has resulted in rule adoption, in which the social learning of the Turkish political actors has led to the adoption of EU promoted norms as an appropriate way to solve existing terrorism problems.

ACKNOWLEDGEMENTS

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LIST OF ABBREVIATIONS

AFSJ	Area of Freedom, Security, and Justice
AKP	Justice and Development Party
ANAP	Motherland Party
ATL	Anti-Terror Law
BDP	Peace and Democracy Party
CAT	UN Committee against Torture
CCPL	Code of Criminal Procedure Law
CEC	Commission of the European Communities
CEEC's	Central and Eastern European Countries
CFI	Court of First Instance
CHP	Republicans Peoples Party
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture
DDKO	Revolutionary Eastern Cultural Hearts
DEHAP	Democratic People's Party
DEP	Democracy Party
DHKP-C	Revolutionary Peoples Liberation Front
DPT	Prime Ministry Strategic Planning Organisation
DSP	Democratic Left Party
DTP	Democratic Society Party
EC	European Community
ECFR	European Charter of Fundamental Rights
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECRML	European Charter for Regional and Minority Languages
ECtHR	European Court of Human Rights

EEC	European Economic Community
EFA	European Free Alliance
EIM	External Incentives Model
ENP	European Neighbourhood Policy
EP	European Parliament
ESDP	European Security and Defence Policy
ESS	European Security Strategy
ETA	Euskadi Ta Askatasuna
EU	European Union
FCPNM	Framework Convention for the Protection of National Minorities
GUE	Confederal Group of the European United Left
HADEP	Peoples Democracy Party
HCNM	High Commissioner on National Minorities
HEP	Peoples Labour Party
HHRB	High Human Rights Board
HRCC	Human Rights Consultation Committee
HRFT	Human Rights Foundation of Turkey
HRIB	Human Rights Investigation Board
ICCPR	International Covenant on Civil and Political Rights
ICESC	International Convention on Economic, Social, and Cultural Rights
IDMC	International Displacement Monitoring Centre
IDP	Internally Displaced People
IMF	International Monetary Fund
IRA	Irish Republican Party
JFR	Judiciary and Fundamental Rights
JHA	Justice and Home Affairs
JPC	Joint Parliamentary Committee
KCK	Group of Communities in Kurdistan
KDPT	Democratic Party of Kurdish Kurdistan

KSP	Socialist Party of Kurdistan
MHP	Nationalist Action/Movement Party
MIT	Turkish National Intelligence Service
NATO	North Atlantic Treaty Organisation
NGL	Nordic Green Left
NGO	Non-Governmental Organisation
NPAA	National Programme for Adoption of Acquis
NPT	National Preventive Mechanism
NSC	National Security Council
OECD	Organisation for Economic Cooperation
OPCAT	Optional Protocol to the UN Convention against Torture
OSCE	Organisation for European Security
PKK	Kurdistan Workers Party
RADST	Regulation of Apprehension Detention and Statement Taking
RMG	Reform Monitoring Group
RTUK	Radio and Television Supreme Council
SHP	Social Democratic People's Party
SLM	Social Learning Model
SPT	Subcommittee on Prevention of Torture
SSC's	State Security Courts
TAF	Turkish Armed Forces
TAIEX	Technical Assistance and Information Exchange Instrument
TBMM	Turkish Grand National Assembly
TCC	Turkish Constitutional Court
TESEV	Turkish Economic and Social Studies Foundation
TEU	Treaty of European Union
ToA	Treaty of Amsterdam
TPHRIC	Turkish Parliament Human Rights Inquiry Committee
TREVI	Terrorisme Radicalisme Extremisme et Violence Internationale

TRT   Turkish Broadcasting Corporation

TWP   Turkish Workers Party

UDHR   Universal Declaration of Human Rights

UK   United Kingdom

UN   United Nations

UNHRC United Nations Human Rights Committee

UNSC   United Nations Security Council

US   United States

VCCE   Venice Commission of the Council of Europe

YÖK   High Education Board

YSK   Supreme/High Election Board

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1. Introduction

Since the idea of creating a borderless and united Europe has preoccupied the minds of European Union (EU) political actors, security has always been an 'Achilles Heel' of this project. It arose as a problem for European politicians, bureaucrats, and citizens within the form of 'soft security' problems such as immigration, organised crime, drug and human trafficking. However, after the devastating 9/11 attacks, terrorism has occupied the whole EU security agenda and it was understood that seeking a remedy for terrorism within the EU is not enough to eradicate this problem. Therefore, countering terrorism went beyond the borders of the EU and it was incorporated with the states neighbouring the Union.

Countering terrorism, however, has never only been a security matter because of political motives of perpetrators. The groups involved in terrorist attacks rely on this strategy since they are sometimes unable to find a legitimate and efficient way for seeking their rightful demands. In this respect, in order to prevent the radicalization of these people, liberal democratic norms such as democracy, human rights, ethnic minority rights and rule of law became important instruments for their voices to be heard.

In the democratic environment of the EU, whilst individuals may have a chance to seek their political cause, in other countries and regions they may not enjoy their basic political rights, due to absence of democratic governance. So, the incompetence of other states generates the political conditions of radicalization and these may be imported to the EU where the democratic environment gives the opportunity of publicity for these groups political cause. Therefore, in order to prevent such negative consequences of the internal security problems of other countries, promotion of liberal democratic norms to other states becomes an important aspect of EU's external dimension of counter-terrorism policy.

In the context of EU's foreign counter-terrorism policy, fighting terrorism was mostly perceived a security issue both in political and academic circles. The normative side of this problem such as promoting democracy, human rights, ethnic minority rights, and rule of law to third countries remained behind the security based policies and academic arguments. Furthermore, the EU's external counter-terror engagements squeezed between EU-Transatlantic relations and the EU-European Neighbourhood Policy (ENP) countries. Within transatlantic relations, the EU was described as a 'norm taker' from the United States (US) and it was accused of compromising some human rights in order to sign counter-terror agreements (Argomaniz 2009a; Kaunert et al. 2012; Alex Mackenzie 2012; Pawlak 2009b). Also, the EU was criticized for paying too much attention to security cooperation and ignoring the promotion of liberal democratic norms to the ENP countries in the context of countering terrorism (Baracani 2009; Dannreuther 2006; Dover 2008; Eder 2011; Joffe 2008; Pace 2010). If looking at these academic arguments, the EU, depicted as an international actor, disregards the promotion of liberal democratic norms to third countries as a priority when fighting terrorism.

Contrary to these accounts, however, the EU has a strong potential to transform the counter-terrorism policies of other countries by normative means. Although, this competence of the EU was not revealed in its relations with the US and the ENP countries, there needs to be focus on other countries, where the EU's normative influence is successful and negative consequences of terrorism creates a problem for both the EU and target country.

In this respect, this study aims to shift the direction of EU's external dimension of the counter-terror debate to a neglected area to the enlargement countries. It provides an alternative explanation for the transformation of counter-terrorism policy in a third country in the context of democratization and enlargement. It is concerned with the normative dimension of this transformation (e.g. with changes that relate to the promotion of human rights

and ethnic minority rights), rather than with issues relating to counter-terrorism cooperation with the EU. It explicates the normative role of the EU in a special case that such norm diffusion has played in transforming Turkey's counter-terrorism policy towards the Kurdistan Workers Party (PKK).

Enlargement is one of the strategies used by the European Union to stabilize countries in its vicinity. Since 1993, the strategy has been informed by the EU's so-called 'Copenhagen Political Criteria', which defines the eligibility requirements for those Enlargement countries that wish to accede to the EU. The criteria requires that candidate countries "achiev[e] stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities"(European Council 1993), before granting them membership status. The Enlargement strategy aims to prepare candidate countries for EU membership by transforming their democracy, and solving their domestic political problems, using EU methods. In return, it minimizes the risks to the EU of internalizing the domestic political problems of candidate countries.

The EU requirements given by the Copenhagen Criteria give rise to a controversial issue for those candidate countries in which ethnic separatist terrorism is considered to be an existential threat. On the one hand, if they adopt the liberal democratic norms promoted by the EU, such countries run the risk that their citizens will perceive this as restraining the counter-terrorism capabilities of their security forces, and so as undermining their territorial integrity. On the other hand, if candidate countries sacrifice liberal democratic norms for the sake of security, their relations with the EU could deteriorate. Such a "security versus liberty" dilemma clearly reveals that there is a link between the EU's efforts to establish liberal democratic norms within candidate countries, and the transformation of those countries' counter-terrorism policies.

In this connection, during accession negotiations, the membership conditions laid down by the EU not only trigger a democratization process within candidate countries, but they also influence substantial policies within those

countries, such as their counter-terrorism policies. In an attempt to comply with the human rights and ethnic minority norms promoted by the EU, candidate countries transform their counter-terrorism policies in line with EU requirements.

In the above respect, Turkey is a special example amongst the candidate EU countries. It has been committed to acceding to the EU since 1987, and has been struggling with the PKK, a terrorist organisation that has the separatist agenda of establishing an independent state in Southeastern Anatolia, since 1984. Since that time large numbers of soldiers and resources have been allocated to the Southeastern region and a state of emergency was declared in the early 1980s. Turkish security forces have adopted harsh counter-terror measures such as village evacuations, extra judicial killings, torture, arbitrary arrest, and the internment without trial of PKK members and sympathizers, at the expense of human and ethnic rights. Fearing separation, the ruling elite of Turkey has repressed the demands of Kurdish citizens for their cultural rights. Granting rights to Kurds has been considered dangerous, since doing so increases the likelihood of calls for self-determination. These counter-terrorist measures have led to the deterioration both of Turkey's human rights record and of its relations with the EU.

Since the EU laid down the political conditions that candidate countries must meet at the Copenhagen European Council in 1993, no candidate country except Turkey has faced separatist terrorism in its territory. Even though some candidate countries (e.g. Romania, Latvia, Hungary, and Slovenia) have faced ethnic minority problems, none have experienced a terrorist problem on the scale of Turkey's. Furthermore, although there were instances of ethnic violence within the Western Balkan countries (such as the Former Yugoslav Republic of Macedonia) after the Yugoslav War, these were not considered to be instances of terrorist activities by the EU. Therefore, investigating the Turkish case has a

special importance in understanding the role of the EU's norm diffusion strategies on candidate countries' counter-terrorism policies.

In addition, since the 9/11 attacks, there has been less attention paid to human rights issues on the global stage and more attention paid to security based strategies in the domain of counter-terrorism. One main reason for this is the perception that Western countries rely upon security based strategies, and this has led other non-Western countries to follow suit (Hicks 2005: 216-17). Many countries have implemented new national security laws, or have justified their pre-existing legislation, by claiming that they are confronting terrorism (Hicks 2005: 216-17). However, contrary to the global trend after 9/11, Turkey has adopted human rights oriented counter-terrorism legislation. This is despite the fact that ethnic separatist terrorism has been a major security problem for Turkey (see chapter 6). It is often regarded as difficult to differentiate between the impact that globalisation has had, and the impact that EU norm diffusion has had, on domestic policy transformation (Radaelli and Pasquier 2007: 40). Turkey's special situation indicates that, in fact, EU integration can itself play a major role in the transformation of the counter-terrorism policies of third countries. This is because Turkey has bucked the global trend, so it is implausible that its policies have altered due to the influence of globalisation. Therefore, taking a closer look at the Turkish case could reveal the EU's distinct norm diffusion role in comparison to its counterparts in the counter-terror domain.

As will be seen in the literature review chapter (chapter 2), in recent years there has been an increasing number of studies concerning the EU's normative role in third countries. In these studies, this role has been discussed within different contexts. One group of studies attempts to determine the EU's position using international power concepts (Duchene 1973; Joffe 2008; Manners 2002; Oz 2010; Van Reisen et al. 2004). Another group of studies are concerned with the motivation that the EU has had in attempting to diffuse its norms to third countries (Cottey 2007; Lavenex 2004; D. Peters and Wagner

2005; Rees 2008; K. Smith 2003b; Tocci 2007). In a different strand of literature, the EU impact on third countries has been conceptualized in the context of Europeanization (Börzel 1999; Knill 2001; Radaelli 2002; Risse et al. 2001; Wallace 2000). In another group of studies, the EU norm diffusion mechanisms towards third countries is based on norm diffusion rationalities/logics at the domestic and the EU level (Bauer et al. 2007; Börzel and Risse 2003, 2012; Diez et al. 2006; Jacoby 2004; Kubicek 2003; Schimmelfennig and Sedelmeier 2005). In further studies, the EU's norm diffusion efforts have been categorized in terms of the level of interactions the EU has had with its neighbouring countries (Börzel et al. 2008; Börzel and Risse 2012; Lavenex and Uçarer 2004; Schimmelfennig 2012). However, within these strands of literature, no study specifically examines the EU's normative impact (which is based on the promotion of human rights and ethnic minority rights) on the transformation of candidate countries' counter-terrorism policies. Furthermore, no work has explored those norm diffusion mechanisms that rely on domestic and EU level variables and that transform candidate countries' counter-terrorism policies.

In consideration of the literature on Turkey-EU relations, the EU impact on Turkey has been analysed through the lenses of democratization (Dagi 2001; Keyman and Düzgit 2007; Kubicek 2003; McLaren 2008; Usul 2011; Özer 2012), human rights (Hale 2003; E. Hughes 2011; Sugden 2004), ethnic minority rights (Cengiz and Hoffmann 2012; Saral 2010; Yılmaz 2012a) and conflict resolution (Tocci 2007). Furthermore, another group of studies has been concerned with the efficiency of the EU's norm diffusion strategies on Turkey's reform processes (Arikan 2002; Baç 2005; Dimitrova 2011; Noutcheva and Aydin-Duzgit 2012; Saatcioglu 2009, 2011; Schimmelfennig et al. 2003; Schimmelfennig 2008; Tocci 2005). Even though these studies consider the impact the EU has had on Turkey's counter-terrorism policies towards the PKK, they explain reform initiatives in the context of democratization, human rights, ethnic minority rights, and conflict resolution. Therefore, a new research framework is needed to

explicitly reveal the full impact that the EU has had on Turkey's counter-terrorism policies.

Along with these studies, two exceptional studies have paid attention to the interaction between the EU and Turkey, and its influence on policies towards the PKK. In the first study, EU documents relating to Turkey's counter-terrorism policy are subsumed without critical evaluation and in the absence of a theoretical framework (Alexander et al. 2008). In the second study, the EU impact on Turkey's Justice and Home Affairs (JHA) policies (i.e. those relating to terrorism, organized crime, and drug trafficking) is examined by looking at threat perceptions (Bakar 2011). However, the impact of the EU on Turkey's counter-terrorism policies is evaluated by focussing on the cooperation dimension of counter-terrorism, rather than on the EU's normative requirements, such as improving human rights conditions.

In light of these studies, this research aims to bring a novel perspective to both the literature on the role of the EU in promoting norm diffusion, and the literature on Turkey-EU relations. In order to do so, it identifies a number of distinct norm diffusion mechanisms that are used by the EU to transform the counter-terrorism policies of third countries, and it empirically investigates the use of these mechanisms in Turkey. Furthermore, it will conclude which EU norm diffusion mechanism was the most successful in shaping Turkish counter-terrorism policies. In order to achieve these research objectives, this study poses the core research question:

"*Why and How have the EU promoted liberal democratic norms been adopted by Turkish governments to transform its counter-terrorism policies towards the PKK?*".

The domestic impact of EU norm diffusion encompasses three major areas: polity, politics and policies (Börzel and Risse 2003: 60). The polity dimension concerns political institutions, intergovernmental relations, judicial structures, public administration, state traditions, economic institutions, state-

society relations, and collective identities. Furthermore, the EU influence on third country polities has a direct impact on the fundamental principles of liberal democracy (Sedelmeier 2011: 17). Studies concerned with the EU's impact on the democratization process of third countries, and changing human rights and ethnic minority rights policies, are considered under the polity context (Sedelmeier 2011: 18). The politics dimension, on the other hand, encompasses interest formation, interest aggregation, interest representation, and public discourses. Research related to political parties, party systems, parliamentary agendas, and civil society, are considered as part of this literature (Sedelmeier 2011). Under the policy dimension, however, the EU influence has been observed through changing standards, instruments, problem-solving approaches and policy narratives and discourses. Empirical studies that consider regional policy, social policy, and JHA policy, are part of the policy-related European norm diffusion literature (Sedelmeier 2011: 23). In consideration of these policy areas, counter-terrorism is generally framed under the JHA framework. However, the "security versus liberty" dilemma links the counter-terrorism issue with the polities of candidate countries as well. The promotion of liberal democratic norms by the EU may be influential on candidate countries' counter terrorism policies if there is an on-going conflict in the candidate country with a terrorist organisation. Therefore, the EU impact on domestic policy does not necessarily have to be categorized under the policy dimension, but it can also be examined under the polity framework. This research examines the EU impact on Turkish counter-terrorism policies under the polity context rather than policy.

In relation to the research question, the influence of the EU on Turkey is assessed through the adoption of EU promoted liberal democratic norms in the counter-terror domain. As a dependent variable, "rule adoption" is a broad concept when used to measure the influence of the EU on Turkey. In order to narrow this concept to allow for a manageable analysis, the focus will be on "Formal Rule Adoption" (Schimmelfennig and Sedelmeier 2005). Formal rule

adoption constitutes three dimensions: (i) The ratification of EU promoted human rights and ethnic minority rights conventions; (ii) The amendment of existing domestic laws or the introduction of new laws; (iii) Institution-building initiatives for the protection of human rights.

The conventions mentioned in the first dimension have had an influence on counter-terrorism policies in Turkey, such as the prohibition of torture and the granting of rights to Kurds speaking in their mother tongue. The conventions are not only based on EU rules, but are also taken from the United Nations (UN), the Council of Europe (CoE) and the Organisation for European Security (OSCE). The EU closely monitors the ratification of these conventions as a precondition for accession to the EU.

The amendments mentioned in the second dimension also have relations to counter-terrorism policies in Turkey. The Anti-terror Law, the Criminal Procedure Law, and the Law Banning Use of Kurdish are a few examples, which fall within the scope of domestic legislative changes. The EU evaluates these domestic legislative changes in assessing Turkey's progression for EU membership.

With regard to the institution-building initiatives mentioned in the third dimension, the EU requires the establishment of new institutions in candidate countries, such as establishing an Ombudsman, or new human rights institutions, which are tasked with protecting and monitoring human rights violations against terror suspects. Therefore, institution-building initiatives need to be taken into consideration when assessing the EU influence on reforms made for changing counter-terrorism policy.

The EU's norm diffusion process has also been analysed as involving three distinct processes, "Top-Down", "Bottom-Up" and "Cross Loading" processes. The Top-Down (Downloading) process involves the adoption of EU norms at the domestic level. Viewed in this way, the EU impact emerges by the way of the unilateral adoption of EU standards by non-member and member countries

(Börzel 2002: 193). The Bottom-up (Uploading) process involves the active construction of an EU system of governance in EU member countries (Börzel 2002: 193). In this process, member countries try to upload their policies in order to achieve lower adoption costs at the domestic level. The Cross Loading process involves the exchange and sharing of policies between European countries, European institutions, and policy areas. Norm diffusion is shaped by the interests, norms, and identity of countries involved in this mutual interaction (Wong 2007: 325). The Top-Down process is used generally to explain the European impact on non-EU countries. The EU's monitoring mechanism for non-member countries is more intrusive and direct than in member countries. Moreover, non-member countries do not have the power to set the rules or negotiate changes in them. Therefore, a hierarchical power asymmetry between the EU and non-member countries, which is in favour of the EU, has led to a Top-down process for rule adoption (Sedelmeier 2011: 6).

However, the EU's approach towards third countries may not always be explicable in terms of the top-down approach. The EU also has softer norm diffusion mechanisms, such as the persuasion and the social learning mechanism, used to promote the adoption of EU norms in non-member countries, which are entirely dependent on the decisions of domestic political actors in target countries (the decision to adopt the EU norms is made autonomously, considering the domestic needs), and so can be categorized as being a bottom-up process. So, the use of top-down and bottom-up processes can complement each other, and lead to more successful norm diffusion in third countries (Dimitrova and Pridham 2004). Therefore, in this research, both top-down and bottom-up approaches are used to explain the EU impact on Turkish counter-terrorism policies.

In relation to top-down and bottom-up approaches, this study considers two norm diffusion mechanisms, *viz*. "Conditionality" and "Socialization", in investigating the impact of the EU on Turkey's counter-terrorism policies. Doing

so increases the value of the wider findings of this research. As these norm diffusion patters will be shown to hold in Turkey (in chapters 5, 6, and 7), the international community (international organisations and countries) could benefit by using them to shape the counter-terrorism policies of countries other than Turkey. A detailed conceptualization of the two mechanisms will be presented in the theoretical chapter (chapter 3), but they may be usefully summarized here in the following way:

The Conditionality mechanism is the mechanism used by the EU when they lay down political conditions that candidate countries must meet in order to become a member of the EU. These conditions are such that: if the candidate state fulfils these normative requirements, it is granted membership status, and; if it fails, the EU withholds accession to the Union. Stated in terms of this mechanism, the first hypothesis of this research is:

"*The use of the conditionality strategy by the EU increases the adoption of EU promoted norms by the Turkish Government in the counter-terrorism domain.*"

This research will argue that when the EU has presented Turkey with credible membership prospects, and when the benefits of compliance to EU promoted norms has outweighed the domestic political adoption costs, Turkish political actors have adopted human rights norms, which has resulted in the softening of the counter-terrorism approach towards the PKK. And when the EU has failed to provide Turkey with an adequate membership incentive, Turkish political actors have continued to implement hard-line counter-terrorism policies towards the PKK, in order to avoid domestic opposition and the criticism of those from nationalist circles.

The main purpose of this study is to explain how EU actions can influence Turkey's counter-terrorism policies. One explanation will be given in terms of the conditionality strategy mentioned above. However, under certain political

conditions, compliance with EU promoted norms can happen without a membership incentive and high adoption costs. Under such circumstances, an alternative argument is needed to explain norm-adoption behaviour. Here, the alternative explanation will be provided by an appeal to the Socialization mechanism.

The Socialization mechanism operates when a social interaction between the EU and a candidate country results in domestic political actors of a candidate country learning that EU promoted rules are effective in solving their domestic political problems, and adopt them even when the EU does not provide them with the prospect of EU membership. Thus, the second hypothesis of this research will be:

"The appropriateness of EU promoted norms in solving domestic political problems increases the adoption of these norms by the Turkish Government in the counter-terrorism domain".

This research will argue that when the Turkish government is in social interaction with EU institutions, and when Turkey's membership prospects are uncertain, Turkey may still comply with EU promoted norms to transform Turkish counter-terrorism policies in line with EU rules. This policy change is based on a learning process and Turkish domestic actors may realize that the adoption of EU promoted norms are an effective way to solve existing PKK terrorism by peaceful means. In this regard, the quality and legitimacy of the EU promoted norms and the openness of Turkish political actors to adopt the EU promoted norms are influential on norm-adopting behaviour, rather than the EU providing the prospects of material benefits to Turkey.

These two mechanisms provide a basis for the logic of the EU's influence on Turkey, but this research also uses two theoretical models to concretely conceptualize the conditionality and socialisation mechanisms: the "External

Incentives Model (EIM)" and the "Social Learning Model (SLM)". Schimmelfennig and Sedelmeier develop these two models to explain the impact the EU has had on Central and Eastern European Countries (CEEC's). They also provide expository mediating factors to explain the EU impact on non-member countries (Schimmelfennig and Sedelmeier 2005).

A detailed explanation of these two theoretical models will be given in chapter three, but they can be usefully summarised here as follows. The former model, EIM, gives a conceptualization of the EU's conditionality mechanism. This model is based on a cost-benefit calculation, or bargaining process. It proposes that candidate countries adopt the EU promoted norms if the potential benefits of EU-provided incentives exceed the domestic costs of adopting these norms. The latter model, SLM, on the other hand, offers a conceptualization of the Socialization mechanism. This model is based on a learning processes and social influence, which explains norm-adopting behaviour in third countries. According to this model, the candidate countries adopt the EU promoted norms if they assume that these rules provide an effective solution to their domestic problems.

In an attempt to understand the EU influence on Turkish counter-terrorism policies, formal rule adoption does not entirely reveal the EU's transformative power. There are also other internal and external mediating factors, which can increase (or decrease) the influence of the EU on candidate countries. Four mediating factors will be utilized in this research to explain the EU impact on Turkish counter-terrorism policy: (i) *credibility of conditionality*, (ii) *adoption costs (derived from EIM)*, (iii) *legitimacy of EU requirements* and (iv) *domestic resonance (derived from SLM)*. Their details will be explicated in the theory chapter (chapter 3), but it is useful to note now that these indicators are classified into two groups, namely, *the domestic-level* and *the EU-level*. The domestic-level factors ((ii) and (iv)) depend on the internal dynamics of the candidate country in adopting the EU promoted norms. The EU-level indicators

((i) and (iii)) depend on the EU's capability to convince a candidate country to adopt its norms.

In brief, a necessary condition of the conditionality mechanism is that the EU has the capability to fulfil its promises of rewards and punitive actions (Schimmelfennig and Sedelmeier 2005: 13-16). The EU can make promises of financial and technical assistance, or, crucially, promises regarding membership prospects. It is the latter promise that will be focussed upon in this research because, if the EU fails to provide a credible membership prospect to Turkey, the conditionality mechanism will fail. This will be explained more fully in chapter 3.

The adoption costs correspond to the price of the adoption of EU promoted norms by domestic political actors (Schimmelfennig and Sedelmeier 2005: 16-17). In this context, this study will assess the adoption costs by analysing whether the EU requirements for Turkish political actors were feasible in consideration of PKK attacks. The number of fatalities that occurred due to PKK terrorist attacks, and the reduction due to the ceasefire of the PKK, will be indicators to evaluate adoption costs in the counter-terror domain.

The legitimacy of the EU requirements refers to the quality of the EU demands (Schimmelfennig and Sedelmeier 2005: 18-19). This will be evaluated by looking at their clarity (whether they are clearly defined by the EU), consistency (whether the EU requirements are consistent with the behaviour of EU institutions and member countries) and whether they are laid down solely by the EU, or are shared requirements laid down by the EU in conjunction with other international organisations.

Domestic resonance relates to the cognitive openness of political actors to adopt EU promoted norms (Franck 1992: 50). This research will evaluate domestic resonance by taking into consideration the positive and negative stances that Turkish political actors have taken towards the EU promoted reforms. The views of the Turkish Government, the Turkish Army, the Turkish

Judiciary, and General Public Opinion will be evaluated to determine the level of domestic resonance.

1.1. Methodology

As Robert Yin emphasizes in his milestone study, determining one's research strategy depends mostly on one's research question. He argues that if "how and why questions are asked about a contemporary set of events, over which the investigator has little or no control", the most appropriate research design is the 'case study' (Yin 2003: 9). As indicated earlier, this study seeks to answer the 'why' and 'how' questions about the EU influence on Turkish counter-terrorism policies. Furthermore, this researcher has no power to intervene in the phenomenon that will be investigated. So, in this dissertation, a 'case study' strategy is implemented to conduct the research.

As indicated in the previous section, since the Copenhagen Political Criteria has been laid down, Turkey has been an atypical case amongst the previous and existing candidate countries (the CEEC's and Western Balkan Countries), where the confrontation with ethnic separatist terrorism through harsh counter-terrorism measures constitutes a major problem for its integration with the EU. Therefore, there is no candidate country that is comparable with Turkey in this respect. So this research will rely on a "Single Case" research strategy to make valid causal inferences.

As De Vaus indicates, "without a theoretical framework, a case study will have little value for wider generalization, which is one of the goals of social science research"(De Vaus 2001: 221). To enhance the external validity of this research, both EIM and SLM are used as theoretical frameworks to generalize the empirical findings and causal explanations. The explanatory role of this case study is also based on a "nomothetic approach" (De Vaus 2001: 233-34), in which analysing the Turkish case will give rise to general theoretical propositions that will apply to other country-based cases, if they satisfy similar criteria to Turkey.

Furthermore, this dissertation does not aim to "test" or "refute" these two models; rather it employs both theoretical frameworks to illustrate how the EU has influenced counter-terrorism policy transformation in Turkey. In other words, these theoretical models are used to understand the case, and are not used for the purpose of theory building or theory testing. This research is thus best thought of as a "clinical case study" or a "case centred study"(De Vaus 2001: 223).

Due to the absence of candidate countries to compare with Turkey, this case study is structured as an in-depth empirical investigation of Turkish counter-terrorism policy. In order to observe as many theoretical implications in a single-country design, within-unit analysis is employed in this research (King et al. 1994: 117-18). As Della Porta notes, in a single-country design, to observe the relevant changes and see the transition phases, periodization or diachronic (longitudinal) analysis is needed to multiply cases (Della Porta 2008: 217). So, in order to increase the units of observation, this single case study design is split into three distinct periods. This yields enough information to support valid causal inferences. These periods are *the pre-Helsinki period*, *the post-Helsinki period,* and *the post-Brussels period*.

The pre-Helsinki period, covers the time from the first PKK attacks in 1984 to the Helsinki European Council in 1999, when Turkey was admitted as a candidate state. During this period, PKK attacks against the security forces and civilians were at their peak, and Turkish political actors preferred the adoption of hard-line counter-terrorism policies against the PKK, which resulted in the violation of the civil rights of many Kurdish citizens. Also during this period, the EU was in transition from an economic community to a political union, and the EU's norm diffusion mechanisms and tools were in the early stages of development. This period thus represents an initial stage for the EU influence on Turkish counter-terrorism policies.

The post-Helsinki period starts with the 1999 Helsinki European Council, when Turkey was recognized as being on equal footing with other candidate countries with regard to the accession process. It ends with the 2004 Brussels European Council, in which Turkey was regarded as having sufficiently fulfilled the Copenhagen Political Criteria to start accession negotiations. During these years, the PKK declared a unilateral ceasefire due to the capture of its leader Abdullah Ocalan, and withdrew its militants to Northern Iraq. It was thus a peaceful period in comparison to the other periods. In addition, contrary to the previous period, Turkish authorities did not challenge the succession reforms required by the EU.

The post-Brussels period is the last phase. It starts with the 2004 Brussels European Council and ends in 2013, when negotiations for a peaceful settlement between the PKK and the Turkish government had started. The most notable aspects of this phase are that EU-Turkey relations had reached a stalemate in relation to the issue of Cyprus, and the PKK had resumed its attacks (starting in 2004) which continued until the reconciliation negotiations in 2013. Furthermore, EU countries (such as United Kingdom (UK) and Spain) were targeted by Al-Qaeda linked terrorist organisations, which prioritized security concerns in the Union, rather than the promotion of human rights and democracy in third countries.

In order to see the variation on the policy outcomes, this study relies on "process tracing" to analyse the empirical data. According to George and Bennett, process tracing is "a procedure for identifying steps in a causal process leading to the outcome of a given dependent variable of a particular case in a particular historical context" (George and Bennett 2005: 176). As part of this analysis, in each time period, firstly, the counter-terror measures implemented by Turkey towards the PKK are brought into view before making a causal link with the EU's norm diffusion role in Turkey. Secondly, the EU efforts to promote liberal democratic norms in Turkey will be illustrated by drawing attention to the

EU's increasing or declining influence on Turkish counter-terrorism policy. Thirdly, evidence of rule adoption, such as the ratification of international conventions, domestic legislative changes, and institution building initiatives, will be revealed to indicate the level of EU influence on Turkish counter-terrorism policies. Finally, EU-level and domestic-level factors, which have an influence on rule adoption, are expounded under the pre-determined independent variables to illustrate the existence of a causal link between fact and theory. These four stages of the "process tracing" procedure are replicated for each time period. In the final analysis, the causal effect of EU integration on Turkish counter-terrorism policy in each time period is compared with each other to draw a final conclusion.

As for data collection, this research employs a qualitative method to gather the empirical data. Primary documents, secondary sources, and semi-structured interviews are consulted and drawn upon. The data gleaned from multiple sources are triangulated to complement one another. This data triangulation ensures relevant information is crosschecked from different sources and helps to prove the reliability of the data (Della Porta and Keating 2008: 34-38; Yin 2003: 97-99).

The first resource, primary documents, largely involves the review of official documents related to EU-Turkey relations. They are gathered from both EU and Turkish Governmental resources. The EU level primary sources drawn upon are: European Parliament (EP) Resolutions, European Council Decisions, European Commission Strategy Papers, the EU Progression Reports, and the EU Accession Partnerships. The domestic-level documentary sources drawn upon are: the Turkish National Programmes Adoption of EU Rules (NPAA), Political Party Programmes, Turkish National Assembly Inquiry Reports, the Turkish Ministry of EU Affairs Report, Judicial Proceedings and Hearings. Even though primary documents are of vital importance in case studies, and are unlikely to be biased (Yin 2003: 87), it is possible that the ones utilised might not provide

enough evidence to understand the motivational factors of political actors on rule adoption. Therefore, they are corroborated with other sources.

The second source of evidence, which complements the primary documents, are secondary sources such as books, articles, media news, think-thank reports, and academic theses. These sources will support the project by explaining the conceptual and theoretical concepts, which are not at the focus of this study. Furthermore, they will contribute to this research by providing data that has not been obtained by the researcher. As such, quantitative data is also gathered from the following secondary sources: Human Rights Non-Governmental Organisations (NGO's), research companies, and independent think-thanks. Each highlights human rights violations, public support for Turkey's membership in the EU, and the changing public perception of finding a peaceful solution to PKK terrorism.

The last qualitative method used in this study for collecting empirical data is semi-structured elite interviews. The semi-structured interview technique provides a more flexible interview process by relying on general topics and questions rather than detailed ones (Barlow 2010: 496). As for elite interviews, they are often considered as the most effective method for collecting empirical data about policy makers and their decision making processes (Burnham et al. 2008: 231). Information about the topics the questions are on, and the general structure of the interviews, were sent to participants before conducting the interviews. In addition, they were notified about the Code of Practice on Ethical Standards, and they were provided the right to review, edit, place restrictions, and specify conditions for interview material. Except for a few interviewees, most of the participant did not request the transcribed interview data. For those who wanted to see transcriptions, the copies were provided within a few weeks, and their consent was sought before the interview data was utilised in this research.

With regards to fieldwork interviews, within three rounds of fieldwork trips between 2012 and 2013, twenty-seven interviews were held with members of the political elite (senior officials and former politicians) in Turkey and with senior EU officials in Brussels. Six of these interviews were conducted with senior EU officials from the External Action Service, the Directorate General for Enlargement, the Directorate General for Home Affairs, the Counter-terrorism Coordinator Office, the EU Turkish Delegate, and the Directorate General for Justice. Seventeen interviews were held with Turkish senior officials serving in the Ministry of the Interior (Including the Turkish National Police), the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry for EU Affairs, the Turkish Human Rights Institution, and the Turkish Ombudsman. The remaining four interviews were conducted with two former Ministers of the Interior, one former Minister of Human Rights, and one former Minister of Foreign Affairs in Turkey.

During the interviews, the majority of interviewees consented to the digital recording of the interviews. In the absence of their approval, permission was taken for note taking. As for mentioning the names of interviewees, they generally required their names not to be shared in the research. Therefore, in order to be consistent, the names of all interview participants have been anonymized. In terms of fulfilling expectations, these semi-structured elite interviews have some strengths and weaknesses.

The most important strength of these interviews is that they give a wealth of informal data about Turkey's counter-terrorism policies, and the EU's impact on its transformation. In particular, the data obtained for earlier periods is very useful, and provides information that is contained in neither the Turkish nor the EU literature. Furthermore, these interviews support the data revealing the motivations of both Turkish and EU authorities, which is something that cannot be found in the primary and secondary sources. However, the interviews also have some shortcomings. In a few of the interviews held in Brussels and

Ankara, the participants' answers give a sense that they are reflecting the official discourse of their respective institutions, rather than representing an objective assessment. Therefore, in consideration of problems of bias, poor recall, and the subjectivity of interview data, these interviews have been corroborated with primary and secondary sources.

Last but not least, the qualitative data derived from independent and dependent variables needed to be transformed into simple scalable values. Because of the qualitative nature of the evidence obtained from the sources consulted, it is difficult to set non-arbitrary parameters in order to achieve this. In order to counteract this the parameters were set as "low" and "high", and setting a "medium" value was avoided. The measurement of all variables used in this study can be schematized as follows (see overleaf):

Table 1- Variables and Measurement Parameters

Variables	Measurement Parameters	
Independent/Dependent	Low	High
Credibility of Conditionality	• Uncertain Membership Prospect	• Definite Membership Prospect
Adoption Costs	• Reduction in Fatalities • Ceasefire	• Increase in Fatalities • Intense Conflict
Legitimacy of the EU Requirements	• Ambiguity • Inconsistency • Ownership Problem (The requirements of other International Organisations are taken extremely seriously)	• Clarity • Consistency • Overlapping Demands with Other International Organisations
Domestic Resonance	• Disapproval of EU Norms by Domestic Political Actors (Government-Army-Judiciary-Public Opinion)	• Approval of EU Norms by Domestic Political Actors (Government-Army-Judiciary-Public Opinion)
Adoption of EU Promoted Norms (Dependent Variable)	• Ignoring or Slightly Fulfilling EU Promoted Norms	• Full Codification of EU Promoted Norms or With Little Exception.

As for the limitations of this study, the first weakness is its inability to find another candidate state to compare with Turkey in the field of counter-terrorism. In other words, there is lack of a control group to eliminate alternative explanations regarding the EU influence on the counter-terrorism policies of candidate countries. Therefore, in order to dissipate the criticism of producing a single country case study, the research is designed by being split into three cases from three different time periods.

Secondly, the number of interviews conducted with EU officials was not at a comparable level to the interviews conducted with members of the Turkish political elite. Prior to the fieldwork visit to Brussels, more than thirty interview request were sent to various EU institutions, but only five responded affirmatively. A similar problem was also experienced with interview requests made to the Turkish Army. As the details given in the theory chapter (chapter 3) reveal, the Turkish Army has a vital role in counter-terrorism policy making, and it also has a generally recognised but unofficial independence from the government. As such, it is one of the most influential political actors on EU integration. However, despite great effort on the part of the researcher, it was not possible to convince senior army officials to participate. Even when informed of the interview questions in advance, they declined to participate in interviews, due to the sensitivity of the answers with regard to the issue of terrorism.

1.2. What is Meant by Terrorism?

In a study attempting to discuss the EU influence on Turkish counter-terrorism policies, a definition of terrorism is needed. However, different parties (those identified as terrorists groups, governments, and third parties who play a mediating role to end violence) disagree about the meaning of this concept. If the meaning of the term 'terrorism' cannot be properly explicated, or the concept is framed incorrectly, this may lead to a misconceptualization of the EU impact on Turkey, which creates a risk for the main objectives of this research. Therefore, in this part of the study, the concept of terrorism will be discussed to

indicate why the PKK should be regarded as a terrorist organisation, and why the EU impact on Turkish domestic policy adjustments should be evaluated in the counter-terror domain.

The words 'terror' and 'terrorism' originate from the Latin Words *terrere* and *deterre* that mean 'to tremble' and 'to be frightened of' respectively (Wilkinson 2008: 72). With the suffix '*ism*' terror gains the meaning of a systematic act. According to Wardlaw there is a distinction between the two words and using 'terror' in itself does not constitute terrorism. In fact, criminals may employ terror for personal reasons, which is different from using it as a weapon of psychological warfare for political ends (Wardlaw 1989: 9). However, in day-to-day language, the differences between these two words has vanished.

The major problem regarding the concept of terrorism is its ambiguous nature. According to Schmid and Jongman, there are more than one-hundred definitions of terrorism in the literature (Schmid and Jongman 2005: 5-6). With such a huge number of definitions available, reaching an exact definition of terrorism that covers all cases is neither possible nor worthwhile (Hoffman 2006: 33-34). However, all that will matter for this research is whether the PKK can be correctly categorized as being a terrorist group, and it will be argued that this is the case.

Uncertainty over the definition of terrorism creates subjectivity, where some classes of political violence are justified, whereas others are not (Wardlaw 1989: 4). For instance, if the harm caused to the victims of a violent act are focussed upon, it is more likely to be classified as terrorism than if the motives of the perpetrator is focussed upon, as in the latter case, it is possible to regard the violent act with sympathy or in a positive light. In this respect labelling an organisation as 'terrorist' is often a subjective issue, depending on a person's sympathies. (Hoffman 2006: 23).

Despite the fact that any definition will not eliminate ambiguities in the concept of terrorism, this research will utilize Horgan's definition. Horgan

defines terrorism as; "A conscious, deliberate strategic use of force or violence against a specific type of target to affect the political climate"(Horgan 2005: 22). Whether the PKK's violent actions satisfy this definition will be determined by looking at three characteristics of terrorism; *violence, political motive,* and *the specific type of target*.

Violence is an important element of terrorism. According to a well-known example, which indicates the impact of violence on public perception, every year more people die in traffic accidents than terrorist attacks. However, people are more scared of terrorist attacks than fatal traffic accidents. Consequently, terrorism is often used as way to generate publicity and draw attention by terrorist groups (Hoffman 2006: 5; Laqueur 1977: 49). From another point of view, terrorists want to create more frightened people than dead people (Jenkins 1975: 4-5). In consideration of the PKK case, violence towards government servants, civilians, state buildings, and public vehicles has always been one of the tactics used by the PKK to weaken state authority and exert regional political influence (Marcus 2007: 117; Unal 2012b: 434). Moreover, it has been used by the PKK to engage its militants and sympathizers in political mobilization (Congar and Cagatay 2004; Tezcür 2010: 781-82; Unal 2012b: 446-47).

The second characteristic of terrorism is its political motive, which differentiates it from other sorts of crimes (Chalk 1996: 12; Horgan 2005: 1). Even though there may be similarities between the violent acts of terrorists and other kinds of criminals, such as kidnapping, shooting, or committing arson, there is a clear motivational difference between them (Wilkinson 2008: 72). For instance, whilst criminals employ violence for personal reasons, terrorists intend to spread fear among the citizens who are possible targets of terrorist attacks. Also, criminals use short-term violence to terrorize victims without any concern for the message they propagate; on the other hand, terrorists intend to convey a message to change the political behaviour of those terrorized (Kellen 1982: 9).

From the point of view of the terrorists themselves, however, they are altruists who believe they are working for a good cause, unlike the criminal, who acts for personal enhancement and satisfaction (Hoffman 2006: 37). In view of these factors, the PKK's main motivation is establishing an independent socialist Kurdish state in the Southeast of Turkey (Unal 2012b: 434), which is an obvious political motive that differentiates it from other criminal organisations. Furthermore, the PKK's involvement in other criminal activities such as drug trafficking, extortion, human and weapon smuggling, is predominantly undertaken to finance its activities rather than for profit making purposes (Pek and Ekici 2007: 142-43).

The third characteristic of terrorism is the selecting of a specific type of target to influence the masses. In this respect, the selected person could be either a symbolic person, such as an important politician or a member of a royal family; or it could be an ordinary person, who has no value for the terrorists (Hoffman 2006: 5; Wardlaw 1989: 17). The random placement of bombs and indiscriminate shootings help to sustain a climate of uncertainty, and creates fear among people who are possible targets. These unexpected attacks also lead to fear amongst even those individuals who are not targeted, and coerces them to fulfil the political demands of the perpetrators (Horgan 2005: 6; Wardlaw 1989: 16). In consideration of the PKK's target selection, they generally assault security forces who are assigned to the Southeastern region of Turkey. However, other non-armed state officials such as teachers, doctors, clerics who were providing public services to Kurdish citizens, have also been assaulted. Furthermore, villagers who allied themselves with the Turkish State, and many of those who questioned the PKK's authority, have also been executed by the PKK (Marcus 2007). PKK violence towards members of these groups was either to eliminate or intimidate them.

In these three respects, the PKK must be regarded as employing terror related tactics to achieve its political goals in Turkey. Some authors argue,

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however, that the PKK has the nature of an insurgency group in terms of popular support, its political goals, and its struggle to gain authority in the Southeastern region of Turkey (Unal 2012b; Çandar 2012). Both the EU and Turkey share the view that the PKK is a terrorist group and not an insurgency, despite the grey area between the two categories.

From the point of view of the Turkish political elite, and in Turkish public opinion, the PKK has been considered as a separatist terrorist organization since 1984 when they launched their first attack. The legislative initiatives and counter-measures to prevent PKK influence was conducted with the intention of countering terrorism. Furthermore, the Turkish authorities' demands to their European counterparts on issues relating to the PKK (e.g. demands for the extradition of PKK members from other EU states) are always framed in terms of counter-terrorism. So, the PKK has not been viewed as an insurgency group neither at the level of the state, nor at the public level, in Turkey.

From the EU's perspective, the PKK's terrorist activities were condemned by the European Parliament resolutions from the late 1980s (European Parliament 1988: 128). The members of the parliament have generally kept in touch with Kurdish activists, however, they have refrained from contacting with PKK members and from legitimizing the PKK's representation of the Kurdish people (Casier 2011: 208-09). The EU member countries (e.g. Germany and France) declared the PKK as an illegal organisation in 1994 (Criss 1995: 33). Furthermore, after the 9/11 attack, the PKK was defined as a threat to EU security, and the PKK was added to the EU's banned terrorist organisations list in 2002 (Council of the European Union 2002b). Since then, the EU has officially seen the PKK as a terrorist organisation.

Both Turkey and the EU, then, have regarded PKK as a terrorist organisation since the late 1980s. Even though some EU member countries have not pursued an active strategy to prosecute PKK networks in their country, they have never declared the PKK as a legitimate organization representing the Kurds.

Therefore, in this research, the PKK will be considered as a terrorist organisation, and Turkey's policies towards the PKK, and the EU requirements from Turkey to change these policies, will be evaluated under the counter-terror context.

Furthermore, despite the fact that Turkey has a long history of terrorist violence, not only due to the PKK, but also other terrorist organisations acting in Turkey, the PKK is the most significant security threat to Turkish state, which also has an economic and social burden dimension (Unal 2012a: 1). Also, the EU is mostly concerned with the PKK rather than other terrorist organisations, in its successive documents (e.g. European Parliament resolutions and progression reports related to Turkey) (Tocci 2007: 55). Therefore, this study chooses to focus on the PKK rather than other terrorist organisations operating in Turkey.

1.3. Turkey's Democratic State Dilemma: Security versus Liberty

How to adopt EU promoted liberal democratic norms, whilst struggling with PKK terrorism, is one of the challenges that face Turkish political actors. On the one hand, if there is an overreaction in the framing of counter-terrorism measures, this may result in negative consequences for its integration into the EU. On the other hand, if EU promoted norms are adopted, some of which overlap with the PKK demands, concerns are raised about territorial integrity, galvanised by those in nationalist circles, which creates an electoral cost for any ruling government. In this respect, one needs to look at the dichotomy between security and liberty in order to explain why there is link between the adoption of EU promoted liberal democratic norms and Turkish counter-terrorism policies.

As Becker notes, states have a natural desire to control power in their territory, and to ensure their own security. In the absence of any formal law-making and enforcement mechanisms, states cannot rely on any other entity to ensure their security. Therefore, it is vital for those who control power to establish and maintain the security and integrity of the state (Becker 2006: 5). However, in contrast with states, the major aim of terrorists is to undermine the political will, confidence, and the morale of governments and their citizens

(Wilkinson 1986: 81). Through conducting their attacks, terrorists sacrifice all moral and humanitarian values to reach their goals and they try to prove that the government is weak in accomplishing its fundamental duty (Chalk 1995: 16, 1996: 95; Wilkinson 1989: 10). In view of this equation, the PKK has similar aims to weaken state authority in the Southeast of Turkey by relying on terror tactics, whilst Turkish political actors endeavour to maintain the security and integrity of state by confronting the PKK.

In the counter-terror struggle, democratic states are more vulnerable than authoritarian regimes (Eubank and Weinberg 1994). Whilst authoritarian regimes do not hesitate to employ harsh measures to prevent terrorism, democratic states are limited in the level of coercive power they can use. The environment of freedom in democratic states makes it easier for terrorists to publish their propaganda, recruit new people, and launch their attacks (Wilkinson 1986: 211). So, in countries where democratic standards are poor and terrorism a vital problem, given the likelihood of increasing vulnerability to terrorism, there may be domestic resistance to the country making a democratic transformation. This is especially so since those under most threat of a more persistent and serious level of terrorism might, as a consequence, be against to promotion of personal freedoms (Schmid and Crelinsten 1993: 333). This situation compels policy makers to engage in an effort to show their electorate that they are taking action towards the terrorist threat and to implement repressive counter-terror measures (Goldstone 2005: 166; Wilkinson 1986: 81). In addition, it may lead them to ignore calls of international organisations for policy change.

There is also the potential political risk of overemphasizing the importance of rights, which ties the hands of the security forces (Ignatieff 2005: 6). In on-going terrorist attacks, the state, by giving the impression that it is making concessions to terrorist organisation, due to external pressure from international organisations, may cause citizens to lose confidence in their

government. They might perceive government decision as incompetent in dealing with terrorism, and a betrayal to the country for the sake of fulfilling an international organisation's requirements. This might also lead them to vote for another political party, which is another danger for the domestic political actors, that undermines their authority and credibility.

In this context, Turkey's progress on democratisation with the EU influence provides a suitable environment for the PKK to make its own propaganda. However, the increasing influence of the PKK also raises security related concerns, among the political elite and the public, that EU promoted liberal democratic norms are putting in place favourable conditions for the PKK to extend their influence. Therefore, the transformation of Turkish democracy in line with EU demands creates a security versus liberty dilemma in the country, in the shadow of PKK violence.

Within the security and liberty context, ethnicity adds another dimension to this dilemma. Ethnic identity is an influential aspect of human behaviour, and terrorists can find many supporters amongst people who share the same ethnic origin. Terrorists can claim that they are representing a specific ethnic group, and the methods of the terrorists became less repugnant for the majority of these people (Byman 1998; Wilkinson 2006: 11). If those subjected to human rights violations have the same ethnic-cultural origin as the terrorists, this makes for a further facilitating factor in recruiting new members into the terrorist organisation, and is conducive to the formation of mass support (Bacık and Coskun 2011: 248). Furthermore, the exclusion of one ethnic group from state power, and their underrepresentation in the parliament, can increase ethnic based terrorism (Cederman et al. 2010: 114). Economic inequality between majority and ethnic populations, restrictions placed upon them, and discriminatory policies against them, also stirs up ethnic based terrorism (Fearon and Laitin 2003: 88).

Considering the above, it can be seen that the PKK dilemma also has an ethnic dimension. As will be described in the next section (section 1.4.), restrictions on ethnic minority rights, and prohibitions on the democratic involvement of Kurds, has resulted in the emergence of the PKK. The Turkish political elites saw PKK terrorism as a pure security issue, and the ethnic dynamics that caused the emergence of the PKK were ignored. To resolve this problem, a coercive counter-terrorism approach was preferred. Punitive counter-terrorism measures were employed, such as torture, extra judicial killings, and denial of Kurdish ethnic minority rights. Relying on these policies, the PKK based its campaign on the denial of Kurdish identity, and found considerable support from Kurdish citizens (Unal 2012b: 434). As a result of placing too much weight on security, Turkey-EU relations deteriorated, and the adoption of EU promoted liberal democratic norms became a precondition for Turkey, both for finding a peaceful solution to PKK terrorism, and to become a member of the EU.

1.4. The Intersection of the Kurdish Question and European Integration

The idea of adopting European norms goes back to the early years of the Turkish Republic. From 1923 to 1938, a number of reforms were adopted from European countries to modernize and regenerate Turkey as a European country (Baç 2000: 160). The first Turkish penal code (adopted from Italy), and a new civil code (modelled on Switzerland's), are a few examples of the reforms of these early years. However, during the years leading up to the Second World War, human rights in the sense we understand them today, were not conceptualized (Henkin 1996). As such, the reforms adopted from European countries at that time were adopted with the sole purpose of building a new state and a new society, based on European norms replacing the Ottoman Empire's Legacy.

The origin of the Kurdish Question, which incorporates PKK terrorism, also has its roots back in early years of the Turkish Republic. Between the years

1925 and 1938, Turkey witnessed three armed Kurdish rebellions in the Eastern part of Turkey (Çandar 2012: 25). These rebellions were supressed by deploying the army and setting up new tribunals to judge and execute rebels. To prevent further revolts, a 'Turkification' policy was also implement that forbade the use of the Kurdish language in public places (Barkey and Fuller 1997: 61).

In the aftermath of the Second World War, the tension between the Soviet Union and Western countries functioned in favour of Turkey. It was accepted into a number of international organizations, such as the Organization for Economic Cooperation (OECD) in 1948, the CoE in 1949 and the North Atlantic Treaty Organization (NATO) in 1952. Organizations like the CoE, and its substantial subsidiary institutions, were influential in shaping Turkey's counter-terrorism policy in the following years (see chapter 5). In addition, in order to be part of the Western club, restrictions on opposition parties were lifted, and the European Convention of Human Rights (ECHR) was ratified (Barkey and Fuller 1997: 64). Although Turkey became part of these organizations, and relaxed some restrictions in the political domain, this did not mean that the Turkish authorities adopted the values of these institutions perfectly (Alexander et al. 2008: xv). The level of civilian control in the army placed Turkey far behind the standards of Western European countries (Hale 1994). Riots against the Greek Minority on 6-7 September 1955 demonstrated that the government was incompetent in protecting ethnic minorities (Ahmad 1977: 53-54). Student demonstrations opposing government policies on April 1960 were responded to by declaring martial law (Ahmad 1993: 114). Despite these controversies, the Western powers disregarded Turkey's immature democratic practices, due to tension between the NATO and Warsaw Pact Countries. They preferred sustaining the political stability of Turkey for the sake of the power equilibrium in the region, rather than consolidating its democracy (Faucompret and Konings 2008: 30; Unver 2013: 207).

Military interventions in 1960, 1971, and 1980, created a new level of autonomy for the Turkish army, both in politics and matters of security. The establishment of the National Security Council (NSC) institutionalised military interventions, and gave the opportunity to the Turkish Armed Forces (TAF) to influence the civilian government through this institution (Patton 2006: 46). Since the foundation of the Turkish Republic, the TAF authorised itself as the guardian of the Republic. The founder of the Turkish Republic, Mustafa Kemal Atatürk, was a soldier and the TAF took charge of his mission to protect the Republic from internal and external enemies. Fighting against threats towards the territorial integrity of Turkey, such as separatist terrorism, has always been considered by the TAF to be one of their duties (Karaosmanoglu and Kibaroglu 2002: 148).

Turkey's first attempt to become part of the European Economic Community (EEC) came in 1962 with the Ankara Association Agreement. The treaty aimed to develop the Turkish economy and the living conditions of Turkish citizens. Establishing a custom union, aligning the economic policies of Turkey with the EEC, and finally full membership, were the goals of the agreement (Ministry for EU Affairs 2014). At this time, the promotion of liberal democratic norms was not one of the priorities of the European Community (EC) (see chapter 4). Therefore, the consolidation of Turkey's democracy, and improving its poor human rights record, did not form any part of the content of the agreement. With the signing of the Ankara agreement, Turkey's long-term relation with the EU had started.

During the 1950s, newly emerging Kurdish ethnic awareness found expression in right and left wing parties without engaging in violence (Bozarslan 1992: 75; McDowall 2004: 407-08). However, during the 1960s the New Leftist stream became more attractive to the Kurdish movement, and they looked for an alternative way to engage in politics. Clandestine initiatives, such as the Democratic Party of Turkish Kurdistan (KDPT), and the Socialist Party of Kurdistan

(KSP), formed between the 1960s and the 1970s (Bozarslan 1992: 76-77; McDowall 2004: 408-10). Besides this, the Turkish Workers Party (TWP) enticed Kurdish votes with the promise of finding a solution to inter-ethnic politics. Although the TWP has sought an implicit revolutionary solution to the Kurdish Issue, Kurds who worked for this party understood that the Turkish left was unwilling to support their cause (Barkey 2007: 347). As a result, cultural and student clubs were formed to look for a solution to the Kurdish issue. The Revolutionary Eastern Cultural Hearts (DDKO) was one of those clubs, which brought up many young leaders such as Musa Anter and Abdullah Ocalan, who were later to become important figures of the Kurdish movement. After the military intervention in 1971, these clubs were abolished, and many of their leading figures were arrested (Heper 2007: 156; Marcus 2007: 23).

The political turmoil before and after the 1980 military coup also added a new dimension to Turkey's existing Kurdish question. Whilst the harsh measures of the military coup (prohibiting the use of Kurdish, renaming Kurdish children, changing names of Kurdish towns, and torturing Kurdish activists) destroyed the Kurdish political movement, it also left fertile ground for the radicalization of many Kurdish activist (Bozarslan 1992: 81-82; McDowall 2004: 426-27). It paved the way for them to employ terrorist actions towards the state, and civilians allied with the state. It was in these conditions that Abdullah Ocalan and his friends founded the PKK in 1978. After the 1980 military coup, it consolidated its power and broadened its activities in the Southeast of Turkey (Marcus 2007: 52-75; McDowall 2004: 421-22).

The severe environment of the 1980 coup also offered a political opportunity for the Kurds to emigrate to the European countries to seek asylum. An increasing number of Kurds in Europe developed into a Kurdish diaspora, which set up a network, including cultural organizations and mass media. The Kurdish diaspora developed its relations with the leftist and Kurdish politicians, who held seats in the national parliament and the European Parliament (EP)

(Casier 2010a: 399). In an example given by Casier, the Kurdish Institute in Brussels had good relations with Flemish politicians sensitive about language rights. The Belgium Kurdish Institute regularly informed these politicians about the political situation in Turkey (Casier 2010b: 17-18). With the help of these politicians, Turkey's undemocratic actions towards the Kurds came under the purview of the EP's political agenda.

In addition to the political dimension, in later years, this diaspora network was also used by the PKK to collect financial contributions from the European Kurds, and for transnational criminal activities, such as drug trafficking (Turkish National Police Anti-Smuggling and Organized Crime Department 2011: 40). In the third congress of the PKK in 1986, it was decided that money would be extorted from wealthy Kurds in order to meet the financial requirements of the organization (Ocalan 1999: 240-47). This decision made the European Kurds, who are comparatively richer than the Turkish Kurds, a new financial resource for the PKK. Moreover, the PKK had discovered that drug trafficking to Europe was highly profitable and also used this to fulfil its organization's financial demands (Pek and Ekici 2007: 142). The PKK's existing networks, in both Turkey and Europe, made it simple for the PKK to transfer drugs to Europe. The PKK engaged in drug trafficking using its European networks, which also endangered public safety in European countries.

To sum up, in the period before 1984, Turkey's interactions with the EU, and the Kurdish question, continued down their own course. On the one hand, Turkey was trying to be part of the European Community by adopting European norms and becoming affiliated with international organizations. On the other hand, employing a hard-line approach against the Kurdish activists lead to the emergence of the PKK in Turkey and a Kurdish diaspora in Europe, which placed Turkey's domestic problems on the EU agenda. Prior to 1984, the European Community was also in its early stages of developing its institutions and legislative instruments. The benefit of Turkey's stability in opposing the Soviet

threat was much more important to European countries than democracy and human rights in the country. Furthermore, political criteria for enlargement, and common regulations for member and candidate states, began to appear from the beginning of 1990s (see chapter 4). Therefore, in the period before 1984, the European Community had little or no influence on Turkey's counter-terrorism policies.

Although it is important to understand this period in order to understand the conditions under which the PKK formed, and how Turkey engaged with the idea of being a member of the European Community, there is no clear causal link between the EU's activities and a shift in Turkish counter-terrorism policy. In light of this minimal correlation, this study will not analyse the period before 1984, and will focus on later periods in which intensifying relations between Turkey and the EU caused a considerable change in Turkey's counter-terrorism policies.

1.5. The Structure of the Thesis

This thesis consists of eight chapters, in which the EU impact on Turkish counter-terrorism policy is conceptualised and empirically investigated. This first chapter has introduced the main scope of the thesis by crystallizing the research question, the research hypotheses, and the main arguments based on these hypotheses. Furthermore, the aspects under which the EU's norm diffusion role on Turkish counter-terrorism policy will be analysed, have been identified. Under the methodology framework, the research design, the issue of case selection, the way in which the cases will be generalized, the method of data analysis, the data collection methods, and the parameters used to measure the data, have all been outlined. In addition, a definition of terrorism has been given, and the PKK has been shown to satisfy this definition. In the final section, a brief history of Turkey's European integration, and the conditions that paved the way for the emergence of the PKK, has been explained to inform the reader of the historical background of the research.

The second chapter is a literature review, which provides a critical overview of the existing literature on the EU's norm diffusion role. In this chapter, six strands of the literature are analysed: the EU's norm diffusion role in international power concepts; the EU's motives to promote its norms; the concept of Europeanization; the EU's norm diffusion mechanisms; the EU's norm diffusion role in its neighbourhood, and the EU's norm diffusion role in Turkey. Doing the above positions this thesis within the literature on the EU's norm diffusion role, and on Turkey-EU relations.

The third chapter presents the theoretical framework for the EU impact on Turkish counter-terrorism policies. The two norm diffusion mechanisms used by the EU (i.e. "conditionality" and "socialization"), and the explanatory theoretical models used to conceptualize these mechanisms, are explained in detail. The mediating factors that determine the efficiency of these theoretical models and their hypotheses are clarified. Moreover, the tools used by the EU in evaluating norm diffusion, and the influence of political actors (internal/external) on the efficiency of these patterns, are discussed before moving on to the empirical investigation.

In the fourth chapter, the EU's shifting norm diffusion role towards third countries is analysed in order to understand whether the EU's profile on norm diffusion is consistent with the requirements it has placed on Turkey. This chapter investigates the EU's changing approach within three distinct time periods; the period prior to the European Council at Tampere in 1999, the post-Tampere period, and the period after the Madrid and London terrorist attacks in 2004-2005, in which EU policy actors developed new initiatives to transform counter-terrorism policy in third countries. The findings of this chapter are utilized in the empirical chapters to reflect how changing internal dynamics in the EU has also been influential on Turkey's counter-terrorism policies.

Chapters five through seven present the empirical cases of the research. In each empirical chapter, analysis starts by describing the counter-terror

measures used by Turkey towards the PKK. This is followed by a description of the EU's political responses and contributions to Turkey's counter-terrorism policies. The transformation of Turkish counter-terrorism policies is evidenced by giving examples of its ratification of international conventions, domestic legislative changes, and institution building initiatives. In the light of this empirical investigation, the EU impact on Turkey's counter-terrorism policy is discussed relying on the pre-determined mediating factors.

In the last chapter the empirical findings are summarised, compared, and conclusions are drawn. It also links generalized empirical findings with further potential cases. In addition, some innovative remarks about the EU's norm diffusion role on the counter-terrorism policies of third countries are presented.

2. Literature Review

2.1. Introduction

The devastating impact of the Second World War in Europe left both the winners and losers of the war seeking alternative ways to prevent the reoccurrence of such a war in Europe. As a result, since 1945, Europeans have developed a series of declarations, treaties, policies, criteria, and conditions to end conflicts and to sustain stability in Europe. According to Manners, five core liberal democratic norms: 'peace', 'liberty', 'democracy', 'the rule of law' and 'human rights', have been placed at the centre of these regulations (Manners 2002: 242). These norms have become the founding principles of the EU, and fundamental to its collective identity. Throughout this time, these liberal democratic norms have gained a determinative role in the EU's internal (Merlingen et al. 2001) and external relations (K. Smith 2001).

After the end of the Cold War, the collapse of the Soviet Union reduced military risks considerably for the EC/EU. However, this change did not reduce the security risk for the Western European Countries. The dissolution of the Soviet Union left many unstable post-communist countries around the EC/EU, who were poor in public administration and weak in democracy, human rights, and the rule of law. Furthermore, Mediterranean countries neighbouring the EC/EU were not much different from the post-communist countries in terms of their state capacities and maintaining liberal democratic values in state institutions. Along with these countries, the allied countries in the Cold War period, such as Turkey, were left with democratic hardships and there was a risk of their internal security problems being diffused outside of their borders.

In this regard, this new European order brought new paradigm changes in the EU. Previous military threats were replaced by "soft security" issues such as terrorism, organized crime, border conflicts, refugees, and illegal immigration. In

order to combat these threats, the EU used a more active foreign policy towards the countries in its vicinity. The transposition of democracy, human rights, and the rule of law, were thought to be the proper way of preventing the effects of the internal problems in countries such as Turkey from spilling over into to the EU. The EU's new foreign policy objectives also produced broad strand of literatures which encompasses the EU's efforts to stabilize peripheral country's internal soft security problems.

This literature review intends to emphasize the contribution of this research to the existing literature by looking at seven distinct strands in the existing literature, considered in six sections 2.2-2.8. In section 2.2, the main contributions regarding the EU's external dimension of counter-terrorism will be discussed. This section will reveal the shortcomings of current studies regarding the EU's promotion of liberal democratic norms in order to transform third countries counter-terrorism policy. In section 2.3, the literature that examines the EU's norm diffusion role within international power conceptions will be reviewed. The literature in this section reveals why the EU has a special character in comparison to nation states. It also shows how the EU's *sui generis* norm diffusion role is relevant to the transformation of Turkey's counter-terrorism policies. In section 2.4, the literature that covers the motivations the EU has in promoting liberal democratic norms to third countries will be outlined. In light of these studies, the EU's aim to transpose its norms to third countries, and its connection with the transformation of Turkish counter-terrorism policies, will be explained. Section 2.5 will examine those studies concerned with Europeanization and EU-ization concepts, which are concepts often used in order to understand the diffusion of EU norms inside and beyond its borders. It will be shown that these concepts are inadequate for explaining the EU impact on Turkey's counter-terrorism policies. Section 2.6 will outline the literature that reveals the operation of the EU's diffusion mechanisms towards third countries. It will highlight the diffusion mechanisms that best explain the EU impact on the

transformation of Turkey's counter-terrorism polices. In section 2.7, an overview of the literature that explains what sort of diffusion mechanisms are used by the EU in its vicinity, and why the Turkish case is different from the other neighbouring countries, is given. In section 2.8 the literature concerned with the norm diffusion patterns of the EU in Turkey will be discussed. By looking at these studies, this research will be distinguished from existing studies that examine the EU impact on Turkey. In the concluding section, 2.9, an overview will be given of how this study contributes to these six different strands of the norm diffusion literature. In order to justify the contribution of this research, this literature review chapter will consult secondary sources such as books, theses, journal articles, and think thank reports.

2.2. External Dimension of EU's Counter-terrorism Policy

Since the 9/11 attacks, the rising trend of terrorism in EU's political agenda has attracted attention of many scholars. This constituted a new stand of literature dealing with the EU and its counter-terror capabilities. Before the birth of this literature, EU counter-terror issues were mostly discussed in the context of limitations for police cooperation among member countries (Den Boer and Walker 1993; Den Boer 2000; Peek 1994; Reinares 2000) and its accountability problem within liberal democratic parameters (Chalk 1994, 1996, 2000). However, due to the absence of a foreign policy objective in those years that aims to transform other countries' counter-terrorism policies, the external dimension of EU's counter-terrorism policy did not appear in these studies.

After the 9/11 attacks, however, in line with the political developments in the EU, the literature concerned with EU's counter-terrorism policy has multiplied. On the one hand, a group of studies focused on member states counter-terror responses towards the domestic and international terrorism (Van Leeuwen 2003; Von Hippel 2005). On the other hand, the majority of remaining studies sought the answer of whether the EU could be considered a counter-terror actor in global war on terror.

Within this context, some scholars identified the EU as a 'paper tiger', which is an inefficient counter-terror actor (Bures 2011) and as lacking foreign policy objectives for countering terrorism (Keohane 2008). Another group of studies saw the EU as a coordinator for member countries, facilitating their counter-terror cooperation (Argomaniz 2009b; Edwards and Meyer 2008; Zimmermann 2006) but, still, it needs further improvement to be regarded as an actor (Brattberg and Rhinard 2012). For another group of scholars, the EU is considered a 'fully-fledged' counter-terror terror actor with its supranational institutions and interaction with other states and international organisations (European Commission, Europol, Counter-terror Coordinator) (Den Boer and Monar 2002; Kaunert 2007, 2010c, 2010b; Kaunert and Giovanna 2010; Kaunert 2010a; Kaunert and Zwolski 2013; Alexander Mackenzie 2010; Alex Mackenzie et al. 2013b). However, if an indepth analysis is made on these studies, it reveals that their argument is predominantly based on the EU's security actorness on counter-terror issues with other international actors. The EU's normative role, involving the promotion of human rights, ethnic minority rights, and rule of law in the context of countering terrorism, appeared as a minor topic in these studies for the efficiency of counter-terror cooperation.

Although less attention was attached to normative issues in these studies, the EU's impact on the promotion of liberal democratic norms in counter-terrorism was discussed within different frameworks. According to one group of scholars, the EU has an ability to alter counter-terrorism measures in normative means. For instance, Eling argued that the EU's concern with human rights was influential in shaping UN sanction regimes against the terrorist groups and individuals financially supporting terrorist groups (Eling 2007: 119-20). From a similar point of view, the EU's normative influence was emphasised receiving guarantees from the US about the protection of human rights, such as data protection of its citizens, non-execution of death penalty, whilst signing counter-terror cooperation agreements for Europol, judicial cooperation, Passenger

Name Records (Kaunert 2010c; Kaunert and Zwolski 2013: 97-108; Occhipinti 2010: 97-104; Rees 2006: 90-100).

Contrary to the above-mentioned contributions, there is also another group of scholars who criticized the EU for being torn between its security interests and normative values. For instance, the application of UN based sanction regimes by the EU for the sake of multilateralism (which is related to the blacklisting of terrorist groups and individuals) had negative consequences on the protection of human rights of some individuals and the EU was subjected to unfavourable European Court of Justice Rulings (Bures 2010; Guild 2008; Leonard and Kaunert 2012; Vlcek 2008). Furthermore, some of the EU institutions dealing with terrorism are considered unaccountable and some counter-terror measures are inadequate to protecting the human rights of EU citizens (Den Boer et al. 2008; Gregory 2005). In view of these studies, human rights protection is mostly evaluated for the internal dimension of the EU rather than its influence on other international actor's policies. Also, as indicated by these studies, the EU's impact on other international organisations and states was rarely perceived as a major or holistic change.

In the context of the promotion of liberal democratic norms in the counter-terror domain, limited EU influence was also revealed through its interaction with its two interlocutors, the US and the European Neighbourhood Policy Countries. As Rees indicated, the EU has been in an intense counter-terrorism cooperation with the US since the 9/11 attacks (Rees 2006: 79-104). However, within this close interaction, the US possesses a dominant role in which imposing its security based policies and in other words the EU become a 'norm-taker' rather than a 'norm promoter' (Argomaniz 2009a; Kaunert et al. 2012; Alex Mackenzie 2012; Pawlak 2009b). Therefore, in these studies the EU's strong transformative role to alter third countries' counter-terrorism policies by normative means did not emerge because of an absence of EU superiority over the US.

In consideration of ENP countries, in the literature the EU was criticized for employing many security-oriented policies in regard to the ENP countries. For instance, Baracani stresses that the EU's interest in the ENP countries mainly focuses on the stabilization of these countries, rather than on promoting liberal democratic norms within them (Baracani 2009). Furthermore, some authors have emphasized that the promotion of democracy in Maghreb countries is perceived by the EU as having a destabilising effect in those countries, and is thereby endangering the counter-terrorism efforts of the EU. Therefore, the EU's normative objectives, such as achieving economic and political development in the ENP countries, has been replaced by short-term interests such as co-operation in combating terrorism after the devastating terrorist attacks in the US and the EU (Dannreuther 2006; Eder 2011; Joffe 2008).

Apart from the EU's lack of normative interest in ENP's, the literature criticizes the EU for focusing its policies too much on immigration issues, rather than on the root causes of terrorism. According to Pace, the EU's counter-terrorism initiatives did not materialize in the Mediterranean countries. In her analysis she argues that the EU is much more interested in the reduction of immigrants from southern neighbours than in cooperating in the counter-terrorism field (Pace 2010). Similarly, as Dover has stressed, tightening immigration policy has, not only endangered the lives of illegal immigrants, but has also contributed to the radicalisation of them (Dover 2008).

However, there is also another group of scholars who argued that the EU's security-based objectives on the ENP countries was significantly below expectations and after the Arab Spring, when the region became unstabilized, the priority of security issues for EU countries was notably lost (Kaunert and Leonard 2011; Alex Mackenzie et al. 2013a).

As illustrated by examples given by these authors, the promotion of liberal democratic norms in the US and the ENP countries was not significant in the counter-terror domain. Therefore, these studies do not reveal the EU's

power to transform other countries' counter-terrorism policies by normative means. In this respect, this research is differentiated from studies examining the external dimension of EU counter-terrorism policy, which are mostly focused on the dimension of cooperation, rather than the normative transformation of other countries' counter-terrorism policies.

2.3. The EU's Normative Role on Counter-terrorism

The exertion of influence by one international actor on others is based on different factors. There is a correlation between the social and political institutions of an international actor and its foreign policy. The democratic quality of a regime mirrors its foreign policy approach towards other countries (Holsti 1964: 180). This link is not only related to internal factors, however, but also to the resources of the international actor, which derive from its history and geography. Its capability to operationalize these resources determines its power and influence (Hill 2003: 134-38). The EU is regarded as a *sui generis* structure in its ability to influence other countries (Checkel 2005: 801-02; Manners and Whitman 1998: 232; Rosamond 2005: 463). It is neither a state nor an association of states, but lies somewhere in between (Laruelle and Widgrén 1998: 321). Assumptions that are valid for nation states might not be valid when explaining the EU impact on other countries. Therefore, special attention needs to be paid when conceptualizing the EU's power in order to understand its influence on third countries.

The unique foreign policy role of the EU has been subject to serious discussion from the 1970's in the context of what type of power the EU is. The early debate on the EU's special role in promoting liberal democratic norms starts with Duchene's 'Civilian Power' description. Duchene defines the European Community as "long on economic power and relatively short on armed forces". His proposal is that the European Community can be influential in the international environment by exerting a civilian form of power, which can be established by wielding political cooperation and by sticking to social values of

equality, justice and tolerance (Duchene 1973: 19-20). Duchene's civilian power definition is conceptualized as having three key features by Twitchett and Maull. As derived from both authors' definitions, civilian power relies more on economic power to achieve its goals, is committed to diplomatic cooperation to solve international problems, and prioritizes legally-binding supranational institutions for achieving international progress (Maull 1990: 92-93; Twitchett 1976: 1-2). At the time these studies were made, however, the EU was in transition from an economic community to a political union. The norm diffusion instruments had not yet been implemented in third countries. Furthermore, there was incoherence among member countries and EU institutions (the European Commission, the European Parliament, and Member States) in promoting liberal democratic norms to third countries, due to the conflicting strategic and economic interests of member states (see chapter 4). The focus of early studies was thus on how the EU can influence international systems in comparison to its rivals, rather than the extent to which the EU influences the diffusion of liberal democratic norms in transforming the polity, politics, and policy of third countries. Unlike these studies, this research will look at the EU's level of influence in transforming the domestic policies of third countries (and specifically, Turkey).

The Treaty of European Union (TEU) came into force in 1993, adding the promotion of liberal democratic values into the EU's foreign policy objectives. This changed the direction of the civilian power debate. At that time the discussion was centred around whether the EU is a civilian power or not, and Manners suggested another term, 'Normative Power', to identify the EU. According to Manners, normative power is based on the power of opinion rather than physical force, and diffuses its norms ideologically to others in order to shape the conception of what is 'normal' in international relations (Manners 2002: 239-40). He argues that civilian power is more appropriate in the case of

nation states than the case of the EU, in terms of direct physical power and national interest (Manners 2002: 238).

As Manners emphasizes, the EU's normative difference comes from its historical context, hybrid polity, and political legal constitution. As for the historical context, Europe was the battle area of the First and Second World Wars. Thus, Europeans were committed to sustaining peace and liberty for the sake of their continent. The EU also possesses a hybrid polity, which has supranational and international forms of governance in its structure that distinguishes it from nation states. Furthermore, the EU's political legal constitution is formed by multilevel interactions (e.g. elite driven, treaty based and legal order interactions), which is completely different from the constitution of nation states (Manners 2002: 240-42). As an example of the its normative commitments, Manners cites the EU's efforts to abolish the death penalty in many countries, with Turkey being an instance of such a country (Manners 2002: 250). However, Manners' normative power discussion does not go beyond "what the EU is in the international system, rather than what it does in its external relations" (Schimmelfennig 2009: 5). It has a limited interest in studying the domestic impact of the EU on third countries. In that sense, this research will contribute to the normative power discussion by looking at how the EU's normative concerns and commitments have been influential on the transformation of counter-terrorism policies in third countries.

After the 9/11 terrorist attacks and the later attacks in Madrid and London, the EU's internal and external initiatives to combat terrorism launched another discussion of whether the EU had sacrificed its normative power in order to be a security actor. For some authors, the increasing focus on security issues, such as fighting against terrorism, and implicitly abandoning normative pressure for democratization and human rights, was considered to overshadow the EU's foreign policy objectives (Joffe 2008: 166; Van Reisen et al. 2004: 36). Furthermore, the EU has been criticized for moving from its legalistic approach

to a more security based approach, investing more on 'insecurity technologies' for security governance (Oz 2010: 462). Aside from undermining its normative power, the EU's focus on increasing its security capabilities has been criticized for not leading to an increase in its normative power (Manners 2006: 194). However, these studies focus on the EU's shifting, or evolving, normative approach (which seems to be focused more on security than normative values), rather than its consequences on the counter-terrorism policies of those third countries which are subject to EU's normative pressure. They have not discussed whether those target countries dealing with terrorist organisations have followed the EU's changing policy prescriptions. However, this research does just this, and puts aside the issue of why the EU requirements gradually relied more heavily on a security based approach.

As for Turkey, the EU's normative power role is important for the transformation of its counter-terrorism policies. The EU has used its normative power to shape Turkey's counter-terrorism policies by using tangible incentives, or by convincing Turkish political actors of the appropriateness of EU norms. Any deterioration in the EU's normative power can have negative effects on candidate countries such as Turkey, where the EU policies are closely observed for rule adoption in the counter-terror domain. In this regard, this research will contribute to the normative power literature by analysing how and why the EU's normative power role was influential on the transformation of Turkey's counter-terrorism policy.

2.4. The Motives of the EU to Diffuse Liberal Democratic Norms

Transposing the EU's liberal democratic norms in the counter-terrorism domain is a difficult task for non-member countries like Turkey, where terrorism is a perceived existential threat to the country. Without convenient domestic mediating factors, the EU efforts in Turkey will be inadequate to transform its counter-terrorism policies. However, in the literature, studies are concerned

with the Union, and its motives in promoting liberal democratic norms to third countries, rather than on the outcomes of EU impacts on third countries.

According to the 'domestic analogy' thesis, international actors in countries with good normative practices prefer to be surrounded by a neighbourhood where similar principles and procedures to their own exist. The existence of a similar normative environment beyond the borders of such countries reduces risks for international actors within them, and makes it easy for them to use this environment for their own benefit (D. Peters and Wagner 2005 Cited from ; Schimmelfennig 2012: 10). Based on this analogy, the EU has promoted its liberal democratic norms in order to establish similar normative standards in Turkey, and thus to reduce political instabilities within Turkey for its own benefit. However, the adoption of EU required liberal democratic norms is difficult for Turkish political actors whilst terrorism is seen as an existential threat. They may be reluctant to transpose the EU norms and so may continue to use security-based strategies. In this respect, the aspiration of the EU is not the only important factor. The domestic political environment should also be suitable for the adoption of EU required norms in third countries. Therefore, domestic mediating factors in Turkey need to be taken into account, which can be conducive to, or hinder, the adoption of EU promoted human rights norms.

From Lavenex and Rees's 'inside-out' view, rule-extension towards other countries is being used as an "external projection of internal solutions", which means internal policies are used in other countries to increase the efficiency of their policies and to solve their domestic problems (Lavenex 2004: 681-95; Rees 2008). Furthermore, exporting EU values into the international legal order may make the EU and its members more successful in the eyes of other international actors, if these values are found "principled, consistent and beneficial" (Khaliq 2008: 455). However, in some policy areas (e.g. in counter-terrorism policy), the EU might not have policy prescriptions to offer third countries, and its remedies can evolve over time. So, the EU requirements may have a problem of legitimacy

when put forward in order to alter the domestic policies of third countries such as Turkey. Therefore, in order to understand the impact of the EU on Turkey, it is necessary to understand the perception of domestic political actors about the appropriateness of EU norms.

Within the norm diffusion literature, the motives of the EU have also been analysed under 'altruistic' reasons. According to Bicchi, the EU's norm promotion is regarded as 'unspontaneous behaviour', and is based on the engrained belief that the EU's grim history should be a lesson for other countries (Bicchi 2006: 287). In other words, the EU promotes democracy for the good or well-being of others based on its negative experiences (Aggestam 2008: 8; K. Smith 2003b: 130-31). However, terrorism was never a serious problem for the European Union, at least until the Madrid and London Bombings in 2004/2005. As an international institution the EU did not have a serious security versus liberty dilemma in its policies when compared with countries like Turkey, where countering terrorism has been priority since the early 1980's. Therefore, the absence of experience in the counter-terrorism domain, and the absence of a common threat in the EU, undermines these authors' explanations.

From another wave of analysis, the normative concerns of the EU are given as the reason for norm diffusion in third countries. For Stahn, the international community (third states, multilateral institutions, and non-state actors) has a responsibility to protect 'human security' (Stahn 2007). As a respected member of the international community, the EU has a responsibility to disseminate its liberal democratic principles to prevent violations against 'human security'. Similarly, the EU's normative concerns in third countries are a major reason for the promotion of democracy, human rights and the rule of law (Manners 2002: 240-41). It is the validity of universal beliefs and ideas that motivates EU authorities, on this view, rather than the pursuit of material benefits (Schimmelfennig 2009: 9). Even though these are strong arguments in explaining the EU's normative motivations, they underestimate the rationality of

the EU and its members when dealing with other states. Human rights violations due to counter terrorist measures in the peripheral countries of the EU cause a flow of immigrants to EU countries, which brings criminality, integration, and diaspora problems to member countries. Therefore, the EU promotes liberal democratic norms to these countries in order to transform their counter-terrorism policies, and so prevent the internalization of these countries' domestic problems. This research is differentiated from these studies by looking at the EU's rational motives rather than its altruistic intentions.

As a rational foreign policy actor, the EU also has self-interested reasons to promote its norms to third countries. According to 'democratic peace theory', democratic countries do not wage war against each other (Rasler and Thompson 2005; Rousseau 2005; Russett and Antholis 1993). Considering this fact, the EU aims to promote liberal democratic principles to third countries in order to prevent the spread of negative effects of war reaching the EU (Knodt et al. 2011: 996). However, in terms of the level of violence and destruction caused, war and terrorism are dissimilar. So, the promotion of liberal democratic norms for the transformation of counter-terrorism policies in third countries should be analysed within a different framework. This study does just this.

Spill over effects of the internal security problems of third countries, such as terrorism, organized crime, and illegal immigration, are another reason for the EU to promote liberal democratic principles to third countries. The promotion of democratic values is considered to eliminate the internal security problems of third countries, whose problems the EU fear will be imported into the Union (Cottey 2007; K. Smith 2003b; Tocci 2007: 7-8). This research similarly examines the EU's norm diffusion role from a security perspective. However, unlike these studies, it is particularly interested in the counter-terrorism dimension in Turkey, where Turkey's hard-line counter-terrorism practices towards the PKK have created negative costs for the EU (in terms of creating a rising number of the Kurdish immigrants in the EU). Therefore, the promotion of liberal democratic

norms in Turkey will be argued to occur within the counter-terrorism context to reveal the EU's self-interested motives.

2.5. Europeanization and Counter-terrorism

The spreading of the EU's democratic liberal norms, values, and rules inside and outside of the Union has given rise to a new strand of literature called 'Europeanization'. Europeanization is a phenomenon that can be explained through different theoretical approaches, rather than a theory itself (Bulmer and Burch 2005: 863; Featherstone and Radaelli 2003: 340). As a candidate state, Turkey has been required to adopt EU promoted liberal democratic norms in order to become a member of the Union, which has implicitly affected its counter-terrorism policies. From another point of view, the transformation of Turkish counter-terrorism in line with the EU requirements can be considered to be the Europeanization of Turkey's counter-terrorism policies. Therefore, special attention needs to be paid to whether the concept of Europeanization can explain the EU impact on Turkish counter-terrorism policy.

Risse, Cowles and Caporaso conceptualize Europeanization as an emergence of distinct structures of governance, which comprise political institutions, social institutions, and institutions for problem solving and interaction among the political actors and networks, for the creation of a European Union authority (Risse et al. 2001: 3). However, this definition is based on the creation of European governance amongst the member countries rather than non-member countries who do not have any role on in this process. In this sense, Risse, Cowles and Caporaso's concept of Europeanization is not relevant in the case of Turkey, which is non-member country.

For Radaelli, Europeanization is defined as a process of construction, diffusion, and the institutionalization of European norms, values and rules, which have developed and have been consolidated during the EU policy process and then incorporated into domestic discourse, identities, political structures, and public policies (Radaelli 2002: 108). However, in some policy areas, the EU lacks

its own norms, and borrows norms from other international organisations (such as the UN, the CoE or the OSCE) which it then requires non-member countries to adopt. In this sense, Radaelli has not made clear that the adoption of other international organization's rules should be considered as aspects of Europeanization.

The meaning of "Europeanization" is distinguished from terms such as "integration", "convergence", or "harmonization". As Börzel stresses, the issue of integration is concerned with why nation states discard their sovereignty in order to be part of a supranational organization. Changes in state and sovereignty are the main concerns of integration studies, whereas Europeanization seeks to explain changes in domestic institutions and the behaviour of political actors (Börzel 1999: 576-77). For Radaelli, Europeanization is different from "convergence". Even though there may be policy convergence among EU member countries, these countries may have different responses to EU requirements, which also produces divergence (Radaelli 2002: 111). The harmonization impact of the EU is not fully correlated with Europeanization. The EU has no homogenising impact on the domestic policies of target countries. There is still room for manoeuvre for target countries to implement their own policies (Knill 2001: 41-50). However, these definitions have mostly been given for the Europeanization of member countries, rather than non-member countries who have power to negotiate with the EU.

In view of these definitions, it is noticeable that "Europeanization" has no single and stable meaning (Kassim 2000: 235). Some conceptualizations do not explain norm diffusion in non-member countries. Others suffer by failing to explain the use of other international organisations' rules as aspects of Europeanization. So, this research will not employ the concept of Europeanization to explain the EU impact on Turkish counter-terrorism policy.

The EU impact on the domestic policies of non-member countries has also been conceptualized under the term "EU-ization". According to Wallace,

"EU-ization" refers to the internalization of the EU membership and accession process by applicant countries. In her argument, domestic change in applicant countries is driven by the influence of the EU (Wallace 2000). However, as emphasized earlier, the EU is not the only international institution that promotes liberal democratic norms for domestic change. The EU benefits from the recommendations and conventions made by other international organizations (i.e. the UN, the CoE, and the OSCE). According to Graziano and Vink, this means Europeanization is 'more than just EU-ization' (Vink and Graziaon 2007: 12). So, the concept of "EU-ization" is also irrelevant in explaining the EU influence on Turkey's counter-terrorism policies. Therefore, instead of the concepts of Europeanization and EU-ization, much more attention will be given to the EU's diffusion mechanisms in order to emphasize the contribution of this research.

2.6. Mechanisms for Diffusing EU Norms

In order to understand the EU impact on Turkey's counter-terrorism policies, the way EU rules have been transposed to Turkey should be taken into consideration. In the norm diffusion context, however, the EU has different mechanisms from those that are employed in third countries. The EU norm diffusion mechanisms applied to Turkey, as a candidate state, are different from those applied to non-candidate countries. So, if the appropriate norm diffusion mechanisms employed in Turkey, and their strengths and weaknesses, can be identified, similar strategies can be applied to other third countries whose counter-terrorism policies create concerns for the EU. Therefore, this section will present an overview of the literature on the norm diffusion mechanisms of the EU towards third countries, and it will choose the right norm diffusion mechanisms to conceptualize and theorize about the EU impact on Turkish counter-terrorism policy in the third chapter.

In the existing literature, the diffusion mechanisms of the EU can be found within different parts of the literature, such as Democratization (Kubicek 2003; Whitehead 2001), the Normative Power debate (Manners 2002),

Europeanization (Bauer et al. 2007; Börzel and Risse 2003; Jacoby 2004; Lavenex and Uçarer 2004; Schimmelfennig and Sedelmeier 2005), Conflict Resolution (Diez et al. 2006; Tocci 2007) and Diffusion (Börzel and Risse 2012). The mechanisms proposed by different authors generally overlap with each other. Therefore, in this section, the most prominent diffusion mechanisms will be categorized under more general categories, in order to avoid confusion.

In the existing literature, there are three logics of action. According to the 'Logic of Consequence' (Instrumental Rationality), non-member countries try to maximise their utilities. Changing political behaviour in third countries is based on cost-benefit calculations. In the 'Logic of Appropriateness (Normative Rationality), target countries are motivated by norms, values and the identity of the community where they belong. Legitimacy and appropriateness of rules are determinate factors of action (March and Olsen 1989). Both rationalities are mostly applied in the existing literature to explain the EU impact on non-member countries. However, there is also another rationality called the 'Logic of Argument' (Communicative Rationality) in which actors reach mutual understanding by arguing. One of the actors tries to persuade the other to change by justifying the validity of its claims (Risse 2000).

The diffusion of the EU norms also has two dimensions, namely, direct and indirect. In the direct dimension, the EU is an agent of diffusion who actively promotes certain policies or institutional models. In the indirect dimension, the EU is a role model that other international actors emulate, i.e. they emulate the EU's solutions according to their own needs (Börzel and Risse 2012: 5-6; Lavenex and Uçarer 2004: 422). From Schimmelfennig and Sedelmeier's point of view, domestic change can be either EU-driven or domestic driven. In the former case the EU induces the domestic changes, whilst in the latter non-member countries makes the decision to change (Schimmelfennig and Sedelmeier 2005: 8). Direct diffusion has four types: Coercion, Persuasion, Socialization, and Conditionality.

Indirect diffusion also has four types: Contagion, Competition, Lesson Drawing, and Normative/Mimicry Emulation.

The coercion strategy is based on 'coercive authority' or 'legal force' to diffuse policies towards third countries (Börzel and Risse 2012: 6). In the existing literature this strategy has appeared under the names "overt diffusion" (Manners 2002) and "control" (Whitehead 2001). The most prominent feature of this strategy is that dominant international actors impose their norms and their governance models on others by using physical or legal intervention (Kubicek 2003: 4). In this way, superior actors transform a third country's polity, politics, and policy. The promotion of liberal democratic norms in neighbouring countries using the coercion strategy might be less costly to the dominant actor than sustaining old security structures in order to maintain territorial security (Whitehead 2001: 8-15). The coercion strategy gives little room to manoeuvre to the target country, due to an asymmetrical power balance between the two parties (the dominant actor and target country) (Beichelt 2012). The use of economic and diplomatic sanctions, or arms embargos, are considered as part of the coercive foreign policy instruments of the EU (Matlary 2004: 144). Humanitarian intervention to stop ethnic cleansing has also been given as a special example of the EU's coercive approach (Schimmelfennig 2007: 127-28). The EU can also utilise a legal coercive power on member countries, and to a lesser extent accession countries, due to the rulings of the European Court of Justice (ECJ) (Börzel and Risse 2012: 6). In the context of this study, coercion is not the right mechanism to explain the interaction between the EU and Turkey. Firstly, the EU has never had an intention to use physical force towards Turkey in order to transform its institutions and policies. Secondly, the ECJ mandate on Turkey only applies when there is a legal dispute between EU institutions and Turkish institutions, companies and individuals. That is, it is only applicable when there is a failure to implement EU law by the EU institutions, or by Turkish contracting parties. The ECJ cannot solely rule against Turkey for not applying EU

law. Thirdly, the EU requirements are not responded to in line with the EU expectations at all times. Turkish authorities sometimes refuse to fulfil EU demands, if there is major domestic political cost of complying. In these circumstances, Turkey has room for manoeuvre when adopting EU promoted norms, which means the EU is not capable of exerting a coercive power on Turkey's decisions.

The persuasion strategy is based on 'communicative rationality' or the 'logic of argument' (Börzel and Risse 2012: 8). According to Beichelt, this strategy is the most understudied mode of norm promotion in the literature (Beichelt 2012: 7). It has been named as "informational diffusion" (Manners 2002: 244), "constructive impact" (Diez et al. 2006: 574), and "communication" (Bauer et al. 2007) by different authors. The EU represents its arguments and tries to convince the target country of the validity of EU promoted rules. This mode of interaction occurs amongst national agents working together in the EU's legal and administrative network (Bauer et al. 2007: 414). In this interaction no incentive, except the power of argument, is influential on changing the political behaviour of the target country (Schimmelfennig et al. 2006: 31). The persuasion strategy gives national actors the power to interpret EU recommendations, and they have room for manoeuvre in deciding on the appropriate policy (Bauer et al. 2007: 414). However, as Kelly has shown, the EU may also use the persuasion strategy with other material based reinforcement strategies (rewarding with incentives) to persuade target countries of the appropriateness of EU promoted rules (Kelley 2004). In practice, when the EU has nothing to offer, persuasion is the preliminary strategy adopted in target countries. As the distance between the target country and Europe increases, the EU relies more on strategies such as persuasion (Börzel and Risse 2012: 8). In view of the Turkish case, persuasion might be an influential strategy for norm diffusion. However, Turkey has been a candidate country, which aims to join the EU. In order to do so, it has adopted EU norms (i.e. those that have been set as a condition of membership) into its

domestic legislation. If Turkey fails to comply with the EU requirements, it will not be rewarded with membership status. Consequently, the EU does not necessarily need to persuade Turkey, because it offers tangible incentives, such as EU membership, to push Turkey into rule adoption. Nevertheless, this strategy can be used as a complementary strategy if the provided material incentives are not sufficient on their own to change the political behaviour of Turkey.

The socialization strategy is another way for the EU to diffuse its norms, values, and rules to third countries. It is defined as "convergence" (Kubicek 2003), "cultural filter" (Manners 2002), "social learning" (Schimmelfennig and Sedelmeier 2005), "consent" (Whitehead 2001), and "connective impact" (Diez et al. 2006) within different studies. In this process, the EU is the socialization agency which transmits the rules of its community (Schimmelfennig et al. 2006). Target countries, on the other hand, are the inducting actors who internalize these rules (Checkel 2005: 804; Risse and Sikkink 1999: 5). As Schimmelfennig has stressed, socialization covers all EU efforts to "teach" other countries that EU policies (including the ideas and norms behind them) are more appropriate than their current policies for dealing with their internal problems. The EU also endeavours to motivate target countries to adopt their rules (Schimmelfennig 2012: 8). The socialization strategy has many similarities with the persuasion strategy.[1] A major distinction between the two strategies, however, is that persuasion relies more on argumentative communication. Socialization, on the other hand, is learned by domestic actors through the observance and re-contextualization of EU norms under domestic conditions (Beichelt 2012: 8). The socialization mechanism is successful in explaining the autonomous political changes in target countries, which are based on identity, common values, and norms, but it suffers by failing to explain policy alterations that are related to

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[1] i.e. it is similar in terms of constructive impact and communication. These have been explained above in the disucssion of persuasion. These two combine elements from the persuasion and the socialization strategy. However, as they are more relevant to the issue of persuasion, they were explained above rather than here.

material incentives. Therefore it has been generally used as a complementary strategy for utility based explanations (Kelley 2004; Kubicek 2003). Considering the long-term and fluctuating relations between the EU and Turkey, socialization is a very strong mechanism in explaining the EU impact on domestic adjustments in Turkey. When the EU failed to offer tangible incentives for rule adoption, socialization became the prominent mechanism for the reform process. Domestic political actors learnt the suitability of EU promoted norms in their social interactions with EU institutions. Therefore, they transposed the EU promoted norms on the basis of their appropriateness rather than on the basis of rational based reasons, such as cost-benefit calculations. In this research, socialization will be one of the diffusion mechanisms used to explain rule adoption in Turkey in the counter-terrorism domain.

Conditionality is one of the direct diffusion mechanisms used by the EU in third countries to diffuse its norms. As Stokke has emphasized, conditionality is not an aim itself, but a foreign policy instrument used to reach foreign policy objectives (Stokke 1995). In addition, it is not "a constant factor of causation but rather a process" for examining domestic change (J. Hughes et al. 2004: 548). In the existing literature, conditionality has been named as "utility calculations" (Börzel and Risse 2012), "compliance" (Bauer et al. 2007), "compulsory impact" (Diez et al. 2006), "thresholds" (Jacoby 2004), "procedural and transference diffusion" (Manners 2002), "leverage" (Vachudova 2005) and "reinforcement by reward" (Schimmelfennig et al. 2003). The basic rationality of conditionality is the 'Logic of Consequence'. The EU sets some conditions on non-member states in order to minimize their political and economic risks, and in order to assess their readiness to meet the EU requirements (Grabbe 2001: 251). If the target country adopts the EU required norms, the EU rewards the country with incentives, whereas, it withdraws the incentives if the requirements are not fulfilled (Bauer et al. 2007: 409; Diez et al. 2006: 572; Schimmelfennig and Sedelmeier 2005: 10; K. Smith 2005). As Schimmelfennig and Sedelmeier have

stressed, before the conditionality strategy is put into practice, a domestic equilibrium exists in the target country, which is based on the preferences and bargaining power of the domestic society. The conditionality strategy upsets this equilibrium, and domestic actors make calculations between the adoption costs of EU rules and the incentives provided by the EU. If the value of the potential benefits exceed the adoption costs, most target countries adopt the EU required norms. Otherwise, they refrain from adopting them (Schimmelfennig and Sedelmeier 2004: 672). The conditionality strategy is seen as the most efficient mechanism that the EU has at its disposal to promote its norms to third countries (Beichelt 2012: 6). It also provides a strong causal link between the EU influence and norm diffusion in Turkey. As will be revealed in chapter 6, when the EU has given clear membership prospects to Turkey, the adoption of EU promoted norms was easy for Turkish political actors, despite the cost of ethic separatist terrorism. Therefore, conditionality will be used as the main diffusion mechanism to explain the EU impact on the transformation of Turkey's counter-terrorism policies towards the PKK.

Contagion is another strategy for the diffusion of the EU's normative rules, values, and institutions to target countries. It has also been described as "democratic gravity" (Emerson and Noutcheva 2005) and it is grounded in the "logic of appropriateness". According to this mechanism, 'contagion through proximity' is the main reason for the diffusion of liberal democratic norms to other countries (Whitehead 2001: 5). The countries located near democratic regimes have more economic, intergovernmental, and inter-organizational, touristic, and informational based interactions with democratic regimes than geographically distant countries. Links between the two sides causes diffusion (Levitsky and Way 2005: 23). In the contagion process, institutions of the well-regarded neighbour is copied wholesale (Kubicek 2003: 5). For Whitehead, in order to talk about contagion, there must be a neutral transmission mechanism, which encourages the neighbouring countries to replicate the institutions of its

democratic neighbours without the influence of outside agencies and strategic calculations (Whitehead 2001: 5-8). As Kubicek has emphasized, contagion has some weakness in explaining the EU impact on third countries. Firstly, it ignores local conditions and neglects the role of internal and external actors on norm diffusion. Secondly, the EU is regarded as a passive entity, which is against its normative power identity (Kubicek 2003: 5). In line with Kubicek's critiques, contagion is not the appropriate form of diffusion to explain the EU impact on changing Turkish counter-terrorism polices. Although the prosperity, security and stability of the EU has been influential on Turkey, in its interactions with the EU, the efforts of domestic and civil society actors cannot be put aside. Ignoring the role of internal and external actors on norm diffusion undermines the explanatory role of contagion in the Turkish case.

Competition is another indirect diffusion mechanism used by the EU. This has also be called "negative externality" (Lavenex and Uçarer 2004: 421). This strategy is also based on the 'Logic of Consequence'. As explicated by different authors, the EU requires target countries to adjust certain institutional arrangements to create a market competition environment amongst them. They adjust their domestic policies in line with the EU regulations in order to gain an advantage over other countries, or they resist these requirements in order not to lose their market advantages. Being a winner or loser stimulates the competition as well as stimulating rule adoption (Bauer et al. 2007: 411-12; Lavenex and Uçarer 2004: 421). In the competition mechanism, policy adjustment is a unilateral process which is adopted by target countries, rather than being imposed by the EU (Börzel and Risse 2012: 9). However, this does not mean that the reform process is completely under the control of target countries. The consequences of competitive performance are more influential on norm diffusion, rather than the decision of domestic political actors. This aspect of the competition strategy thus differs from other norm diffusion strategies, such as conditionality (Bauer et al. 2007: 411-12). Nevertheless, as experienced in the

Central and Eastern European Countries, competition can be an additional factor in complying with the EU requirements, along with the material incentives provided by the EU (Grabbe 2001: 1015). In addition, the lack of competition among the ENP countries is one of the reasons why the EU is not as influential in the ENP countries as it is in the CEEC's (Gebhard 2010). There is also a difference between the socialization and the competition strategy. Socialization can occur independently in target countries without peer pressure; however, for the competition strategy to be effective there should be contestant countries that ignite competition in the target country. Competition can explain some of the reform processes in Turkey, such as trade related rule adoption, in which Turkey has competed with other candidate countries to gain an advantage in European integration. However, counter-terrorism is not a policy area in which Turkey has competed with other countries. Adopting the EU's liberal democratic values is necessary for a peaceful solution to Turkey's internal problems, such as ethnic separatist terrorism, and being the winner of competition based relations is not so important.

The Lesson Drawing strategy is another diffusion mechanism that works without inducement from the EU. It also appears in the literature as "passive enforcement" (Tocci 2007: 17), "enabling impact" (Diez et al. 2006: 573), "unilateral policy emulation" (Lavenex and Uçarer 2004: 421), "templates" (Jacoby 2004: 6) and "mimetic isomorphism" (DiMaggio and Powell 1991: 69). This strategy is again based on 'Logic of Consequence', or 'cognitively motivated behaviour' (Lavenex and Uçarer 2004: 421). Non-member states adopt the EU rules in response to domestic dissatisfaction, which stem from uncertainty, policy failure and their seeking the best policy (Rose 1991: 11-13). According to Schimmelfennig and Sedelmeier, firstly, political actors seek alternative policies elsewhere. Secondly, they narrow their search to the EU or to its members. Then they evaluate whether or not the EU rules are suitable for adoption (Schimmelfennig and Sedelmeier 2004: 676). For a better lesson-drawing

process, rules that will be adopted by target countries must be clearly defined (Tocci 2007: 17). As Börzel and Risse argue, in the lesson-drawing process, institutional solutions are not adopted in a wholesale manner, rather they are tailored to the particular case and adopted selectively (Börzel and Risse 2012: 10). Therefore, this feature distinguishes the lesson-drawing strategy from the contagion mechanism. In addition, contrary to socialization or social learning, policy change in target countries does not occur through communication channels, but is rather based on the experience of target countries themselves. In other words, it is not a social learning based strategy, but an experimental learning strategy (Tocci 2007: 17-18). It is further distinguished from conditional based strategies, because the EU does not enforce the adoption of its norms in target countries (Schimmelfennig and Sedelmeier 2005: 20). By providing incentives through the conditionality strategy, the EU does aim to compensate target countries for the concessions they make (Tocci 2007: 17). In the light of these arguments, lesson drawing can be considered a proper pattern of diffusion in the Turkish case, if the material incentives provided by the EU are not the only reason for rule adoption, or experimental learning overwhelms social learning. However, ensuring a peaceful and non-violent solution to end PKK terrorism is one of the requirements the EU has for the stabilization of Turkey, alongside the other political demands. The EU directly induces Turkey to adopt liberal democratic norms for the solution of the Kurdish issue, which is closely linked with PKK terrorism. Therefore, under these circumstances, the lesson-drawing mechanism has little power to explain the EU impact on Turkey.

Normative Emulation/Mimicry is another domestically driven indirect diffusion mechanism the EU uses. It is based on the "Logic of Appropriateness". According to Börzel and Risse, some countries may want to be well-regarded members of the international community. They adopt norms symbolic of communities such as the EU in order to increase their legitimacy in the international environment. The adoption of appropriate norms are not based on

functional reasons, but rather for reputational gain (Börzel and Risse 2012: 10).
As stressed by Jetschke and Murray, in the normative emulation process, the
norms of the EU are not deeply internalized. The EU-style institutions are
adopted in line with the existing domestic institutional structure (Jetschke and
Murray 2012: 180). Normative Emulation/Mimicry is more influential on the
regions or states where the EU is seen as a legitimate authority to emulate
(Börzel and Risse 2012: 10). Considering the other diffusion mechanisms,
normative emulation/mimicry has the risk of being confused with other
mechanisms, such as persuasion, socialization, and lesson drawing. Firstly, in
order to talk about persuasion and socialization, there must be a socialising
agent, such as the EU, which tries to persuade or teach the target country the
appropriateness of its rules. However, normative emulation diffusion is driven
entirely by domestic factors, rather than by any external actor (Jetschke and
Murray 2012: 179). Secondly, in the lesson-drawing process, the EU rules are
adopted selectively, but without altering the essence of the rules adopted, when
there is a policy dissatisfaction or uncertainty. In normative emulation/mimicry,
however, the EU model is not fully internalised. There might be diversity
between the domestic rules and the EU rules, even though the former emulate
the latter (i.e. "emulating" does not mean "exact copying"). Furthermore,
adopting the EU norms does not correspond to any internal functional problem.
It is purely a manifestation of the fact that the target country intends to be a
respected member of the international community (Lenz 2012: 159). In view of
these arguments, the normative emulation/mimicry strategy does not fit the
Turkish case for two reasons. Firstly, as a prospective EU member, Turkey is
obliged to adopt the EU rules without alteration. Therefore, the flexibility
entailed by the normative emulation/mimicry mechanism does not match the
Turkish case. Secondly, in Turkey-EU relations, the EU has the role of the
socialization agent, whereas Turkey, wanting to be part of the EU, has the novice
role. The adoption of liberal democratic norms is one of the requirements for EU

membership status, and to be a well-reputed member of international community is not. In this sense, the relation between Turkey and the EU is more intense, and in some aspects rule adoption is obligatory, which undermines explanations given through the normative emulation/mimicry mechanism in Turkey.

2.7. How the EU Diffuses Norms in its Neighbourhood

The dynamics of norm diffusion from the EU to Turkey has distinctive features. In this interaction, the EU sets rules without asking for Turkey's opinion, and expects Turkey to adopt them. In addition, the EU offers a membership carrot, if Turkey fulfils all of its requirements. Furthermore, Turkey has no trump card, such as oil and gas reserves, to use against the EU's normative pressure. Therefore, in this part of the study, Turkey's special status will be emphasized by looking at the literature that examines the EU's norm diffusion role in its neighbourhood.

As discussed in earlier sections, the EU has different mechanisms to diffuse its norms beyond its borders. Similarly, there is no uniform model that the EU applies towards the countries in its immediate neighbourhood. In the literature, the reasons for the variation of these mechanisms are given as being due to time (Börzel et al. 2008), geographic proximity and institutional links (Lavenex and Uçarer 2004), the self-interest of the EU (Schimmelfennig 2012), and due to the asymmetrical relation that holds between the EU and a given third country (Börzel and Risse 2012: 13). These authors have identified four groups of countries; quasi-member countries, Russia, the European Neighbourhood Policy Countries, and Candidate countries (CEEC's and Western Balkan Countries), which are located near the EU, and have been subject to different norm diffusion mechanisms.

According to Lavenex and Uçarer, quasi-member countries such as Norway and Switzerland are one group of countries which share contiguous borders, and have historical, social, and political links with the EU. Norm

diffusion in these countries occurs mainly on a voluntary basis, and these countries adopt the EU norms to tackle common problems that they share with the EU. They participate in the decision shaping processes of the EU, and unpopular decisions for target countries are overcome by association agreements (Lavenex and Uçarer 2004). Considering the circumstances of rule adoption in quasi-member countries, the main mechanism of diffusion is based on the lesson-drawing model, or on unilateral policy emulation, rather than other diffusion mechanisms. In comparison to Lavenex and Uçaner's study, this research examines Turkey-EU interactions in terms of the rules the EU sets, and wants Turkey to adopt, in order to achieve membership status. Turkey has no role in the decision shaping process, in contrast to the quasi-member countries. Therefore, this study is differentiated from the studies above that analyse quasi-member countries.

The second group of studies is concerned with those countries that are loosely connected with the EU, such as Russia. According to Dimitrova and Dragneva, Russia shares contiguous borders with the EU, however they have weak institutional links. Russia sees sovereignty as an important aspect of its power, which hinders the EU's norm diffusion efforts (Dimitrova and Dragneva 2009). It denies the EU authority, whilst adopting international conventions, even though these conventions are embedded in the EU's legislative structure. In that sense, the EU rules are less legitimate for Russia than international conventions (Barbé et al. 2009). Furthermore, Russia is one of the oil and gas providers for the EU. Such an energy dependency means the Union has to trade off its economic interests with its normative responsibilities (Youngs 2009: 93-97). As these studies indicate, the EU has relied more on soft diffusion mechanisms in Russia, such as persuasion, socialization, and normative emulation, because using the conditional strategy might put the self-interest of the EU at stake. In that sense, norm diffusion in Russia is not compatible with norm diffusion in Turkey, where the conditionality strategy plays an important

role in norm diffusion. Therefore, this research should be categorized differently from the studies that have examined the EU's norm diffusion role in Russia.

The third group of studies that has received great attention are concerned with the ENP states. Under the ENP scheme, the EU is committed to promoting democratic, economic, and security related reforms to four regions and sixteen countries; North Africa (Algeria, Egypt, Libya, Morocco, Tunisia), South Caucasus (Armenia, Azerbaijan, Georgia), the Middle East (Israel, Jordan, Lebanon, Palestine, Syria), and Far East Europe (Belarus, Moldova, Ukraine). According to Kelley, the ENP has been mostly influenced by the enlargement policy. Contrary to the previous failed policies in the ENP, the enlargement policy proved to be a success. Therefore, the ENP was modified by the European Union Commission, keeping the instruments of enlargement policy in view (Kelley 2006: 30-34). As emphasized my many authors, the major difference between enlargement and the ENP comes from the presentation of membership prospects, which are excluded from the ENP framework. The EU has provided technical and financial assistance to the ENP countries in order to pursue its conditionality strategy. The absence of a membership incentive is the major handicap that hinders the EU in diffusing its norms to these countries (Bobitski 2008; Gawrich et al. 2010; Lavenex and Uçarer 2004: 434; Schimmelfennig 2012: 20). This research is differentiated from these studies, because of its analysis of Turkey, where the prospect of EU membership is the major motive for Turkish political actors to adopt the EU promoted norms in the counter-terror context.

Another group of studies is concerned with the EU's norm diffusion role in candidate countries such as the Central and Eastern European Countries. As indicated by many authors whose interest lies in this study area, terrorism has never been an imminent threat for the CEEC's (Ibryamova 2004; Mares 2008, 2011; Rihackova 2006). However, as Rihackova has indicated, after the 9/11 attacks, the possibility of Al-Qaeda networks using the CEEC's borders to enter the EU raised concerns about these countries, and the internal dimension of

counter-terrorism policies in these states was shaped by the EU, and the external dimension by NATO/US (Rihackova 2006: 3). According to Ibryamova, the main interest the EU has had in transforming the counter-terrorism policies in the CEEC's relates to border controls, and preventing the financing of terrorism and cooperation in counter-terror matters (Ibryamova 2004: 5-6). In this respect, the major contribution of these studies to the literature is that they reveal the EU's transposition of its security based strategies in candidate countries. However, contrary to these studies, this research is concerned mainly with the EU's impact on the adoption of liberal democratic norms in Turkey within a counter-terror context. Therefore, by focusing on its normative dimension, it will bring a novel perspective to the EU's norm diffusion role on counter-terrorism policies within candidate states.

In recent years, the EU's norm diffusion role towards the Western Balkan Countries has also been subject to many studies. The EU policies used to resolve inter-ethnic conflicts in the Western Balkans have been investigated in these studies. They have found that the EU relies heavily on security based policies, rather than pursuing normative objectives in these countries (Anastasakis 2008; Richter 2012; Vasilev 2011). The EU strategies have also been criticized for undermining the consolidation of democracy in these countries (Richter 2012), reducing the domestic support for EU membership (Stahl 2011), and for blurring the EU's normative intentions (Anastasakis 2008). In this literature the EU impact on these countries is framed under the issue of ethnic conflict, which relates to the Yugoslav War. In this respect, the EU democratic prescriptions for Western Balkan countries have focussed on preventing the outbreak of a new war in the Balkans, rather than on dealing with terrorist organisations. In this respect, by analysing the EU's norm diffusion role in the counter-terror context, this research stands in a different category from those that have investigated the Western Balkan Countries.

2.8. Norm Diffusion in Turkey

In recent years, there has been a large amount of literature concerned with the EU impact on Turkish polity, politics, and policy. Within these studies, a few have focussed on the influence of the EU on Turkey's counter-terrorism policies towards the PKK. In one of these studies, documents from the EU, the Council of Europe, and the European Court of Human Rights (ECtHR) relating to Turkish counter-terrorism policies, were collected together without any detailed evaluation or the use of a theoretical framework (Alexander et al. 2008). As such, the work of Alexander et al. only reveals the attitude the EU has taken towards Turkey's counter-terrorism policies, and indicates how Turkey's counter-terror related domestic legislation has been amended. However, the internal and external mediating factors influential on the transformation of domestic policy change are ignored. In this study they are not ignored, which serves to differentiate this research from that study.

In another study, the EU influence on Turkish counter-terrorism policy has been examined through the JHA framework, comparing it with Turkey's policies against drug trafficking and organized crime. According to Bakar, the EU's conditionality strategy (used to promote the adoption of JHA rules and for enhancing cooperation on issues of counter-terrorism) only works when Turkey's domestic threat perception converges with the EU requirements (Bakar 2011). In this regard, Bakar's study was mainly focused on the cooperation dimension of counter-terrorism. The EU's normative requirements to transform Turkish democracy, as well as Turkey's counter-terrorism policies, were not at the centre of his research, and this distinguishes this study from his.

In the remaining studies, the EU influence on Turkish counter-terrorism policies towards the PKK have generally been conducted within the context of democratization, human rights, ethnic minority rights, and conflict resolution. Within these studies, counter-terror related reforms in Turkey have been given as an example to show how Turkey's democracy, human rights, and ethnic

minority regime has been transformed in line with EU requirements. However, these studies are mainly concerned with examining the EU impact on these fields, rather than Turkey's counter-terrorism policies.

However, despite the fact that the focus of the above studies is not on counter-terrorism in Turkey, they have made an important contribution to the literature by showing the reader key determinants of policy chances in Turkey. They address norm diffusion in Turkey as being either EU-driven (exogenously-indirectly), domestically driven (endogenously-indirectly), or driven by a combination of both EU and endogenous factors. Furthermore, these studies frame their arguments in terms of different EU norm diffusion mechanisms.[2]

According to one group of studies, democratic reforms in Turkey have been driven mainly by EU related dynamics. The EU is considered to have stimulated a reform process in Turkey by providing it with a clear accession prospect in 1999 (Baç 2005; T. Smith 2003c; Usul 2011). However, since the EU withdrew this prospect in 2005, the reform process in Turkey has been weakened (Kubicek 2011; Özer 2012), which signifies that rule adoption in Turkey is correlated with the EU offering it a credible membership incentive (E. Hughes 2006; Magen 2003). Consequently, the EU's conditionality strategy is regarded as being the main mechanism for the adoption of liberal democratic norms in Turkey (Cengiz and Hoffmann 2012; Duyulmuş 2008; Schimmelfennig et al. 2003). However, these studies undervalue the internal demand for policy transformation in Turkey, i.e. demands arising from consideration of the human rights and the minority rights of Kurdish citizens. That democratic reforms continued to be made after 2007 in Turkey, at a time when there was no prospect of EU membership, is a challenge to the arguments of these studies. Therefore, this research aims to contribute to the literature by taking into consideration the realization of domestic political actors that EU norms are appropriate for solving PKK terrorism by peaceful means.

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[2] See section 2.4. for details of these mechanisms.

The second group of studies have noted that the reform process in Turkey has been greatly influenced by domestic dynamics rather than by the EU. According to these scholars, there has been an on-going transformation of democracy in Turkey since the early 1980s, which has been motivated by strong public demand, by elite socialization with the EU, and by the CoE seeking alternative ways to solve political violence in Turkey (Dagi 2001; Grigoriadis 2008; Saral 2010; Sugden 2004; Tocci 2005; Ulusoy 2007). In addition, the continuation of EU required reforms has been considered to be beneficial to some domestic actors in achieving their electoral goals (Saatcioglu 2011). Furthermore, the EU requirements have been used as a "legitimization tool" by reform minded politicians in order to frame their political agenda (Börzel and Soyaltın 2012). As such, these authors see socialization as a major mechanism of norm diffusion in Turkey. However, after the Helsinki European Council in 1999, when the EU gave strong signals that Turkey would gain candidate status, the adoption of EU required norms accelerated in Turkey. So the EU has had an undeniable influence on norm diffusion in Turkey (despite strong domestic opposition to some of the reforms, such as the abolition of death penalty) (Magen 2003). Moreover, prior to the Helsinki European Council, Turkey's policies towards the PKK and the Kurdish minority were monitored by other international organisation (such as the UN, the CoE, and the ECtHR). The EU promise to grant Turkey with candidate status was more powerful than the socialization efforts made by these international organisations to induce the adoption human rights norms in Turkey (Magen 2003; Çalı 2010). Therefore, explaining the adoption of liberal democratic norms through the socialization mechanism is inadequate unless the EU's conditionality strategy is taken into consideration. As this is taken into consideration in this research, this distinguishes it from the above-mentioned studies.

A third group of studies, however, has indicated that EU promoted norm diffusion in Turkey has been based on both EU and domestic driven reasons.

According to these studies, the EU, by providing a membership incentive, has been the initial driver of the reform process since 1999. However, strong domestic demand for democratization and the promotion of civil rights have also been active, and their momentum ensured that reforms continued even in the absence of an accession incentive (Acikmese 2010; Keyman and Öniş 2004; Keyman and Düzgit 2007; Kubicek 2005). Within this context, the credible membership commitment of the EU (conditionality) and the preferences of domestic actors (socialization) (Dimitrova 2011; Yılmaz 2012b) are considered reasons for the adoption of EU promoted norms in Turkey. This research shares a similar conceptual framework with these studies. However, unlike these studies this research will use conditionality and socialization mechanisms to examine the transformation of Turkish counter-terrorism policy, rather than the consolidation of Turkish democracy, human rights, and ethnic rights regime.

In addition to these studies, Yılmaz has conceptualized norm diffusion in Turkey for Kurdish ethnic minority rights within the "conditionality" and "lesson drawing" mechanisms (Yılmaz 2012a). However, applying the lesson-drawing mechanism for voluntary rule adoption contradicts Turkey's candidate status, as the EU demands that Turkey finds a peaceful solution to the Kurdish Question. For this reason this research will apply the "socialization" mechanism, instead of the "lesson drawing" mechanism used by Yılmaz, in considering Turkey's on-going EU candidacy and the associated negotiation process.

2.9. Conclusion

As indicated earlier, the EU, as a *sui generis* international actor, has a special role in promoting liberal democratic norms to third countries. In this regard, a broad literature has been developed from early 1970s to show why and how the EU diffuses these norms to the countries surrounding the EU in order to stabilize them. In consideration of these studies, which were examined in the earlier sections, this research will contribute to the existing literature in seven ways.

Firstly, in the literature concerned with the external dimension of the EU's counter-terrorism policy, the EU's impact is analysed within the context of cooperation with other countries such as the US and the ENP. The normative transformation of third countries' counter-terrorism policies is a largely neglected research area in the relevant academic literature. Therefore, this research aims to bring a novel perspective by focusing on the EU's normative influence on third countries' counter-terrorism policies, rather cooperation in counter-terror matters.

Secondly, this research is not concerned with what the EU's power definition should be, or how it can be influential in the international system in comparison to its rivals. Furthermore, debates regarding the EU's shifting approach from a normative power to a security actor in the counter-terrorism context are not at the centre of this study. Instead of these research areas, the focus of this dissertation is on the impact of the EU on non-member countries' domestic policies, in particular the counter-terrorism policies of Turkey. The EU's alternating normative and security centric stance towards the third countries will only be evaluated through its consequences on Turkey's domestic policy, rather than by seeking the reasons for it or considering its negative effects on the EU's normative reputation.

Thirdly, contrary to the literature concerned with why the EU diffuses its norms to third countries, this research is not only concerned with the EU's norm diffusion motives, but it also takes into account domestic motivational factors in Turkey. Aside from this, under the EU's motivational classification, it is interested in the EU's self-interested norm diffusion motives rather than its altruistic ones. However, it will focus on security related motives, in particular norm diffusion in the counter-terrorism context. In arguing for the main thesis this study will also establish that the EU promotes liberal democratic norms in Turkey to transform hard-line Turkish counter-terrorism policies in order to protect the EU from any negative outcomes of Turkey's policies.

Fourthly, in the literature, Europeanization and EU-ization are considered to be major concepts that explain the EU's norm diffusion role within and beyond its borders. However, as indicated earlier (section 2.3.) these concepts have limitations in explaining the transposition of the EU promoted norms in non-member countries. Furthermore, they fail to explain the use, by the EU, of other international organisations' rules as its own norms. In this regard, this research is distinguished from the existing Europeanization/EU-ization literature as it refrains from using either concept to examine the EU's norm diffusion role in Turkey.

Fifthly, as discussed in section 2.4, there are different norm diffusion strategies in the literature that have been utilized to explain the EU impact on third countries. Within these mechanisms, conditionality is considered to be the most appropriate mechanism to explain norm diffusion in Turkey, due to Turkey's EU candidacy. However, this strategy has some shortcomings when explaining domestic adjustments, i.e. when the EU does not have tangible incentives to offer candidate countries. Socialization should therefore be considered as a complementary strategy when explaining the EU influence in Turkey in the counter-terrorism context. So, this research's original contribution will be to apply the conditionality and socialization mechanisms together for the first time to reveal the EU influence on Turkish counter-terror policy.

Sixthly, according to the norm diffusion literature, the EU has used different approaches to disseminate its norms to the countries surrounding its borders. This research is differentiated from the studies concerned with quasi-member countries, Russia, and the ENP countries, as it uses different norm diffusion mechanisms to explain the EU's influence on Turkey. With regards to the accession countries, Turkey is an exceptional case among them, in light of its struggle with ethnic separatist terrorism, and with it striving to become a member of the EU. Thus far, no study has analysed the impact the EU has had on a candidate country's counter-terrorism policy by transposing its liberal

democratic norms. Therefore, this research aims to contribute to the literature by filling this gap.

Finally, this thesis will contribute to the EU-Turkey literature by analysing the EU influence on Turkey's counter-terrorism policy through the conditionality and socialization frameworks. In this context, both EU-level and Turkish-level mediating factors will be taken into consideration when analysing the EU influence. By using the conditionality and socialization mechanisms, this research is distinguished from the descriptive studies written on the same topic. Furthermore, the EU-Turkey interaction on counter-terror matters will be evaluated under the adoption of EU promoted human rights and ethnic minority rights, rather than the cooperation dimension between the two parties.

3. The Theoretical Framework for the EU Impact on Turkish Counter-Terrorism Policy

3.1. Introduction

As revealed in chapter 2, the EU has different mechanisms to exert influence over third countries in its neighbourhood. These mechanisms vary according to the interaction between the EU and the target country, and there is no mechanism that is applicable to every neighbouring country. For instance, those diffusion mechanisms valid for Turkey, which has candidate status, are not valid for the quasi-member countries, Russia, and the ENP (see section 2.5). Therefore, examining the EU influence on Turkey necessitates focusing on the norm diffusion mechanisms that relate to the enlargement framework.

Turkey's longstanding desire to join the EU, and the membership conditions for Turkey laid down by the EU, have ensured a political environment in which the EU can influence the domestic policies of Turkey. Rule adoption has sometimes been conditional, i.e. when Turkish political actors have transposed EU rules conditional on there being a prospect of EU membership. At other times, it has been based on sociological reasons, e.g. when Turkish political actors have considered EU promoted norms to be appropriate for solving domestic problems (see section 2.4). In view of these examples, two EU norm diffusion mechanisms, "Conditionality" and "Socialization", come to the forefront when attempting to explain the EU influence on Turkey.

These two EU mechanisms are based theoretically on "New Institutionalism", which is the primary framework in contemporary Europeanization studies. According to March and Olsen, an "institution" can be defined as a "stable collection of practices and rules defining appropriate

behaviour for specific groups of actors in specific situations" (March and Olsen 1998: 948). The institutions have an influence on actors within an organization not only by telling them what to do and how things should be done, but also in specifying what kind of actions are unacceptable (Karlsson 2008: 41). In this research, the EU is the institution that outlines the appropriate behaviour for its member countries, and for candidate countries such as Turkey. According to the new institutionalist perspective, Turkey's counter-terrorism policies must be in line with EU standards.

In the existing literature, these two mechanisms have been applied to enlargement countries such as Poland, Hungary, Bulgaria, Romania, the Former Yugoslav Republic of Macedonia, and Turkey. Within these studies the EU impact has been analysed under the topics of: democratization (Dimitrova and Pridham 2004; Freyburg and Richter 2010; Pridham 2002; Richter 2012; Sadurski 2004; Schimmelfennig et al. 2003), state-building (Keil 2013; Papadimitriou 2007), human rights (Arikan 2002; Iusmen 2012), ethnic minority rights (Kelley 2004; Tasch 2010; Vasilev 2011; Vermeersch 2002), conflict resolution (Tocci 2007; Tzifakis 2012; Woelk 2013), foreign policy (Mutlu 2011; M. Smith 2000; Van Westering 2000), asylum and immigration policy (Grabbe 2005; Novak 2013), monetary policy (Epstein 2008; Johnson 2008; Mattli 2004), political party systems (Vachudova 2008), and Justice and Home Affairs Policies (Bakar 2011; Trauner 2009b). However, none of these studies has specifically focused on the counter-terrorism policy of a candidate state. As this study does focus on this, it therefore provides a novel perspective on the EU impact on Turkish counter-terrorism policies.

The remainder of this chapter is divided into four main sections. In section 3.2 the conditionality mechanism, and how conditionality can be influential on Turkey's counter-terrorism policies, will be explicated. The theoretical basis of this mechanism ("Rational Choice Institutionalism") and its theoretical model (the "External Incentives Model") will be explicated along with

its variables and its hypotheses. In section 3.3, the socialization mechanism and its link with Turkish counter-terrorism policy will be highlighted. The theoretical basis of this mechanism ("Sociological Institutionalism") and its theoretical model (the "Social Learning Model") will be explicated along with its variables and its hypotheses. In section 3.4, the instruments used by the EU to evaluate the extent of rule adoption in Turkey, and how the EU uses them to implement the conditionality and socialization mechanisms, will be explained. Finally, in section 3.5, which internal and external policy actors are influential on the efficiency of these mechanisms will be discussed.

3.2. Conditionality

The conditionality mechanism generally applies in situations where an international organization promises rewards to target states, on the condition that they make certain policy adjustments, or instigate certain institutional changes (Schimmelfennig and Sedelmeier 2007: 88-89). The most well-known example of the mechanism at work is the International Monetary Fund's (IMF) use of conditionality. The IMF requires that member states implement certain economic policies in order to receive loans. In the Europeanization studies, conditionality is considered as "implementing a vast array of legislation and procedural rules in order to comply with EU standards" (Grabbe 2006: 207). The EU employs conditionality as a 'reinforcement strategy' towards candidate countries (Schimmelfennig and Sedelmeier 2004: 670). If a candidate country adopts the EU promoted norms, it is rewarded with membership. If not, the EU suspends the entry of the candidate country to the Union.

Conditionality is also a generic term that has been categorized as having two different forms in the existing literature. Hughes, Sasse and Gordon, provide two categories of international conditionality: "first generation" and "second generation" conditionality. First generation conditionality is based only on economic conditions, which are mostly related to IMF policy adjustments in third countries. Second generation conditionality, used by the EU, arose after the

collapse of the Soviet Union, and combines both economic and political conditions (J. Hughes et al. 2005: 15-16). Similarly, Vachudova categorizes the EU's conditionality strategy as being comprised of an "active leverage" and a "passive leverage" strategy. The passive leverage strategy was in operation in the period before 1994 when the EU did not make a deliberate effort to influence the domestic policies of candidate countries. The democratization of target countries was not one of the EU's priorities (Vachudova 2005: 65). The active leverage strategy has been implemented from 1994 onwards, since the EU developed its pre-accession process that includes extensive requirements for membership. The democratization of target countries then became one of the EU's primary goals (Vachudova 2005: 137).

Conditionality is categorized according to its rewarding ("positive") and punitive ("negative") features by Smith. Positive conditionality mechanisms are those where rewards are promised on the condition that certain requirements are fulfilled. Negative conditionality mechanisms are those that employ the "reducing, suspending and terminating" of benefits, if the target country fails to comply with the conditions laid down (K. Smith 1997: 4). For Lavenex and Uçarer, conditionality has two modalities: a "domestic interest" modality and an "external pressure" modality. In the former modality, EU policies are seen as opportunities to tackle existing internal problems and domestic political actors' welcome EU conditionality. In the latter modality, where the adoption cost of transferring a policy to a target country is high, the conditions laid down are not welcomed by the target country, and so the conditions have to be imposed by making non-compliance itself costly for the target country (Lavenex and Uçarer 2004: 421). From Schimmelfennig and Sedelmeier's point of view, conditionality is comprised of "democratic" and "Acquis Communautaire" (*acquis*) conditionality. Democratic conditionality concerns the application of the founding principles of the EU, such as democracy, human rights, and the rule of law. *Acquis* conditionality first arose with the accession negotiations in which the

EU began to monitor the adoption of specific rules by target countries (Schimmelfennig and Sedelmeier 2004: 677, 2007: 89).[3] The *Acquis* is the name of the common rules, standards, and policies of the EU. It is divided into chapters, each covering a specific policy area (e.g. Judiciary and Fundamental Rights (JFR) (Chapter 23) and JHA (Chapter 24)). Hughes, Sasse and Gordon have further argued that conditionality has both a "formal" and an "informal" dimension. Formal conditionality embodies publicly stated conditions, which consists of the Copenhagen Criteria and *acquis* rules. Informal conditionality is concerned with the pressure and recommendations that European Commission members apply to their counterparts in target countries (J. Hughes et al. 2004: 526). Finally, Dyson has distinguished between "soft" and "hard" conditionality. 'Hard Conditionality' arises in policy areas where EU rules are well-defined, and so there exists little room for manoeuvre in target countries. In such cases the EU has been persistent in its attempt to impose those rules on target countries. 'Soft Conditionality' arises in policy areas where the EU does not have well-defined rules. Although the EU has still attempted to impose more loosely-defined rules on target countries in some cases, it has done so less persistently (Dyson 2006: 15-16).

In view of these categories, this study principally concerns to what extent the EU liberal democratic conditions have been influential on Turkey's counter-terrorism policy. As Keohane states, there is no defined EU counter-terrorism policy to be implemented in third countries (Keohane 2008: 129-30). Furthermore, there is no chapter in the *acquis* allocated to counter-terrorism policy. Principles regulating liberal counter-terrorism policies for candidate countries were, however, defined at the Copenhagen European Council in 1993. In its conclusion the decision of the Presidency was that countries which desire to be part of the Union are required to "achieve stability of institutions

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[3] A similar categorization is also made by Hughes, Sasse and Gordon under the name of 'principled'/'normative' (democratic conditionality) and 'technical' conditionality (*acquis* conditionality).

guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities" (European Council 1993: 13). The EU's political conditions, that involve ethnic rights and human rights, not only target the transformation of candidate countries' democracies, but they are also implicitly influential on candidate countries' counter-terrorism policies. For example, the abolition of the death penalty is seen as a significant reform, and is one that the EU requires target counties to make in order to be considered as a true democracy. However, this issue has been closely linked with issues in the counter-terrorism debate. For example, the question has been raised in Turkey as to whether it is legitimate to impose the death penalty on Abdullah Ocalan, the captured leader of the PKK. Therefore, the link between the EU's liberal democratic norms and the counter-terrorism policies of Turkey require us to focus more on democratic conditionality, rather than the other conditionality types.

3.3. Theorizing Conditionality

The conditionality mechanism used by the EU is based on Rational Choice Institutionalism. According to this theoretical approach, the political actors are regarded as rational entities who voluntarily choose from the available alternatives on the basis of the future benefits they offer (Schimmelfennig and Sedelmeier 2005: 9). These political actors act on the "logic of consequence" in which they maximize their own interest, power and welfare (March and Olsen 1998: 949). When these political actors are seeking alternative institutional engagement for their benefit, they may realize that their expectations can be achieved efficiently by being a member of a certain institution, and as such, they may be involved in a bargaining process with this institution. The desire to be part of that institution, and the contingencies of the bargaining process, will then serve as a constraint on their behaviour (G. Peters 1999: 44).

The desired coordination between a political actor and an institution depends on the bargaining powers of the actors and the opportunities seized by

them (March and Olsen 1998: 949). Therefore, institutions provide incentives to political actors to strengthen their bargaining power. If the political actors gain benefits from institutional membership, they abandon their inappropriate behaviour to receive those benefits (G. Peters 1999: 47). If the provided incentives do not offer significant benefits, however, the political actors will be reluctant to change their behaviour in line with the institution's rules.

The institutions themselves also aim to maximize their benefits by creating an environment that has similar standards to the institution itself. Such an environment reduces external risks for the institution (Schimmelfennig 2012: 10). In order to accomplish this objective, members of the institution set some rules that structure behaviour. If the outside players wish to join the institution in order to maximize their benefits, they are obliged to adopt these rules. Setting such rules for prospective members protects the institution from instabilities spreading into the institution itself by contagion.

Turkey, considered as a rational political actor, has been seeking stable markets for exporting its goods since the early 1980s. The EU's unwavering export markets were very attractive to Turkish political actors compared to those in the Middle East (Birand 2005: 325). Therefore ensuring integration into the EU was an important step for Turkey's economic development and prosperity. However, the EU has set a number of liberal democratic conditions to be met by any prospective EU member. The political cost of these conditions was high for Turkish political actors, because Turkey was struggling at the time with the PKK. In order to combat the PKK, Turkey implemented heavy-handed counter-terrorism policies towards it, such as extra judicial killings, village evacuations, banning Kurdish, and torturing PKK members and sympathizers. Adoption of the EU's liberal democratic norms would have involved granting ethnic rights to Kurds, which created the fear in Turkish political actors that the demands of autonomy from the Kurds would increase and become legitimized. Furthermore, the required norms would have curbed the authority and immunity of the

security forces in the struggle against terrorism. In these circumstances, Turkish political actors were forced to make a calculation balancing the benefits of EU membership with the adoption costs of EU promoted norms on its counter-terrorism policies towards the PKK.

When considering the EU requirement on Turkey to find a peaceful solution to PKK terrorism, Turkey's wish to maximize its own interests is not the only relevant issue. The EU's self-interest in protecting itself from the instabilities in Turkey is also relevant. Turkey's hard-line counter-terrorism policies towards the PKK exacerbated the tension in Southeastern region of Turkey, rather than solving the Kurdish Question. Rising instability in the region led many Kurds to seek asylum in Europe. Involvement of some of the Kurds in criminal acts in European countries raised concerns about Turkey's counter-terrorism policies and their consequences. Furthermore, without a peaceful solution to PKK terrorism, including Turkey in the EU was likely to lead to an internalization of Turkey's Kurdish problem in the EU itself. Therefore, the EU followed an active strategy towards Turkey, by reinforcing democratic reforms in order to transform Turkey's counter-terrorism policies. The conditionality mechanism was the main strategy employed to encourage Turkey to adopt EU promoted liberal norms, such as human rights and ethnic minority rights, in return for granting membership to Turkey.

The membership incentive offered by the EU is the most valuable incentive for Turkey. However, in order to increase its bargaining power and motivate Turkey to adopt EU rules, the EU has also provided technical assistance to Turkey. In order to aid it in the adoption and implementation of the EU liberal democratic norms, different schemes have been employed to transfer 'know-how' and direct investment to Turkey.

Technical assistance has been offered to Turkey and other countries using two instruments: The Technical Assistance and Information Exchange Instrument (TAIEX) and the Twinning Projects instrument. These two direct

forms of assistance have been influential on CEEC's in improving the quality of their public administration in terms of human resources, management skills, and transparency (OECD 2011: 295). Under the TAIEX scheme, the EU supports candidate countries with short-term assistance, for example, by training significant numbers of officials, and by offering guidance on the transposition of EU legislation (Commission of the European Communities 2013). The Twinning Projects instrument is used by the EU to develop candidate states' technical capabilities. These projects are designed to provide support to beneficiary countries in the implementation of EU *acquis* rules within priority areas decided by the EU Commission. The EU Experts reside in the beneficiary country and the projects are carried out in a cooperative way between the member state's home administration and the corresponding ministry of the candidate state (Commission of the European Communities 2010a).

Although Rational Choice Institutionalism presents a general theoretical framework in which to understand the Conditionality strategy, there are also other mediating factors that determine the efficiency of the EU's conditionality strategy. So, in the next section, the "External Incentives Model" and its two independent variables "Credibility of Conditionality" and "Adoption Costs" will be explained in detail in order to assess how EU conditionality can be efficient in transforming Turkey's counter-terrorism policies.

3.4. External Incentives Model

According to Schimmelfennig and Sedelmeier, the 'External Incentives Model' emerged from Rational Choice Institutionalism and the 'Logic of Consequence'. It represents the relations between the EU and candidate states as being bargaining processes whereby the EU sets conditions that the candidate states must meet in order to become members of the Union. If the benefits the Union offers exceed the domestic adoption costs, candidate states are expected to adopt the EU's promoted rules (Schimmelfennig and Sedelmeier 2005: 10-12). In

this thesis the two variables of this model, credibility of conditionality, and adoptions costs, will be used to measure the EU's influence on Turkey.

3.4.1. Credibility of Conditionality

To motivate candidate states, the EU uses rewards for the adoption of its rules, and withholds the rewards in cases of non-compliance. EU membership is the key incentive for candidate states that inspires the governments to make reforms. The credibility of conditionality depends on the capabilities of the EU in fulfilling its promises. If the EU fulfils its promises, the credibility of conditionality increases, but if it does not, the credibility decreases. (Schimmelfennig and Sedelmeier 2005: 13-16).

According to Schimmelfennig and Sedelmeier, the EU must be capable of withholding rewards in cases of non-compliance, and capable of delivering the rewards in cases of compliance (Schimmelfennig and Sedelmeier 2004: 673). Its capability must also be known by the target country (Sedelmeier 2011: 12), and trust between the EU and the target country must be established (Pridham 2007a: 464). Furthermore, as Vachudova has stressed, the EU's credibility depends on its use of merit-based monitoring (Vachudova 2005: 112-20). If the EU's conditionality strategy is not credible, the target country can use this uncertainty to gain room for manoeuvre (Grabbe 2006: 192), or it can criticize the EU for its double standards (Tocci 2007: 24).

In the existing literature, there are different opinions about the credibility of the EU's conditionality. According to Vachudova, the EU has developed a merit-based approach to monitor the target countries. According to her, they are more or less evaluated on the same basis and subject to the same requirements (Vachudova 2005: 112). However, Smith and Anastasakis argue that the EU might impose very strict conditions when rewarding some countries, and loose conditions when rewarding others (Anastasakis 2008; K. Smith 2003a). Similarly, for Schimmelfennig, the EU sometimes abandons the political conditionality criteria in favour of interest based policies (Schimmelfennig 2007:

140). For instance, ignoring human rights violations in Russia, Libya, Sudan and China for energy, trade, or security related concerns raised doubts about EU's sincerity in promoting human rights in third countries (K. Smith 2003b: 116-20; Youngs 2009: 44). Inconsistency among the member countries in rewarding target countries reduces the credibility of its conditionality. (Aybet 2006: 538; Baç 2008: 214-16). Also, the EU's credibility suffers if there is an inconsistency between the Commission and the member states (Grabbe and Sedelmeier 2010: 382). Furthermore, if the EU does not set a definite deadline for administering the rewards it promises, and makes unclear promises, this also reduces the credibility of conditionality (Lavenex and Uçarer 2004; Pridham 2007a: 459; Steunenberg and Dimitrova 2007). On the other hand, by not setting a definite deadline for administering rewards, the EU can increase the efficiency of conditionality. This is because candidate countries can be punished, or their reward can be administered by the EU, at any time during the negotiations. This motivates candidate counties to adopt norms in an on-going manner (Anastasakis 2008: 368; Avery 2009: 263; Schimmelfennig and Scholtz 2008: 207; Steunenberg and Dimitrova 2007).

The value of the reward also plays a role in determining the credibility of conditionality. Membership conditionality has the highest cost for the EU, and is the highest reward for candidate countries (i.e. in comparison with technical and financial assistance). For example, the EU has made attempts at collaboration with Morocco and Algeria on issues of counter-terrorism (Wolff 2009a: 150, 2009b: 173). However, they have not been able to make progress because they have not offered either country a membership incentive (Hadfield 2009: 93-94). Admission of new members into the EU requires a new infrastructure, and new members increase the heterogeneity of the Union. The decision making process becomes more complicated with the addition of new members (Leuffen and Schimmelfennig 2007: 7). Based on these considerations, the credibility of conditionality hypothesis for this study is:

The adoption of EU promoted norms in the field of counter-terrorism increases in line with the credibility of membership prospects.

In the changing relations between Turkey and the EU, credibility of conditionality is considered to play a crucial role in the transformation of Turkish counter-terrorism policies towards the PKK. As repeatedly emphasized, violent PKK attacks towards civilians and the armed forces, and its secessionist motives to establish an independent state in Southeastern Turkey, generates turmoil in Turkish domestic politics. If the Turkish government downplays these attacks and motives, they may then be in a weak position and unable accomplish their fundamental security duties. This is why they have often employed hard-line counter-terrorism policies with the aim of eliminating the PKK, and in order to retain their political power. In order to abandon such policies, there must be a tangible reward for Turkish political actors. EU membership is the most valuable incentive for Turkish politicians to give up their existing counter-terrorism policies, and convince the Turkish public, opposition parties, and those in nationalist circles that it is in the countries best interest to do so. So, having credible EU membership prospects is an important factor in changing Turkey's counter-terrorism policies in line with EU requirements.

3.4.2. Adoption Costs

The adoption cost of EU promoted rules is another important factor in measuring the efficiency of conditionality. According to Schimmelfening and Sedelmeier, adoption of EU promoted norms upsets the domestic equilibrium in candidate states, which means that their existing/traditional policies conflict with the EU's liberal democratic policies. It therefore creates a political cost for candidate countries. Otherwise, the policies would be adopted without resistance (Schimmelfennig and Sedelmeier 2005: 16). In order to offset

adoption costs, the EU provides motivational incentives to target countries. As many authors emphasize, EU membership is the most precious reward for many countries (Grabbe and Sedelmeier 2010: 390; Schimmelfennig et al. 2006: 54; Schimmelfennig 2007). However, the decisions of target states also depend on the size of domestic costs (Schimmelfennig et al. 2006: 52).

In the existing literature, there are several reasons given for there being high adoption costs. Klievewer and Stivachtis state that the reduction of state autonomy is one of the high adoption costs (Klievewer and Stivachtis 2007: 153). According to Džihić and Wieser, political competition in the target country, which relies on ethno-nationalist representation, creates another high adoption cost for third countries (Džihić and Wieser 2011). And as Schimmelfennig highlights, if the liberal democratic norms of the EU effect the security and integrity of a state, this also increases the adoption costs for it (Schimmelfennig 2007: 130).

In the area of counter-terrorism, which is related to national security and sovereignty, adoption costs are high for governments (Bakar 2011: 15). The leverage an external actor has upon such critical security issues could raise domestic opposition. The domestic opponents consider rule adoption as a weakening factor in the struggle against counter-terrorism. Furthermore, they can criticize the government for betrayal (Walker 2013: 229). Therefore, a low level of adoption cost is a necessary factor for the adoption of EU promoted liberal democratic norms. Based on these arguments, the hypothesis regarding the relationship between the adoption costs and rule adoption is:

The fewer adoption costs there are, the higher the compliance is with the EU promoted norms that relate to counter-terrorism policies.

In view of the cited literature, adopting the EU's liberal democratic norms, whilst engaging with the PKK, is costly for Turkey. State elitists, such as higher-ranking army officers or senior Supreme Court members, and opposition parties,

perceive the transposition of EU rules as a risk to domestic security. It is thought that adopting EU rules makes countering the PKK by military means impossible, and so leads to an escalation of PKK influence in the Southeastern region of Turkey. Furthermore, granting ethnic minority rights to Kurds is considered to increase the risk of a Kurdish state forming in the Southeastern part of Turkey. Therefore, aside from tangible incentives, events that reduce adoption costs for decision makers in Turkey, are needed in order to facilitating the adoption of EU promoted norms. The unilateral ceasefire of the PKK, or the capture of PKK leader Abdullah Ocalan, are examples of such events.

3.5. Socialization

Although conditionality is the dominant approach used to explain the interaction between Turkey and the EU, it does not always explain the changing patterns of political behaviour in Turkey. More specifically, it does not do so in the absence of membership prospects and with high adoption costs. Hence, another complementary mechanism is needed. To this end, the Socialization mechanism counterbalances the weaknesses of the conditionality mechanism.

The socialization mechanism is defined by Checkel as a process of adopting and internalizing the norms of a certain community, which is independent of the material incentives offered and sanctions imposed (Checkel 2005: 804). In the enlargement framework, the EU is considered as an agent that socializes third countries by promoting its norms. Correspondingly, the third countries are the agents socialized by the EU, because they come to believe EU norms are appropriate to solve their indigenous problems.

In the existing literature, three logics have been used in conceptualizing Socialization. In the first group of literature, Socialization is based on the 'logic of appropriateness', in which individual states learn from the community they identify with (Kubicek 2003: 6).[4] A socialization agent, such as the EU, persuades, shames, or teaches the target country to adopt appropriate norms and rules

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[4] For Kubicek this is identified as convergence through socialization.

(Checkel 2005: 804; Risse and Sikkink 1999: 1-38). As Kubicek has noted, norm diffusion occurs when the target country accepts that "Good people do X" (Kubicek 2003: 6). According to the second group, the socializing agent and the socialized actor can engage with each other because the socializing agent offers material benefits to the socialized actor, and the socialized actor has domestic costs that it wishes to reduce.[5] The EU transfers its community norms, values, and rules to improve its own security, welfare, and power. On the other hand, the target country adopts community rules to increase its political utility. In that sense, neither the EU nor the target country engages in socialization due to the appropriateness of the community rules, but rather due to the 'logic of consequence' (Schimmelfennig et al. 2006: 18-19). According to Kubicek, this type of norm diffusion can be understood as "Do X to get Y" (Kubicek 2003: 6). Some authors have also argued that the socialization process combines both logics, which is called the 'Spiral Model'. Governments are not only actors in socialization processes. There are also norm entrepreneurs and epistemic communities, and in addition, advocacy networks also play a crucial role. When socialization occurs, the government of a target country at first uses the logic of consequence, and resists adopting community rules to protect its power. However, the moral discourse, initiated by mediating domestic actors (such as norm entrepreneurs) breaks down this resistance. So, over time and due to increasing pressure, they end up adopting the community rules as a result of the 'logic of appropriateness' (Risse and Sikkink 1999: 16).

This research utilizes the "logic of appropriateness" in understanding socialization. According to this form of socialization, adoption of the EU rules by Turkish political actors is based on the appropriateness of the norms, rather than on cost-benefit calculations made by them. The EU's political conditions promoting human rights and ethnic minority rights are transposed by Turkish political actors because consideration of these norms can help to find a peaceful

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[5] For Kubicek this is identified as instrumental convergence.

solution to PKK terrorism. The theoretical framework for socialization will be explained in the next section, in order to understand how socialization leads to the transformation of Turkey's counter-terrorism policies in line with the EU promoted norms.

3.6. Theorizing Socialization

The EU's Socialization mechanism is based on Sociological Institutionalism. This theoretical approach is built on the 'logic of appropriateness', in which political actors follow rules of a certain environment associated with identities, values, and norms. According to Sociological Institutionalism, members of an institution engage in appropriate actions depending on their previous experiences. These actions provide stability to the institution and are good for the individuals themselves (G. Peters 1999: 103-06).

Social interaction between political actors involves learning, and as a consequence of what is learnt, their political behaviour changes (Checkel 1999: 547). Material benefits provided by the socializing institution are not the main cause of changing political behaviour, in this model. If the socialized actors are convinced that the promoted rules of the socializing institution are legitimate and appropriate, they adopt the norms of the institution (March and Olsen 1998: 951-52). If not, they carry on with their existing behaviour.

As a Normative Power, the EU promotes liberal democratic values such as the rule of law, and the protection of human and ethnic minority rights, in its neighbourhood (see section 2.1). When countries in the vicinity of the EU consider these norms to be appropriate to solve their internal problems, then they adopt them autonomously. In such circumstances, no disputes arise between the socializing and socialized actors. Instead, the norms are adopted through a social learning process (Beichelt 2012: 8).

In view of Turkey's counter-terrorism policies, the EU promoted liberal democratic norms offer a potentially appropriate way to solve PKK terrorism peacefully. For example, democratic control over armed forces obliges security

officers to be more accountable for their actions during counter-terrorism operations. Also, adherence to human rights limits the abuse of coercive power by security forces against terrorist suspects. In addition, providing public services in the Kurdish language (e.g. by translating municipal documents into Kurdish) integrates Kurdish citizens into society and protects them from PKK manipulation. Therefore, Turkish political actors might adopt these norms if they come to accept that they are an appropriate solution to existing terrorism problems. Furthermore, they may conform to these norms due to thinking that Turkish citizens deserve to have democratic standards similar to those enjoyed by EU citizens.

Although Sociological Institutionalism constitutes a theoretical framework for understanding the Socialization strategy, there are a few mediating factors, which are influential on the efficiency of the EU's socialization strategy. In the next section, the "Social Learning Model" and its two independent variables, the "Legitimacy of EU Requirements" and "Domestic Resonance", will be explained in order to emphasize how the EU's socialization strategy can be efficient in altering Turkey's counter-terrorism policy towards the PKK.

3.7. Social Learning Model

The social learning model is grounded in Sociological Institutionalism. According to this theoretical model, compliance with norms is not an issue of rational choice. Instead, state behaviour is governed by rules and the appropriateness of the norms (Checkel 2001: 557). Likewise, the social learning model assumes the 'logic of appropriateness' (Olsen 2002: 928-29). In this model, the EU is seen as an international community having its own identity and norms. The non-member states adopt these norms if they are appropriate for solving their domestic problems (Schimmelfennig and Sedelmeier 2005: 18). In this study, the social learning model is used as an alternative model to explain Turkey's changing behaviour in the absence of credible membership prospects. In this context, the

two variables of the model ("Legitimacy of EU Requirements" and "Domestic Resonance") are used as controlling variables in addition to the external incentive model variables.

3.7.1. Legitimacy of the EU Requirements

According to Franck, legitimacy means "the quality of a rule, or a system of rules, or a process for making or interpreting rules that pulls both the rule makers and those addressed by the rules toward voluntary compliance"(Franck 1992: 50). In line with this definition, the quality of institutional requirements are further increased if these requirements are respected both by institutions and individuals. In terms of the EU norm diffusion framework, the EU demands on third countries gain legitimacy if these demands are respected by the EU (and its member countries) as well as by third countries. In order to improve the legitimacy of the EU requirements, these demands should be based on factors such as clarity, consistency, and the ownership of the EU (Schimmelfennig and Sedelmeier 2004: 676).

Setting clearly defined requirements is one of the determinants of the efficiency of the socialization strategy. As Schimmelfennig and Sedelmeier have emphasized, if the norms proposed by the EU are clearly defined, the likelihood of rule adoption increases in target countries (Schimmelfennig and Sedelmeier 2005: 13). Clarity in the requirements reduces the risks of political management in third countries, because domestic political actors know what the EU is demanding, and what they should do in order to meet those demands (Tocci 2007: 25). Although in theory norm clarity is known as a facilitating factor in rule adoption, in practise norm clarity is not always achieved by the EU.

According to Grabbe, contrary to the *acquis* related rules, the political requirements set by the EU in the Copenhangen Criteria of 1993, are vaguely defined (Grabbe 2001: 1025) and they have a 'moving target problem', which means they are not fixed and evolve over time (Grabbe 2002: 251). Tocci sees this vagueness as a problem for the EU's conflict resolution role. As she argues,

the EU does not specify solutions to resolve conflicts between parties. It uses fuzzy expressions such as 'peaceful and non-violent solutions', 'effective political participation' and the 'right to enjoy one's culture', which do not give clear guidelines on how to proceed (Tocci 2007: 25). This lack of clarity may be interpreted as being due to a lack of interest on the EU's part in solving such conflicts. As a consequence, contending parties pursue their own initiatives rather than EU proposals.

In view of the above, the clarity of EU requirements is important for any country struggling with terrorism, and at the same time trying to become members of the EU. If such countries are subject to severe EU criticism, they will naturally expect the EU to suggest a concrete alternative strategy. If there is no such strategy in the EU structure, the EU becomes a power that tells others in general terms what to do, but does not have a specific solution to propose. In the absence of clear guidelines on how to act, the legitimacy of the EU requirements on counter-terrorism policy will decrease. The candidate countries will interpret the EU requirements widely for their own interests, and, in the end, the EU promoted norms will not be adopted in an appropriate way.

Along with clarity, consistency increases the legitimacy of the EU requirements. In order to be consistent, each member of the EU and each of its institutions should endorse the requirements that the EU lays down (Schimmelfennig and Sedelmeier 2005: 18). Non-member countries may reasonably object from having to adopt an EU promoted norm, if there is disagreement about it within the EU (Sedelmeier 2011: 11).

Some EU countries have had real experiences of domestic terrorism, whilst others have not. For example, there has been little domestic terrorism in the Netherlands and Belgium, whilst the UK, France, Spain, Germany and Italy, have experienced relatively high levels of terrorism (Rees and Aldrich 2005: 910). As such, different EU countries have different threat perceptions regarding the possibility of terrorist attacks. Because of this diversity amongst the member

countries, there have been negative consequence when it comes to norm promotion in third countries. Those EU countries which have faced terrorism themselves tend to be more sympathetic with the hard-line counter-terrorist approach that candidate countries have used. However, those countries which have not faced a terror problem in their territory, tend to pursue a more rigid approach towards these countries. A lack of unanimity amongst member states reduces the legitimacy of EU requirements.

The "ownership" issue is another factor that is influential on the legitimacy of the EU requirements. If the EU can create an impression that the requirements have been formulated by the EU itself (i.e. that they "own" them), this may lead to an increase in the legitimacy of the EU demands (Schimmelfennig and Sedelmeier 2005: 19). Furthermore, if the EU requirements are based on the EU's legal structure, and overlap with other requirement laid down by other international organisations, then the legitimacy of the EU requirements increase in target countries (Freyburg et al. 2009: 926). However, in some policy areas the EU may lack clear rules of their own, or its rules may conflict with those of other international organisations (Schimmelfennig and Sedelmeier 2005: 19). In such cases, the legitimacy of the EU requirements are undermined because of cross-socialization. In order to promote liberal counter-terrorism policies, the EU uses both the norms of other international organisations, and its own norms, to transform the counter-terrorism policies of candidate countries. For instance, the EU utilizes the European Court of Human Rights litigations to emphasize its concerns about human rights violations that relate to counter-terrorism policies in candidate states. Alternatively, the EU evaluates the progress of the candidate states' counter-terrorism policies by relying on the OSCE recommendations, which relate to ethnic minority rights. If these institutions' monitoring mechanisms and legal frameworks overlap with the EU demands, the legitimacy of the EU requirements increases. However, where the EU lacks its own rules and monitoring mechanisms, and relies almost

solely on the rules and mechanisms of other institutions, the EU itself will be less influential in altering the political behaviour of candidate countries. In light of the discussion above, the hypothesis regarding the legitimacy of EU requirements proposed in this research is:

The adoption of EU promoted liberal democratic norms (relating to counter-terrorism) increases if the legitimacy of the EU requirements increases.

In EU-Turkey relations, the legitimacy of the EU demands is an important factor in ensuring that Turkish political actors adopt the EU promoted norms to change their counter-terrorism policies. In consideration of the high adoption costs that terrorist attacks impose on policy transformation in Turkey, Turkish decision makers pay great attention to whether the EU demands are clear to follow, whether they are applied consistently, and whether they are owned solely by the EU or shared with other international organisations. If the EU requirements lack clarity, Turkish political actors may take advantage of their ambiguity, and continue to implement their existing counter-terrorism policies in order to avoid conflict with domestic opposition. Similarly, if the EU demands are inconsistent, there is no convincing reason for the Turkish political elite to transpose EU promoted norms, because other EU members have not themselves adopted them. Furthermore, Turkey has been monitored not only by the EU, but also by other international organisation (such as the UN, the CoE, the ECtHR, and the OSCE). If the requirements of the other international organisations are more dominant than the EU's, then this decreases the latter's legitimacy, which may lead to the Turkish political elite paying less attention to them than they do to the former. However, if the EU's demands overlap with the requirements of other international organisations, this can increase the legitimacy of the EU's demands which increases the efficiency of the EU's socialization mechanism.

3.7.2. Domestic Resonance

The adoption of the EU promoted norms also depends on the attitude of domestic political actors and the general public. Whether a non-member state complies with the appropriate rules depends on how these rules are perceived by the domestic political elite and the public. According to Schimmelfennig and Sedelmeier, two things increase domestic resonance. Firstly, domestic resonance is increased if domestic political actors are open to innovative ideas regarding how to solve their domestic problems. Secondly, it is increased if those ideas are accepted as being legitimate by the general public, i.e. if they chime with their existing cultural and political beliefs (Schimmelfennig and Sedelmeier 2005: 20)

In relation to the first point, in the absence of domestic policy prescriptions in a problematic area, or where the EU promoted norms are perceived as being better than the existing domestic rules, domestic political actors are likely to be more open to rule adoption. Unless domestic political actors are open in this way, rule adoption is unlikely to occur in the target country. Existing policies will be stubbornly applied without proper consideration of their failures, and without proper consideration of the available alternatives.

In relation to the second point, a lack of domestic legitimacy can stem from the tendency of public administrative bodies to reflect the existing cultural and political beliefs of the general public. If those existing beliefs conflict with the new policies, they tend to stick to policies based on historical legacies and traditional habits that do not conflict in this way (Pridham 2007b: 248). In so doing, they refrain from adopting the EU promoted norms in order not to damage national political culture (Schimmelfennig and Sedelmeier 2005: 20).

On the basis of the above discussion, the hypothesis proposed in this study with regard to domestic resonance is:

The adoption of EU promoted liberal democratic norms (relating to counter-terrorism) increases in line with an increasing level of domestic resonance.

Applied to Turkey, the hypothesis says that in order for there to be an effective transformation of Turkey's counter-terrorism policies, there should be openness amongst the Turkish political actors to adopt innovative EU promoted norms. Turkish politicians, judiciary, senior security officials, and the general public must, therefore, realise that the existing hard-line counter-terrorism policies have failed to solve the PKK problem. In addition, they must also come to believe that the EU promoted liberal democratic norms should be considered as the best alternative policy option.

However, in dealing with such a sensitive security issue, the adoption of EU promoted norms may be seen as a threat to internal security and territorial integrity. Furthermore, a fear of Kurdish territorial separation may lead to there being a consensus that existing hard-line counter-terrorism policies are legitimate and the most appropriate way to deal with the PKK. This consensual legitimacy may also play into the hands of supporters of hard-line counter-terrorism policies in public administration. Therefore, the Turkish political elite, judiciary, and security bureaucrats, may be reluctant to abandon their traditional understanding of how to deal with counter-terrorism. Moreover, these decision makers may not be aware that the EU promoted liberal democratic norms can be useful in diminishing the manipulation of Kurdish citizens by the PKK.

3.8. The Tools Evaluating Adoption of EU Promoted Norms

In order to evaluate the accession progress of candidate states, the EU Commission has played a 'gatekeeper' role. It is this institution that determines whether a candidate states passes to another stage in the process of accession (Grabbe 2001: 1019-20, 2002: 256). To follow this progress, the EU employs five instruments in order to apply the conditionality and socialization mechanisms.

Firstly, the EU uses 'demarches' to condemn candidate states in cases where their practices are undemocratic (e.g. where abuses of human and ethnic minority rights take place). Any criticism made by the EU has a powerful impact on democratic debates in candidate states, because the EU questions the

performance of the indigenous government openly (Grabbe 2001: 1021). The EU's negative assessment may undermine the success of the government in the eyes of its electorate (Vachudova 2005: 127). On the other hand, gaining EU approval legitimizes the political choices of the domestic political actors (Grabbe 2001: 1021).

Secondly, 'opinions' are another tool used by the EU to evaluate the progress of candidate states. In July 1997 the European Commission published its Opinions by assessing each candidate state in the light of the Copenhagen political criteria and their ability to apply the *acquis*. Moreover, it made predictions about whether candidate states are ready for membership (Vachudova 2005: 128).

Thirdly, progression reports are one of the important instruments used by the EU to assess the progression of candidate states. The progression reports were published for the first time in 1998, and have been subsequently published yearly and includes an assessment of every candidate state until they become members of the Union (Vachudova 2005: 129). These reports include different sections in which the European Commission evaluates the progression of each candidate states under the categories: 'Copenhagen Political Criteria', 'Economic Criteria', the 'Ability to Assume the Obligation of Membership', 'Common Foreign and Security Policy', amongst many others (Usul 2011: 62). As mentioned earlier, there is no chapter on counter-terrorism in *acquis*. So, there is no specific section reserved only for the evaluation of the counter-terrorism policies of candidate states in the progression reports. However, counter-terrorism policy failures are evaluated under the 'Copenhagen Political Criteria' or the 'Justice and Home Affairs' sections.

Fourthly, the accession partnership and the national programmes are two other tools designed to promote rule adoption. The accession partnership provides a clear "work plan" to candidate countries, in which the rules and regulations they must adopt are outlined (Grabbe 2001: 1022; Vachudova 2005:

130). Furthermore, the European Commission sets a time frame in each accession partnership (such as mid-term and long-term) to indicate which reforms should be a priority for candidate countries. In response to this, candidate countries prepare a national programme, which consist of reforms that the government intends to fulfil. Promised reforms are also categorized under mid-term and long-term priorities (Vachudova 2005: 130). The national programmes are also an indication that a candidate country's government is aware of the EU requirements and its responsibilities.

Finally, screening and negotiations are other important tools in evaluating progression towards accession. Screening involves the process of checking whether the domestic laws are compatible with the *acquis*. It is carried out collectively by the Commission and candidate states. After the screening process, the EU and the candidate state enter into negotiations based around each individual chapter of the *acquis*, and candidate states must prove that they have made progress in the adoption and implementation of the rules given in each of its chapters (Usul 2011: 63; Vachudova 2005: 130-32).

3.9. Policy Actors

In order to understand policy changes using the conditionality and socialization mechanisms, the political actors who have a direct or implicit impact on Turkey's counter-terrorism policy should be taken into consideration. These actors play a significant role in the transformation of Turkey's counter-terrorism policies in line with EU rules. They sometimes aid norm diffusion in Turkey, and sometimes hinder it. In this respect, this section will focus on these policy entrepreneurs. They will be categorised as falling into two major groups; internal and external actors.

3.9.1. Internal Actors

In order to understand the transformation of Turkey's counter-terrorism policies, it is important to understand the perceptions of its internal political actors. If the

majority of these actors see the EU promoted norms as being appropriate and beneficial for Turkey, norm diffusion is likely to occur. On the other hand, if the majority of the internal actors are against the reforms, it is not likely to occur.

There are two groups of internal actors in Turkey who are influential in the EU accession process. The first group is known as the 'pro-EU coalition/circle', and its members support the adoption of EU norms (Eylemer and Tas 2007; Önis 2003: 20). This group is aware of the dangers of terrorism and seek democratic ways to deal with it and to prevent the threat of Kurdish separation. According to this group, adoption of the EU promoted norms can be helpful in finding a peaceful solution of PKK terrorism. With the use of the EU rules, these policy entrepreneurs also aim to increase their influence in the political system (Eylemer and Tas 2007: 570; Schimmelfennig and Sedelmeier 2005: 11).

The second group are known as 'the veto players' and its members oppose the adoption of EU norms (Schimmelfennig and Sedelmeier 2004; Young and Dugan 2011). According to Tsebelis, veto players are individual or collective actors and securing their agreement is a necessary condition of changing the status quo. The change in the status quo requires the unanimous agreement of all the veto players (Tsebelis 2002: 19). According to this group, the PKK's terrorist activities can be solved only by military means, and they defend the adoption of hard-line counter-terrorism legislation. The adoption of EU rules in the area of human and ethnic minority is thought by them to weaken Turkey in its struggle against the PKK, and so they are considered as a threat to territorial integrity. Liberal laws are seen as a concession to terrorists and their supporters. Security based concerns are seen by this group as being more important than the possible benefits of EU membership, and the adoption of the liberal values of the Europe.

Nevertheless, the distinction between the pro-EU coalition and the veto players is not stable. The political stance of these actors towards the adoption of

EU promoted norms has changed during the EU accession process. The political actors who oppose EU reforms at one time may at other times position themselves with reformist groups, and so may at those times in fact support the adoption of EU promoted norms. Contrarily, some of those who are generally placed in the reformist camp may at times ally themselves with veto players and challenge EU reforms. In this respect, rather than focusing on these political actors according to the aforementioned grouping, they will be examined under four groups.

The first group is the Turkish governments, who are the primary political actors in policy making in Turkey. All legislative actions and institution building initiatives put in place to protect human rights are under the responsibility of the government of the time. There are four Ministries in the government who are relevant in this discussion. The first two are the Ministry of the Interior, and the Ministry of Defence, and they deal with counter-terrorism. The second two are the Ministry of Foreign Affairs, and the Ministry for EU Affairs, and are responsible for negotiating with the EU. But each of these Ministries is responsible to the government, and so, therefore, the government's decision is binding on each of these Ministries and their subsidiary organs.

The second group is the Turkish Army, which is the leading security actor in the struggle with the PKK. Even though the military is legally and institutionally responsible to government, in practise it has had an autonomy on security matters, and has not been accountable in any substantial sense to any civilian government since the 1960's (Greenwood 2005; Karaosmanoglu and Kibaroglu 2002). In this respect, the EU requirements, such as the requirement to increase the accountability of security forces, makes the Turkish Army an important internal political actor in the norm diffusion process, because if the EU rules are adopted, they will lose their autonomy and impunity, a result they wish to resist.

The third group is the Judiciary. It is another internal actor that shapes the counter-terrorism policy of Turkey. The court decisions regarding terror

suspects are not only subject to EU monitoring but also ECtHR decisions. If the Judiciary's decisions conflict with ECtHR litigation, then this creates a problem between Turkey and the EU, and necessitates further domestic legislative changes. So, it is important to understand the position of the judiciary towards the EU requirements.

The fourth group is the general public, who are implicitly influential on Turkish counter-terrorism policies. Public opinion is an important determinant of whether Turkish governments are able to adopt the EU required norms. If public opinion carries electoral risks for the government (e.g. because of a reduction in its popularity), the government will be reluctant to adopt the EU norms, and will shy away from EU based initiatives. On the hand, strong public support makes it easy for the government to adopt EU norms. In this respect, public opinion towards the EU required norms will be taken into consideration in order to determine which norm diffusion mechanism is influential in Turkey.

3.9.2. External Actors

The external actors are another political group who are influential on policy adjustments in Turkey. In this study, the EU is seen as the major external policy actor. However, there are also three other external policy actors who share regulations and recommendations with the EU in the area of counter-terrorism. That the influence of these actors is considered is important when measuring the legitimacy of the EU requirement in Turkey. As indicated earlier (see section 3.7.1), when the EU's demands overlap with other international organisations, their legitimacy is increased.

The first of these external political actors is the CoE and its subsidiary institutions (such as the ECtHR, the European Committee for the Prevention of Torture (CPT), and the Venice Commission of the Council of Europe (VCCE)).[6] The EU screens Turkey's human rights record by observing the ECtHR rulings, the CPT

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[6] The Venice Commission assisted Council of Europe members in drafting new constitutions and laws on constitutional courts, electoral codes, minority rights and the legal framework relating to democratic institutions.

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reports, and its cooperation with VCCE. Along with these instruments, the EU monitors compensation payments to those Turkish citizens identified as victims in the ECtHR rulings. The EU supports legislative changes that are made in conformance with the ECtHR litigations, and the CPT reports.

The second external policy actor contributing to legal Turkish counter-terrorism policy is the UN. The EU promotes the ratification of the UN conventions on terrorism to its member states and the third countries (European Union 2001: 7-8). Furthermore, the EU closely follows whether candidate states have adhered to UN protocols with regard to human and ethnic minority rights (Commission of the European Communities 2003: 110-19). Ratifying these UN rules is in itself a requirement that is laid down by the EU on candidate countries.

The third external policy actor is the OSCE. Although the OSCE has a limited capacity to play an active role in fighting terrorism, its recommendations regarding public awareness and legal assistance are used by the EU to address problems in candidate states (Tardy 2004: 131). For example, the expertise and political dialogue of the OSCE High Commissioner on National Minorities (HCNM) guides the EU authorities when evaluating ethnic based conflicts in candidate states (Kelley 2004: 17).

3.10. Conclusion

As explicated in the previous sections, conditionality and socialization are two prominent mechanisms that are considered when explaining the EU influence on Turkey's counter-terrorism policy towards the PKK. Why these two mechanisms are the most appropriate in dealing with EU-Turkey relations is related to Turkey's candidate status, as explained in chapter 2. Even though, these mechanisms have been used for the CEEC's, the Western Balkans and Turkey to explain the EU influence on domestic policy adjustments, they will be employed for the first time here to examine a candidate states counter-terrorism policies.

Relying on just one of these mechanisms alone may be insufficient to explain the EU influence on Turkey. Using the conditionality mechanism alone

may be insufficient because it appears that norm diffusion has occurred in Turkey even in the absence of concrete incentives. For this reason, it is necessary to also consider the socialization mechanism. Using the socialization mechanism alone, on the other hand, ignores the fact that when there are concrete incentives, norm diffusion is easier to secure. So, it is necessary to consider both mechanisms. In this regard, it is possible to build a 'bridge' between the two mechanisms by showing how they can both be operative (Jupille et al. 2003: 17-19). Therefore, in this study both the conditionality and the socialization mechanism will be used in order to better conceptualization the EU influence on Turkey's counter-terrorism policy.

According to the conditionality mechanism, in the context of counter-terrorism, the likelihood of rule adoption increases if the EU provides a clear membership prospect to candidate countries, and there is a low level of terrorist threat. In line with this proposition, in this thesis Turkey is regarded as a rational political actor, which calculates the material benefits of EU membership and the costs of transforming its counter-terrorism policies. If the value of being an EU member is considered to be higher than the domestic political cost of changing counter-terrorism policies towards the PKK, Turkey is expected adopt EU promoted norms. However, in the absence of clear membership prospect and high levels of terrorist violence, the likelihood of rule adoption in Turkey decreases.

However, according to the socialization mechanism, in the context of counter-terrorism, rule adoption will be most effective if domestic political actors consider the EU requirements to be legitimate, and they are open-minded about adopting the EU promoted norms. In this respect, Turkey, as a socialized agent, adopts the EU promoted norms because EU norms are an appropriate way of solving its PKK problem in peaceful way. If Turkish political actors see the EU requirements as being legitimate and appropriate, they are expected to adopt EU promoted norms. Nevertheless, if the EU requirements are not seen to

be legitimate, and Turkish political actors are reluctant to change existing policy, rule adoption will be unsuccessful.

The efficiency of the conditionality and socialization mechanisms in terms of the speed and quantity of the reforms they facilitate is another question that requires empirical investigation. These issues will be dealt with based on the results obtained in the empirical chapters.

4. Role of the EU in Promotion of Liberal Democratic Norms to Third Countries in Counter-Terror Context

4.1. Introduction

The interactions between the EU and Turkey that are influential in transforming Turkey's counter-terrorism policies do not take place independently of political developments in the EU. In line with the EU's (and its member states and institutions) changing perception of the threat of terrorism, the priorities of the EU oscillate between security and liberty. Sometimes security related concerns outweigh liberty based concerns, and sometimes the latter outweigh the former.

The shifting priorities of European political actors also leads to policy change in the EU, and this is not only influential on the EU and its constituents, but also on candidate countries like Turkey, whose human and ethnic minority rights policies are closely monitored by the EU. But it is not only the EU that monitors Turkey. Turkish political/security actors also keep a close eye on the EU. Any attempt by the EU or any of its constituents to strengthen its security-based policies are closely observed and may be used in Turkey to justify its hard-line counter-terrorism practices (e.g. by justifying the widening of the definition of terrorism, or the increasing of detention periods). Therefore, the fact that the EU oscillates between security and liberty is significant, as this has an influential effect on the legitimacy of the requirements that the EU expects Turkey to meet. Turkey's counter-terrorism policies change along with the EU's changing standards.

As discussed in the theoretical chapter (chapter 3), the socialization mechanism used by the EU to encourage Turkey to adjust its policies depend on the legitimacy of the EU requirements. In terms of civil rights protection, if the

EU requirements are legitimate then its impact on Turkey's counter-terrorism policies will be high. Otherwise, Turkey will not take the EU requirements seriously, and this will undermine EU's normative power to effect on Turkey.

In view of these arguments, this chapter looks at the EU's role in the promotion of liberal democratic rights to third countries, in the context of counter-terrorism. It will reveal whether those political developments in the EU, relevant to counter-terrorism and human rights, have provided a legitimate setting for Turkey to adopt EU norms. The challenges faced by the EU with regard to security and liberty, and its reflection on third countries, will be examined in detail. The findings of this chapter will be used within the empirical chapters to assess whether the EU's changing role in the promotion of liberal democratic policies in the counter-terrorism domain have been influential on Turkey.

This chapter argues that, in the context of counter-terrorism, the EU's role in the promotion of liberal democratic norms in third countries is not stable. In line with an increasing threat of terrorism in the EU, the political actors of the Union transpose many security-oriented policies to third countries. However, when the threat of terrorism diminishes, liberty once more becomes important and new human rights initiatives are developed.

Three critical time periods will be considered, namely; the pre-Tampere period (1970-1999), the post-Tampere period (1999-2004), and the post-Madrid/London period (2004-2013). The intersections of these periods correspond with major events in the EU, which mark the beginning of policy development aimed at transforming the counter-terrorism policies of third countries. In the Tampere Summit in 1999, for the first time the EU officially admitted the necessity of transforming the internal security policies of third countries, in line with EU standards, for the safety of the Union. At the start of the Madrid/London period, however, the EU countries Spain and the UK became targets of Al-Qaida terrorist attacks (in 2004 and 2005 respectively). After these

attacks, terrorism became a common problem in the EU and many EU initiatives were put into practice to influence the counter-terrorism policies of third countries.

The time periods selected in this chapter differ slightly from those selected in chapter 1. The reason for this is that the EU and Turkey have different strategic cultures. According to the concept of 'strategic culture', states and intergovernmental institutions have an institutional culture, which is constituted by historical experiences, strategic preferences, beliefs, values, and geographical necessities. These factors shape the political/strategic behaviour, and the policy decisions about security threats, that states and supranational institutions make (Biava et al. 2011: 1227-28; Johnston 1995: 34; Rees and Aldrich 2005: 906-07; Toje 2005: 122). The EU (as an institution) and Turkey have different strategic cultures and deal with terrorist threats differently. Therefore, the EU's role in promoting liberal democratic norms in Turkey will be evaluated within these different time periods.

4.2. The Pre-Tampere Period

The first steps made in establishing a common approach towards the external terrorism threat date back to early 1970's. During these years, terrorism was not a common concern for EC states. However, after the hostage crisis in the 1972 Munich Olympic Games, which ended up with murder of 11 Jewish athletes by the Palestinian terrorist group Black September, things began to change. In this respect, an informal ad hoc group TREVI (Terrorisme, Radicalisme, Extrémisme et Violence Internationale) was established in 1976 to improve police cooperation among the European countries (Hoffman 1999: 71; Peek 1994: 201). The TREVI working group was composed from ministers and law enforcement chiefs of member states. In their meetings, best practices of national authorities and general policing issues were discussed amongst the contributors (Den Boer and Walker 1993: 6). These informal gatherings are considered successful for providing an opportunity for European countries to develop counter-terrorism

cooperation (Hoffman 1999: 71; Monar 2001: 750). However, the promotion of liberal democratic norms to third countries was not a concern of the TREVI group.

The first symptoms of change appeared in line with the idea of constructing the European Union. The members of the EC drew up a document called the Copenhagen Declaration in 1973, which listed democracy, the rule of law, and human rights as fundamental values of European Identity. This declaration proposed that member countries should act together in accordance with these principles towards the other countries in order to play a major role in the international system, to be influential on world economic relations, and to protect Europe from external military threats. Furthermore, the document emphasized that the Community is open to other European nations who share the same fundamental values of European Identity (Copenhagen European Summit 1973). However, the declaration was only an announcement that the EC wanted to be active in the international environment by relying on economic and diplomatic cooperation with other countries, and did not suggest that it wanted to transform them politically. Furthermore, no concrete strategy was laid out to diffuse these values to other countries. Therefore, the Copenhagen Declaration was an initial, but inefficient, step towards promoting liberal democratic norms to third countries.

Even though the EC lacked a strategy to diffuse liberal democratic norms to third countries, one of the institutions of the EC, the European Parliament, voiced its concerns about human rights violations in third countries. In this respect, the EP revealed reports and resolutions regarding human rights violations in third countries, including Turkey, and required the European Commission to impose punitive actions, such as arms embargos, and economic and diplomatic sanctions (Balfe 1985: 186; K. Smith 2001). However, during the pre-Cold War years, the strategic interest of the EC in the Soviet Union was much more important for the Community than the promotion of democracy and

human rights in countries such as Turkey, which had been one of its allies in NATO (Faucompret and Konings 2008: 30; Unver 2013: 207). Therefore, the calls of the EP for the EC to take action on third countries had a limited impact on transforming their democracies or their human rights policies.

The Single European Act (SEA) in 1986 took the diffusion of liberal democratic norms to third countries one-step further in the EC. There were two reasons that led to this progress. Firstly, the EC was defined as a promoter of democracy, the rule of law, and human rights in the SEA (The European Communities 1986). According to Manners, after this decision, the EC moved towards becoming a "Normative Power", and these principles were placed at the centre of its external relations with third countries (Manners 2006: 185). Secondly, the EP gained power to consent to agreements with third countries. Thus, the EP became more influential on European Council decisions by gaining the power to refuse financial protocols with third countries on the grounds of human rights violations in those countries (Khan and Kotzeva 2007: 87).

In comparison to the other EC institutions, the EP had no binding obligations to maintain good relations with any particular third country, which enabled it to bring to the fore human rights violations within those countries without fear of reprisal. The EP was developed as a human rights lobby and it was easy for all human rights NGO's and political groups to be in contact with parliament members and make their voices heard (Casier 2011: 202-03; Interview_11 2013; Interview_15 2013). Furthermore, the Parliament had a much freer way of dealing with human rights issues. It was easy for them to make resolutions, and they could pass any resolution they felt necessary without fear of political censure (Interview_13 2013; Sugden 2004: 245). Conversely, the Commission and the Council were constrained by their obligation to maintain diplomatic relations with third countries, and fulfilling the foreign policy objectives of the Community. Furthermore, they were concerned by the limits of their legal boundaries (Interview_12 2013). Therefore, throughout the pre-

Tampere years human rights issues were in the hands of the European Parliament, rather than the other Community institutions, because the EP did not have the responsibility of putting these policies into practice (Interview_12 2013).

During the pre-Tampere years, the legal instruments concerning the protection of human rights and ethnic minority rights in Europe (such as the ECHR, the European Charter for Regional and Minority Languages (ECRML), the International Covenant on Civil and Political Rights (ICCP), and the Charter of Paris) were developed by other international organizations like the UN, the CoE and the OSCE. In addition, the monitoring mechanisms of these organizations (such as the ECtHR, the CPT, and the OSCE HCNM) were influential on shaping the human and ethnic minority rights policies of European states. In that sense, prior to 1999, the transformation of the counter-terrorism policies of EU members and candidates was mostly influenced by the other international organizations, rather than the EC/EU. For instance, when the UK joined the EU in 1973, the UK membership was not questioned in the EC on the basis of its human rights violations in the 1970's against the IRA (Irish Republican Army), despite the ECtHR rulings against the UK on this issue. The main concern regarding the UK was its economy and its attitude towards the EC (Interview_15 2013).

By 1989 the EU was becoming more closely integrated, both economically and politically. But the end of the Cold War at that time left many unstable countries sharing borders with the EU. After being governed by communist regimes for a long time, the CEEC's were not at the required level to bear the EC norms and values. Furthermore, these countries lacked the institutional capacity to put an effective law enforcement strategy into practice in order to deal with their internal security problems within democratic parameters (Ibryamova 2004). In this context, the institutional vulnerabilities of CEEC's caused a paradigm change in the EC. The military threats posed by the

Soviet Union were replaced by new external security threats, such as illegal immigration, terrorism, drug trafficking, and organized crime (Anderson 2000: 234; Chalk 2000: 186-87; Crelinsten and Özkut 2000: 259; Den Boer 2000: 217). In order to prevent the Community from suffering spill over effects from the CEEC's internal security problems, and to disrupt the Russian hegemony on them (i.e. before Russia had time to gain power), the EC decided to absorb these countries for the effective establishment of democracy, and to maintain peace and security (Interview_14 2013: 85; Rees 2011; Schwok 1999: 159).

In this context, in the 1993 Copenhagen European Council, the EU set the so-called "Copenhagen Political Criteria" which contains political conditions candidate countries must fulfil before becoming members of the EU. In view of these requirements, the EU's main aim in candidate countries was to transform their democracies, rather than their counter-terrorism policies. However, as Pridham has indicated, the EU requirements targeting democracy had an implicit impact on the subordinate policies of candidate countries such as their counter-terrorism policies, local administration policies, and media policies (Pridham 2005: 21). In this respect, the EU demands for the rule of law were important for a well-functioning judicial system and the accountability of law enforcement agencies. The promotion of human rights was important in order to constrain the offensive actions of law enforcement officers towards terror suspects. In addition, the EU demands to grant ethnic rights was very influential in undermining the attempts made by ethnic separatist terrorist organisations to manipulate ethnic minorities.

The new conditions brought by the Copenhagen criteria were an important turning point for candidate countries like Turkey. Turkey had been struggling with the PKK for nearly a decade at this time. The hard-line counter-terrorism practices of Turkey, such as human rights violations against PKK sympathizers, and ethnic restrictions against the Kurdish citizens, contradicted

the Copenhagen principles. So, Turkey's counter-terrorism policies became an obstacle to Turkey's accession to the EU.

Along with the Copenhagen political criteria, candidate states were also required to adopt the *Acquis Communautaire* (Grabbe 2002: 251-52). Each chapter of the *acquis* not only covers legally binding regulations within the EU, but also contains international agreements with other countries and international organizations, within the framework of the Common Foreign and Security Policy (Pillar II), and Justice and Home Affairs (Pillar III) (Miller 2011: 2). In the field of counter-terrorism, the EU transposes rules (e.g. the UN and CoE conventions against torture, and the UN and the CoE conventions against terrorism and financing terrorism) or requires the assimilation of norms (e.g. the efficiency and impartiality of the judiciary, transparency, and the accountability of law enforcement units) in order for a state to become a member of the EU.

During the pre-Tampere years, the EU's efforts to diffuse liberal democratic norms in the counter-terrorism context was not only limited to candidate countries, but the Mediterranean countries as well. In this respect, the Barcelona Process was launched in 1995 (Council of the European Union 1995). This initiative intended to sustain the stability and security of the Mediterranean region. Respect for human rights in accordance with the Universal Declaration of Human Rights (UDHR)[7] was one of the fundamental principles of this scheme. Furthermore, fighting terrorism was one of the aspects of this project, which aimed to develop police and judicial cooperation between contracting parties via the exchange of information and improving extradition procedures (Council of the European Union 1995: 16). However, unlike the candidate countries, the EU did not offer a membership carrot to these countries to motivate them to transform their democracy and counter-terrorism policies. Moreover, the cooperation with the Mediterranean countries on transnational crime issues was a priority of this project, rather than the diffusion of liberal democratic norms. As

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[7] Most of these countries were party to UDHR rather than the ECHR. Therefore, complying with the principles of UDHR was prioritized by the EU for these countries.

such, the EU offer had a high cost and low yield for Mediterranean countries (Lavenex and Wichmann 2009: 89-90). This is because the EU wanted the Mediterranean countries to use their law enforcement resources to maintain safety in the EU. However, this would be to incur a high cost, and the EU offered no tangible reward for them doing so. Therefore, the Barcelona Process did not give satisfactory results for the EU. With the introduction of the ENP in 2004, this project lost its importance, and continued only as a multilateral forum between the EU and the Mediterranean countries (European External Action Service 2013).

The Treaty of Amsterdam (ToA), signed in 1997, amending the TEU, brought a new dimension to the promotion of liberal democratic norms in third countries in the security context. It created the Area of Freedom, Security and Justice (AFSJ), and aimed to facilitate the free movement of EU citizens within the EU's borders, and to secure their safety from external security threats (Rees 2008: 97). However, the removal of internal borders within the EU also increased security considerations (Skålnes 2005: 214). Freedom of movement in the EU was linked with a flow of immigrants from the CEEC countries, which were lagging behind their Western counterparts in both economical and institutional terms. It was thought that an increasing number of immigrants in the EU would result in an increase in crime rates and organized crime, and so end up disrupting public order in member states. However, within these security considerations, terrorism was not a primary concern for the EU (Ibryamova 2004: 3-4; Trauner 2007: 4). Therefore, after the ToA, the promotion of liberal democratic norms was mainly based around security considerations (illegal immigration, organized crime) rather than humanitarian concerns in the EU (Lavenex 1999: 155).

The fear of the flow of immigrants from neighbouring countries also led to policies relating to freedom of movement (such as visa, asylum, and immigration policies) being transferred to the first pillar of the EU. First pillar policies are managed by community institutions rather than an

intergovernmental panel made up of all member countries. Even though this decision targeted freedom of movement policies, it also resulted in many policy areas relating to counter-terrorism being transferred to the first pillar. Asylum policies, immigration policies, and external borders policies, were all moved into the first pillar, whilst other counter-terrorism related policies, like those dealing with human rights, democracy, and common security, remained in the second pillar. The judicial and police cooperation on terrorism remained in the third pillar. This decision caused a division between the first, second and third pillar sectors (Argomaniz 2011: 6). So, the promotion of liberal democratic norms, and cooperation with third countries in the counter-terror domain, became separated in the EU's legal framework. Furthermore, the decision making process in the field of counter-terrorism was mainly left to national authorities rather than to the EU's supranational institutions (Monar 2006: 507).

This cross-pillarization created difficulties for countries such as Turkey. On the one hand, Turkey, wishing to become a member of the EU, was subject to EU normative leverage. On the other hand, there was no formal and binding JHA policy among the member countries. Cooperation against terrorist organisations was carried out by intergovernmental collaboration. But, if a member state was reluctant to collobarate with member or non-member countries, there was no mechanism forcing this country to cooperate. This situation also demonstrates that countering terrorism was a low level priority at this time, in comparison to illegal immigration policies. In the absence of concrete incentives (i.e. membership prospects) and the lack of cooperation with member countries, candidate countries such as Turkey had no reason to adopt the EU's liberal democratic norms. Therefore, the cross-pillarization decreased the norm diffusion capacity the EU had to transform the counter-terrorism policies of third countries. The EU was telling others what to do without being involved in cooperative action.

In short, in the pre-Tampere years the EC/EU could not be regarded as a significant actor in promoting liberal democratic norms to third countries in the counter-terror context. It was in a transition from an economic community to a political union, and the promotion of liberal democratic norms in third countries targeted mainly the democratization of these countries, rather than the transformation of their counter-terrorism policies. In terms of the stabilization of internal security problems, the EC/EU prioritized organised crime and the illegal immigration policies of third countries, and not their counter-terrorism policies. Furthermore, during the pre-Tampere years, the legal instruments and monitoring mechanisms of other international organizations (such as the UN, the CoE, and the OSCE) were much more influential on third countries than those of the EC/EU.

4.3. The Post-Tampere Period

The 1999 Tampere Summit in Finland was one of the critical junctures for the development of policies in the EU to transform counter-terrorism in neighbouring countries. Even though this meeting was not focussed on counter-terrorism, for the first time the 'external dimension' of the JHA was taken into consideration by European authorities (Wolff 2009a: 140). Member states officially admitted that a satisfactory level of internal security in the EU can only be accomplished by consolidating democracies and the security capacity of the countries surrounding the EU. They found it necessary to stablise these countries by implementing a comprehensive strategy which included preventing conflicts, and ensuring human and ethnic minority rights in these countries (European Parliament 1999). So, the stablization of countries such as Turkey became a priority for the EU, whose territory was not completely at peace due to the existence of terrorists and powerful criminal organisations (Interview_13 2013; Interview_14 2013).

However, after the cross-pillarization decisions were made in the ToA, JHA policies were under the control of national authorities rather than those EU

institutions responsible for maintaining the foreign policy of the EU (such as the Commission and the Council). Therefore, both the Commission and the Council had little power to diffuse the EU's JHA requirements to third countries and develop a better AFSJ. They had little power to respond to and negotiate with third countries on JHA matters. In this regard, due to the existence of this fragmented decision making structure, the decision taken at Tampere did not result in an efficient system for altering the domestic policies in third countries. As a consequence, in the Feira European Council in 2000, the European Council demanded that JHA policies be incorporated with the Union's external policies (European Council 2000: 21). With this decision the Council aimed to complement the internal and external dimension of JHA policies, and maintain the consistency of them by strenghtening the role of the EU's supranational instituions on these policies (Wessel 2011: 280-81; Wolff et al. 2009: 13).

In these circumstances, the 9/11 attacks gave the EU's political actors a 'window of opportunity' to accelerate the unfinished work of the Tampere Summit in 1999 and the Feira Europe Council in 2000, i.e. of convincing all member countries to harmonize their policies in line with EU requirements (Den Boer 2006: 90; Giorgetti 2005: 251). After the attacks, terrorism became a top priority in the EU's political agenda, which replaced former security priorities, such as illegal immigration and organized crime (Ibryamova 2004: 5). It gave impetus to the development of the internal and external dimensions of the EU's counter-terrorism policy (Den Boer and Monar 2002: 26; Kaunert and Giovanna 2010: 276; Oz 2010: 452; Wolff 2009a: 143). The EU governments agreed to put forward several frameworks to build a common strategy inside and outside of the Union.

One of these steps was to adopt an Action Plan, which was prepared by the JHA Council and approved by the European Council. More than sixty counter-terrorism measures were summarised in this plan. They were given names, deadlines were assigned, and a responsible body to observe its implementation

was formed (Council of the European Union 2001). The action plan was a useful and comprehensive structure that summarized the EU's efforts to establish a collective response to countering terrorism (Argomaniz 2011: 20; Monar 2007a: 267-83). However, with regard to the EU's external counter-terrorism relations, the Plan was mainly concerned with strengthening cooperation on security matters in certain Asian countries such as Pakistan, Iran, India, and Afghanistan, and with supporting political construction of these countries. The promotion of liberal democratic norms in third countries was not listed among these measures (Council of the European Union 2001). In that sense, the EU focused mainly on the protection of its citizens from external terror threats, rather than eradicating the root causes of terrorism in third countries via the diffusion of liberal democratic norms.

The other important European Council regulation, which is closely linked to this study, was the Council's common position regarding the persons, groups, and entities involved in terrorist acts, released in December 2001. The aim of the regulation was to prevent the funding of terrorist organizations in line with the 1373 United Nations Security Council (UNSC) Resolution in 2001. Names of the persons, groups, and entities are delivered by member states based on credible evidence, and they are reviewed at least once every six months to ensure that there is enough evidence to keep them on the list. The consent of all member countries is sought when any addition is made to the list (European Council 2001b). Being on this list is not a necessary condition for being considered a terrorist organization. Member states can continue counter-terrorism investigation against any organization whether they are on the list or not. The main aim of the list is to identify terrorist groups in order to freeze their assets. In addition, the production of the list sent a political message that the EU was taking action against terrorist organizations (Interview_12 2013). However, the listing mechanism is subject to ECJ revision, and where there is inadequate

evidence for the inclusion of a person, group, or entity on the list, it is removed.[8]
Therefore, it has been revised several times and aligned with the ECJ rulings
(Barros 2012; Guild 2008; Interview_12 2013; Leonard and Kaunert 2012).

The PKK was added to the list in May 2002. This was an important change
for Turkey, because until this decision there was no unity among the EU member
states as to whether the PKK was a terrorist organisation. The absence of
consensus on the PKK's status (terrorist organisation/civil organisation) in the EU
was depicted as a conspiracy in Turkish nationalist circles. The claim was that the
EU ignores PKK activities to disrupt Turkey's territorial integrity (Kirişçi 2004:
290). Therefore, the addition of the PKK into the designated terrorist list
increased the sincerity of the EU in the fight against the PKK, and also enhanced
the legitimacy of the EU requirements placed on Turkey (see section 6.5.3)

According to a senior EU External Action Service official, after the 9/11
attacks, it was harder for EU members to defend the actions of the PKK.
Therefore, the addition of the PKK was a signal to Turkey that the EU shared
solidarity with the Turkish government (Interview_11 2013). There are three
main reasons why the PKK was placed on the list at this time (these reason were
cited as being particularly important by Turkish senior officials from different
ministries: (i) Because of the threat perception brought about by the 9/11
attacks; (Interview_5 2012; Interview_9 2012) (ii) Political pressure was placed
on the EU by Turkey at this time, and the US supported Turkey on this matter
(Interview_1 2012; Interview_4 2012; Interview_6 2012; Interview_8 2012;
Interview_10 2012); (iii) there was an increase in the illegal activities of the PKK
in the EU at this time (such drug and human trafficking, extortion, and money
laundering) (Interview_2 2012; Interview_3 2012; Interview_4 2012; Interview_5
2012; Interview_6 2012; Interview_23 2013). However, in April 2008, The EU

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[8] See cases ; *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission*, C-402/05 P and C-415/05. *Organisation des Modjahedines du peuple dIran v Council of the European Union*, Case T-228/02

Court of First Instance (CFI)[9] overturned the decision of the Commission, arguing that the inclusion of the PKK on the list was not justified by member states.[10] In that sense, even though EU institutions have taken action against terrorist organizations in line with the wishes of third countries, these decisions can be annulled by the European courts, if they contradict the EU's normative principles. Therefore, the continuation of the EU's normative role on counter-terrorism issues is secured by the European courts even when there are risks that the EU is slipping into adopting security-based policies.

Another initiative for a common strategy was the Framework Decision of the European Council on Combating Terrorism that was released in June 2002. This decision provided a common definition of terrorism for the EU countries (Council of the European Union 2002a). However, the common definition was also important for third countries such as Turkey, which suffer from the refusal of their extradition requests by the EU. As senior European Union officials have indicated, the definition of terrorism in Turkey was too broad. Some journalists, who may simply be reporting terrorism, could be interpreted under the legislation of the time as supporting terrorist organizations (which gives rise to questions of proportionality in sentencing in Turkey). Therefore, in order to overcome obstacles of extradition, Turkey has been required to narrow their definition of terrorism in line with the EU standards (Interview_11 2013; Interview_12 2013).

Within the same Framework Decision, criminal penalties for terrorists and terrorist related activities were also harmonized to eliminate differences between member states. Custodial sentences were required to range from between eight to fifteen years for terrorist offences in member states, in order to ease the extradition process between them, which stem from differences in their national penal codes (Council of the European Union 2002a). As for third countries, these limits for terrorist offences constituted a problem for

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[9] This is a secondary court in the ECJ, which is hierarchically one level below the ECJ.
[10] *Kongra-Gel and Others v Council*, T-253/04

extradition demands, if disproportional sentences were foreseen for terror suspects in third countries, in comparison with the EU standards. As indicated by an advisor to the EU's Counter-terrorism Coordinator, the upper limit of life sentences in Germany is 25 years, and every person convicted for a terrorist offence has the hope of being released. This provision is considered an important norm for human dignity in the German Constitution. However, in Turkey, life sentences can be issued, which means there is no hope of freedom for the offender. In view of these differences in sentencing, German authorities have refused to extradite terror suspects to Turkey. So, Turkey has been required to harmonize its custodial sentences with the EU's standards in order to facilitate the extradition of terror suspects from member countries (Interview_12 2013).

In line with rising concerns about international criminal activities in the EU, institutions like Europol became operational during the post-Tampere period (Lavranos 2003; Marotta 1999).[11] When it was first established, Europol was tasked with improving cooperation amongst the law-enforcement agencies of the member states against the organised forms of criminality. Neither the internal nor the external dimension of countering terrorism were in its priorities in the early years (Den Boer 2000: 212; Occhipinti 2003: 141). However, in 1998, the fight against terrorism was added to its mandate, and it was authorized to negotiate with third countries in order to cooperate in counter-terrorism matters (Deflem 2006: 344-48). In order to conform with the ECtHR standards, third countries were required to upgrade their legal systems in line with the rule of law and its human rights principles (Guild et al. 2011: 74). Therefore, Europol implicitly played a role in the promotion of human rights in third countries' counter-terrorism policies.

An advisor to the Senior EU Counter-terrorism Coordinator has stated that Europol has both Strategic and Operational agreements to engage in

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[11] Even though the decision to establish Europol was taken in 1993, it was fully operationalized in July 1999. See: https://www.europol.europa.eu/content/page/history-149.

cooperation with third countries . In order to sign an operational agreement and avoid problems in European courts, the EU wants minimum human rights standards to be met in third countries. For instance, the adoption of data protection rules is set by the EU as a condition for an operational Europol agreement with third countries (Kaunert 2010b; Kaunert and Zwolski 2013: 101-03). If a third country adopts data protection rules, member countries exchange information with it through the Europol channels. However, in the absence of compliance, third countries do not benefit from Europol cooperation initiatives (Interview_12 2013). So, countries like Turkey, who are seeking operational agreement with the EU countries on PKK matters, are required to align their rules with the EU, in order to benefit from Europol cooperation.

Along with Europol, the Eurojust was set up in 2002, which also plays a constructive role in the diffusion of liberal democratic norms in third countries' counter-terrorism policies.[12] The reason for establishing the Eurojust was to underpin the fight against terrorism and other transnational crimes by consolidating cooperation and extradition among the European countries. Public prosecutors, judges, and police officers with equivalent responsibilites were tasked in this institution to facilitate the execution of international mutual legal assistance, and to implement extradition requests (Bures 2011: 114-15). Not only members states, but also non-member states (primarily the candidate states), can benefit from Eurojust if a cooperation agreement has been concluded (Council of the European Union 2002d: 1-2). In order to be part of the Eurojust system, non-member countries are required to conform with the ECHR and the UN Human Rights Conventions, and the relevant EU *acquis* rules (such as rules regarding the protection of personal data) before signing a cooperation agreement (Alegre 2008: 33-38). According to an advisor to the EU Counter-terrorism Coordinator, the EU wants third countries to conform to these principles in order to maintain the high efficiency and legitimacy standards of

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[12] The decision to establish Eurojust was first taken in the Tampere European Council in 1999. However, it was formally operationalized in 2002.

Eurojust. If Eurojust decisions are questioned by member states and European courts on the basis that its decisions contradict human rights principles, the system will not work, and it will fail to fulfil its objectives (Interview_12 2013). So, the more third countries conform with the procedural and judicial standards of the EU's legal framework, the more they benefit from the Eurojust system and its extradition opportunities. In this respect, candidate countries such as Turkey, who are looking for the extradition of PKK members from the EU, have beem required to transform their legal systems in line with EU standards.

After the 9/11 attacks, the US decided to intervene in Iraq on the grounds that Saddam Hussain's regime possessed weapons of mass destruction that could possibly be used against Western countries, either my rogue regimes or terrorist organisations. This decision created diversity among the EU states. Some EU countries (such as the UK, Spain, Poland, and Denmark) supported the US war on terror and its approach towards Iraq. On the other hand, other EU states (such as Germany and France) opposed this decision. The failure of EU member states to reach an agreement on this matter necessitated the preparation of a new EU security strategy (Becher 2004; Quille 2004; Toje 2005).

The European Security Strategy (ESS) came into force in 2003. It was drafted by the EU High Representative, Javier Solana, and approved by the European Council. Terrorism was counted as the first key threat to the EU, and if a state failed to confront terrorism, this was seen as a leading factor in providing opportunities for terrorist organizations (European Council 2003c: 3-4). The ESS thus suggested a comprehensive approach to security, by engaging with other international organizations (such as the UN, the CoE and the OSCE) and by strengthening international order by spreading good governance, establishing the rule of law, and protecting human rights (European Council 2003c: 10). Furthermore, coherent cooperation on terrorism among the member countries and between the EU and third countries was emphasized as being a crucial factor in the implementation of JHA policies (European Council 2003c: 13). In the post-

9/11 environment, the ESS was an announcement that the EU sees countering terrorism differently from the US (Quille 2004: 422-23; Rees 2006: 65). Rather than intervening in third countries and using security-based strategies, the EU was offering a constructive policy that emphasized diffusing liberal democratic norms to third countries, and strengthening their governance skills to eradicate global terrorism.

In the ESS, special attention was also paid to the countries neighbouring the EU, where violent conflicts and weak states pose problems for the EU. Extending the benefits of economic and political cooperation to these countries was suggested, in order to help such countries tackle their political problems (European Council 2003c: 7-8). Enlargement was thus highlighted as one of the EU's foreign policy instruments that can be used to diffuse its norms and values to candidate countries, such as Turkey, where terrorism creates regional instability.

In short, during the post-Tampere years, the EU political actors realized that the internal security of the Union depends mostly on the existence of well-governed, secure, and economically and politically stable countries around the EU. Therefore, political transition in the EU focused on developing a common JHA policy that aimed to increase counter-terror cooperation with third countries and to strengthen their law-enforcement capacity. This was absent in previous years. So, the 9/11 attacks gave an opportunity to the EU's political actors to pursue measures decided at the 1999 Tampere Summit and the Feira Europe Council in 2000. Institutions such as Europol and Eurojust became active in counter-terror cooperation and in the extradition of terror suspects. Furthermore, a common definition of terrorism was made in the EU, and terror offences were harmonized among the member countries. Third countries, such as Turkey, who were seeking cooperation and extradition with the member countries, were required to align their domestic standards with the EU *acquis* in order to benefit from the EU's cooperation tools. Even though, in the aftermath

of 9/11 attacks, a few security-based counter-terror measures (such as the counter-terrorism Action Plan and the proscribed terrorist organizations list) were put into practice in the Union, in general the EU authorities were in favour of a counter-terrorism policy based on liberal democratic norms inside and outside of the EU.

4.4. The Post-Madrid/London Period

The two consecutive terrorist attacks, in March 2004 in Madrid and in July 2005 in London, had a significant impact in the EU and elevated the terror issue to the very top of the EU's political agenda. According to Nilsson, after these attacks, the threat of terrorism was 'Europeanized' and an atmosphere of solidarity was created among the EU member countries (Nilsson 2006: 81). However, the initiatives launched before the Madrid bombings had not worked as hoped. Therefore, the EU policy makers became committed to providing clear strategies for member countries, which also served as framing policies for the third countries (Bossong 2008: 41).

A 'Declaration on Combating Terrorism' was announced in March 2004, a few weeks after the Madrid bombings. This was both a 'solidarity declaration' made by the EU fighting against terrorism (Bossong 2008: 41) and a warning for the member countries to adopt and implement counter-terrorism measures taken after the 9/11 attacks in order to secure collective action (European Council 2004: 3). Furthermore, it stressed the necessity of transforming the passive national territorial defence strategies of member countries towards terrorist threats into the active security and crisis management policy of the Union, in order to improve the EU's pre-emptive counter-terror capabilities against the terrorist attacks (Cornish and Edwards 2005: 809; Ekengren 2006: 101). Unlike the previous regulations, for the first time the European Council endorsed seven strategic objectives in this declaration (Argomaniz 2011: 24; Bures 2011: 68-69). One of these objectives was to enhance the counter-terrorism capabilities of third countries. The declaration proposed extending the

EU's internal solutions to third countries in order to secure policy transformation (European Council 2004).

The Declaration was also attached with a revised Action Plan on Combating Terrorism. The plan was enriched with new security measures, and new deadlines were set for member countries and EU institutions (Council of the European Union 2004b). The new version of the plan had an extended scope and covered third countries, rather than being focused only on certain Asian countries. The measures listed in the Plan relating to third countries were generally security-based strategies. It proposed that UN resolutions against terrorism should be ratified by third countries, and their counter-terror capabilities enhanced, and also proposed implementing technical assistance programmes within them to achieve good governance and the rule of law (Council of the European Union 2004b: 72-75). However, the plan did not refer to the diffusion of civil rights to third countries in the counter-terror context. A senior EU justice affairs official states that, after the Madrid Bombings, security became the main concern for the EU rather than ensuring that all individuals can enjoy their freedoms (Interview_15 2013). In this respect, those countries who were closely monitored by the EU, such as Turkey, had the opportunity to justify their hard-line counter-terrorism policies (see chapter 7).

The policy expansion in the area of European security governance, and the fact that many EU agencies were pursuing the same strategies independently, necessitated the establishment of a post in the EU whose remit was to ensure coordination on counter-terrorism matters among the EU institutions, member countries, and third countries. To this end, a Counter-terrorism Coordinator was appointed in March 2004 (Alex Mackenzie et al. 2013b). According to his advisor, the coordinator's job is not to spread human rights to third countries in general. However, the coordinator does have the job of discussing the counter-terror practices of third countries with their national authorities in order to make their policies more effective, by leaning on human

and ethnic minority rights and the rule of law. As an example of this, he examines the list of cases in which Turkish authorities are unable to extradite terror suspects from member countries. He then informs Turkish authorities of the reasons why it is not possible to extradite these suspects (Interview_12 2013). Furthermore, he recommends what kinds of EU laws third countries must adopt to secure the extradition of terror suspects, and to secure active intelligence sharing (NTV 2010). For instance, in his visits to Turkey in December 2008 and February 2013, the EU Counter-terrorism Coordinator Gilles de Kerchove emphasized that Turkish authorities must adopt EU promoted data protection rules to achieve a better level of cooperation between the EU and Turkey with regard to the PKK (Interview_12 2013; Interview_19 2013; TBMM 2009: 49-51). The coordinator thus plays a mediating role between the EU and third countries for the adoption of EU promoted liberal democratic norms in the counter-terror domain.

The Hague Programme was another important step forward in transforming the counter-terrorism policies of third countries (Council of the European Union 2004a). The Programme formed a new agenda for the challenges that emerged after the Tampere Summit in 1999, and highlighted the necessity of "coherence and coordination between the internal and external dimension of JHA policies" (Council of the European Union 2004a: 3). It set a five-year plan for member countries that aimed to adapt JHA policies in order to place them under the control of the EU's supranational institutions rather than national authorities (this has since been ratified in the Lisbon Treaty). In the programme, terrorism was underlined as one of the security threats facing the Union, and it was suggested that priority should be given to strengthening the counter-terrorism capabilities of third countries. In this regard, a few measures were proposed, such as increasing the funding of capacity-building projects in third countries, and the revision of existing instruments to provide rapid-flexible assistance to these countries (Council of the European Union 2004a: 21).

However, if the external relations section of the Programme is studied in detail, it can be seen that there was no mention of human rights with regards to counter-terrorism cooperation. As such, the EU was criticized for lowering its expectations of third countries (such as the ENP countries) in terms of policies that protected of human rights, and for replacing them with security related policies (Balzacq and Carrera 2006: 19; Joffe 2008: 160; Manners 2006: 189). With respect to the ENP countries, this was not a big issue for the EU, because these countries have no membership expectations. However, in the Turkish case, it created a dilemma for the EU. On the one hand, Turkey was seen a strong ally by the EU in the fight against terrorism. On the other hand, Turkey's human rights shortcomings was causing rising concerns in the EU, due to Turkey's possible accession to the Union (Interview_15 2013).

The increasing emphasis on security based strategies in the EU can also be seen in a new scheme, the Strategy for the External Dimension of JHA (Council of the European Union 2005b). The Strategy proposed that the Union should add countering terrorism as one of the elements of its external relations. It also indicated the necessity of pursuing all of the EU's capabilities towards the threat of terrorism, and the necessity of improving counter-terror relations with all countries (Council of the European Union 2005b: 2). In comparison to the previous strategies, for the first time it was recommended that the external dimension of JHA policies should be a central priority of the EU's foreign policy objective (Pawlak 2009a: 34; Wolff 2008: 256). Furthermore, the rationale behind the Strategy was not to reduce crime rates in third countries, but to prevent crime coming from third countries to the Union (Mounier 2009: 52).

Unlike the previous strategies, the EU distinguished between the different norm diffusion mechanisms used by the JHA, in terms of countries and regions, namely, in terms of the Enlargement countries, the ENP countries, the US, and Russia (Council of the European Union 2005b: 5-6). This was an important indication that the EU no longer wanted to follow a "one fits all"

approach towards third countries on JHA issues. The role of incentives was highlighted as providing a more efficient way to ensure the adoption and implementation of EU norms in third countries. Providing a membership incentive was praised as the most effective way of transposing EU standards to third countries (Council of the European Union 2005b: 6). However, in these years, due to "enlargement fatigue", the role of the EU's conditionality strategy on third countries became more focussed on policy-related conditionality (that targeted enhancing security capabilities of third countries) (Trauner 2009a). In that sense, even though the EU could not give credible membership prospects to countries such as Turkey, due to reasons of absorption capacity, it continued its political conditionality strategy towards these countries in an attempt to transform their security policies for the sake of EU security and regional stability (see chapter 7).

Along with the Strategy for the External Dimension of JHA, the European Union Counter-terrorism Strategy was also put into practice in November 2005 (Council of the European Union 2005a). This strategy came just after the London bombings and was intended to facilitate the integration of the EU's fragmented strategies regarding counter-terrorism policies under one framework (Argomaniz 2009b: 161; Coolsaet 2010: 860; Interview_12 2013). The strategy was built up from four strategic commitments, namely to 'prevent, protect, pursue and respond' (Council of the European Union 2005b). Protecting human rights was the fundamental principle to pursue whilst combating terrorism. Unlike in previous plans, the external dimension of the counter-terrorism strategy was not forgotten. In order to deal with the external threat of terrorism, collaboration with other international organizations and third countries became part of the strategy. Deepening international consensus, promoting capacity building in third countries, and enhancing international cooperation, were the aims of promoting international partnership (Council of the European Union 2005a: 4). According to an advisor to the EU's counter-terrorism coordinator, this new

framework helped to fight all terrorist organizations in the EU, which is something that had not been achieved before (Interview_12 2013). Correspondingly, in comparison to the previous counter-terror plans, the EU's threat definition in the Strategy was no longer focused on Al-Qaeda alone, but also included other terrorist organizations that were considered as a threat to the Union (Monar 2007b: 297). As such, much more attention was given to the activities of other terrorist organizations including the PKK.

During the years after the Tampere Summit, two problems were revealed for those EU policies that were intended to promote the transformation of counter-terrorism policies in third countries. One of these problems was that the external dimension of the JHA was under the control of member countries. Therefore, the efforts made by the EU supranational institutions (such as the Commission and the Council) to develop a policy were hindered because of the problems that arise from seeking the unanimous consent of member states. The other problem that became clear was that the intense security-based strategies of the EU had human rights shortcomings. In this respect, the Lisbon Treaty has provided an opportunity to remedy these two weaknesses.

In the pre-Lisbon period, decision making in the second and third pillar were controlled by national authorities. Therefore, neither the Commission nor the Council had the power to negotiate with third countries in the field of counter-terrorism. Since the ratification of the Lisbon Treaty in 2009, however, second and third pillar matters have been treated in the same way as the first pillar, which means community methods are employed for JHA policies. The Commission and the Council have become the main policy makers in the JHA, and they have gained the ability to negotiate and sign agreements with third countries (Argomaniz 2010: 313; Argomaniz and Rees 2013: 232; Kaunert 2010a: 57-58). In this regard, a further step was taken to ensure the internal and external consistency of the EU policies on JHA matters.

As for the promotion of human rights, since the Lisbon Treaty, the policy initiatives of the EU in the counter-terrorism domain and with regard to third countries has been subject to the judicial review of the ECJ. If any joint counter-terrorism initiative between the EU and a third country violates the principles of the EU Charter of Fundamental Rights (ECFR)[13], it will be annulled by the ECJ (Interview_12 2013). So, third countries seeking cooperation with the EU, such as Turkey, are required to align their counter-terror policies with the EU's normative requirements for the continuation of counter-terror cooperation.

Additionally, since the Lisbon Treaty, the European Parliament has gained the role of co-legislator (General Secretariat of the Council of the EU 2009: 1). Institutions such as the Council and the Commission, which are responsible for preparing the EU policies and agreements, began to exchange their blue print with the Parliament. The Parliament's interest in putting this blue print on the agenda means that the Council and the Commission are dealing with these topics by replying to the Parliament. Therefore, in order to gain the consent of the Parliament, these institutions have built their policies based on a commitment to human rights and democracy (Argomaniz and Rees 2013; Interview_12 2013: 232). If the counter-terrorism proposals agreed on by the EU and third countries fail to take into account the EU's normative requirements, there is a risk that the Parliament will be reluctant to give consent to them, or that it will take the proposal to the ECJ. In that sense, third countries are demanded to transpose the EU standards into their domestic counter-terrorism policy in order to secure counter-terrorism cooperation with the EU.

With the opportunities offered by the Lisbon treaty, a new multiannual agenda, the 'Stockholm Programme', was put into practice in 2009 (Council of the European Union 2010). The main aim of the programme has been to revise the existing security measures in line with new security challenges. For the first time a Human Rights Action plan covering the external dimensions of freedom,

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[13] The EU Charter of Fundamental Rights was proclaimed in 2000, however it only became legally binding after the Lisbon Treaty.

security, and justice policies, has been demanded from the European Council (Council of the European Union 2010: 35). This was a critical demand from the Council to ensure the integration of human rights regulations into the security framework. According to an advisor of the EU's counter-terrorism coordinator, counter-terrorism capacity building started in the early 2000s in the EU. Therefore, it was realized by EU political actors that there are shortcomings in the human rights instruments of the JHA. In that sense, the Human Rights Action plan is being developed in order to respond to these shortcomings (Interview_12 2013). When the plan is adopted, human rights will become an indispensable part of the policies in the area of freedom, security, and justice, rather than an abstract issue evaluated separately under a different policy framework.

In short, after the Madrid and London Bombings, terrorism became a common problem in the EU and as a consequence the EU's initiatives concerning third countries came to be based around security oriented concerns rather than around concerns about human rights and democracy. However, as capacity building efforts developed over time, the promotion of liberal democratic norms to third countries became one of the central objectives of EU policies, and the neglected human rights issue was considered in the Treaty of Lisbon and the JHA Human Rights Action Plan. In this period, the EU differentiated between its norm diffusion mechanisms in the JHA area in terms of the geographical location of target countries. The appointment of a Counter-terrorism Coordinator added new value to external relations in the EU. The coordinator started to play a mediating role between the EU and third countries to align their counter-terrorism policies with the EU's normative standards. With the ratification of the Lisbon Treaty, joint counter-terrorism interactions between the EU and third countries became subject to reviews made by the ECJ, and the EP closely monitored these exchanges as a co-legislator. In this respect, third countries were required to adopt the EU promoted norms in order to partake in

cooperation with the EU on counter-terrorism that was not subject to ECJ and EP supervision.

4.5. Conclusion

As this chapter has clarified, the role of the EU in promoting liberal democratic norms to third countries in order to transform their counter-terrorism policies has evolved over time. In this transition, major events such as end of the Cold War, the 9/11 attacks, and the Madrid and London bombings were influential in making EU political actors reconsider the shortcomings of the counter-terrorism policies of third countries. At each critical juncture, the EU actors added new initiatives, or they revised existing programs and plans targeting third countries.

In consideration of the pre-Tampere period, the structural transformation of the EU from an economic community to a political union was a negative factor in the Union's exertion of influence on Turkey. The policies for the promotion of liberal democratic norms were in a formative stage, which decreased the efficiency of the EU's norm diffusion mechanisms. Because the concerns of EU member countries were focussed on illegal immigration and organized crime during the pre-Tampere period, rather than on terrorism, they had a low level of interest in developing common policies for the transformation of the counter-terrorism policies of third countries. As a consequence, there was no agreed approach to promoting liberal democratic norms in third countries that bound both member countries and EU institutions. This undermined the legitimacy of the EU requirements on countries like Turkey. Furthermore, the reliance on the legislative instruments and monitoring mechanisms of other international organisations (such as the UN, the CoE, and the OSCE) also decreased the EU's influence on third countries. So, during the pre-Tampere years, the EU had weaknesses that meant they did not have the power to act as a substantial actor in the counter-terror context to promote liberal democratic norms in Turkey.

During the post-Tampere years, the EU political actors began to consider the adoption of policies that targeted the transformation of security policies in third countries. This was mostly based on the self-interest of the EU (illustrated by the creation of the AFSJ that eased activities of transnational criminal networks in member countries), rather than an EU concern to enhance the security capabilities of third countries. In this regard, the devastating 9/11 attacks gave a window of opportunity to the EU, and many security oriented counter-terror measures were initiated. After the attacks, there was a convergence in the threat perception of terror matters between the EU and Turkey. Terrorism was no longer a problem for Turkey alone. It also became a major threat to the EU. The addition of the PKK to the proscribed terrorist organisation list was a crucial step that showed the EU was in solidarity with Turkey. However, EU cooperation with Turkey against the PKK depended on Turkey aligning its counter-terrorism policies with the EU's normative standards. So, during the post-Tampere period, the EU strategies towards third countries including Turkey embodied both liberal democratic norms and security oriented policies.

In the post-Madrid/London period, countering terrorism became an essential issue for the EU, because the EU was also a target of Al-Qaida related terrorist networks. Security concerns peaked in comparison to the previous periods. In this regard, until the ratification of the Lisbon Treaty, counter-terror initiatives targeting third countries prioritised security based strategies, rather than those that attempted to transform their policies using normative means. The alteration of priorities in the EU gave fertile ground for countries such as Turkey, where the resumption of PKK attacks in 2004 created a burden for the political stability of the country, to justify their hard-line counter-terror measures. This was also dangerous in undermining the EU's normative power stance, and the legitimacy of its requirements on third countries. However, as the threat of terrorism in the EU declined after the London Bombings, and

capacity-building initiatives developed, the promotion of liberal democratic norms to third countries regained its primacy in the EU's external counter-terror relations. So, the emphasis given to security in the early years of the post-Madrid/London period was counterbalanced later on by the promotion of new initiatives aimed at strengthening liberty in third countries.

In view of these three time periods, the role of the EU in promoting liberal democratic norms to third countries in the counter-terror context depends greatly on the level of the terrorist threat it faces. Unless the EU itself faces terrorism, it is not interested in enhancing the counter-terrorism policies of other states. However, when terrorism poses a threat to the EU, it develops security-oriented policies towards the third countries, and its normative concerns lag behind. However, promotion of liberal democratic norms regains its priority when the threat of terrorism in the EU diminishes.

In this respect, the norm diffusion pattern of the EU towards third countries is like a vicious cycle between security and liberty. If the EU were to face another major terror threat in future, security related concerns would again prevail. However, the EU political actors would remember to promote liberal democratic norms to third countries once the terror threat subsides. Therefore, in the counter-terror domain, the EU is a rational actor only concerned with its self-interest, rather than in the good of others, and the promotion of liberal democratic norms in third countries is not a constant process. Rather, it fluctuates in line with the threat of terrorism in the EU.

Furthermore, whilst promoting liberal democratic norms to third countries, the EU also pays attention to efficiency of its own legal system, rather than improving the policies of third countries. If counter-terrorism collaboration between the EU and third countries fails to fulfil human rights principles, the EU activities will be at risk of being reviewed by the European courts and the EP, and EU political actors prefer not to be in such a situation. This also undermines the legitimacy of its policies inside and outside of the EU. Therefore, the conditions

laid down on third countries are mostly concerned with keeping the EU's counter-terrorism policy efficient, and so are only concerned with the counter-terrorism policies of third countries in a derivative manner.

5. The Pre-Helsinki Period

5.1. Introduction

The pre-Helsinki period is the first phase in this research in which the EU influence on Turkish counter-terrorism policy will be analysed. This period starts with the first PKK attacks in 1984 and ends with the developments just before the Helsinki European Council in 1999. The most significant feature of this period is that the PKK attacks towards the security forces and civilians were at their peak. EU-Turkey relations were at a preliminary stage. The EU was transforming itself from an economic community to a political union. Except for Turgut Özal's Government, the rest of the Turkish governments were coalition governments. Furthermore, the Turkish army had a certain level of autonomy in the decision-making processes related to counter-terrorism policy. It is under these circumstances that this chapter discusses the question: "Why and How did EU promoted norms fail to be adopted in Turkey in a way that transformed its counter-terrorism policies towards the PKK in the pre-Helsinki period?"

This chapter, and the following two, rely upon the framework outlined in chapters 1 and 3. To summarise the main elements of this framework: Rule adoption is the dependent variable. The theoretical framework encompasses the Conditionality/Socialization mechanisms (see p89 for the former and p100 for the latter) and their variables "Credibility of Conditionality" (see p96 above), "Adoption Cost" (see p98 above), "Legitimacy of EU Requirements" (see p104 above) and "Domestic Resonance" (see p108 above). To transform qualitative data into scalable values, two parameters: "low" and "high" levels have been identified. These are summarized in chapter 1 (see p 33 above).

In the light of these variables and parameters, this chapter will argue that due to the low level of the EU conditionality strategy (Low Benefits-High Costs) and the low level of the EU socialization strategy (Low Legitimacy-Low

Resonance), there was a low level of rule adoption in the counter-terrorism domain in Turkey during the pre-Helsinki years. In other words, the EU influence was low in transforming Turkish counter-terrorism policy towards the PKK.

This chapter starts in section 5.3 with the counter-terrorism practices that were implemented by Turkish authorities to combat the PKK during the pre-Helsinki period. This will be followed in section 5.4 with the EU reactions to these counter-terror practices. In section 5.5, the EU influence on rule adoption will be scrutinized by looking at the ratification of international laws, domestic legislative changes, and institution building initiatives. In the final section, 5.6, the reasons for the low level of EU impact on Turkish counter-terrorism policies will be discussed in the light of above mentioned independent variables.

5.2. Turkey's Policies for Countering the PKK

When the PKK launched its first attacks on 15 August 1984 in the towns of Eruh and Şemdinli,[14] Turkey was in a transition from a military regime to a civilian government. Martial law had been in force since 1978, mass trials were held in military courts, and torture was in widespread use by the law enforcement agencies (Dagi 2001: 18). According to the Freedom of House ratings, Turkey had been dropped from the rank of being a 'Free Country' (1975-1980) to being a 'Partly Free Country' since the military coup in 1980, in terms of political rights and civil liberties (Freedom House 2012). Within these poor democratic conditions, Turkey was caught unprepared by the PKK attacks. The institutional security capacity to confront ethnic separatist terrorist organisations was weak in terms of intelligence capabilities, democratic policing practices, and cooperation among law enforcement agencies (Interview_3 2012; Interview_27 2013). Furthermore, governing politicians lacked vision on how to deal with ethnic based terrorism (Interview_24 2013; Interview_27 2013). Therefore,

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[14] Eruh is town in the Siirt Province and Şemdinli is in the territory of Hakkari Province, both located in the Eastern part of Turkey.

Turkish politicians employed a military based counter-terrorism strategy towards the PKK (Interview_3 2012; Interview_4 2012; Interview_20 2013).

In order to combat the PKK, initially, a Village Guard System was established in 1985 by amending the Village Law. The new amendment gave the opportunity to the Turkish state to arm villagers in order to defend themselves against PKK attacks. According to a former Minister of the Interior, this system was proposed to the government by the Turkish Army in order to establish a paramilitary force in the Southeastern region that would support military forces where the Turkish army's troops were absent or under-deployed (Interview_20 2013). In particular, the system was employed to ensure security in mountainous areas where Turkish troops are not easily deployed (Kirişci and Winrow 1997: 129-30). However, during the pre-Helsinki years, the Kurdish tribal leaders, who were also strong political figures in the Southeastern region, used this system for their own benefit. They recruited village guards to increase the income of villagers as well their own wealth (as they confiscated a certain amount of the guard's salary) (Interview_20 2013; Interview_27 2013). According to official figures, the number of the guards jumped from 14,000 in 1988 to 62,000 in 1995 and reached to its highest level in the late 1990s with around 90,000 recruits (Kor 2009: 48-49). As a former Minister of Human Rights has emphasized, villages or tribes who refused to be part of this system were considered as PKK supporters, or disloyal to the Turkish state (Interview_27 2013). These poorly controlled paramilitary forces were involved in many human rights violations, such as extra judicial killings, torture, and village evacuations, and in crimes like rape, extortion, and bodily harm (E. Hughes 2006: 80; Kor 2009: 48-49). Furthermore, clashes between allied paramilitary forces and the PKK deepened intra-Kurdish animosities in the region (Barkey 2007: 357).

The hard-line counter-terrorism measures of Turkey towards the PKK were followed by the appointment of a regional State of Emergency governor who was empowered with extraordinary authority. He was assigned to

coordinate government activities and security institutions in ten Eastern provinces of Turkey that the PKK aimed to control (Interview_27 2013).[15] The State of Emergency governor was authorized to ban press publications, to evacuate villages, to impose internal exile, and to suspend demonstrations in circumstances of serious disruption in the public order (Turkish Ministerial Council 1987-1990). His action was not subject to any independent judicial review, which implicitly provided immunity for him (E. Hughes 2006: 81). However, the governor was only a figurehead of the Turkish Army Generals, and lacked the power to exert authority on security units (Interview_20 2013; Interview_27 2013). According to a former Minister of the Interior, the governor was appointed just to give the impression that the security forces were under the control of civilians (Interview_20 2013).

As part of the State of Emergency governor's authority, village evacuations were used to ensure security in provinces where PKK raids were frequent. According to a former Minister of Foreign Affairs, village evacuation was a result of employing a strategy of area dominance/control whilst struggling with the PKK. In this strategy, when PKK activities were located in mountainous areas, security forces controlled these areas forcibly evacuated villages in order to prevent them being utilized by the PKK for logistics, shelter, and recruitment (Interview_21 2013). The decisions to evacuate villages were never discussed with governments. Sometimes government ministers were ill-informed about them by security forces (Interview_21 2013; Interview_27 2013). According to some authors who are close to the Kurdish movement, during the 1990s the number of evacuated villages was 3,500 and the number of Internally Displaced People (IDP) was 3 million in total (McDowall 2004: 440; Yildiz and Muller 2008: 17). According to the figure given by the Turkish National Assembly Research Commission in 1997, more than 3,000 villages and hamlets were evacuated and approximately 450,000 people forced to leave their homes (Turkish National

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[15] These provinces were Diyarbakır, Bingöl, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van. In 1990, two other provinces Batman and Şırnak were added to these provinces.

Assembly Research Commission 1997). Ministry of Interior figures indicate that between 1984 and 1999, 945 villages and 2,021 hamlets were emptied, and 358,335 people were displaced (UN Secretay-General's Representative on Internally Displaced Persons 2006: 12).

Even though the official number of IDPs is not clear, the consequences of their existence are undeniable. These IDPs moved to cities such as Diyarbakır, Adana, Mersin and they were accommodated in shanty towns. According to the Turkish Economic and Social Studies Foundation (TESEV) report, these people suffered from poverty, unemployment, access to education, child labour and insufficient access to healthcare (Aker et al. 2005). They were also open to manipulation, which created a fertile ground for the PKK to sign up new recruits. According to the Child Soldiers Global Report, the PKK had been recruiting children from IDPs since 1994. It is believed that in 1998 there were 3,000 children among the PKK members (Coalition to Stop the Use of Child Soldiers 2008: 343). According to a former Minister of Human Rights, at that time neither politicians nor security forces were aware of the risks that these children might be future recruits of the PKK (Interview_27 2013).

In order to prevent the PKK attacks in the Eastern part of Turkey, the military presence in the region was increased. According to the International Institute for Strategic Studies, troop deployment numbers in the region, which was normally 90,000, increased to 160,000 in the 1994-1995 period (International Institute for Strategic Studies 1994: 36). With this increase, one third of the Turkish Army was deployed against the PKK (Barkey and Fuller 1997: 59). If the other security forces, such as police units, and village guards, are included, the total deployment reached was between 250,000-300,000 (Kirişci and Winrow 1997: 130). Engaging such a massive number of security forces for fighting terrorism under the state of emergency rules, which are not accountable to civilian authority, brought with it the use of excessive force towards sympathizers and members of the PKK.

In line with the increasing number of security forces, human rights violations in the Southeastern region followed a similar trend. According to the Human Rights Foundation of Turkey (HRFT)[16], between 1990 and 1998; 1,102 people were killed in "extra judicial killings", 1,683 political murders were committed by unknown perpetrators, 189 people disappeared because of their political views, and 348 people died when they were in detention. In addition to these numbers, in the same period there were 13,263 torture cases reported (Human Rights Foundation of Turkey 2000: 161). These actions mostly targeted Kurdish political figures in the region. For the extra judicial killings, political murders and disappearances, it is not easy to identify the real perpetrators. At the time of these executions/disappearances not only security forces but also the PKK and the Turkish Hezbollah[17] were suspected as being involved in these mysterious killings (Kirişci and Winrow 1997: 129). However, by failing to investigate and prevent these political murders, Turkish state authorities bear much of the blame for these human rights violations.

In contrast to the increasing number of human rights violations, the number of the investigations against the security forces for their abusive actions was not at the same level. According to the Ministry of Justice figures, from the beginning of the imposition of a state emergency in July 1987, to November 2002, a total of 1,275 torture allegations against security forces resulted in 60 convictions and only 4 of them resulted in a prison sentence (Tanrıkulu and Yavuz 2005: 517). This outcome was also related with procedures regarding the permission to investigate human rights violation allegations against the security forces. According to a former Minister of the Interior, during the 1990s, opening such an investigation against the security forces was difficult for the governors, because if a governor disputed with security forces, he would most likely be side-

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[16] The Human Rights Foundation of Turkey reports are mostly funded by the EU or member countries.
[17] An Islamic terrorist organisation active in south-eastern Turkey that targets PKK sympathizers and state officials.

lined or banished by the central government to another town, relying on the reports of the security forces. In this respect, governors were hesitant to get involved in these kinds of investigations, which undermined their authority on the security forces (Interview_20 2013).

In order to combat the PKK a new Anti-Terror Law (ATL) was also put into practice in April 1991. The new law was premised on a broad definition of terrorist activities that permitted security forces to violate the civil liberties of terror suspects. Any views linked with the Kurdish issue, or regional autonomy, were interpreted as undermining the integrity of the state and subject to counter-terror investigation. In addition to the broad definition, the ATL granted security forces with broad range of authorities at the expense of human rights. For example, terror suspects could be taken into the custody for up to 15 days (30 days in regions where state emergency has been declared) in relation to collectively committed crimes (CPT 1992: 8). In addition, any written-oral expression contrary to state arguments, were subject to criminal investigation, and many newspapers and periodicals were confiscated or banned. According to HRFT reports, between 1991 and 1998 more than 3,000 newspaper and journals, and more than 200 books were confiscated. The majority of these publications raised the Kurdish issue in their content. Decisions for confiscation were made mostly under the articles of the ATL (Human Rights Foundation of Turkey 1995, 1997, 1998, 2000).

Along with harsh legislative changes, the prosecution of terror crimes started to be held in State Security Courts (SSC). These courts were established after the 1980 military coup to try cases against the integrity and national security of the state. With an amendment of the SSC's procedure in law 3842 in 1992, terror crimes were added under the jurisdiction of these courts. These courts provided less protection to defendants than ordinary Turkish courts (E. Hughes 2006: 82). Furthermore, military judges could be assigned to the bench of these courts. The problem with the assignment of military judges was they

were all dependant on the Turkish army for their salary, pension, and disciplinary evaluation, which affected their impartiality. In the following years, the ECtHR found the presence of military judges to be a violation of the fair trial principles set out in article 6 of the ECHR (Ilbiz 2009).

Conducting military operations against PKK camps in Northern Iraq was another major counter-terrorism practice of Turkey between 1984 and 1998. Except for between 1988 to 1991, when the Iraq administration did not allow the Turkish Military to engage in cross border operations, more than 20 ground and air military operations were mounted in Northern Iraq (International Strategic Research Organisation 2007: 26-27). Even though in these operations hundreds of PKK members are predicted to have been eliminated, in return no major success in defeating the PKK was achieved. After the cross-border operations, the PKK continued to use its camps in Northern Iraq for training, providing logistics, and for sanctuary. According to senior EU officials, these operations were considered as a risk to the stability of the EU and the territorial integrity of Iraq, and to the safety of energy security (Interview_11 2013; Interview_14 2013).

In the early 1990s the first legal pro-Kurdish parties emerged in the Turkish political arena. The People's Labour Party (HEP) was founded in 1990 by the deputies who were dismissed from the Social Democratic People's Party (SHP) because of attending a conference regarding the Kurdish Institute in Paris. Two former state ministers, who were also members of the SHP, admitted that these deputies were dismissed from the party without any legitimate reasons (Interview_21 2013; Interview_27 2013). Similarly, as Marcus has indicated, contrary to common assumptions, interaction between these deputies and the PKK was loose in those years (Marcus 2007: 126-28). However, the Constitutional Court closed this party because of its promotion of PKK activities, and because of its having sectarian motives (Constitutional Court of the Republic of Turkey 1993). Shortly after the closure of the HEP in 1993, a successor party

(the Democracy Party (DEP)) was formed with the parliamentarians having resigned from the HEP. This time the PKK sympathizers took an active role in the party, unlike in the HEP (Marcus 2007: 224). However, the Constitutional Court closed down the DEP on a similar basis to that used in the case of the HEP (Constitutional Court of the Republic of Turkey 1994). Its thirteen deputies were stripped of their immunities by the decision of the Turkish Grand National Assembly (TBMM) and four of them were sentenced for their links with the PKK by the Ankara State Security Court. The People's Democracy Party (HADEP) continued to support the Kurdish cause after the closure of the DEP. It was founded in 1994. In contrast to previous pro-Kurdish parties, the HADEP maintained a moderate approach and distanced itself from the PKK. Even though the Party received over 4% of general votes in the 1995 general elections, and received the majority of votes in five Kurdish populated provinces, it failed to pass the 10% national threshold to join Turkish Parliament.

In sum, during the pre-Helsinki period, Turkish authorities preferred to employ hard-line counter-terrorism practices (such as the evacuation of villages, human rights violations, and banning political parties) to hinder the support of the PKK. These actions not only targeted PKK members and sympathizers, but also Kurdish citizens who tried to be neutral between the PKK and the Turkish state. Due to these harsh security measures, the Turkish state played into the hands of the PKK. Those who were supporting the application of a peaceful solution to the Kurdish issue were pushed to support the PKK, and its popularity in the region increased. The bad reputation of Turkey's hard-line counter terror practices also went beyond its borders. The EU took these actions seriously when considering Turkey's prospective EU membership.

5.3. The EU Response to Turkish Counter-Terrorism Practices

From the beginning of the 1980s Turkey- EEC relations were in a stalemate due to the military coup of 1980. Financial assistance provided by the Community was blocked. The Joint Parliamentary Committee (JPC), which is the only liaising

organ between the EEC and Turkey, was suspended (Dagi 2001). Poor democratic conditions and human rights violations in Turkey were criticized by the EP resolutions. According to the Balfe Report[18], which was prepared at the request of the European Parliament, human rights standards in Turkey were found to be far below the most elementary standards of European countries in those years. Turkey was criticized for regularly implementing the death penalty, not only in the EEC, and but also among the 21 member countries of the Council of Europe. Furthermore, widespread torture cases in detention centres, the infringement of the rights of political prisoners, the lack of freedom of expression and assembly, were all emphasized as poor human rights practices in Turkey. The report did not recommend the resumption of the parliamentary relations that existed between Turkey and the Community before the 1980 military intervention, until concrete steps were taken by the Turkish authorities (Balfe 1985). In view of these circumstances, there was no official way for the Community to influence Turkish polity, politics, and policies until the late 1980's.

The first major opportunity for the EEC to influence Turkish counter-terrorism policy came when Turkey applied for full membership in April 1987. At the time of this application, Turkey was striving to improve its relations with the oil-rich Middle East countries to increase its exports. However, Turkish entrepreneurs had little interest in these countries (Interview_17 2013). Moreover, due to fluctuating oil prices Prime Minister Özal was looking for more stable markets and financial resources than those that existed in the EEC (Birand 2005: 325; Dagi 2001: 19). Along with the economic motives, Turkey's application was also based on political reasons. According to one of the former Turkish ambassadors, Turkey had always been part of European integration, because it had taken part in NATO and the Council of Europe since the Second World War. In this respect, Turkish political actors were aware that it would have been a strategic failure for Turkey, if it were excluded from European

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[18] British Member of the European Parliament and rapporteur for the European Parliament's Political Affairs Committee.

integration. Therefore, Turkey applied for EEC membership (Interview_17 2013). After Turkey's application, the political pressure of the EEC gradually increased for Turkey to align itself with the democratic standards of the member countries.

During the first years of Turkey's application, the most important actor concerned with Turkey's hard-line counter-terrorism practices was still the EP. After the Single European Act, the Parliament gained the power to authorize the accession of new member countries to the Community. Therefore, the Parliament acquired a critical role in judging Turkey's political standards (Dagi 2001: 29). After Turkey's official application, the EP intensified its criticism. For example, in a resolution adopted in 1988, the terrorist actions of the PKK were condemned, and Turkey was called to recognize the fundamental human rights of the Kurdish minority before there could be a resumption the relations between the EEC and Turkey (European Parliament 1988: 128). However, Turkish authorities did not take the EP calls seriously, because of the continuing PKK attacks in the Southeast of Turkey. Furthermore, there was an understanding among the Turkish political actors that these requirements could be fulfilled in the long term, but not at that time (Interview_20 2013; Interview_27 2013).

The political background of European parliamentarians was very influential in passing the EC resolutions. If their electorate's self-interest conflicted with Turkish policies these members tended to be partial against Turkey. For example, Greek MP's were famous for lobbying and voting in block for resolutions that targeted Turkey, due to tension between Greek and Turkish foreign policies (Sugden 2004: 245). Similarly, the growing Kurdish diaspora from the 1980s developed a transnational network including pro-Kurdish associations and media in European countries. Turkey's hard-line counter-terrorism policy and its failure to protect human rights paved the way for the Kurdish diaspora to legitimize PKK's violent actions (Interview_5 2012; Interview_10 2012). Therefore, diaspora organisations were used by the PKK for lobbying activities that targeted members of the EP, and to a lesser extent, members of the

European Commission (Casier 2011: 202). The EP groups (such as the Confederal Group of the European United Left (GUE), the Nordic Green Left (NGL) and the Greens/European Free Alliances (Greens/EFA)) kept the problems of the Turkish Kurds on the EP agenda (Casier 2011: 203).

When Turkey's application was rejected in 1989 after waiting for two years, Turkish politicians faced their first disappointment. According to the Commission of the European Communities (CEC) decision, Turkey was considered as a highly populated country, and its economic development was found to be far behind the Community average. In addition, its human rights situation and its respect for the identity of minorities, were not seen to be at the required level for a democracy (Commission of the European Communities 1989). However, the Commission did not specify in what terms Turkish human rights standards were below those of a democratic country. Furthermore, the PKK and the Kurdish question were not specifically addressed in this decision. The economic concerns of the EEC seemed to be more significant in this decision than the poor human rights conditions in Turkey. In this respect, before the Cold War, the EEC countries greatly prioritised the economic parameters of candidate countries, rather than their human rights standards, for their accession to the Community.

Rising violence in the Southeast of Turkey during the early 1990s also led to a deterioration in relations between Turkey and European countries. Germany, one of Turkey's largest military suppliers, suspended military shipments in 1992, 1994 and 1995 as a reaction to Turkey's counter-terrorism policies towards the PKK (Ron 1995: 36). The depiction of German provided weapons being used for inhuman counter-terror practices in the European media alerted the German government to the fact that these weapons were not being used by Turkey for NATO purposes. However, the arms embargos did not last for more than a year because of the diplomatic pressure that Turkey applied to Germany (Criss 1995: 23-24). Similarly, France condemned Turkey's incursion

into Iraq for counter-terror purposes. However, they continued to sell military helicopters to Turkey, even when they were aware that these helicopters were being used for countering the PKK in cross-border operations (Ron 1995: 37). As these examples indicate, the commercial interests of the member states overweighed the normative concerns about Turkey. According to a former Turkish Minister of Human Rights, at that time European countries were aware that, as a member of NATO, Turkey needed heavy artillery to strengthen its defence sector. However, their reaction towards Turkey was motivated by their wish to appease the harsh criticisms of their domestic opponents (Interview_27 2013). But, their inconsistent approach was also creating sincerity issues among the Turkish politicians (Interview_21 2013).

Turkey's intolerance towards pro-Kurdish parties and Kurdish politicians were also not welcomed by the EU. When the Constitutional Court closed the pro-Kurdish party (the DEP), and the Ankara State Security Court imprisoned their four deputies, the European Commission condemned the imprisonment of freely elected politicians and urged Turkey to respect human rights (European Council 1994). However, the only solid reaction from the EU was given by the EP, in which Leyla Zana (who was one of the arrested deputies) was awarded with the Sakharov Prize for freedom of thought in 1995. Nevertheless, this attempt did not influence the Turkish judiciary, and these MPs were not released.

When the European Union welcomed the CEEC's to the Copenhagen European Council in 1993, Turkey was still asked to fulfil requirements laid out in the Association Agreement of 1963. This was an important indication that the CEEC's were considered more favourably than Turkey in the eyes of the Union. Furthermore, the CEEC's were easier for the EU to absorb given their smaller populations and links to European culture. Turkey, by comparison, had an undeveloped economy and high Muslim population. In consideration of Turkey's disadvantages, the Turkish political elite looked for an alternative way to gain

membership. The Customs Union was seen as the key to opening the membership door to the EU (Faucompret and Konings 2008: 35).

When the Custom Union negotiations started between Turkey and the EU, the Commission and member states were determined to implement an agreement to develop closer relations with Turkey given Turkey's contribution to European Security and Defence Policy (ESDP) (due to its powerful army and highly populated market potential). Furthermore, the Customs Union agreement was not a costly decision for the EU, compared with admitting Turkey as a member. However, the benefits to Turkey from becoming a part of the Customs Union were far lower than those it would have gained from becoming a member country. Therefore, leading members of the Union (such as Germany, France, and UK), and the global companies which have investments in Turkey, lobbied in favour of Turkey before a member of the Customs Union (Interview_21 2013). They defended a flexible approach in applying political conditionality to Turkey (Arikan 2002: 35). However, at the time of these negotiations the EP took PKK related issues to the EU agenda. In a EP resolution in 1995, allowing Turkey into the Customs Union with its poor human rights record was considered risky for the Union (European Parliament 1995a: 100). In another resolution, Turkey was condemned for its intervention in Northern Iraq. The Parliament urged the Commission, the Council, and the member countries, to take the necessary actions against Turkey to encourage it to withdraw its troops from Northern Iraq and amend its domestic legislation (European Parliament 1995b: 107-08). However, the EP's efforts to lay down conditions that Turkey must meet before signing the Customs Union agreement, had limited impact on the Commission and member states. The only exception was that the EP succeeded in convincing Turkish authorities to amend article 8 of the Turkish Anti-terror Law, which previously limited freedom of expression. In the end, even though the EP was not satisfied with the overall human rights record of Turkey, the Parliament

eventually allowed Turkey to join the Customs Union due to pressure from leading member countries and the Commission (Usul 2011: 79-80).

Signing the Customs Union agreement did not liberate Turkey from the harsh critiques of the EP. In the years following the Customs Union, Turkey's counter-terrorism practices against the PKK continued to be subject to EP resolutions. In a resolution in June 1996, the EP called upon Turkey to end military operations in the Southeast of the country, and negotiate with Kurdish organizations such as the PKK, without specifying their names. The Turkish government was also urged to immediately release the imprisoned deputies (Leyla Zana and the others) (European Parliament 1996a: 209). Just after the release of this resolution, in September 1996, the European Parliament announced another resolution emphasizing its disappointment regarding the human rights situation in Turkey since the formation of the Customs Union. The EP called on the Commission to suspend funds allocated for Turkey, except for those to be used for promoting democracy and human rights. Contrary to the previous resolutions, for the first time, the Southeast of Turkey was described as 'Kurdistan' (European Parliament 1996b: 188). As these resolutions indicated, the EU institutions critical approach towards Turkey gradually increased after the Customs Union, in line with Turkey's progressive integration into the EU. In another words, the more Turkey became integrated into the Union, the more frequently the EU institutions found the opportunity to intervene in Turkish domestic politics.

When the ToA was signed in 1997, Turkey's PKK issue became another handicap for Turkey in its attempt to become an EU member. The ToA established an AFSJ that aimed to create a zone for EU citizens inside the Union. Its purpose was to keep its citizens free from external security threats, and provide them freedom of movement. In that sense, candidate countries were required to enhance their law enforcement capabilities, and solve their instabilities (such as terrorism, organised crime, and human trafficking) before

being granted membership. The EU did not want to import these security problems into the Union (Interview_14 2013). At this time Turkey's candidacy was in consideration, but there were also other candidate countries among the CEECs (such as Romania, Latvia, Hungary and Slovenia) who were facing ethnic minority right problems of their own. However, the ethnic minority issues faced by these countries did not have a terrorism dimension (Interview_14 2013). Therefore, accepting Turkey into the AFSJ was a costly decision for the EU, when Turkey is compared with the CEECs. Turkey's problematic ethnic terrorism issue distinguished it from the CEEC's.

In the 'Agenda 2000', which was published in 1997 as a European Commission action plan on the upcoming Eastern enlargement, Turkey's problematic counter-terrorism policies were again highlighted by the Commission (Commission of the European Communities 1997: 56). In the section allocated to Turkey, torture, extra-judicial killings, and disappearances were considered as major problems. It was suggested to Turkish authorities that they must control their security forces to prevent these cases, and restrain hard-line counter-terrorism practices by sustaining the rule of law and human rights. They were strongly urged to seek a peaceful solution instead of adopting a military strategy (Commission of the European Communities 1997: 56). Based on these reasons, the Commission excluded Turkey from joining the EU along with the CEECs,[19] and put it into a separate category (Commission of the European Communities 1997: 57-59).

Along with the EP and the Commission, the European Council also changed its position towards Turkey's candidacy, despite previously being supportive of Turkey's admission to the Customs Union. In the Luxembourg Council in 1997, even though Turkey was seen as eligible for membership, its name was not put on the short list of candidate countries. Political and economic conditions in Turkey were found to be inadequate to allow accession

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[19] These countries were Hungary, Poland, Estonia, Slovenia and Czech Republic.

negotiations to begin. Turkey was required to align its human rights conditions with the standards of the EU to improve its relations (European Council 1997). The President of the European Council, Jean Claude Juncker, defended the Council's decision by saying that the EU cannot sit at the table with a country where torture is widespread (Kinzer 1998). According to senior EU officials, the exclusion of Turkey cannot only be explained by Turkey's hard-line counter terrorism policy towards the PKK. There were also other reasons which were influential on Council's decision, such as the fact that Turkey shared its borders with Middle East Countries, its underdeveloped economy, and its high population in comparison to the CEECs (Interview_11 2013; Interview_13 2013; Interview_14 2013; Interview_15 2013; Interview_19 2013). However, keeping Turkey from becoming a candidate country inevitably disappointed Turkish political actors once again (Interview_8 2012). As a result of that, Ankara decided to suspend relations with the EU, rather than revising its counter-terrorism strategy against the PKK. As a reaction to the EU, Turkish prime minister Mesut Yılmaz accused the German Chancellor Helmut Kohl for trying to make the EU a "Christian Club", and he did not participate in the European Conference in London in March 1998 (T. Smith 2003c: 119).

Turkey's harsh reaction alarmed EU representatives due to the risk of bilateral relations with the EU and Turkey being interrupted. According to a senior Ministry for EU Affairs official, and a former Turkish ambassador, leaving Turkey on its own was a risky decision for the EU, as democracy and human rights could further deteriorate, and this could have unexpected results for the EU. Keeping Turkey on track was considered less costly to the EU than excluding it from the enlargement policy (Interview_17 2013; Interview_18 2013). Therefore, the EU representatives tried to convince Turkey to engage in negotiations by holding high profile meetings between March and April 1998. However, the Turkish side gave a sign that these were empty gestures (Evans 1999). In order to reassure Turkey's political elite of the credibility of its

promises, the Commission determined to prepare Turkey for candidacy in the Cardiff European Council in June 1998. The harmonization of Turkish legislation with the EU *acquis* was set as a first priority to develop EU-Turkey relations (European Council 1998). It was decided that Turkey's progress was to be monitored thorough the progression reports, even though Turkey did not have candidacy status like the CEECs.

The human rights dimension of Turkey's counter-terrorism measures against the PKK were evaluated in the section allotted for 'Political Criteria' in the first progression report in 1998. The report emphasized that the army is not subject to civilian control, and they sometimes act without notifying the governments in certain large-scale counter-terrorism operations. The impartiality of military judges in the State Security Courts was highlighted as violating fair trial principles and Turkish authorities were called to ensure their judicial system was consistent with the ECHR principles. Torture, disappearances, and extra-judicial killings were stated as still being a problem for Turkey. Turkish authorities were urged once more to find a non-military solution to the PKK problems, including lifting state emergency rule, and strengthening human rights protection mechanisms (Commission of the European Communities 1998: 12-20). This progression report was most detailed version of EU's evaluation on Turkey's counter-terrorism policy that there had ever been. In this document, the EU requirements became much clearer, and they were gathered together in one place, in stark comparison to the previous situation in which the requirements were spread across a great many European Parliament resolutions.

In short, during the pre-Helsinki Period, the EEC/EU reaction to Turkish counter-terrorism policy was voiced mostly by the EP through their resolutions. These resolutions did not address how Turkey should change its counter-terrorism policy. They were very broad in their wording and open to interpretation. These requirements were not fixed in the legislative system of the Community. The EP pressure on Turkey to change its counter-terrorism

policy was not very influential, due to inconsistency between the EP and leading member states. Even though the EP argued to suspend relations with Turkey for its failure on human rights, member states desired the integration of Turkey to the EU for their self-interest (e.g. because of Turkey's contribution to the ESDP and its potential market to EU companies). However, support of member countries for Turkey's integration did not go beyond the Customs Union agreement. Turkey was affiliated with the Union without its being granted membership. During the 1990s, the transformation of the EU from an Economic Community to a political Union also had a negative impact on EU demands. But by 1998 the demands on Turkey had become much clearer.

5.4. The Impact of the EU on Rule Adoption

Despite the fact that during the pre-Helsinki period the EU was not very influential on Turkey in changing its counter-terrorism policies, Turkey still adopted some of the EU's norms. This occurred as a result of the ratification of EU promoted international laws, the transposition of EU promoted rules into domestic legislation, and institution building initiatives in line with the EU requirements.

5.4.1. Ratification of International Laws

The first major attempt to convince the EEC that Turkey was complying with the European human rights standards came two months before Turkey's reapplication to the Community in January 1987. The European Convention of Human Rights is one of the binding conventions for all member countries and candidate countries that wish to become members, even though it is not part of the EU's own legal framework. Turkey recognized the authority of the European Commission of Human Rights (an organ of the Council of Europe) to receive individual petitions regarding Turkey's human rights violations. The Commission is responsible for preparing reports about the human rights violation of disputed countries to the Committee of Ministers, whose decision is binding on all

signatory states (Aral 2000: 45). The initial application was made for a three-year period, and it was extended two months before the European Commission's decision about Turkey's membership (Ulusoy 2007: 482). During the second extension, Turkey also recognised the compulsory jurisdiction of the ECtHR (Aral 2000: 45). With this decision, Turkey was one of the last members of the Council of Europe which recognized the rulings of the ECtHR (Kaboğlu and Koutnatzis 2008: 458).

After Turkey's decision, victims of misconducted counter-terror operations could apply to the ECtHR to sue Turkey for their human rights violations. According to a former Turkish ambassador, this decision came before Turkey's application to the Community, to impress the European authorities. In that sense, there was a strong link between the recognition of the ECtHR jurisdiction, and community membership (Interview_17 2013). However, in its application, Turkey declared that it could derogate some of the articles of the ECHR in extraordinary circumstances, such as 'war' and a 'state of emergency'. This right has been used in 1990, 1991, and 1992 respectively. Turkish authorities sent a notices of derogation to the Council of Europe on each occasion to suspend articles 5, 6, 8, 10, 11, and 13 of the ECHR, on the account for the intense conflict between the Turkish Army and the PKK (Permanent Representation of Turkey to the Council of Europe 1990).

The second step launched to comply with the international law was the ratification of anti-torture conventions. Turkey ratified "The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment" on February 1988. At the time of this decision, Turkey was one of the first countries to ratify the Convention (Council of Europe 2013). A few months later, in April 1988, Turkey also ratified "The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". The ratification of both conventions had been completed when Turkey's membership application was under evaluation by the European Commission. They were

targeted to convince the EEC that Turkey was committed to the improvement of human rights in the country (Interview_2 2012; Interview_17 2013).[20] In practice, however, implementation of both conventions by law enforcement agencies failed. The CPT released two public statements in 1992 and 1996 against Turkey. Public statements are generally used by the Committee to embarrass a government by negative exposure, and to force them to align their policies with the standards of the ECHR. The on-going failure of Turkish authorities to improve legal safeguards against the torture and ill treatment in the Anti-terror Departments was emphasized as one of the reasons for the release of the reports (CPT 1992, 1996).

The first ratifications took place before Turkey's membership application, and the second before the decision of the European Commission on Turkey's application was made. They were cosmetic changes made to influence the Commission and member countries. Therefore, the ratification of neither convention led to an improvement in human rights standards in the counter-terror domain. For instance, Turkish authorities derogated some of the articles of the ECHR, and Turkey lost many cases in the ECtHR in order to continue its hard-line practices against the PKK (Interview_2 2012). In addition, the CPT posted two public declarations against Turkey.

Along with these problems, the eagerness of Turkish politicians to ratify international conventions did not continue after the Commission rebuffed Turkey's application. Conventions such as the Framework Convention on Protection of National Minorities, the European Charter for Regional and Minority Languages, and additional Protocols of the ECHR (e.g. Protocol 6, which abolishes death penalty) were not ratified by Turkish governments at this time.

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[20] The difference between the two conventions was they had different institutional mechanisms for monitoring human rights violations in the contracting states. The UN Committee against Torture, which monitors the implementation of UN convention, did not have a subcommittee to visit detention centres until 2002, and it was not allowed make visits without the respective government's permission. On the other hand, the Council of Europe's subsidiary organ, the Committee for the Prevention of Torture (CPT), had right to visit the custody facilities with its independent experts without taking preliminary permission from national authorities.

In this regard, Turkish political actors pursued a selective approach towards the international conventions, and preferred to sign up to agreements improving human rights situation in the country, rather than conventions granting rights to ethnic minorities. The politicians and bureaucrats who were on duty during the pre-Helsinki period clearly state that the concerns stemming from the PKK and the Kurdish Question were the major reasons why Turkish authorities were reluctant to adopt ethnic minority rights conventions (Interview_17 2013; Interview_21 2013; Interview_23 2013; Interview_27 2013). In this respect, in consideration of the ratification of international conventions in the pre-Helsinki period, the EU impact was low on Turkish counter-terrorism policy.

5.4.2. Domestic Legislative Changes

The first domestic legislative change targeting Kurdish citizens came in April 1991 when the ban on the use of the Kurdish language was lifted. This ban was put into practice by the military regime in 1983 through the law 2932, which prescribed imprisonment for those using languages other than Turkish (E. Hughes 2006: 83). At the time of this legislative change, Iraqi Kurds were also voicing their expectation of autonomy in Iraq, which increased the risk that Turkey would face similar aspirations among Turkish Kurds (Associated Press 1991). Turkish politicians also understood that it was impossible to put this ban into practice in a region where a great majority were Kurdish (Interview_17 2013). Therefore, Özal's Government allowed using Kurdish in daily activities, such as cultural events. However, using Kurdish in education and public services was not added into these changes, due to the risks of demands for autonomy that would likely follow. According to a former Turkish ambassador, in this legislative change, relations with the European Community were more influential than regional risks in shaping the decision of the Turkish government (Interview_17 2013).

The second important domestic legislative change was the introduction of the Code of Criminal Procedure Law (CCPL) in April 1992. The new law

provided certain rights to suspects that protected them from ill-treatment, such as the right to notify a relative of one's custody, the right to access a lawyer, the documenting of interrogation processes, and the right to apply to a judge for immediate release. Furthermore, the CCPL reduced the maximum detention period from 15 days to 24 hours. However, terror suspects who were under the jurisdiction of state security courts were excluded from the protections of the CCPL (CPT 1992: 8). Even though this legislative amendment made for improvements in the human rights conditions in Turkey, it did not touch upon counter-terrorism policy.

The third domestic legislative change was the amendment of article 8 of the Anti-terror law in October 1995. This amendment was made a few months before the decision about the Customs Union. The European Parliament required Turkey to abolish or change this article several times. However, no priority was given to change this article until the Customs Union (Usul 2011: 95). According to a former Minister of Foreign Affairs, during the Customs Union negotiations this legislative change was brought to the table by EU officials and domestic politicians (who were in favour of amendment) who benefited from the EU requirements to pass this legislation in Parliament (Interview_21 2013). The article, which forbade "written and oral propaganda against the indivisibility of state, regardless of method and intent of the perpetrator", was revised after the amendment, and the phase "regardless of method and intent" removed from the article. Also, a new amendment reduced the duration of imprisonment and created the possibility of converting prison terms into fines. The revision was applied retrospectively to former cases and 82 individuals were released after the amendment (Human Rights Watch 1999: 23-24). Even though this amendment aimed to bring freedom of thought to Turkey, public prosecutors in Turkey continued to impose the same punishments, but did so under different Penal Code articles which punish inciting racial, ethnic, or religious enmity (E. Hughes 2006: 88). In that sense, the legislative efforts of the politicians made

little difference because the spirit of the changes were not embraced by state officials and the judiciary.

The final amendment in regards to Turkish counter-terrorism policy came in March 1997 in the CCPL. According to new changes, the maximum detention periods were reduced for detainees who were on trial in State Security Courts. This amendment redeemed the problem with the previous version of the CCPL in 1992. In the new version of the article, detention periods for terror suspects were reduced by a half. The previous detention periods had been a problem for Turkey, as their length violated the liberty and security principles set out in article 5 of the ECHR. In the state of emergency regions, the maximum detention period of 30 days was reduced to 10 days. Outside of these regions, the maximum period was reduced from 14 days to 4 days. In both circumstances, extended detention periods could only be used if a request was made to the public prosecutor and the agreement of a magistrate obtained. The Government plan to reduce detention periods for collective crimes gave an impression that it was mostly influenced by the CPT recommendations, rather than the EP resolutions. At a press conference in London, the Foreign Minister Tansu Çiller announced that "We courageously take the CPT findings and if they prove true, we will identify those responsible and punish them" (Human Rights Watch 1997: 5). After her speech, the bill was submitted to Parliament and it was passed in line with the CPT requirements. As indicated by this example, the EU's monitoring mechanisms and legal frameworks were not well enough developed to influence candidate countries, and most influence came from the Council of Europe. Therefore, the clarity of the EU requirements were not as strong as those of the Council of Europe. Furthermore, concrete recommendations made by other international organisations reduced the legitimacy of the EU's demands on Turkey. The EU could not create the perception that they "owned" these recommendations, and so their influence on Turkey was limited and their demands lacked legitimacy.

During the pre-Helsinki period, Turkey made several domestic legislative changes to improve the human rights situation in the country. These changes were not only made to satisfy the EU, but also to improve Turkey's diminishing reputation in the human rights domain (CPT Public Statements) and to enhance Turkey's position in the international arena so that they could more easily deal with anticipated regional crises (e.g. the Refugee Crisis in Northern Iraq). Most of these amendments were limited in scope. Lifting the ban on Kurdish was only limited to daily activities, and did not cover educational rights and public services. In addition, in the first version of the CCPL, terror suspects were excluded from having rights which protected them from torture. Furthermore, the implementation of some of the amendments did not bring the expected results. For instance, article 8 of the ATL was amended to improve the right of freedom of expression, but public prosecutors continued as before by opening cases under different penal code articles. In the light of these findings, the impact of the EU on domestic legislative changes was low in regards to Turkey's counter-terrorism policy in the pre-Helsinki period.

5.4.3. Institution Building

The first institution to investigate human rights violations, 'The Turkish Parliament Human Rights Inquiry Committee' (TPHRIC), was established in December 1990. According to a former head of the TPHRIC, the EU requirements to establish an independent human rights institution was influential for setting up this Committee (Interview_25 2013). The committee was tasked with investigating, monitoring, and reporting human rights violations nationwide. It consisted of members from the political parties and independent members of the Turkish Grand National Assembly. The Committee was the first monitoring mechanism at a national level that protected human rights (Turkish National Assembly 2013). However, it had an advisory role, rather than an executive role on human rights inquiries, and its reports were not influential on administrative units. Furthermore, until the early 2000s the Committee was not

institutionalized, and the work it did attracted little attention (Interview_25 2013).

During the same period, in 1996, the 'Missing Persons Bureau' was set up within the Turkish National Police. The Bureau was assigned to investigate allegations about missing persons who had disappeared after they were taken into police custody, or who had disappeared during the counter-terrorism operations in Southeastern Turkey (U.S. Department of State 1996). Although, the government and the security forces were held responsible for many disappearances, in general people avoided contacting this government office (Van Westering 2000: 102-03). The inefficiency of the Bureau was also emphasized by the Commission in its first progression report in 1998 (Commission of the European Communities 1998: 17).

The High Coordinating Committee on Human Rights was another human rights institution, which was established in April 1997. According to former members of the Committee, at the time of its establishment, Turkey was losing many cases in the ECtHR with regards to its counter-terrorism policies. In order to reduce the number of cases against Turkey, this committee was established. Aside from this, it was also thought that establishing this committee would support Turkey's relations with the EU (Interview_16 2013; Interview_17 2013). The committee was responsible for coordinating and improving the human rights situation in Turkey. The Minister of State responsible for human rights chaired the Committee. There were also representatives from the Prime Ministry, the Ministry of Justice, the Ministry of the Interior and the Ministry of Foreign Affairs, who all attended committee meetings. The Committee also held well-attended meetings in different cities and they regularly invited Human Rights NGO's (Interview_27 2013). The Committee's decisions were recommendatory for the executive law enforcement institutions. However, the Committee made notable initiatives when there was a powerful human rights minister in cabinet (Interview_16 2013). One of the important contributions of the Committee on

counter-terrorism policy was that it prepared a draft law on the prosecution of civil servants, which aimed to make the prosecution of security forces easier in cases where they were involved in torture and ill-treatment (Commission of the European Communities 1998: 17).

In short, during the pre-Helsinki period, Turkey established a number of institutions to monitor and improve human rights conditions, and to investigate human rights violations. However, these institutions were recommendatory institutions only, and were deprived of executive powers. Therefore, their influence was limited in the counter-terrorism domain. Furthermore, aside from the Parliamentary Inquiry Committee, the two other committees that were formed were linked with state institutions. As such, there were problems regarding their independence from the institutions they were linked with. In addition, these committees were part of the same administrative framework as the law enforcement services, and lacked NGO members, and as a consequence they were often unwilling to criticise the law enforcement forces. According to interview results, the EU influence was undeniable in the construction of these institutions. However, an increasing number ECtHR decisions against Turkey was another major dynamic, which also undermined the EU influence. Therefore, in consideration of these circumstances, the EU influence was low in the pre-Helsinki period in terms of institutions building initiatives.

5.5. The Application of EU Conditionality and Socialization in the Pre-Helsinki Period

There were internal (domestic level) and external (the EU level) mediating factors that led to there being a low level of EU impact on Turkish counter-terrorism policies. In this section these factors will be examined in detail to understand why the EU requirements did not yield the expected results. In order to explain policy changes, four sets of factors: Credibility of Conditionality,

Adoptions Costs, Legitimacy of EU requirements, and Domestic Resonance will be used.[21]

5.5.1. Credibility of Conditionality

The most important factor in explaining why the EU was not influential on Turkey's political behaviour was the EU did not give a clear membership prospects to Turkey during the pre-Helsinki period. Despite Turkey's positive but inadequate steps to fulfil the EU requirements (such as recognizing individual application to the ECtHR, the ratification of anti-torture conventions, amending the ATL, and establishing human rights monitoring mechanisms), the EU dashed Turkey's hopes twice, once in 1989 and again in 1997. As discussed earlier (see section 5.4.), even though the reforms appeared to be cosmetic changes implemented merely to influence the EU decision, the lack of membership prospects played a major role in these reforms not being taken further in Turkey.

The second major factor was that the EU was inconsistent in its application of the conditionality strategy. On the one hand, the EU was trying to keep Turkey on the enlargement track. On the other hand, it refrained from entering into full relations with Turkey (Interview_17 2013). This inconsistency created suspicion among the Turkish political actors that, whatever Turkey did, it would never become a member of the EU (Interview_1 2012).

Thirdly, there was divergence among the EU institutions and member countries regarding Turkey's accession to the EU. For instance, divergence between the EP and member countries was clearer before the Customs Union agreement. On the one hand, the EP was setting conditions on Turkey to transform its counter-terrorism policies in order to join the Customs Union. On the other hand, leading member countries were lobbying in favour of Turkey joining the Customs Union, whether or not they met those conditions (i.e. because Turkey's joining the Customs Union was in these countries interests).

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[21] See chapter three for the details why these independent variables were picked.

Such a contradiction undermined the EU's conditionality strategy towards Turkey.

Fourthly, the EU's partial approach against Turkey also undermined the conditionality strategy of the EU. The EU's subjectivity became obvious during the CEEC's enlargement. Even though human rights conditions in Slovakia, Hungary, Bulgaria and Romania were at an unsatisfactory level to start negotiations, the EU were more favourable to these countries (Arikan 2002: 38-40; Baç 1998: 255). On the other hand, when it came to a decision on Turkey, the EU refrained from starting negotiations. As indicated earlier, absorbing CEECs was easier for the EU due to their cultural links, low population, and low budget cost. However, Turkey had a high population and a different cultural heritage. Furthermore, the accession of Turkey to the EU would increase the enlargement budget of the EU (Interview_18 2013).

In consideration of these circumstances, the credibility of EU conditionality was at a low level during the pre-Helsinki period. Perhaps, if the EU did not withhold membership prospects from Turkey, the counter-terrorism policies of Turkey would have been transformed in line with the EU requirements, and reforms would not have been interrupted.

5.5.2. Adoption Costs

The conflict between Turkish security forces and the PKK was its peak level during the pre-Helsinki period. So, the PKK's terrorist actions were the major adoption cost for Turkish governments in adopting the EU promoted human rights norms. According to the statistics derived from Turkish General Staff, Turkish National Police, and General Command of Gendarmerie, total fatalities were 34,070 (5205 public servants, 5222 civilians and 23643 terrorists) in the period from 1984 to 1998 (Şener 2010). In order to prevent PKK attacks, new counter-terrorism measures (such as the declaration of a state of emergency, the village guard system, the evacuation of villages, and the Anti-terror Law) were put into effect, which led to a deterioration in Turkey's human rights

record. According to a former Minister of Foreign Affairs, during the 1980s and 1990s political environment it was not easy to defend adoption of EU promoted human rights norms, because every day tens of people were dying. The parties who were supportive of democratic reforms were accused of being secessionist and undermining the counter-terrorism struggle (Interview_21 2013).

During the same period, there was a considerable support for a military solution to PKK terrorism. This support not only emanated from increasing fatalities, but also from the overlapping demands of the PKK and the EU requirements from Turkish governments. The leader of the PKK, Ocalan, required that Kurdish identity must accepted by Turkey (Gunter 1998: 3) and he demanded that democratic conditions were fulfilled (Gunter 2011: 94). Similarly, the EP was calling on Turkey to recognize the fundamental rights of the Kurdish minority (European Parliament 1988: 128) and negotiate with Kurdish organizations (European Parliament 1996a: 209). Such a match between PKK and EU demands played into the hands of nationalists and Kemalist elites, and were used to arouse nationalist sentiments. They claimed that the EU requirements were targeting Turkey's territorial integrity. As Tocci indicated, the Sevres Syndrome[22] exacerbated these views (Tocci 2007: 69). Therefore, the Turkish political elite were reluctant to adopt the EU promoted rules in consideration of the electorate risks doing so posed.

Public statements by pro-Kurdish party politicians also aroused nationalist sentiments, which also increased the adoption cost of fulfilling EU demands for Turkish political actors. In a public statement in 1994, the DEP Chairman Hatip Dicle argued that "murder of unarmed cadets is normal in a state of war" (Criss 1995: 27). During the Parliamentary oath taking in 1991, newly elected Kurdish deputies refused to repeat parts of the oath, i.e. the words "indivisible integrity of the country and nation" (Kirişci and Winrow 1997:

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[22] The Sevres Syndrome comes from the 1920 Sevres Treaty, which imposed Kurdish secession to the Ottoman Empire by Western Allies. Since then, any attempt by Europe for peaceful solution to the Kurdish Question was considered as a risk to territorial integrity in Turkey.

137). Furthermore, Yaşar Kaya, a former DEP president, defended the Czechoslovakian model for a solution to the Kurdish Question, i.e. that separate states for Kurds and Turks should be formed (Kirişci and Winrow 1997: 147). These statements were taken to prove that the defenders of hard-line arguments were right that granting rights to Kurds was risky for the territorial integrity of the Turkish Republic. Most of these statements were also used by the Constitutional Court as evidence to close the pro-Kurdish party, the DEP (Constitutional Court of the Republic of Turkey 1994).

The continuation of hard-line counter-terrorism policies was also favourable to security personnel. According to Kirişçi and Windrow, after the declaration of emergency in the Southeast of Turkey, security officers enjoyed considerable increases in their salaries due to compensation paid by the government. Furthermore, village guards were paid because of the PKK threat in the region (Kirişci and Winrow 1997: 132). Therefore, the EU promoted peaceful solution was also costly for security officers and village guards.

In the light of these circumstances, the adoption cost of the EU promoted rules was high during the Pre-Helsinki period for Turkish governments. Increasing fatalities due to PKK attacks, the overlapping demands of the PKK and the EU (which were abused by nationalist and Kemalist elites), provocative expressions of pro-Kurdish politicians, and the demand for the continuation of the status quo in the Southeastern region for financial benefits, are some reasons why the adoption of EU promoted rules were costly for Turkish politicians.

5.5.3. Legitimacy of the EU Requirements

From 1987 onwards, the EU voiced its discontent about Turkey's hard-line counter-terrorism policies, and the mishandling of the Kurdish Question. The most prominent way in which EU criticism was voiced was in the EP resolutions. The monitoring mechanisms assessing human rights (such as the progression reports) were initiated after 1998 at a late stage of the pre-Helsinki Period. The EP resolutions were not based on a legal framework or standards, which could

be applied flexibly to each candidate country. The pro-Kurdish associations and media were lobbying in favour of these resolutions, and some of the EP groups actively supported the Kurdish argument (Casier 2011: 203). The Turkish government and the media dismissed the EP resolutions, claiming that they were based on misinformation and prepared by hypocritical politicians influenced by the Kurdish diaspora (Interview_21 2013; Sugden 2004: 245) Therefore, during the pre-Helsinki period, the legitimacy of the EU requirements were not strong for Turkish political actors in terms of their clarity.

Within the pre-Helsinki period, most of the concrete recommendations and monitoring mechanisms belonged to other international organisations (in particularly the Council of Europe and its subsidiary organs such as the CPT and the ECtHR). The reforms were primarily targeted to respond to the requirements of these institutions. However, there was an understanding among Turkish politicians that these reforms would underpin Turkey's EU accession (Interview_2 2012; Interview_16 2013; Interview_17 2013). Therefore, the absence of EU "ownership" of the legal frameworks and monitoring mechanisms reduced the legitimacy of the EU's requirements.

Inconsistency among the EU institutions and member countries also undermined the legitimacy of the EU requirements. On the one hand, the EP was reacting to Turkey for implementing a hard-line counter-terrorism approach against the PKK. On the other hand, member countries were selling heavy artillery and military helicopters to Turkey. These kinds of contradictions raised questions in the minds of the Turkish political elite as to whether the EU was being sincere in its dealings with Turkey (Interview_21 2013). In these respects, the legitimacy of the EU requirements were undermined.

Overall, the legitimacy of EU requirements on Turkish counter-terrorism policies was low during the pre-Helsinki period. This low legitimacy was based on the weak clarity of the EU requirements, the ownership problem of the EU in

comparison to the other international organisations, and inconsistency between the EU institutions and member countries.

5.5.4. Domestic Resonance

Democratic resonance towards the adoption of EU promoted human rights norms to transform Turkish counter-terrorism policy was not at a promising level during the pre-Helsinki period. The most important factor in the lack of openness to adopt the EU promoted rules was that the Turkish army was the leading decision maker in counter-terrorism policies. They defended a military based strategy to end PKK terrorism, and governing political parties did not speak out against the Army (Interview_4 2012; Interview_17 2013; Interview_20 2013; Interview_24 2013). One study, which shares the opinions of high-level commanders of the Turkish army, indicated that the high level commanders in those years (such as Dogan Güreş and İsmail Hakkı Karadayı) only considered military strategies against the PKK. They were not interested in granting ethnic rights to the Kurds, or in improving human rights conditions whilst fighting with the PKK (Kaya 2012: 533). In that sense, they were not open to EU suggestions to solve PKK terrorism via peaceful means. On the contrary, they were sceptical of the EU requirements and believed the EU demands undermined Turkey's territorial integrity (Interview_24 2013).

Aside from the Turkish army, there was no consensus amongst Turkish politicians regarding the EU recommendations for a peaceful solution to the PKK problem. Turgut Özal was the politician most responsive to the EU demands to promote the ethnic rights of the Kurds, but he lost his life just before the PKK was convinced to lay down its arms (Çandar 2012: 53). Süleyman Demirel, who was the successor of Özal, announced that he recognized the "Kurdish reality", however his actions did not go beyond his words (Gunter 2011: 92; Kirişci and Winrow 1997: 113). Tansu Çilller, who became prime minister after Süleyman Demirel became President, proposed that a "Basque Model" be applied in the Kurdish populated regions. Nevertheless, she retreated from her proposal due to

the harsh reaction of military commanders and hardliners in her party (Bahcheli and Noel 2011: 102; Kirişci and Winrow 1997: 138-39). Necmettin Erbakan, who shared the coalition with Çiller, attempted to negotiate with the PKK, but he was overthrown by the so called "Post-Modern Coup" (Çandar 2012: 53). Mesut Yılmaz, another politician who was one of the leading advocate of Turkey' EU membership, was inconsistent in his approach. He neither supported nor opposed a peaceful solution. Rather, he positioned himself according to the political environment (Kirişci and Winrow 1997: 143-44; Schimmelfennig et al. 2006: 101). Therefore, resonance among the Turkish political elite, with regards to the EU requirements, was low.

During the pre-Helsinki period, the Turkish judiciary was not open to internalizing the EU promoted norms in their decisions (Interview_7 2012). Even though Turkey recognized the compulsory jurisdiction of the ECtHR in this period, Turkish courts did not adopt the ECtHR litigation in their decisions. From the early 1990s, the ECtHR started to rule on the individual petitions against Turkey. Victims in these cases had generally been subjected to counter-terrorism operations by the Turkish security forces. However, the increasing number of human rights rulings by the ECtHR did not concern the Turkish Judiciary (Çalı 2010). Furthermore, some of the domestic legislative changes made to convince the EU did not have an impact on judicial decisions. For example, the amendment in article 8 of the ATL, did not give the expected results for freedom of expression. The Turkish judiciary used other articles of criminal codes to open investigations against people who were defending autonomy in the Southeast of Turkey. Therefore, resonance among the judicial authorities to implement the EU requirements was just as low as resonance amongst politicians and the military.

Lastly, during the same period, counter-terror laws gave disproportional power to security forces, which exceeded the standards of legitimate authority provided by the human rights norms. An increasing number of human rights

violations produced strong demands from the public for improvement in human rights issues. Mass protests undertaken in the name of 'Saturday Mothers', 'Juveniles of Manisa' and 'Minute of Darkness', were signs of these demands. The so called 'Saturday Mothers' were parents of persons who disappeared in detention. They gathered every Saturday in Istiklal Street in Istanbul. The peaceful protests of these elderly women attracted public attention. During the same period, 16 juveniles were arrested in Manisa (they became known as the 'Juvileniles of Manisa') for their links with the terrorist organisation, the Revolutionary People's Liberation Front (DHKP-C). Reports of torture and the public statement given by MP Sabri Ergül, of the Republicans People's Party (CHP), produced an outcry in the Media and general public (Amnesty International 1996). In addition to these events, a car crash in Susurluk caused mass protests in Turkey. A feudal leader whose guards clashed with the PKK, a death-squad leader wanted for several political killings, and a deputy police chief of Istanbul Police Department, were found in the same crashed vehicle. This incident depicts the complicated relation between the state and illegal bodies in the fight against terrorism. After the accident, protests called for a 'minute of darkness' to take place across the whole country, in which citizens flashed their household lights for a minute to protest against the corruption in the political relations of the Turkish state (Sugden 2004: 247). However, these protests did not make much difference on the decisions of Turkish political elite.

In the light of these aspects, domestic resonance was low in the Pre-Helsinki period. Most of the political elite were not open to change and they did not question existing counter-terrorism policy failures. The EU promoted norms were not seen as a cure to end PKK terrorism.

5.6. Conclusion

As this chapter has indicated, the EU influence on Turkish counter-terrorism policies towards the PKK was low during the pre-Helsinki period. Even though Turkey ratified several international conventions, amended its domestic

legislation, and established human rights institutions, these initiatives were not at the required level to fulfil the EU demands. The most important counter-terrorism policy elements, which caused many human rights violations (such as village guard system, the state security courts, and the state of emergency in the Southeast of Turkey) prevailed.

Turkish authorities were selective whilst ratifying the international conventions. They preferred to ratify conventions promoting human rights rather than agreements granting rights to Kurds. These international conventions were generally adopted shortly before decisions were made by the EU, in order to impress the EU institutions. Furthermore, the implementation of the EU promoted international conventions was impaired due to on-going PKK attacks.

Domestic legislative changes during the pre-Helsinki period had the same destiny as the international conventions. They were generally amended to satisfy the EU and to improve Turkey's ailing reputation in the international environment. However, they did not make much difference in improving Kurdish rights. Moreover, terror suspects were excluded from certain rights whilst they were on trial. Some of the amendments did not make any difference on the decisions of the judiciary. Public prosecutors continued investigations by using other criminal code articles.

The human rights monitoring institutions, which were established in this period, were deprived of executive powers. As they were part of the same administrative structure, they were reluctant to criticize law enforcement agencies. The lack of NGO's in their decision-making processes undermined their impartiality. The ECtHR influence on building these institutions was higher than that of the EU, which meant the EU impact was lowered.

The low level of credibility of conditionality was the first reason why the EU influence was low during the pre-Helsinki period. The EU did not give clear membership prospects to Turkey within these years. There was also

inconsistency and divergence among the EU institutions whilst adopting the conditionality strategy. Furthermore, the EU provided a more favourable approach to the CEEC's in comparison to Turkey, which also reduced the credibility of its conditionality strategy.

The high adoption costs for Turkish political actors was the other reason for the low level of EU influence. Increasing fatalities due to PKK attacks did not give a suitable opportunity for political elites to adopt the EU promoted rules and it created a political environment that justified a military based solution. The overlapping demands of the PKK and the EU were open to abuse by the domestic opposition. Provocative expressions of pro-Kurdish politicians were played into the hands of hard-line politicians and the security elite. Certain security forces demanded the continuation of status quo.

The low legitimacy of the EU requirements also undermined the EU influence. During this period, the EU suffered due to a lack of a legal framework and monitoring mechanisms to influence Turkey. The progression reports were launched in 1998. The EP resolutions were mostly influenced by the Kurdish diaspora and by political groups defending Kurdish views. There was also inconsistency between the EU institutional requirements and those of member countries. Furthermore, other international organisations' monitoring mechanisms and their influence on Turkey was caused an ownership problem for the EU.

The low level of domestic resonance was the last reason for the low level of the EU influence. As the leading political actor on counter-terrorism policy, the Turkish army did not pay attention to the rights based counter-terrorism approach, which was recommended by different EU institutions. During the pre-Helsinki years, there was no consensus amongst Turkish politicians about improving human rights conditions in the counter-terrorism domain. This was also related to the fact there were many short-lived coalition governments during this time (Interview_21 2013). Therefore, the reform process in the

counter-terror domain could not be maintained. Along with the Turkish Army, the Turkish judiciary also prioritized security concerns rather than European normative values. This also weakened the EU influence on Turkish counter-terrorism policy. The influence of mass protests to improve human rights conditions did not make much difference to the actions of Turkish political actors. In light of these empirical investigations, the results can be summarized as follows.

Table 2- Overview of Empirical Investigation of the Pre-Helsinki Period

Variables / Units	INDEPENDENT VARIABLES				DEPENDENT VARIABLE
	Conditionality (External Incentives Model)		Socialization (Social Learning Model)		
	Credibility of Conditionality (EU LEVEL)	Adoption Costs (DOMESTIC LEVEL)	Legitimacy of EU Requirements (EU LEVEL)	Domestic Resonance (DOMESTIC LEVEL)	*The EU Impact on Formal Rule Adoption in the Counter-terrorism Domain*
Pre-Helsinki Period 1984-1999	Low	High	Low	Low	Low

In the view of the main theoretical framework of this research, due to low level of credibility of conditionality and high adoption costs, the EU conditionality strategy did not work to transform Turkish counter-terrorism policies towards the PKK during the pre-Helsinki period. Furthermore, due to the low level of legitimacy of the EU requirements, and the low level of domestic resonance, the EU's socialization efforts were weak and did not alter Turkey's counter-terrorism policies. Therefore, during the pre-Helsinki years neither the conditionality nor the socialization mechanisms of the EU were influential on Turkey in changing its counter-terror practices towards the PKK.

6. The Post-Helsinki Period

6.1. Introduction

The post-Helsinki period is the second period in which the EU influence on Turkish counter-terrorism policy towards the PKK will be analysed. The period starts with Helsinki European Council in 1999, when the EU declared that Turkey would be granted candidate status (like any other prospective candidate country) as soon as it fulfilled the Copenhagen Political Criteria. It ends with the Brussels European Council in 2004, when Turkey was accepted as a candidate country.

Within this period, the capture of the PKK leader Abdullah Ocalan, and his order for the withdrawal of PKK members from Turkish territory, are other significant developments which minimized PKK activities in Turkey. In comparison to the pre-Helsinki period, this phase can be regarded as being a more politically stable period. In the first two years of the period, a coalition government was in power. However, in 2002 the Justice and Development Party (AKP) succeeded in winning elections as a single party government. Even though politicians with Islamic roots established the AKP, the party was committed to the EU goals and the EU required reforms were accelerated during their time in government. It is under these circumstances that this chapter will discuss "Why and how were EU promoted norms adopted in Turkey in a way that transformed its counter-terrorism policies towards the PKK in the post-Helsinki period?"

Once more, this chapter relies on the research framework outlined in chapters 1 and 3. For ease of reference, the main elements of it, and where to find discussion of them, are repeated in the footnote below.[23] In the light of

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[23] This chapter, and the following, rely upon the research framework outlined in chapter 1 and 3. To summarise the main elements of this framework: Rule adoption is the dependent variable. The theoretical framework encompasses the Conditionality/Socialization mechanisms (see p89 for the former and 100 for the latter) and their variables "Credibility of Conditionality" (see p96

these variables and classified parameters, this chapter will argue that due to a high level of EU conditionality (High Benefit-Low Cost) the EU influence on Turkey was high in transforming its counter-terrorism policies towards the PKK. Furthermore, it will argue that due EU socialization being relatively low in comparison to EU conditionality (High Legitimacy-Low Resonance), Turkey's norm adoption was based on cost-benefit calculations rather than the appropriateness of the EU norms.

The same chapter structure as applied in the pre-Helsinki period will be pursued in this chapter. Firstly, in 6.2 Turkey's counter-terrorism policy towards the PKK during the post-Helsinki period will be examined to see whether there were any changes. Secondly, in 6.3, the EU contribution to the changes mentioned will be investigated. Thirdly, in 6.4, the details of rule adoption will be scrutinized to measure the EU influence. In the final section, the reasons for policy transformation will be explained in view of the independent variables.

6.2. Turkey's Policies for Countering the PKK

One of the major events during the post-Helsinki period that changed the course of counter-terrorism policy in Turkey was capture of PKK leader Abdullah Ocalan in 1998. He was seized in Kenya whilst under the protection of the Greek Embassy. Ocalan had been living in Syria since the early 1980's. However, after Turkish senior army generals and politicians declared their intention to intervene in Syrian territory to eliminate PKK targets, Ocalan was expelled from Syria (Marcus 2007: 270). He shuttled back and forth between Greece, Russia, and Italy to find shelter. However, none of these countries wanted him to stay in their countries. When he finally fled to Kenya, he was captured by a special operation coordinated by the US and Turkish intelligence services (Marcus 2007: 278-79). After Ocalan was brought to Turkey, he asked the PKK members to

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above), "Adoption Cost" (see p98 above), "Legitimacy of EU Requirements" (see p104 above) and "Domestic Resonance" (see p108 above). To transform qualitative data into scalable values, two parameters: "low" and "high" levels have been identified. These are summarized in chapter 1 (see p33 above).

withdraw beyond Turkish borders and avoid using their weapons. The unilateral ceasefire decreased the number of the PKK activities within the Turkish borders (Bal and Özkan 2009). According to a former Minister of Human Rights and a senior Under-Secretariat of Public order and Security official, the capture of Ocalan was a shocking event for the PKK which led it to reorganize itself by political means (Interview_10 2012; Interview_27 2013). Reducing the number of PKK activities brought a window of opportunity to Turkish political actors to transform Turkish counter-terrorism policy in line with EU requirements.

One of the initiatives was to reconstitute the structure of the State Security Courts. As indicated earlier, in the pre-Helsinki period, these courts were tasked with trying terror related crimes, and they provided fewer protections to terror suspects than ordinary criminals. Furthermore, the existence of military judges on the judicial bench violated the fair trial principles of the ECHR (Ilbiz 2009). Based on ECtHR decisions and Amnesty International reports, the EU required Turkey to bring these courts in line with the standards of the EU (Commission of the European Communities 2000: 13). In this respect, Turkish governments unveiled a series of reforms to modify these courts (see section 6.4.2).

The improving security situation in the Southeast of Turkey enabled a gradual lifting of the state of emergency in the region. In this respect, the state of emergency was removed from the provinces on the National Security Council's recommendation and the decision of the Turkish Parliament (Commission of the European Communities 2002: 18). When the state of emergency was lifted in the last two provinces (Diyarbakır and Şırnak) in 2002, 15 years of emergency rule ended. This decision was welcomed by the EU (Commission of the European Communities 2003). The lifting of restrictions under emergency law brought relaxation in these provinces.

The end of the state of emergency brought an opportunity to return people who were forcibly displaced from their villages during the pre-Helsinki

period. In this regard, "the Return to Village and Rehabilitation Project" was launched in March 1999 (Commission of the European Communities 2003: 40). Between January 2000 to January 2003, 82.000 people were authorised to return to their villages under this scheme (Commission of the European Communities 2003: 40). However, this project came under scrutiny of the EU during the post-Helsinki years and was criticized for its lack of a clear strategy (Commission of the European Communities 2003: 40). Therefore, in view of the weaknesses of this project, Turkey entered into a dialogue with the UN Secretary General Representative for Displaced Persons from June 2002. The recommendations of the UN Representative were followed by the Turkish government for an efficient solution for the return of IDPs (Commission of the European Communities 2004b: 19).

The changing circumstances of Turkey's counter-terrorism policies was also influential on cases of disappearances and extra judicial killings in the region. Aside from the disappearance of two HADEP officials after their visit to a police station in 2002, no further disappearance cases have been reported (Commission of the European Communities 2002: 29). So, the systematic use of unlawful executions against terror suspects and sympathizers of the PKK came to an end.

In order to combat torture and ill-treatment, a zero-tolerance policy was introduced in 2002. This was the beginning of a reform process against cases of torture. After this initiative, torture matters in Turkey moved in a positive direction. The number of prosecutions against officials suspected of acts of torture and ill treatment increased. According to official figures, 2,454 law enforcement agents were tried in 2003 in relation to allegations of torture or ill-treatment. Among these 1,357 were acquitted and 854 defendants were convicted and 138 imprisoned (Commission of the European Communities 2004b: 34). In comparison to the pre-Helsinki governments, there was a strong commitment by the AKP Government to reduce the perpetration of torture and

ill-treatment, whilst Turkey was striving to fulfil the Copenhagen Political Criteria for eventual EU membership (Human Rights Watch 2008: 13). In view of the changing conditions, the Enlargement Commissioner Gunter Verheugen approved of the positive developments saying that "there are no grounds for accusing the Turkish authorities of systematic torture" (Todays Zaman 2004). Even though these efforts targeted the reduction of the systematic use of torture, there were still reported isolated incidents in the Southeast of Turkey towards persons suspected of acts of terrorism (CPT 2005: 12-14).

In line with the changing political environment, the role and composition of the NSC changed during the post-Helsinki period. According to a senior official, the NSC is the chief constitutional institution of the Turkish Republic on counter-terrorism policy making, and terrorism issues have always been a priority for the Council (which can be seen its press releases and official documents) (Interview_24 2013). In the post-Helsinki years, the Turkish Army intervened in governmental responsibilities by utilizing the NSC meetings. The EU was opposed to the strong position of the Turkish Army, and required Turkey to improve civil-military relations in line with EU standards (Arikan 2003: 121; Commission of the European Communities 2000: 14). Even though the EU requirements regarding the civil-military relations were not based on EU *acquis*, they demanded these reforms under the Copenhagen political criteria, and relied on 'best practices' in member countries (Interview_24 2013). According to former and existing NSC officials, without the EU requirements, this transformation would not have been easy for Turkish governments when the Army was supremo in Turkish politics (Interview_17 2013; Interview_24 2013). The AKP government utilized EU required reforms to reduce the military's role and its significance on the state system (Cizre 2003: 228).

In order to hollow out the PKK's organizational structure and distance PKK members from terrorist actions, a "Repentance" policy was put into action in 1999. PKK members, who surrendered and disclosed information about their

organisation, were granted with amnesty. However, the leaders of the PKK and those members who had killed security forces were excluded from the amnesty (Commission of the European Communities 1999b: 14). During the amnesty period, which remained effective from August 1999 to February 2000, 359 applications from PKK members were accepted, and 100 applications were rejected, and 614 requests were assessed but found ineligible to benefit from policy (Yilmaz 2012: 81). Four years after the "Repentance" policy, another initiative was launched in 2003 under the name of "Social Reinsertion". Similarly to previous policy, PKK members were granted amnesty if they quit their activities and provided information about the organisation. The command structure was excluded from this opportunity as they were with the previous policy. According to Ministry of Justice figures, from 2003 to 2007, only nine out of 300 PKK members applied for amnesty through the Social Reinsertion policy. The remaining 291 PKK members were those who were already in jail serving their sentences (Turkish Ministry of Justice 2008). Although both policies were antecedently reasonable ways to end PKK actives, in the end only a small group of PKK members responded to these initiatives (Emrullah Uslu 2007: 163).

In consideration of cultural rights, the post-Helsinki period witnessed many reforms, which eased the restriction on the use of Kurdish. In this respect, the Turkish Broadcasting Corporation (TRT) started to broadcast in the Kurdish dialects of Kirmanci and Zaza from 2004 (Commission of the European Communities 2004b: 39). State restrictions that limited naming children in Kurdish were relieved (Commission of the European Communities 2003: 37). Private Kurdish Language courses commenced in six provinces of Turkey (Van, Batman, Şanlıurfa, Diyarbakır, Adana and İstanbul) (Commission of the European Communities 2004b: 49). The tolerance towards the use of Kurdish was also seen in the Newroz celebrations (Kurdish Spring Festival). Posters written in Kurdish to celebrate the Festival were permitted (Commission of the European Communities 2004b: 49).

Along with these positive developments, noticeable improvements in the conditions of freedom of expression were observed during the post-Helsinki years. As a consequence of the adoption of EU promoted democratic norms, the number of prosecutions for various crimes decreased (e.g. for the crimes of "propaganda in connection with terrorist organisation in a way that encourages violence or other means", "propaganda against the indivisible unity of the state", "incitement to racial and ethnic enmity", and "insulting the state and state institutions") (Commission of the European Communities 2004b: 37). According to official figures, as of May 2004 there were 5,809 persons detained for the above-mentioned crimes, in comparison to 8,657 in 2000, 8,298 in 2001, 7,745 in 2002, and 6,137 in 2003 (Commission of the European Communities 2004b: 37). Although these figures indicate that there was progress as regards freedom of expression, the non-violent expression of opinion has continued to be prosecuted and punished in Turkey on the grounds of national interest (Commission of the European Communities 2004b: 38).

The participation of pro-Kurdish parties in domestic politics during the post-Helsinki period did not change significantly. The HADEP, which is the successor of pro-Kurdish parties (i.e. the HEP and the DEP), was dissolved by the Constitutional Court because of its links with the PKK just as the HEP and the DEP themselves were (Constitutional Court of the Republic of Turkey 2003). After the HADEP was banned, Kurdish politicians continued their cause by establishing a new party in 2005 called the Democratic Society Party (DTP).

Cross-border operations targeting the PKK camps in Northern Iraq were not as intense as in the pre-Helsinki period. There were two major operations mounted by the Turkish Army between 1999 and 2004. The first operation was launched in 1999, after the capture of Ocalan. The second operation was mounted in 2000 using air strikes against PKK camps. After the US invasion of Iraq these operations were postponed until 2008 (Son Sayfa 2011). These military operations also led to serious concerns in the EU (Commission of the

European Communities 2000: 67). However, in the vacuum of authority in Northern Iraq before the Iraq War in 2003, Turkey failed to develop a comprehensive tactic for dealing with the PKK (International Strategic Research Organisation 2007: 27). The PKK at this time had recovered from the shock of Ocalan's capture and strengthened its position in Northern Iraq.

The Village Guard System, which was established to protect mountain villages from PKK raids, remained unresolved during the post-Helsinki period. In comparison to the pre-Helsinki period, however, the number of these guards, which stood at 90,000 during the late 1990s, reduced to 58,000 in 2004. (Commission of the European Communities 2004b: 51; Kor 2009: 48-49). Furthermore, since 2000 no new village guards have been recruited (Commission of the European Communities 2004b: 51). Even though the number of these paramilitary forces has reduced over time, problems based on their abusive actions have remained. Some of the village guards occupy evacuated villages and do not let the rightful inhabitants return. They are also involved in crimes such as terrorism, smuggling, crimes against individuals, and property related crimes (Beşe 2006: 142-44).

In sum, during the post-Helsinki period Turkey's counter-terrorism policies against the PKK were in a transition from hard-line to soft-line. The previous counter-terrorism policy elements, such as the evacuation of villages, the state of emergency, extra judicial killings, and state security courts, were abandoned. In order to improve the human rights situation in the counter-terror domain, policies such as zero tolerance towards torture and the return to village projects were implemented. Furthermore, to reintegrate PKK members into society, those non-leaders who were not responsible for the murder of security officers, were granted with amnesty. Along with these positive initiatives, there was also partial or limited progress observed within a few other areas. The number of criminal cases against "propaganda of terrorist organisation and propaganda against indivisibility of state" were reduced. The use of Kurdish in

broadcasting, education, and the naming of children was allowed for the first time since the pre-Helsinki period. The number of village guards was reduced by almost a half by the late 1990s. However, tolerance towards pro-Kurdish parties was not at a satisfactory level within this wind of change. In view of these developments, the capture of the PKK leader Abdullah Ocalan, and the withdrawal of PKK militants, provided a positive environment for reforms to be made in the existing counter-terrorism policies. However, the shift in Turkish counter-terrorism policies was not only based on internal factors. The EU based efforts were equally influential as domestic factors.

6.3. The EU Response to Turkish Counter-Terrorism Practices

When Abdullah Ocalan fled from Syria to Europe looking for political asylum, one of his destinations was Italy. Turkey's demand for the extradition of Ocalan from Italy was refused based on Turkey's the fact that capital punishment was still legal in Turkey (BBC 1998). However, granting political asylum to Ocalan was also risky for Italy due to renewed threats of economic retaliation by Turkish politicians (Stanley 1998). Therefore, the Italians decided to extradite Ocalan to Germany, where an arrest warrant was issued for the PKK leader. The German authorities, however, were not keen to welcome Ocalan. The trial of Ocalan was considered highly risky for German security due to the possible conflict between the high number of Turkish and Kurdish people amongst its population. Hence, they withdrew the warrant for Ocalan's arrest, but refused him entry nonetheless (Marcus 2007: 274-75). The next destination of Ocalan, Greece, was supportive and provided him with political asylum at first (The Economist 1999). However, when Ocalan's residence in Greece was denounced in newspapers, the Greeks asked Ocalan to leave the country in order to avoid another hostility issue with Turkey (Marcus 2007: 277).

As these incidents show, the EU member countries had a dilemma with regard to the extradition of Ocalan to Turkey. According to a senior EU official, in the Ocalan case, these member states were under great deal of pressure from

their own courts not to extradite Ocalan to Turkey because of Turkey's poor human rights record (Interview_11 2013). In this respect, if they were to extradite Ocalan, there was the possibility of him being sentenced to death. If this occurred, the legitimacy of the EU's human rights requirements on Turkey would be undermined. On the other hand, if they had provided him with political asylum, the commercial and security-based interests they shared with Turkey were likely to be endangered. Therefore, they took a middle course that neither undermined the EU's normative stance, nor opposed Turkey, by compelling Ocalan to find another country to reside in, which ended up with his capture in Kenya.

The EU's neutral stance, however, did not rescue the EU from the spill over effects of PKK violence. When Ocalan was captured in Kenya whilst under the protection of the Greek embassy, PKK sympathisers in Europe reacted violently to his seizure. Greek embassies all around Europe were stormed and in a few of them consulate staff were taken as a hostage (Huggler et al. 1999). Because of these protests, the EU made a declaration condemning the PKK's terrorist attacks and called upon the Turkish authorities to continue with their counter-terrorism policies within democratic parameters. The fair trial of Ocalan and the EU's stance on abolishing capital punishment was underlined in the declaration. In order to achieve a peaceful solution and conciliation, the EU stressed its intention to play an active role in the matter (Commission of the European Communities 1999a: 8).

The EU's recognition of Turkey as a candidate country in the Helsinki European Council in 1999 gave a window of opportunity to the EU to transform Turkey's counter-terrorism policy. In the Council's decision, it was emphasized that Turkey will be treated on a similar basis as other candidate countries and it would benefit from pre-accession assistance to stimulate and support its reforms (European Council 1999: 4). In this way, the EU gave a clear membership prospect to Turkey that promoted the adoption of EU norms in the counter-

terrorism domain. Furthermore, the European Commission was tasked with preparing an accession partnership with Turkey in order to underline which democratic reforms were required from Turkey to transform its counter-terrorism policy. After the Helsinki European Council, the adoption of EU promoted norms accelerated in Turkey. The details of this will be given in the next section.

According to the interviews conducted with members of the Turkish and EU political elite in Turkey and Brussels, the main target of the decision taken at the Helsinki Council to prepare Turkey for EU candidacy was not the transformation of Turkey's counter-terrorism policies (Interview_13 2013; Interview_19 2013; Interview_27 2013). This was because the PKK was not a serious threat to the EU in comparison to threat it posed to Turkey (Interview_11 2013; Interview_14 2013). However, countering the PKK with democratic means was one side of the bigger picture of democratization (Interview_11 2013). In this respect, the EU's impact on democratization in Turkey had a collateral effect on its counter-terrorism policies (Interview_13 2013).

The first Accession Partnership with Turkey was adopted in March 2001 (European Council 2001c). The Turkish authorities were asked to fulfil short and medium term priorities, which had an implicit impact on its counter-terrorism policies. Strengthening legal and constitutional guarantees for the freedom of expression, preventing torture practices, improving the efficiency and functioning of the SSCs, abolishing the death penalty, ratifying certain covenants on civil, political and cultural rights, and removing prohibitions on broadcasting in Kurdish were a few of these requirements (European Council 2001c: 16-19). Financial assistance for pre-accession projects were given on the condition that Turkey fulfilled the EU requirements (European Council 2001c: 22).

A few weeks after the Accession Partnership in March 2001, the first National Programme for the Adoption of the EU *Acquis* was put in place (Turkish Ministerial Council 2001). According to a former Turkish ambassador and a

senior Ministry for EU Affairs official, a National Programme was prepared by looking at different sources, such as EU's Accession Partnership, the Prime Ministry Strategic Planning Organisation's (DPT) reports (Demirok Report[24]), and think thank and human rights NGO reports (Interview_17 2013; Interview_18 2013). In this programme, Turkish authorities clarified in detail which legislative provisions, institutions, and policies need to be amended to gain EU membership. Most of the proposed amendments were relevant to Turkey's counter-terrorism policies towards the PKK, such as reviewing anti-terror law articles, preventing torture cases, reducing detention periods, and lifting the state of emergency in Southeast Turkey. The first NPAA covered all of the EU's short and medium requirements stated in the Accession partnership. However, it did not provide deadlines for their adoption (Usul 2011: 119). According to a senior Ministry of EU Affairs official, the government did want to bind itself to deadlines in case it failed to pass the promised legislation on time, which may have undermined its commitment in the eyes of EU institutions (Interview_18 2013).

The EU also added the PKK on to the designated terrorist organisations list in May 2002 (Council of the European Union 2002b). Prior to this decision, for many years, the EU condemned the PKK attacks in Turkey. However, it contradicted its own rhetoric by treating the PKK as a "civil" organisation rather than a terrorist organisation in many European countries. Because of this, the EU's normative requirements on Turkey to transform counter-terrorism policies enraged Turkish actors (Emre Uslu and Aytaç 2007: 131-34). So, adding the PKK to the list was a conciliatory gesture towards Turkey to encourage it to adopt the EU promoted norms. It increased the legitimacy of the EU requirements on Turkish political actors by reducing the suspicions of Turkish political actors

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[24] A Strategic Planning Organisation's report prepared by an ad hoc committee headed by Gürsel Demirok who was the Chair of the Supreme Board of Co-ordination of Human Rights. This report was written as DPT's 8th five-year development plan which formulates political reforms for Turkey's EU membership.

about the sincerity of the EU. Furthermore, it played in favour of reformist politicians which further aided the adoption of EU promoted norms because they were able to convince opposition parties and those in nationalist circles (Interview_1 2012).

In the on-going reform process during the post-Helsinki period, the EU once again consolidated its intention to grant Turkey candidacy. In the Copenhagen European Council in 2002, the EU declared that if the European Commission report in December 2004 confirms Turkey's fulfilment of the Copenhagen political criteria, negotiations would start with Turkey without any delay (Council of the European Union 2002c: 5). After this statement, the reliability of the EU promises given at the Helsinki European Council in 1999 were strengthened. According to the Council decision, the Commission was also invited to revise the accession partnership in order to make clear which requirements had been fulfilled, and which were still to be fulfilled (Council of the European Union 2002c: 6).

The second accession partnership with Turkey was adopted in May 2003 (European Council 2003b). It was divided into three groups namely, "priorities 2003/2004" "short term" and "medium term". The EU requirements regarding Turkey's disputed counter-terrorism practices, were placed in the 2003/2004 priorities, which means Turkey was required to fulfil these reforms within two years before the Brussels Council in 2004. In the revised version of the accession partnership, the EU requirements were not too different from those in the earlier version. As a consequence of the on-going reform process, previous requirements, such as lifting the state of emergency, were removed from the document. Furthermore, some of the demands concerning pre-trial detention (such as a suspect's right to access a lawyer, and the right to notifying their relatives) were specified in more detail (European Council 2003b: 43-44). In this respect, the more the interactions between the EU and Turkey intensified, the

more clear the EU requirements became. Increasing clarity of the EU demands also brought a greater level of legitimacy to them.

In July 2003, a month after the accession partnership, Turkey also revised its NPAA (Turkish Ministerial Council 2003). The AKP government emphasized its determination to complete the remaining legislation by June 2004 (Turkish Ministerial Council 2003). In the section allocated to political criteria, the Turkish government declared its good will towards protecting human and ethnic minority rights, which was linked with its counter-terrorism policies. However, contrary to the previous NPAA in 2001, Turkey did not specify precisely which legislation they intended to alter in order to meet EU requirements. Furthermore, they did not specify any deadlines for making the required changes.

The anticipated European Commission recommendation in regards to Turkey's EU candidacy came in October 2004. In consideration the substantial legislative and institutional changes Turkey had made (including changed in their counter-terrorism policies towards the PKK), the Commission decided that Turkey had sufficiently fulfilled the political criteria. The Commission proposed to both the European Council and the European Parliament that accession negotiations with Turkey should begin (Commission of the European Communities 2004c: 3). According to senior EU officials, at the time of this decision the Commission was aware that Turkey had to do make further reforms to fully fulfil the Copenhagen political criteria. However, at that time, the reform process was on an upward trend, and the Commission aimed to motivate Turkish political actors to continue making reforms (Interview_11 2013; Interview_13 2013).

Nevertheless, Turkey had another problem to overcome before negotiations with the EU could start. In order to comply with the Custom Union Agreement, a state must apply its terms to every EU member state, including Cyprus. This posed a problem to Turkey due to an unresolved dispute between

Turkey and Greek Cypriots about Northern Cyprus. In order to start accession negotiations, Turkey was required to sign an additional protocol (that took Cyprus and other new member countries into account) that was added to the Ankara Treaty (Commission of the European Communities 2004c: 4). When Turkey confirmed that it would sign the Protocol prior to the start of the accession negotiations, there was no hurdle left for Turkey to jump in order to be declared a candidate country for the EU (Council of the European Union 2004c: 5; Radikal 2004a). In this respect, in the 2004 Brussels European Council, the EU decided to start negotiations with Turkey (Council of the European Union 2004c: 6) .

In short, during the post-Helsinki period, the EU's recognition of Turkey as a candidate country created ideal conditions for the EU to diffuse its liberal democratic norms to Turkey. Along with clear membership prospects, the EU also introduced guidelines for Turkish political actors in the form of the accession partnerships. These clearly stated what kind of reforms Turkey must make to end PKK terrorism and gain EU membership. Furthermore, the EU also added the PKK to the designated terrorist organisation list, which eased suspicions over the sincerity of the EU regarding its position on the PKK. Such a constructive step increased the legitimacy of the EU requirements on Turkish political actors. Finally, at the end of this period, the EU rewarded Turkey for its norm conforming behaviour by giving it candidate status. After this decision, the credibility level of the EU promises on Turkish political actors was at its peak, higher than it had ever been before, and higher than it has been since.

6.4. The Impact of the EU on Rule Adoption

As shown in the sections above, the transformation in Turkey's counter-terrorism policies towards the PKK were not only based on internal factors such as the capture of Ocalan and the withdrawal of PKK militants, but it also relied upon EU efforts, such as them giving clear membership prospects. The combination of both positive internal and external factors provided a fertile

environment for Turkish political actors to adopt the EU promoted norms. In this respect, the Turkish governments adopted two extensive constitutional amendments[25] and eight "EU harmonisation packages"[26] to fulfil EU requirements. These covered domestic legislative changes and ratified several international conventions (Secretariat General for EU Affairs 2007a). Moreover, institution-building initiatives continued at the same pace as in the pre-Helsinki period. Without a doubt, these reforms were made in order to gain EU candidacy, rather than to fulfil the requirements of other international organisations (Interview_1 2012; Interview_2 2012; Interview_5 2012; Interview_6 2012; Interview_8 2012; Interview_9 2012; Interview_24 2013). In this section, the initiatives that are components of rule adoption will be examined under the headings of: ratification of international laws, domestic legislative changes, and institution building attempts.

6.4.1. Ratification of International Laws

The first two international conventions signed in the post-Helsinki period were "the UN International Covenant on Civil and Political Rights (ICCPR)" and "the UN International Covenant on Economic, Social, and Cultural Rights (ICESC)". These two conventions granted rights to individuals, labourers, and ethnic minorities in participant states. The EU urged all candidate states to ratify these conventions (Commission of the European Communities 1999b: 48-49). In line with the EU requirements, Turkey signed both conventions in August 2000, and ratified them in July 2003. However, Turkish authorities reserved the articles that provide minorities with the right to be educated in their mother tongue.[27] In the reservation, Turkey stated that the term 'minority' was to be understood in

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[25] These constitutional amendments took place on 3 October 2001 and 7 May 2004.

[26] First EU Harmonisation Package (6 February 2002), Second EU Harmonisation Package (26 March 2002), Third EU Harmonisation Package (3 August 2002), Fourth EU Harmonisation Package (2 January 2003), Fifth EU Harmonisation Package (23 January 2003), Sixth EU Harmonisation Package (15 July 2003), Seventh EU Harmonisation Package (30 July 2003), Eight EU Harmonisation Package (14 July 2004).

[27] The suspended articles were article 27 in UN Convenant on Civil and Political Right and article 13 paragraph 3 and paragraph 4 in UN Covenant on Economic, Social, and Cultural Rights.

accordance with the Treaty of Lausanne, in which minorities were classified on the basis of their religion. Kurds were thus excluded from the definition and so were not counted as being a minority (Oran 2001: 222). According to the elite interviews conducted in Turkey, the security threat posed by the PKK was the main reason for these reservations (Interview_17 2013; Interview_18 2013). In other words, the government considered that if educational rights were given to Kurds, this may pave the way for new Kurdish demands, such as a demand for self-determination, and secessionist demands (Interview_17 2013). In this respect, the ratification of both conventions was a positive, but incomplete, step towards fulfilling the EU requirements.

Turkey also recognized the authority of the UN Human Rights Committee (UNHRC) by signing the first optional protocol of the ICCPR in February 2004. The protocol provides individuals with the right to complain about participating states if their rights under the Covenant have been violated. This complaint mechanism is the UN version of a similar complaint mechanism contained in the Council of Europe, and its secondary institution the ECtHR. The Turkish authorities, however, made a reservation for the article 5/2, which marks out the authority of the UNHRC. According to the reservation, Turkey was not going to recognise the jurisdiction of the HRC (i) if the violation was outside of Turkey's borders, (ii) if the complaint had already been pursued by another international institution (such as the ECtHR), and (iii) if the alleged violation was outside of the scope of rights defined in the covenant.[28] After the ratification of the optional protocol of the ICCPR, Kurdish citizens who were deprived of their rights by state authorities in the name of countering the PKK, gained the opportunity to seek remedy for their violated rights.

The ratification of international conventions abolishing the death penalty was another initiative made in the post-Helsinki period. Capital punishment became an emotive subject in the counter-terrorism domain when the PKK

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[28] Similar reservations were also made by Germany.

leader Abdullah Ocalan was captured. The execution of Ocalan was seen as the right way to end PKK terrorism by many political parties. For example, the Nationalist Movement Party (MHP), which was the second partner of the 57th Turkish government, declared its intention to execute Ocalan in its 1999 election pledges (Avcı 2003: 150). Also, in an interesting example, when the AKP were in opposition, they were supportive of Ocalan's execution, but when they came to power they revised this view (Interview_6 2012). However, despite the strong opposition to converting Ocalan's sentence from the death penalty to life imprisonment (Sarıkaya 1999)[29], the AKP government adopted the relevant international agreements abolishing the death penalty. In this context, firstly the sixth additional protocol of the ECHR (which eliminates the death penalty except for in times of war or the imminent threat of war) was ratified in July 2003. This decision was followed by the signing of the thirteenth additional protocol of the ECHR in January 2004, which abolishes capital punishment in all circumstances. Furthermore, the second optional protocol of the International Covenant on Civilian and Political Rights, which abolishes the death penalty, was signed in April 2004. After the adoption of these international laws, Turkey transposed all EU promoted international norms regarding the death penalty into its domestic legislation. If the adoption period of these protocols is taken into the consideration, they were all adopted very shortly before the EU was to make its decision whether to grant Turkey with candidate status. In that context, the possible benefits of candidacy seem to be influential on Turkish political actors, rather than appropriateness of norms.

As regards to discrimination, Turkey adopted several international agreements promoted by the EU. These regulations prohibited all sorts of discrimination among citizens in terms of sex, race, religion, language, and ethnic origin. In consideration of the Kurdish Question, these international laws protected the rights of Kurds from discrimination by public authorities. One of

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[29] In an undetailed survey 72% supported the execution of Ocalan rather than sentencing him to life imprisonment.

the PKK's arguments was that Kurdish citizens faced discrimination by the Turkish state. This argument was eliminated by adopting these international regulations. In a similar vein, the twelfth additional protocol of the ECHR (which bans discrimination in participating states) was signed in April 2001 (Commission of the European Communities 2001: 20). And in addition, Turkey also ratified the UN Convention on the Elimination of All Forms of Racial Discrimination in April 2002[30] (Commission of the European Communities 2002: 25).

In view of the above, during the post-Helsinki period, Turkish authorities were very keen to adopt EU promoted international laws. The CoE and UN conventions abolishing the death penalty and eliminating all forms of discrimination were adopted as required by the EU. Furthermore, the UN ICCPR and the ICESC were adopted only with a reservation granting rights to ethnic minorities to be educated in mother tongue. These efforts were found to be sufficient by the European Commission in order for negotiations to start (Commission of the European Communities 2004c). In consideration of the time frame, these initiatives were achieved within five years, which was a speedy adoption process in comparison to the pre-Helsinki period. Some initiatives, such as the abolishing of the death penalty took place at a time when the captured PKK leader Abdullah Ocalan's execution was supported by almost two thirds of the population. So, converting Ocalan's death penalty to life imprisonment was a politically costly decision for the Turkish government, and was only achieved because of the highly valuable membership incentive offered by the EU. Therefore, in consideration of the ratification of international conventions, the EU impact on Turkish counter-terrorism policy was at a high level during the post-Helsinki period.

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[30] Turkey put a reservation on Article 22 of the Convention. According to this reservation, any dispute between Turkey and other countries with respect to the interpretation of the convention can only be referred to the International Court of Justice with Turkey's consent. In that sense, the reservation targeted disputed states rather than Kurdish citizens.

6.4.2. Domestic Legislative Changes

During the post-Helsinki period, two constitutional reforms and eight EU harmonisation packages were adopted by Turkish political actors. These eight reform packages modified 218 articles within 53 different Turkish laws (Ilgaz and Toygür 2011: 7). Even though these domestic legislative changes made for the democratisation of Turkey, they were also influential on the transformation of Turkey's counter-terrorism policies.

In order to guarantee fair trial principles for terror suspects and sympathizers of terrorist organisation, a few legislative changes were made to reform the State Security Courts. The first legal amendment was in article 143 of the Turkish constitution in June 1999, which regulated SSC structure. According to the amended version, the military judges were removed from the judicial bench of SSC's and replaced by civilian judges (Commission of the European Communities 1999b: 9). Despite these legal amendments, the EU still emphasized that the standards of these courts were far behind European standards in terms of protecting human rights and fundamental principles (Commission of the European Communities 2003: 22). Moreover, senior members of the judiciary and some members of the Turkish government called for the abolition of these courts (Commission of the European Communities 2003: 22). Therefore, article 143 of the Turkish Constitution was completely annulled in the Constitutional amendment of May 2004 where SSC's were abolished after being in operation for 21 years. The jurisdiction of terror related crimes was transferred to new so-called "Special Courts", which were established by amending the Criminal Procedure Law (Commission of the European Communities 2004b: 23-24).

Strengthening fair trial principles in Turkish courts continued with the adoption of retrial provisions into the Code of Criminal Procedure Law. In the event of a contradiction between Turkish court and ECtHR decisions on the same case, the newly adopted measures allowed a retrial (Commission of the

European Communities 2003: 20). According this amendment, if the conviction of a terror suspect in a Turkish court was found to violate human rights principles by the ECtHR, the same Turkish court must retry the suspect. However, the application of the retrial procedure was constrained to cases prior to 4 February 2003, which excluded the case of Ocalan. According to a senior official from the central counter-terrorism department of the Turkish police, this date was set by the Parliament to prevent Ocalan's likely retrial (Interview_2 2012). After the new amendment was put into action, its first positive result was seen in the release of Leyla Zana and her colleagues, who were imprisoned for their links with the PKK. They were released after a retrial in June 2004 (Commission of the European Communities 2004b: 31). The release of these deputies after eleven years was an important sign that Turkish authorities had begun to distinguish between those who were involved in violence, and those who sought to achieve their cause by peaceful means.

The problematic pre-trial detention period for terror suspects was also brought in line with the EU requirements. In this vein, article 19 of the Constitution, which regulates the right to liberty and security, was amended. The maximum detention period for collectively committed crimes was reduced from 15 days to 4 days (Commission of the European Communities 2001: 101). This reduction was important for terror suspects, because counter-terrorism investigations were generally conducted within the framework of collectively committed crimes. At the time of this amendment, in the provinces where a state of emergency existed, detention periods could be extended by three more days. However, after lifting the state of emergency in the Southeastern provinces of Turkey, no exceptional regulation was left to extend the four days detention period for terror suspects (Commission of the European Communities 2004b: 55).

Along with the reduction of detention periods, detainees had the right to inform their relatives when they were arrested, or when their arrest was

prolonged. According to the amendments in Criminal Procedure Law, detention information must be delivered to the relatives of the detainee 'without any delay' and 'by the decision of the prosecutor' (Commission of the European Communities 2001: 28). This amendment was a positive step to prevent the disappearance of terror suspects when they were taken into custody.

The access of terror suspect to their lawyers during their detention period was improved by a few legal amendments. The first initiative on this matter was that the final paragraph of article 16 of the State Security Courts Law was abolished. This provision limited the right of detainees to consult with their lawyer in privacy (Commission of the European Communities 2002: 21). After the amendment, detainees who were involved terror related crimes could meet with their attorneys in the absence of any third person. The second initiative was that the fourth paragraph of article 16 of the State Security Courts law was repealed. Based on this provision, detainees who were prosecuted under the jurisdiction of SSC's could only access their lawyer after 48 hours. Remaining in "incommunicado" detention conditions increased the possibility that detainees would be tortured (Commission of the European Communities 2002: 28). After the legislative change, terror suspects could access their lawyer from the moment they were arrested, as all non-terror suspects could. Thirdly, verbal evidence taken from detainees before they could obtain counsel from their lawyers was deemed to be illegal evidence that could not be used in the SSC's (Secretariat General for EU Affairs 2007b: 11). Terror suspects gained the right to deny statements made before they had the chance to consult with their lawyers. After all these legislative changes, incommunicado detention could not be used on any terror suspect in Turkey.

In order to improve custodial conditions, a few legal amendments were also made to prevent the ill treatment of those detained for terror crimes. In this vein, by amending the articles of the Penal Code, higher penalties were foreseen for public officials who committed torture and who helped to hide the evidence

of torture (Commission of the European Communities 1999b: 11). In addition, if such officials were found guilty, their sentences were excluded from being suspended or converted into fines (Commission of the European Communities 2003: 26). Furthermore, an amendment in the Civil Servants Law regulated that, if any civil servant were found guilty of torture or ill-treatment by an ECtHR decision, they were liable to pay compensation stipulated by the ECtHR ruling (Commission of the European Communities 2002: 29).

In order to make the prosecution of security forces involved in torture cases more easy, the permission procedure was also abolished. Public prosecutors gained the authority to open investigations against law enforcement officers without gaining permission from their superiors (Commission of the European Communities 2003: 26). Moreover, torture and ill-treatment cases were considered urgent cases by courts, which cannot be postponed for more than 30 days, unless a vital reason exists for delay (Commission of the European Communities 2003: 26). In view of these domestic legislative changes, great progress was made in Turkey on the EU requirements to prevent torture and ill-treatment during the post-Helsinki period.

The harmonisation of Turkish domestic legislation with the EU promoted norms was also influential on Turkey's freedom of expression provisions. According to a senior Ministry of EU Affairs official, after the Helsinki European Council the EU exerted considerable pressure on Turkey to improve the exercise of freedom of expression (Interview_6 2012). In this context, article 159 of the Penal code (which forbade expressions that insulted the state, insulted the state institutions, or undermined the indivisible unity of Turkey) was amended. According to the new version of the article, such expressions would not incur any penalties (Secretariat General for EU Affairs 2007b: 15). In line with the amendment, those who criticized Turkish counter-terrorism policies, and the practices of security forces, without an intention of insult, and without secessionist motives, was not subject to criminal investigation.

In another penal code article (312), the scope of "incitement" was narrowed to include only crimes that incited hatred on the basis of differences of social class, race, religion, sect, or region. Prior to the amendment the EU expressed its concerns about this article, which constituted a setback for freedom of expression in Turkey (Commission of the European Communities 2000: 17). After the legislative amendment, incitement became an offence if it is dangerous for public order (Commission of the European Communities 2002: 32). In consideration of Turkish counter-terrorism policies, if the PKK sympathizer's expressions on the ethic rights of Kurds did not incite violence, they were excluded from judicial investigation.

The articles of the ATL concerning freedom of expression were also amended in line with the EU requirements. The wide use of article 7 and 8 of the ATL by Turkish prosecutors and judges to restrict freedom of expression had been subject to EU criticism (Commission of the European Communities 2001: 24). Therefore, article 7 of the ATL, was altered. The wording was changed from "those who spread terror-related propaganda" to "in a manner encouraging people to resort terrorist methods"(Commission of the European Communities 2003: 30). After the amendment was put into effect, an act of disseminating terrorist propaganda must incite the use of "terrorist methods" to be considered as a terror crime (Bjonberg and Richmond 2003: 10). Within the same framework, article 8 of the ATL was also repealed. According to the revoked article, "the propaganda against the indivisible unity of the state" was considered as a terror crime (Commission of the European Communities 2003: 29). After the annulment, those who suffered from their political views about autonomy, the Kurdish question, and the cultural rights of Kurds, were safeguarded from prosecution.

Despite the fact that the above-mentioned amendments in the penal code and the ATL expanded the limits of freedom of expression in the counter-terrorism domain, there was a tendency to instead use article 169 of the Turkish

Penal Code (which codifies "aiding and abetting illegal organisations"). This article was interpreted from a broader perspective in order to prosecute cases of terrorist propaganda, and raised concerns in the EU about the protection of freedom of expression (Commission of the European Communities 2002: 33). To counteract the misuse of this article, its scope was narrowed by removing the words "actions which facilitated the operation of terrorist organisation in any manner whatsoever"(Commission of the European Communities 2003: 30). After the amendment of article 169, the use of this article for prosecuting expressions that overlapped with the PKK demands became limited.[31]

As regards to the freedom of the press, two major legal amendments were put into practice in order to respond to EU requirements. Firstly, article 30 of the Constitution was amended. In the previous version of the article allowed the confiscation of printing facilities. It was changed and the seizure of printing equipment has no longer permitted (Commission of the European Communities 2004b: 38). Along with this constitutional change, a new Press Law was adopted in June 2004. The previous law enabled the closure of publications and the confiscation of printing machines and written material (such as books and periodicals). The new law substituted these sentences with fines (Commission of the European Communities 2004b: 38). After the adoption of the new law, those press agencies who sympathised with the PKK could only be punished with fines rather than the harsh measures cited, if they intended to insult state institutions, create public danger, or encourage terror methods.

The EU influence on Turkish counter-terrorism policy towards the PKK is also seen in the easing of restrictions on the Kurdish language. The Civil Registry Law was amended to allow parents to name their children as they wish. Names consisting of the letters q, w, and x (which are commonly used in Kurdish) and names offending "moral values" and those likely to "offend the public", were kept out of the scope of the amendment. The notion of "politically" offensive

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[31] For example, article 169 was used to prosecute the students who petitioned for optional Kurdish language courses at university.

names was removed from the law, which meant the names of important Kurdish political figures could be given to children (Commission of the European Communities 2003: 37). Another restriction, which prohibited the use of languages other than Turkish in public statements and publications, was abolished by amending articles 26 and 28 of Turkish constitution (Commission of the European Communities 2001: 28). These amendments were apparently made in light of criminal investigations that were made against the use of Kurdish. After the amendment, no such investigations were made. Broadcasting in Kurdish was also permitted by the amendment of the Law on the Establishment of Radio and Television Enterprises. The restriction on broadcasting in different languages other than the Turkish was abolished (Secretariat General for EU Affairs 2007b: 9). As a result of this legislative change, TV channels and radio stations had the opportunity to air Kurdish programmes, unless they did so in order to spread propaganda on terror, violence, ethnic discrimination, or in order to undermine the territorial integrity of Turkey. As for education in Kurdish, the Law on Foreign Language Education and Teaching was amended. This new amendment provided the opportunity to learn Kurdish and to open private Kurdish courses (Commission of the European Communities 2002: 41). However, Kurdish education in state owned schools did not fall under the scope of the amendment. The ban on establishing an association to protect languages and cultures other than Turkish was lifted by amending article 5 of the Associations Law (Secretariat General for EU Affairs 2007b: 7). This amendment provided an opportunity to establish Kurdish Cultural and Language Clubs in Turkey, which used to be a criminal offense. After all of these legislative reforms, the arguments, used by the PKK to manipulate Kurdish citizens, about the restriction on the use of Kurdish were weakened, but not entirely eliminated.

The political participation of pro-Kurdish parties in the Turkish political system (which had been restricted due to their links with the PKK), was

improved. A few amendments were made to the constitution and to the laws of political parties. According to the new regulations, sanctions towards the political parties could only be imposed when the executive organs of the political party intentionally encouraged actions that constituted terror related crimes. This was not clearly defined in the previous version of article (Commission of the European Communities 2001: 26). Within the same legislative package, the constitutional court was given the authority to deprive a political party of full or partial financial assistance. This was added as an alternative penalty to the dissolution of political parties, which was the only one that previously existed (Commission of the European Communities 2002: 37). Furthermore, political parties gained a right to appeal against the decision of the Public Prosecutor of the Court of Appeals to dissolve the party. This also did not exist in the previous version of law (Commission of the European Communities 2003: 33). These amendments made it difficult to close pro-Kurdish parties. However, the political participation of Kurdish figures who had been involved in terror crimes was prohibited (including even those people who had benefited from amnesty law) (Secretariat General for EU Affairs 2007b: 12). In this context, the leaders of the PKK lost their chance to participate in politics by legal means.

The ratification of international conventions abolishing the death penalty also necessitated aligning domestic legislation with these conventions. In the first constitutional amendment (article 38) considering the death penalty, capital punishment was abolished except for terror and war crimes. This was a limited amendment in the eyes of the EU representatives, because the additional sixth protocol of the ECHR did not permit any reservation on the use of the death penalty (Commission of the European Communities 2001: 21). When the sixth protocol of the ECHR was adopted in 2003, another legislative amendment was put into practise within the third harmonisation package. Capital punishment sentence were converted into prison sentences, and could only be enforced during times of war or the imminent threat of war (Secretariat General for EU

Affairs 2007b: 8). After this amendment, the EU promoted norms regarding capital punishment were transposed to Turkish legislation. However, when Turkey ratified the thirteenth additional protocol of the ECHR in 2004, which abolished capital punishment in all circumstances, another domestic legislative change became necessary. In this context, the articles permitting the death penalty in the constitution were revoked, and within 16 different laws the death penalty was converted to life sentences (Secretariat General for EU Affairs 2007a: 76). After all these legislative amendments the death penalty could no longer be imposed on Abdullah Ocalan or any other PKK member.

The role of the National Security Council on decision-making in the counter-terror related issues was curbed in line with the EU requirements. Article 118 of the Constitution, which defines the role and composition of the NSC was amended. The number of civilians in the Council was increased from five to nine, while military representatives remained at five. The government was no longer required to give "priority consideration" to the recommendations of the Council, and instead could merely "evaluate" them (Commission of the European Communities 2001: 19). The shift in the constitution also brought an amendment in the law of the NSC and the Secretariat General of the NSC. The procedure for selecting the General Secretariat changed, and civilians had the chance to be appointed to this position. Within the same legislative amendment, the authority of the General Secretariat to obtain confidential documents and open sources was revoked (Secretariat General for EU Affairs 2007b: 17). The representatives of the NSC in the High Education Board (YÖK), the Radio and Television Supreme Council (RTUK) and the Supervision Board of Cinema, Video and Music were removed by amending the relevant laws (Commission of the European Communities 2004b: 15-22). These legislative changes removed the legal basis that provided the Turkish army with the ability to constrain and intervene with governmental decision in the name of countering the PKK. However, military members of the Council continued to express their opinion

about critical issues (such as promotion of ethnic rights of Kurds) through informal channels like media statements (Commission of the European Communities 2002: 25).

In order to find a solution to internally displaced persons, the Law on the Compensation of Losses Resulting from Acts of Terror and Measures Taken against Terrorism was adopted in July 2004 (Commission of the European Communities 2004b: 50). The efforts of UN representative for Displaced Persons, and the thousands of pending cases in the ECtHR on this subject, encouraged Turkish political actors to adopt such a legislative act (Commission of the European Communities 2004b: 50). The new law was aimed at compensating the losses of people who were displaced during 1990s when counter-terrorism operations against the PKK were at their peak. In order to asses these people's property damage, a compensation committee was established in October 2004. As Usul has indicated, the adoption of this law was an acknowledgement by the Turkish state of the incorrectness of its hard-line counter-terrorism policies (Usul 2011: 135). After the law was put into practise, according to official figures, more than 50,000 applications were processed (Turkish Ministry of Foreign Affairs 2007).

In sum, the post-Helsinki period was very productive period for Turkish political actors in transforming Turkey's counter-terrorism policies in line with EU requirements. As the details reveal, such extensive legislative amendments succeeded within five years, in comparison to the inadequate and cosmetic amendments that had been carried out within the previous fifteen years of the pre-Helsinki period. The domestic legislation empowering hard-line counter-terrorism practices was mostly abandoned during this period. These amendments were made in Turkey during a time when terrorism was still a sensitive issue in Turkey (despite the fact that Ocalan had been captured and the PKK militants were out of the Turkish borders). Furthermore, the governments who achieved these reforms had different ideologies and preferences. In

consideration of these circumstances, the EU impact on domestic legislative changes concerning Turkish counter-terrorism policies was high during the post-Helsinki period.

6.4.3. Institution Building

With respect to monitoring human rights violations, a few institutions were set up during the post-Helsinki period. The first of these institutions, the Human Rights Presidency, was established in April 2001 under the administrative structure of the Prime Ministry. In a press statement, the Prime Minister Bülent Ecevit indicated that the establishment of the Presidency was one of the priorities the Government had in its attempt to fulfil the EU's Copenhagen political criteria (Sabah 2000). Also, according to a former head of the Presidency, this institution was established because of the EU's influence. In particular, it was established after the EU's progression reports, and in response to the EU's accession partnership with Turkey (Interview_16 2013). The presidency was authorized to monitor the implementation of legislation in the area of human rights. It was also tasked with organising nationwide awareness campaigns through media channel, special hotlines, and complaint boxes. All other secondary human rights bodies (such as provincial human rights boards) were required to report their activities to the Presidency every four months. Even though the establishment of the Human Rights Presidency was an import step for the institutionalization of human rights protection in Turkey, its remit was only to coordinate state institutions and to make recommendations to them (Birincioglu 2008: 200-01). Therefore, like all other previous human rights institutions in Turkey, the Human Rights Presidency lacked executive powers. Furthermore, according to EU reports, the Presidency had little nationwide impact on the protection of human rights in Turkey (Commission of the European Communities 2004b: 32). In order to support activities of the Human Rights Presidency, three subordinate human rights institutions were established:

the High Human Rights Board, the Human Rights Consultation Committee and the Human Rights Investigation Board

As a former head of the Human Rights Presidency has indicated, the High Human Rights Board (HHRB) was established instead of The High Coordinating Committee on Human Rights (see section 5.4.3), which was annulled after the creation of the High Human Rights Board (Interview_16 2013). The HHRB was an inter-ministerial committee tasked with making proposals that promoted and strengthened human rights protection in Turkey. It had the authority to invite representatives of public institutions to set up working groups. This board was comprised of representatives from the Ministries of the Interior, Justice, and Human Rights, who were responsible for executing, exercising jurisdiction, and monitoring Turkish counter-terrorism policies. Therefore, its responsibility was important to prevent human rights violations in the field of counter-terrorism. As for protection of human rights, the Board's proposals were influential on Constitutional changes with regards to freedom of expression, freedom of justice and state security courts (Interview_16 2013).

The Human Rights Consultation Committee (HRCC) was another board established because of EU influence (Interview_16 2013). It was responsible for the exchange of information between government and non-governmental human rights organisations. It also has a consultancy duty to the Prime Ministry on national and international human rights matters. This Committee was composed of representatives from public institutions, human rights NGO's and individuals who worked in this field. In this context, in comparison to the previous human rights monitoring boards, NGO's were provided seats on this board (Commission of the European Communities 2004b: 32). According to a former head of the Human Rights Presidency, the Committee only held its first meeting in 2003, even though it was established two years earlier in 2001, and it only met six times (Interview_16 2013). The termination of the Board occurred because of a quarrel between members of the Board and the Human Rights

Presidency with regards to the report prepared in 2004 for ethnic and religious minorities (Birincioglu 2008: 191; Interview_16 2013; Radikal 2004b). In this respect, the HRCC influence to enhance human rights protection lasted only a year.

The Human Rights Investigation Board (HRIB) was authorised to make spot checks on the facilities of law enforcement agencies for alleged human rights violations. This board was composed of representatives from Ministries of the Interior, Justice, Foreign Affairs, Education, and Health. The intention was that each member of the Board would contribute to the investigation report from their point of view. The Committee's possible inspections on detention centres of counter-terrorism branches could have been a positive step towards the prevention of human rights abuses (Birincioglu 2008: 197-99). However, the HRIB was never activated (Birincioglu 2008: 199; Interview_16 2013). So, the HRIB had no impact on preventing human rights violations in counter-terrorism.

Along with the central institution, Provincial and Sub-provincial Human Rights Boards were also established as part of EU harmonisation reforms (Interview_16 2013). These boards were established in every city and town in Turkey and are in charge of monitoring human rights violations on behalf of the Prime Ministry. By 2004, 81 provinces in Turkey and 931 sub-provinces had such a board (Commission of the European Communities 2004b: 32). When they were first established, there were law enforcement representatives on each Board. However, in order to change the image of the Boards, law enforcement representatives were replaced with elected state officials (mayors) and NGO representatives (from the bar association, or the chamber of commerce) and media representatives (Birincioglu 2008: 202). Despite the fact that some human rights NGO's refused to participate in meetings, complaining that their requirements were not taken seriously by governors (Interview_16 2013), these boards expanded human rights protection from the centre of Turkey to its periphery.

With regards to the efficiency of the EU reform process, a Reform Monitoring Group (RMG) was set up in 2003, in which ministers from EU Affairs, Justice, Internal Affairs and Foreign Affairs had a seat. According to a senior Foreign Affairs Official, the group was tasked with observing and overcoming those problems among the different ministries which stemmed from the implementation of human rights reforms (Interview_8 2012). The Justice and Interior Ministries were responsible for counter-terrorism policy adjustments. On the other hand, ministers of EU and Foreign Affairs were tasked with the role of ensuring good EU relations. Therefore, the Reform Monitoring Group started to play a constructive role in altering Turkey's counter-terrorism policies in line with the EU demands. For instance, if there was a problem with the adoption of an EU required reform (e.g. if some Courts failed to provide a free interpretation service to suspects who cannot speak Turkish), the RMG would take a decision that influenced these courts to implement the reform (Interview_18 2013). In this respect, even though the RMG is not a major institution in counter-terrorism, it has implicit role in influencing state institutions to adopt EU based reforms.

The institution building initiatives for the monitoring and protection of human rights also took place within the state institutions concerned with counter-terrorism policy. In this respect, a human rights investigation office was established within the Ministry of the Interior (Commission of the European Communities 2004b: 17). According to a senior Ministry of Interior official, the establishment of this unit was intended to show the EU that the Ministry was serious about investigating human rights allegations. Its function is to inspect human rights allegations in all law enforcement agencies, such as the police and the gendarmerie, on behalf of the Minister of the Interior. The Ministry of the Interior Investigation Office is stronger than and superior to the domestic investigation units within these law enforcement agencies. If an investigation office finds any breach of human rights within these departments in relation to

counter-terrorism, it forwards the case to the courts for judicial prosecution (Interview_22 2013).

Another human rights institution was established within the Turkish Gendarmerie Command in April 2003. The Human Rights Violations Investigation and Assessment Centre was set up as part of an EU project to support the implementation of human rights reforms in Turkey (Commission of the European Communities 2004a: 16). It is responsible for investigating and evaluating complaints and applications about allegations of human rights violations taking place in the Gendarmerie units (The Turkish Gendarmerie Human Rights Violations' Investigation and Evaluation Center 2013). After the Centre started to function, victims who were subject to human rights violations under the Gendarmerie counter-terror branches had the right to complain about the officers who were responsible for these abuses.[32]

In sum, during the post-Helsinki period, a similar productive trend can be observed in the ratification of international conventions and domestic legislative changes as is seen in institution building initiatives. The Human Rights Presidency and its sub-committees, the Reform Monitoring Group, and human rights offices within the Ministry of Interior and Gendarmerie, were established to strengthen the monitoring and investigation of human rights violations. However, the efficiency of some of these institutions is questionable. Some have operational difficulties (HRCC and HRIB), others lack executive powers (Human Rights Precedency), and still others have coordination problems (Provincial and Sub-provincial Human Rights Boards). Despite this, for the first time human rights NGO's have had a seat within human rights committees. Furthermore, human rights monitoring mechanisms have been extended to provincial and sub-provincial levels, which is a promising development for the expansion of human rights protection nationwide in Turkey. According to elite interviews conducted

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[32] During the fieldwork conducted in 2012 and 2013 in Turkey, interview requests from this unit were declined. Therefore, there was not enough evidence gathered to indicate the efficiency of this unit.

in Turkey, the EU influence on the establishment of these institutions was clear during the post-Helsinki period. In that sense, the EU influence on institution building initiatives to transform Turkish counter-terrorism policy was high during this period.

6.5. The Application of EU Conditionality and Socialization in the Post-Helsinki Period

The high level of EU influence on the ratification of international conventions, domestic legislative changes, and institution building initiatives to transform Turkish counter-terrorism policies was an outcome of EU level and domestic level factors. In this respect, these factors will be clarified under the credibility of conditionality, adoption costs, legitimacy of EU requirements, and domestic resonance headings.[33]

6.5.1. Credibility of Conditionality

Starting with the Helsinki European Council in 1999, the EU gave a clear membership prospect to Turkish authorities. In the Helsinki European Council, Turkey was declared as a "candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate States" (European Council 1999: 4). Such a strong promise was not given to Turkish governments prior to this. Therefore, after the Helsinki Summit, the adoption of EU promoted reforms accelerated (Interview_1 2012; Interview_6 2012; Interview_8 2012).

The EU's motivating approach also enforced by positive statements made during the other European Union Councils. In the European Councils held in Laeken in December 2001, Seville in June 2002 and Thessaloniki in June 2003, Turkey's efforts to comply with the EU promoted norms were praised and Turkish authorities were encouraged to continue the reform process (European Council 2001a: 3, 2002: 7, 2003a: 11). Therefore, the EU's seriousness about

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[33] See chapter three for details of these independent variables.

Turkey's candidacy during the post-Helsinki period was supported by encouraging messages.

The EU's strong indication of Turkey's candidacy was also consolidated by another promise made in the Copenhagen European Council in December 2002. According to the Presidency Conclusion, "If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay" (Council of the European Union 2002c: 5). With this decision, the EU not only consolidated its intention on Turkey's candidacy but also committed itself to a precise deadline, which increased the credibility of conditionality on Turkish political actors to adopt EU promoted norms.

Lastly, the consistent attitude of the EU towards Turkey was also strengthened by its fulfilling promises made at the Helsinki and Copenhagen European Councils. Firstly, the Commission affirmed that Turkey had sufficiently fulfilled the Copenhagen political criteria, and secondly, it recommended that the European Council start negotiations with Turkey in the Brussels European Council in June 2004 (Council of the European Union 2004c: 5). In view of these decisions, the credibility of EU conditionality increased.

The credibility of EU conditionality was high during the post-Helsinki period. The high level of credibility stemmed from the consistent and impartial attitudes of the EU towards Turkey. Furthermore setting a date for candidacy was also influential on accelerating rule adoption in the counter-terrorism domain.

6.5.2. Adoption Costs

The capture of the PKK leader Abdullah Ocalan in 1999 was one of the factors that reduced the adopt cost of EU promoted norms by Turkish political actors. His capture restrained PKK members from continuing their attacks (Interview_10 2012; Interview_27 2013; Çandar 2012: 69). After his seizure, rather than

escalating PKK violence Ocalan preferred to make statements for the democratic solution of the Kurdish Question (Gunter 2004: 201). Even though these statements were hard for PKK sympathizers to accept, it increased the moral superiority of Turkish governments and security forces on defeated PKK forces. Therefore, the adoption of the EU promoted norms was easier for Turkish political actors.

Abdullah Ocalan also ordered the leaders of the PKK to withdraw their militants from Turkey to Northern Iraq. As a tightly disciplined and rigidly hierarchical organisation, the deputies of Ocalan obeyed his order without dissent (Emrullah Uslu 2007: 163; Van Bruinessen 2000: 287). Withdrawal of the PKK from Turkish borders improved the security situation in the Southeast of Turkey (Commission of the European Communities 2004b: 19). Moreover, due to the reduction in clashes between Turkish security forces and PKK members, the number of fatalities declined from 38,871 in the pre-Helsinki period to 936 in the post-Helsinki period (Şener 2010). This calmed nationalist sentiments in society. Therefore, a suitable environment occurred for Turkish political actors to adopt EU promoted liberal norms on counter-terrorism.

In consideration of these three factors, the adoption cost of the EU requirements was low for Turkish political actors during the post-Helsinki period. Until the decision of the PKK to resume its attacks in 2004, the EU promoted norms, which transformed counter-terrorism practices in Turkey, were adopted rapidly without any major objection from opposition parties and those in nationalist circles.

6.5.3. Legitimacy of the EU Requirements

During the post-Helsinki period, the EU requirements on Turkey to transform its counter-terrorism policy, were much clearer than in the pre-Helsinki period. From 1998 onwards, the EU started to issue progress reports for Turkey as it did for every other candidate country. Turkey's inappropriate counter-terrorism practices towards the PKK were monitored in these reports (European Council

1998: 22). Even though the first progression reports suffered from a lack of detail, in parallel with developing interaction with Turkey, the content of the reports expanded over time and provided in-depth findings. Along with the monitoring reports, within the same period, an accession partnership and its revised version was issued by the EU detailing what Turkish authorities should do to transform counter-terrorism policy. In response to accession partnerships, the Turkish governments adopted two NPAA, which meant Turkish authorities were aware of the EU requirements. Therefore, considering the progression reports and the accession partnerships, the clarity of the EU requirements on Turkey increased during the post-Helsinki period.

The EU demands revealed in the progression reports and accession partnerships also overlapped with the requirements of other international organisations such the UN, the CoE, and the OSCE. The content of the CPT reports about detention centres and the exercise of torture, the UN representative report for the IDPs, and the recommendations of the OSCE HCNM, coincided with EU requirements. Furthermore, the EU was using the finding of other international organisation in its progression reports to evaluate the transformation of Turkey's counter-terrorism policies. In this context, Turkish actors were socialized by the efforts of other international organisations as well as by the EU's conditionality strategy. Because the EU relied both on the assessments of other international organisations and its own evaluation, the legitimacy of the EU requirements during the post-Helsinki period increased.

Within this period, the EU was consistent in its requirements on Turkey to adopt right-based counter-terrorism policies towards the PKK. In this respect, the EU member countries refrained from extraditing Abdullah Ocalan to Turkey, due to the risk of him being given the death penalty. If he was sent to Turkey, the EU demands from Turkey to abolish the death penalty would be undermined, which would in turn have undermined the EU's normative power stance. Along with the refusal of Ocalan's extradition, the EU added the PKK to

the designated terrorist organisation list. Prior to this decision, the EU had condemned the PKK attacks in Turkey, but no concrete steps had been taken to prevent PKK activities in Europe. Therefore, Turkish political actors had questioned the sincerity of the EU. After this decision, the legitimacy of the EU requirements on Turkish political actors increased. Furthermore, the EU gave the impression to Turkish political actors that the more Turkey adopted the EU promoted liberal democratic norms and implemented them, the more the EU would be supportive of Turkey's struggle against the PKK.

In view of these factors, during the post-Helsinki period, the legitimacy of the EU requirements for the transformation of Turkish counter-terrorism policy was at a high level. This outcome was based on the clarity of the EU demands in the progression reports and accession partnerships, its consistent manner in normative and security matters, and its coinciding demands with other international organisations.

6.5.4. Domestic Resonance

During the post-Helsinki period Turkish political actors' openness to transform Turkish counter-terrorism policy in line with the EU requirements were in a fragmented state. The controversy among the political actors about adopting the EU promoted norms was obvious. The reformist elites, who were defending the necessity of Turkey joining the EU, supported adopting the EU promoted norms for countering the PKK within democratic parameters. On the other hand, veto players were arguing to continue with hard-line counter-terrorism until the last PKK member surrendered.

As for politicians, during the post-Helsinki period, there were two governments in power. The first government (May 1999/November 2002) was formed by the Democratic Left Party (DSP) (i.e. the social democrat party), the Motherland Party (ANAP) (i.e. the centre-right nationalist party) and the MHP (i.e. a party that based its policies on Turkification). Within this coalition the DSP and the ANAP supported the adoption of EU norms, and were aware that if the

norms were not adopted, Turkey would be forced out of the enlargement process (Baç 2005: 23). On the other hand, the MHP clearly expressed its opposition to the reforms, and claimed that they endangered national sovereignty and the security of country (Önis 2003: 16). Therefore, in the first years of the post-Helsinki period, the reforms were adopted in a selective manner (e.g. whilst the death penalty was abolished, terror crimes were excluded, which did not fulfil the EU requirements). In that sense, the appropriateness of the norms was not influential on the decision process of this government.

The second government, the AKP, came to power with a majority in November 2002. The AKP viewed the EU accession as necessary in securing its political survival, given the risks of being overthrown by secular institutions such as Turkish Army and high judiciary (Keyman and Düzgit 2007: 75). In order to accomplish this objective, the AKP aimed to eliminate the factors that were blocking Turkey's accession to the EU, such as its hard-line counter-terrorism policies. Therefore, they rapidly adopted the EU promoted norms in order to to start accession negotiations. However, their willingness to transform Turkish counter-terrorism policies was not based on recognizing the failure of previous counter-terrorism policies. Rather, it was motivated by rational reasons, i.e. that they would benefit by acceding to the EU.

The position of the Turkish army on the adoption of EU promoted norms was not stable during this period. On the one hand, they supported Turkey's EU membership for geopolitical necessities (Demir 2002; Hurriyet Daily News 2000). And they also pioneered lifting the state of emergency in the Southeast of Turkey by recommending the AKP government to do so. On the other hand, they clearly indicated their opposition to granting cultural rights to Kurds. For example, in the National Security Council meeting in 2000 the army representatives argued that Kurdish cultural rights are a tactic of separatist terrorism (Aydınlı 2002: 215). In view of these opinions, during the post-Helsinki

period, the Turkish Army evaluated the EU promoted norms through a security perspective, rather than believing they are required for a peaceful solution to end ethnic separatist terrorism. Therefore, because the PKK had been defeated by military means, the appropriateness of the EU norms to transform Turkish counter-terrorism policy was not at the centre of Turkish Army's interests.

The role of the Turkish judiciary in the adoption of EU promoted norms was not progressive like most of the other Turkish political actors. For example, in spite of amendments made for improving freedom of expression by Turkish governments, there was a tendency in the Turkish judiciary to use other legal provisions to prosecute terror suspects for their non-violent opinions. Also, the constitutional court preferred to close HADEP for its links with the PKK, despite the constitutional amendments, which made the dissolution of political parties more difficult. In view of these decisions, the appropriateness of the EU promoted norms was not greatly influential on the Turkish judiciary in order to expand civil liberties in the counter-terrorism domain.

The public demand for EU candidacy was extremely high during the post-Helsinki period, which gave the necessary support to Turkish politicians to adopt EU promoted norms. In the TESEV survey conducted in 2002, 64% of participants voted in favour of Turkey's full membership in the EU (Çarkoğlu 2003: 163).[34] Similarly, in another survey conducted by the German Marshall Fund, the support for Turkey's EU membership was 73% in 2004 (The German Marshall Fund 2010: 24).[35] However, the desire for EU membership was not based on improving civil rights in Turkey, but rather on the demand for economic development, the reduction of corruption, and freedom of movement in the EU. According to a 2002 TESEV survey, 76% of the participants were not aware of what the "Copenhagen Political Criteria" was about. Furthermore, the support for lifting bans on Kurdish was only 39% (56% against) and converting the death

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[34] This survey was made through face to face interviews with 3,060 voting citizens in 17 Turkish provinces and 25 towns.
[35] The survey consisted of telephone interviews with 1000 randomly selected adults.

penalty into life imprisonment was 43% (54% against) (Çarkoğlu 2004: 32). As these figures indicate, even though the Turkish public was supportive of the EU membership for economic reasons, their support did not extend to the changing of counter-terrorism policies towards the PKK.

In view of these reasons, domestic resonance to change Turkish counter-terrorism policy was low during the post-Helsinki period. For the reformist politicians, who supported the EU membership, material benefits such as membership status, economic development, and securing political survival, were the main reasons of rule adoption, rather than the appropriateness of the EU norms. For the Turkish veto players, security reasons outweighed the normative requirements of the EU.

6.6. Conclusion

In light of the evidence gathered in this chapter, the EU influence on Turkey's counter-terrorism policy was high during the post-Helsinki period. The old counter-terrorism policies of the pre-Helsinki period (such as the evacuation of villages, the state of emergency rules and institutions, extra judicial killings, and state security courts) did not continue during this period. On the contrary, new policies such as a zero tolerance policy towards torture, a repentance policy for PKK members, and a return to village project, were implemented to redress the failures of the previous counter-terrorism policies. Furthermore, Kurdish politicians imprisoned for their political views were released, and restrictions on Kurdish were eased. However, inadequate progress was seen on the village guard system, and on the dissolution of pro-Kurdish parties. The overall performance of Turkish political actors was at sufficient level.

In order to make these policy changes, Turkey adopted the EU promoted international agreements, such as the CoE and the UN conventions abolishing the death penalty and eliminating discrimination. The UN conventions on civil and political rights were adopted (except for a reservation of granting educational rights to minorities in their mother tongue). Furthermore, during the

same period two constitutional changes and eight legislative harmonization packages were adopted, which included legal provisions for altering the counter-terrorism procedures of the security forces. A similar trend was also seen in the establishment of new central and local human rights institutions to monitor the implementation of EU promoted norms and prevent human rights violations. Such a comprehensive change in Turkey's counter-terrorism policies was based on EU-level and domestic factors.

The high level of credibility of conditionality was the first reason for the changes. The EU provided a clear membership prospect to Turkey after the Helsinki European Council in 1999. Further official statements made in several European Councils during the post-Helsinki period also consolidated the good intention of the EU. At the end of this period, the EU rewarded the efforts of Turkish political actors by giving Turkey candidate status. In that sense, the consistent and encouraging approach of the EU increased the credibility of conditionality.

The low level of adoption costs was the second reason for the transformation in Turkish counter-terrorism policies. The capture of the PKK leader, and his order for PKK members to withdrawal from Turkish territory, reduced PKK activities in Turkey. Because of this, the adoption of EU promoted norms became easier for reformist Turkish political actors. They could counteract the criticism of opposition parties and those political elites who opposed the policy changes.

The high level of legitimacy of the EU requirements is the third reason that facilitated the adoption of EU promoted norms. By using progression reports and accession partnerships the EU requirements were much clearer than the demands made in the pre-Helsinki period. Furthermore, the EU requirements mentioned in these documents overlapped with UN and CoE demands, which increased their legitimacy for Turkish political actors. Also, the EU's consistent approach in supporting Turkey's counter-terrorism struggle (so

long as Turkey continued to adopt EU promoted norms) is another reason why the legitimacy of the EU requirements increased.

The low level of domestic resonance was the only negative factor that might be considered as weakening the EU influence during the post-Helsinki period. Except for the AKP government, other political actors who were influential on counter-terror policy, were not supportive or has no strong opinion about, the EU based reforms. Indeed, the AKP government itself was only supportive for self-interested reasons to do with its political survival. It did not recognise the shortcomings of Turkey's counter-terrorism policy. In that sense, the low domestic resonance variable is inadequate to explain the policy transformation in the counter-terrorism domain. In the absence of domestic resonance, the progress made in adopting EU promoted norms indicates that Turkish political actors adopted them for rational reasons rather than the appropriateness of norms themselves. Therefore, the norm adoption behaviour of Turkish political actors was based on the EU's conditionality mechanism, rather than its socialization efforts. According to these empirical findings, post-Helsinki results are summarized as follows.

Table 3- Overview of Empirical Investigation of the Post-Helsinki Period

Variables	INDEPENDENT VARIABLES				DEPENDENT VARIABLE
	Conditionality (External Incentives Model)		Socialization (Social Learning Model)		
Units	Credibility of Conditionality (EU LEVEL)	Adoption Costs (DOMESTIC LEVEL)	Legitimacy of EU Requirements (EU LEVEL)	Domestic Resonance (DOMESTIC LEVEL)	*The EU Impact on Formal Rule Adoption in the Counter-terrorism Domain*
Post-Helsinki Period 1999-2004	High	Low	High	Low	High

7. The Post-Brussels Period

7.1. Introduction

The post-Brussels period is the last period in which the EU influence on Turkish counter-terrorism policy towards the PKK will be analysed. It starts with the 2004 Brussels European Council, when Turkey was upgraded to the status of a candidate country, and on-going negotiations with the EU had started. During the same year, the PKK also resumed its attacks in Turkey. The post-Brussels period ends in 2013, when negotiations with Turkey and the PKK for a peaceful solution had started. As for Turkey, it was in a stable period, in which the AKP had won two consecutive general elections (in 2007 and 2011), and had a single party majority government.

The post-Helsinki period was a challenging time for the EU due to the 2004 Madrid and 2005 London terrorist attacks that took counter-terrorism to the top of the EU's security agenda. Furthermore, the debt-crisis between 2008-12 was another major event that negatively influenced the EU's enlargement policy. It is under these circumstances that this chapter will seek to answer the question: "Why and how were EU promoted norms adopted in Turkey in a way that transformed its counter-terrorism policies towards the PKK in the post-Brussels period?"

Once more, this chapter relies on the framework outline in chapters 1 and 3, and its main elements are again repeated in the footnote below for ease of reference.[36] In view of these variables and parameters, the main argument of

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[36] This chapter rely upon the research framework outlined in chapter 1 and 3. To summarise the main elements of this framework: Rule adoption is the dependent variable. The theoretical framework encompasses the Conditionality/Socialization mechanisms (see p89 for the former and p100 for the latter) and their variables "Credibility of Conditionality" (see p96 above), "Adoption Cost" (see p98 above), "Legitimacy of EU Requirements" (see p104 above) and "Domestic Resonance" (see p108 above). To transform qualitative data into scalable values, two parameters: "low" and "high" levels have been identified. These are summarized in chapter 1 (see 33 above).

this chapter will be: due to the weakening EU conditionality strategy (Low Benefits-High Costs) the speed of rule adoption in the counter-terror domain reduced in Turkey. However, norm adoption continued as a result of the socialization efforts made by the EU, which is based on the appropriateness of the EU promoted norms (High Legitimacy-High Resonance).

Similarly to the earlier empirical chapters, this chapter starts in 7.2 with Turkey's counter-terrorism policies towards the PKK to point out whether there is policy change or not. This will be followed in 7.3 by the EU's policies towards Turkey to emphasize the role of the EU in effecting those changes. Then 7.4 gives an in-depth analysis of rule adoption to reveal the evidence of the EU's impact. In the final section, 7.5, the factors influential on domestic policy transformation will be highlighted to answer why and how the EU was influential on the changes.

7.2. Turkey's Policies for Countering the PKK

Turkey's democratization initiatives during the post-Helsinki period (which targeted Kurdish citizens) made for the sake of the EU membership, were a strong challenge for the PKK. These reforms enhanced the position of the AKP in the Southeast of Turkey. In the 2004 local elections, the pro-Kurdish party Democratic People's Party (DEHAP) lost a majority of votes to the AKP in the ten Southeast provinces, which was seen a threat to the hegemony of the PKK on Kurdish citizens (Congar and Cagatay 2004; Tezcür 2010: 781-82). Furthermore, an internal crisis appeared within the organisation, and some of the high profile members of the PKK such as Osman Ocalan[37] quit the organisation, arguing that Turkey's EU candidacy made it possible to obtain the objective of the PKK through political means (Çandar 2012: 76). In order to regain power in the region and engage its militants with action, the PKK announced an end to the ceasefire in June 2004.

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[37] Abdullah Ocalan's brother.

After the decision was made to resume attacks, the PKK used different tactics to escalate instability all around the country. They started to target security forces by ambushing them with remote controlled bombings (Yavuz and Özcan 2006: 110). On several occasions, they attempted suicide bombings in urban areas (BBC 2007). They kidnapped security personnel, civilians, and sometimes elected politicians (Todays Zaman 2012e). Furthermore, the PKK provoked violent demonstrations in the Southeast of Turkey and called for Kurdish citizens and especially children to partake in civil disobedience (Ozeren 2012). In response to these terrorist tactics, it became necessary for Turkish political actors to intensify security measures towards the PKK. According to senior officials from different Turkish government institutions, these new counter-terror measures were not a return to the hard-line counter-terrorism policies of Turkey in the pre-Helsinki period, but were rebalancing a neglected security dimension of counter-terrorism policy (Interview_3 2012; Interview_7 2012; Interview_9 2012; Interview_10 2012).

One of the measures put into effect was amendment on the ATL. Prior to this legislative amendment, the Chief of Staff Hilmi Özkök complained about the EU requested democratic reforms arguing, "Despite our curtailed authorities we are combating terrorism". He required necessary legislative changes from the AKP government (such as the power to fire directly and without hesitation at persons who do stop when warned, and more authority for the surveillance of terror suspects) (Çetin 2005). In line with the requirements of law enforcement agencies, the provision defining terrorism was widened, the list of terrorist offences was extended, and the authorization of security forces to use weapons against suspects who do not obey the 'stop' command was added to the existing law. Based on newly amended articles, carrying emblems and signs belonging to terrorist organisation became a terrorism offence. In addition, detainees suspected of committing terrorist offences were faced with restrictions. Their access to an attorney could be delayed by a magistrate decision for the first 24

hours, and security officers may attend meetings between terror suspects and their lawyer under certain circumstances (Commission of the European Communities 2006: 6).

The widening definition of terrorism in ATL had an impact on counter-terror investigations in the region. One of the important incidents was the so-called "Stone Throwing Children Cases" which led to the arrest of minors aged between 12 and 18 for attending PKK sponsored demonstrations and resisting security forces by throwing stones. According to Minister of Justice figures, the total juveniles convicted for terror-related crimes increased from 17 in 2005 to 1,023 in 2010. Most of these children were those who were pushed to the forefront in demonstrations against security forces in the Southeast of Turkey (Ministry of Justice 2012).

In another wave of investigation, arrests were made against the PKK organised Kurdish network, the Koma Çiwarken Kurdistan (KCK). The KCK was established as an umbrella organisation, which unifies all Kurdish groups in Turkey, Syria, Iraq and Iran. The PKK and the pro-Kurdish parties were placed under the KCK administrative structure. According to Özcan, the KCK was influential on local administrations, such as municipalities under the management of pro-Kurdish parties, to provide logistical support and recruitment to the PKK (Özcan 2012). In order to collapse the KCK network and interrupt the support of the PKK, by 2012, 2,146 people were tried, and 992 people were arrested (among which 274 were locally elected and pro-Kurdish party affiliated representatives) (Radikal 2012). However, the EU was not happy with the arrest of these people for their non-violent opinions (Commission of the European Communities 2009: 30). According to senior EU officials, the EU concerns about KCK were all about the judicial procedure of the investigation, such as the rights of defendants, rather than KCK itself (Interview_11 2013; Interview_13 2013). Furthermore, in an interview with a senior Ministry of Justice official, he admitted that Turkey did not use an appropriate strategy to

prove the connection between the PKK and the KCK members to convince the EU (Interview_1 2012).

The escalation of PKK attacks in Turkey also pushed Turkey to re-apply ground military operations to their camps in Northern Iraq. Since the last ground military operation in 2000, the Turkish Army did not pass Iraq borders in order to counter the PKK (International Strategic Research Organisation 2007: 27). However, in 2007 The TBMM authorised the Turkish Army to conduct cross-border operations in Northern Iraq to eliminate PKK targets. Based on this authorisation, the Turkish Army began aerial bombardments against the PKK camps and Turkish troops passed beyond the Northern Iraq Border in 2008. After Turkey's cross-border counter-terrorism operation, the EU's High Representative for Common Foreign and Security Policy Javier Solana, made a public statement that "We understand the concerns of Turkey… but we think this action is not the best response"(Reuters 2008).

Along with the cross-border operations, a number of security measures (such as road blocks and checkpoints) were reinstated in the Southeast provinces (Commission of the European Communities 2005a: 38). Furthermore, "temporary security zones" were established in the mountainous areas of Şırnak, Siirt and Hakkari provinces where military operations were carried out against PKK targets. Public entry to these areas was restricted temporarily to prevent fatalities, and the army was provided with the authority to make unlimited searches within these areas (Commission of the European Communities 2008: 27; Todays Zaman 2012d). Some of the human rights organisations regarded this implication as a new form of the State of Emergency (Human Rights Foundation of Turkey 2009).

The downward trend in reported cases of torture and ill-treatment continued during the post-Brussels period. The reforms of the post-Helsinki period regarding the access to a lawyer, the medical examination of alleged torture cases, had shown positive results (Commission of the European

Communities 2007: 13). Turkish political actors' efforts were also praised by the President of the Council of Europe Committee for the Prevention of Torture stating that "it would be difficult to find a Council of Europe member State with a more advanced set of provisions" (Commission of the European Communities 2005a: 22). However, despite these positive improvements, there were still reported torture and ill-treatment cases, particularly in the Southeast of Turkey, and especially outside of official places of detention (Commission of the European Communities 2007: 14, 2008: 68).

With regard to the impunity of security forces, the post-Helsinki period revealed a mixed picture. On the one hand, the wrongdoings of security forces in the name of counter-terrorism were penalized. For example, two non-commissioned military officers responsible for bombing a bookstore in Şemdinli[38] (which was owned by a former PKK member) were sentenced to 40 years imprisonment (Todays Zaman 2012a). A Gendarmerie intelligence colonel, (who was responsible for 20 extra-judicial killings during the 1990s) was arrested and stood trial[39](Reuters 2010). In another case, prison guards and police officers received imprisonment on the grounds of torturing to death a person while he was in custody, who distributed a left-wing magazine. In relation to this case, the Minister of Justice Mehmet Ali Şahin apologized to the victim's family for his death on behalf of government (BBC 2008). On the other hand, there were concerns about the lack of prompt and impartial investigations against security forces. For instance, in 2004, a father and his 12-year-old son were killed during a counter-terror operation against the PKK in Kızıltepe, a district of Mardin. Although the forensic reports indicated that there was not enough evidence that the boy and his father fired at the police, the court concluded that the police did not use excessive force and acquitted them (Human Rights Watch 2007: 19). In 2011, 34 civilians in Uludere died in a military strike due to a failure of intelligence, which mistook Kurdish smugglers with PKK terrorists (The

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[38] Şemdinli is a district located in Hakkari in the Southeast of Turkey.
[39] At the time of writing this thesis the trial was not completed.

Economist 2012). The absence of effective, transparent, and swift investigation, and no direct apology either from military or civilian authorities raised concerns as to whether Turkey was returning to its abandoned hard-line counter-terrorism policies.

The so-called "Special Courts" established during the post-Helsinki period to replace the State Security Courts were also abolished in the post-Brussels period. The Special Courts, which were responsible for high profile cases such as "Ergenekon"[40], "Sledgehammer"[41] and "KCK", were criticised for long term trials and for arresting suspects without considering other preventive measures. Furthermore, the breaking point for these courts came when the prosecutors of the court invited the head of National Intelligence Service (MIT) Hakan Fidan to testify about clandestine talks with the PKK (Hürriyet Daily News 2012). After all these developments, with the sudden decision of the AKP, these courts were abolished and instead "Regional High Criminal Courts" were established in 2012. Prosecution of terror related crimes passed to these new courts. However, the on-going above-mentioned trials were carried out in "Special Courts" until the final verdict was reached. Within this context, the Prime Ministers authorization was also required for launching an investigation towards the high profile officers appointed by the Prime Minister, such as MIT members and high ranking army generals (Todays Zaman 2012c). This amendment was considered to constitute an arbitrary immunity for certain public officials (Commission of the European Communities 2012: 13).

The promotion of freedom of expression during the post-Brussels period was not in a steady pattern. Even though reforms were made to safeguard freedom of expression, there was a tendency in the judiciary to interpret the existing law in a restrictive manner, or to use alternative provisions to continue prosecutions if necessary (Commission of the European Communities 2011: 25). Furthermore, debatable decisions of judges in similar cases were undermining

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[40] A clandestine network accused of plotting to overthrow the AKP government.
[41] A suspected coup attempt in 2003 with the aim of unseating the AKP government.

the efforts to enhance the exercise of freedom of expression (Interview_1 2012; Interview_26 2013). In line with this controversial situation, an open debate took place during the post-Brussels period regarding the investigations against the journalists, academicians, human rights activists, and students. The amendment of terror-related laws to distinguish between them incitement of violence and the expression of non-violent ideas, was the major topic in this debate.

Despite the problems in the freedom of expression, the improving trend on the use of Kurdish in broadcasting and education continued during the post-Brussels period. As for broadcasting, in the first years of the post-Brussels period, there were time restrictions (one hour a day) on broadcasting in Kurdish. With the exception of music programmes, subtitle and translations in Turkish were obligatory for the programmes. Therefore, live broadcasting in political debates and general entertainment was technically cumbersome. Furthermore, educational programmes teaching Kurdish were also not allowed (Commission of the European Communities 2006: 21-42). However, these restrictions were lifted over time. For example, a new TV channel called "TRT 6" was established in the state owned Turkish Broadcasting Corporation in 2009. Unlike the previous broadcasting initiative in 2004, this channel was allocated only for broadcasting in Kurdish and broadcast 24 hours a day (Commission of the European Communities 2009: 28). Along with state owned channels, private radio stations and TV channels were licenced to broadcast in Kurdish. The restrictions on subtitles, translation into Turkish, and educational programmes, were lifted. Moreover, the Supreme Election Board (YSK) allowed the use of Kurdish in election campaigns (Commission of the European Communities 2011: 8-39).

In terms of education in Kurdish, the private Kurdish courses, which were allowed during the post-Helsinki period, did not bring the expected outcomes. Most of these courses were closed due to a lack of financial resources, restrictions on curriculum, problems regarding the appointment of teachers, and most particularly due to limited demand (Commission of the European

Communities 2005a: 37). However, during these years, in order to undermine the PKK manipulation of Kurdish citizens, positive steps were taken for education in Kurdish. In this context, YÖK authorised the Mardin Artuklu University to establish the "Living Languages Institution" for post-Graduate education in Kurdish in 2009, and an undergraduate department in 2011 (Hürriyet Daily News 2011b). This initiative was followed by opening Kurdish Language departments in Muş Alparslan University in 2010 (TRT 2011), Dicle University in 2011 (Todays Zaman 2012b) and Tunceli University in 2011 (Todays Zaman 2011b). Moreover, with a new educational reform in 2012, from the fifth grade in public schools, pupils have been provided with Kurdish classes for two hours per week, if there is enough demand for the course (Ministry for EU Affairs 2012: 43).

The return of IDPs continued to be encouraged by compensating these peoples' losses during the post-Brussels period. According to official figures, from 2004 to 2012, 361,391 applications were submitted to the Damage Assessment Commission, 305,758 of these applications were assessed, 166,158 cases were paid compensation, and 139,600 applications rejected. By September 2012, the total amount paid to claimants was 1,230,000,000 Euros (Commission of the European Communities 2012: 35; Internal Displacement Monitoring Centre (IDMC) 2012). Even though such a huge compensation was a positive step towards recovering the losses of IDP's, on the other hand there were other factors that remained unresolved for the easy return of these people, such as economic underdevelopment, the absence of basic infrastructure, the lack of capital, limited employment opportunities, and a deteriorating security situation in the region (Commission of the European Communities 2006: 23).

Apart from IDPs, the situation of village guards was not resolved during these years. According to official figures, more than 45,000 village guards were still paid by the government (Commission of the European Communities 2011: 42; Grand National Assembly of Turkey the Committee on Human Rights Inquiry 2013: 129). However, in an amendment adopted in 2007 on Village law the

government was authorised to recruit 60,000 additional village guards, which indicates there was likely no intention to abolish the existing village guard system (Hürriyet Daily News 2009). Furthermore, with the possibility of peaceful conciliation between Turkey and the PKK, the future of these guards was uncertain due to the lack of a comprehensive plan to abolish the village guard system (Guardian 2013). According to a senior Ministry of Interior official, if PKK terrorism were to end, these guards would be considered for employment in different state institutions, or they could continue their duty as law enforcement agents in villages outside of the counter-terror struggle (Interview_22 2013).

The intolerance towards the pro-Kurdish parties was not much different from the pre-Helsinki and the post-Helsinki periods. Similar to the previous party closure cases against the pro-Kurdish parties, the DTP, which is the successor of the HADEP, was closed by the Constitutional court on the grounds of ties that DTP politicians had with the PKK, and their activities against the indivisibility of Turkey. In its decision, the Court also stripped two MPs of their political immunity and their parliamentary seats. Furthermore, thirty-seven party members were banned from politics (Constitutional Court of the Republic of Turkey 2009). However, the sincerity of pro-Kurdish politicians on the dissolution of political parties, raised questions during this period. In the constitutional amendment of 2010, an article making the party closures difficult was dropped from the constitutional amendment package. The governing AKP was not able to find 330 votes to pass the threshold, and the support of pro-Kurdish parties support was necessary to introduce this article to referendum. However, the pro-Kurdish Peace and Democracy Party (BDP), which was established after the DTP closure, boycotted the voting, even though they suffered several times from party closures (Karabat 2010).

In order to end PKK terrorism by peaceful means, two important initiatives took place during the post-Brussels period. The first initiative "Democratic Opening" process started in March 2009. In his personal statement,

the President Gül[42] stated that there is a convergence of ideas between state authorities regarding a peaceful solution to the Kurdish question (Karabat 2009). Similarly, in the brochure prepared for the "Democratic Opening", Prime Minister Erdoğan emphasized their determination to end violence and the death of young people (Justice and Development Party 2010). In order to turn these good intentions into practice, MIT continued with clandestine peace negotiations with the PKK (Hürriyet Daily News 2011a). As a result of these talks, 34 Kurds came from Northern Iraq, eight of whom were PKK members, and rest of them were from the PKK dominated Makhmour Refugee Camp (International Crisis Group 2011: 8). Thousands of people at the Habur border gate welcomed these people and this meeting turned into a victory celebration for the PKK, which raised the anger in the West of Turkey. Furthermore, 14 soldiers were killed by the PKK during the peace process (BBC 2013). Therefore, the AKP government stepped back from this initiative, due to its high political costs.

The second initiative "Resolution Process" was started in October 2012 with negotiations between the head of MIT and the captured PKK leader Abdullah Ocalan (Selvi 2013). According to an agreed plan, four stages (Ceasefire-Withdrawal-Democratic Reforms-Lay down arms) were determined for reconciliation (Can 2013). Moreover, a 'Wise People' group was set up, which consisted of 63 well-known people coming from different professions (such as academicians, artists, and business people) to prepare a report for public demands and proposals for solutions about the peace process (Weekly Zaman 2013). The process is still underway at the time of writing. If the expected results go to plan, Turkey's problem, of almost thirty years, will come to end.

According to elite interviews conducted in Turkey and Brussels, the EU as an institution has not had a direct role in these negotiations. Public demand was the major trigger to start talks with the PKK (Interview_6 2012; Interview_11 2013; Interview_13 2013; Interview_14 2013; Interview_19 2013; Interview_23

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[42] Abdullah Gül was the Minister of Foreign Affairs before becoming Turkish President on 28 August 2007.

2013; Interview_26 2013). However, some member countries such as the UK took part in the first negotiations as a mediator (Interview_23 2013; Interview_26 2013). Also, a few workshops were held in the UK, Spain, and Belgium to develop benchmarks on how to end ethnic separatist terrorism (UK/IRA-Spain/Euskadi Ta Askatasuna-ETA) and good governance in multi-ethnic societies (Belgium-Flemish/Walloon) (Interview_19 2013; Interview_26 2013). Furthermore, the EU's counter-terrorism coordinator offered to take an active role in these negotiations for reconciliation in his visit to Turkey (Interview_12 2013; Interview_19 2013). In this respect, the EU has an implicit role in these negotiations by its socialization efforts, rather than its conditionality strategy.

In sum, the counter-terrorism policy of Turkey towards the PKK during the post-Brussels period was neither reckless (as in the pre-Helsinki period), nor in a positive trend (as in the post-Helsinki period) in terms of protecting human rights. Even though Turkish political actors continued to transform counter-terrorism policy in line with the EU requirements, and sought a peaceful way for reconciliation, the speed and enthusiasm to adopt reforms reduced in comparison to the post-Helsinki period. In this context, resumption of the PKK attacks and sponsored mass protests in the Southeast of Turkey were a few reasons why security based policies often outweighed the civil rights dimension of countering terrorism. However, the diminishing EU influence on Turkey was the other reason for the weakening reform process, which should be taken into account.

7.3. The EU Response to Turkish Counter-Terrorism Practices

When the European Council consented to Turkey's candidacy in December 2004 in the Brussels European Council, Turkey-EU relations moved to a negotiation stage. The European Commission presented a draft Framework in June 2005, in which the methods and principles of negotiations between Turkey and the EU were clarified (Commission of the European Communities 2005b). According to the negotiation framework, the Council has the right to suspend negotiations in

case of serious human rights breaches, which means the EU can use punitive measures if necessary. On the other hand, accomplishment of EU required reforms does not guarantee that Turkey will be accepted into the EU. The negotiations with Turkey were emphasized as an open-ended process, in which the final outcome is not guaranteed. The Union's absorption capacity and the general interest of both parties will be taken into consideration at the time the decision is made about Turkey's membership. In this context, the EU membership was the top motivational factor for reformist Turkish politicians, and it was used against the veto players whilst adopting the EU required norms to transform Turkish counter-terrorism policy (Interview_2 2012; Interview_6 2012; Interview_7 2012; Interview_9 2012). However, in a situation of unknown membership prospects, reformist Turkish politicians were left empty handed by the EU in their efforts to combat Eurosceptic political groups. These Eurosceptics had neutral position during the post-Helsinki period because of the possible membership prospect. Therefore, the decision to make the negotiations open-ended was an unpromising decision for the reformist politicians to carry through democratic reforms to transform Turkey's counter-terrorism policies.

The additional protocol of the Ankara Treaty, which Turkey promised to sign in 2004, became another challenge between Turkey and the EU. This protocol extends the benefits of the Customs Union agreement between Turkey and the EU to ten new member countries, including Cyprus. The problem lying behind the signing of the additional protocol was that Turkish Cypriots supported, and the Greek rejected, the UN-sponsored Annan Plan in 2004 that proposed the reunification of Greek and Turkish communities. Prior to the referendum, the US, and the EU representatives, claimed that any side who rejected the plan would face negative consequences (Interview_8 2012; Interview_11 2013; Interview_18 2013). However, after the referendum, while Greek Cypriots were rewarded with EU membership, the Turkish Cypriots suffered from international isolation (Gordon and Taspinar 2006: 63). After this

decision, Turkey put a reservation in the additional protocol that by signing the protocol they would not grant recognition to the Republic of Cyprus. Turkish authorities emphasized that the recognition of Cyprus depended on the reunification of the Greek and Turkish sides (European Parliament 2005b). According to a senior Turkish Ministry of Foreign Affairs official, the failure of the EU to fulfil its promises in the Cyprus issue made Turkish political actors more sceptical of the EU's promises in further agreements (Interview_8 2012).

Even though the European Parliament responded to Turkey's decision by postponing a vote on the additional protocol, the European Council started negotiations in October 2005 (Commission of the European Communities 2005a: 3-5). According to Commissioner Rehn, who was responsible for enlargement policies, the decision to start negotiations was aimed at ensuring the EU's leverage on Turkey for the continuation of reforms remained in place (European Parliament 2005a). However, the efforts to continue negotiations did not last long. The Turkish side refused to compromise on opening its ports to Cypriot aircrafts and ships until the abolition of EU restrictions on Turkish Cypriots. On the other side, the Cypriot Republic threatened to use its veto power against the accession of Turkey to the Union. In order to find a solution to this stalemate and carry on negotiations, the European Commission's proposal was accepted to freeze eight-trade related *acquis* chapters[43] and close negotiated chapters, on the condition that Turkey lifted restrictions on Cyprus (Lavenex and Schimmelfennig 2007: 147-48). After this decision, Prime Minister Erdogan criticized the EU for being unjust towards Turkey (BBC 2006). In addition, the Minister of Foreign Affairs Gül emphasized his frustration with the words that "we have entered a new era in our relations with the EU but things are still on track"(Zaman 2006).

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[43] These chapters were "1-Free Movement of Goods", "3-Right of Establishment and Freedom to Provide Services", "9-Financial Services", "11-Agriculture and Rural Development", "13-Fisheries", "14-Transport Policy", "29-Customs Union" and "30-External Relations"

The devastating terrorist attacks in Madrid and London prioritised security based policies within the EU. Some of the countries, such as UK, hardened their counter-terror measures. For instances, it became possible to extend the detention period for terror suspects (which used to be 7 days) to up to 28 days with the approval of magistrates in the UK (Wade 2010: 408). Similar counter-terror measures were required from the Turkish government by the Turkish Army on the basis of those actions by European countries (Çetin 2005). After these demands, the former Minister of Justice Cemil Çiçek made a public statement that "we are analysing the legislative amendments in UK with regards to countering terrorism" (Yetkin 2005). The amendments made in 2006 on ATL came just after these debates. According to a senior counter-terror official, after the resumption of PKK attacks, the Government representatives asked them what kind of legislative changes are required to strengthen counter-terrorism policies. The legislative changes made in EU countries have not been taken by Turkey, but it may have triggered their demands (Interview_26 2013). In this respect, security based policies in the EU were used by Turkish law enforcement agencies to justify their demands.

The difficulties against Turkey's membership were not only limited by the Cyprus issue during the post-Brussels period. There was also an increasing opposition in the Union regarding Turkey's membership. One factor was that the existence of more than 70 million Muslim people in Turkey was perceived a threat to European culture (Aarts and Van der Kolk 2006: 244-45). According to the EU Barometer Survey, approval of Turkey to the EU was only around 38% between the years 2005 and 2008, which was one of the lowest rates amongst candidate countries (Scheuer and Schmitt 2009: 562). In this respect, the likelihood of Turkey's membership inspired fear among EU countries that Turkey's admission might transform the identity of the EU and make it a more Muslim Europe (Bowley 2004; Dahlman 2004: 571). Furthermore, when the Dutch and France voters rejected the referendum held for the Treaty

Establishing a Constitution for Europe in June 2005, possible Turkish membership was one of the reasons for the rejection. The size of projected Turkish voting is expected to alter the power balance in the EU, which is mostly determined by the population of member countries. In that sense, the EU countries worried that Turkey would be the second strongest country after Germany in the EU, in terms of having seats in the European Council and the European Parliament (Aleskerov et al. 2002: 391; Pahre and Uçaray-Mangıtlı 2009: 367).

There were also economic factors that did not favour Turkey. According to 2004 figures, Turkey's Gross Domestic Product (GDP) per capita in purchasing power parity was only 29% of the EU average (Commission of the European Communities 2005a: 45). Such a big difference between the EU average and Turkey created the worry in most of the wealthy European countries that they would face a flow of immigrants from Turkey if it were granted with membership (Aarts and Van der Kolk 2006: 244-45). In that sense, Turkey's membership created a dilemma for the EU. If Turkey were admitted to the EU, absorbing it (as it is a less developed country) would be costly for the EU. On the other hand, if they refuse Turkey's membership, the credibility of the EU's promises would be undermined.

In order to overcome this problem "privileged membership" was offered as an alternative incentive to Turkey by German Chancellor Angela Merkel and French President Nicolas Sarkozy (Kardas 2009). According to privileged membership, Turkey will be integrated into the EU's regional alliances, and its supranational structures, without having full membership status and the full benefits of membership (Leggewie 2009). However, Turkey already had these privileges (such as Customs Union and the ESDP), which empties the value of this offer for Turkey (Interview_11 2013). Furthermore, the privileged membership was not offered to previous candidate countries, and this type of membership does not exist in the TEU, which raises the question of why Turkey should consent to such a low-benefit offer. In parallel to these concerns, Prime Minister

Erdogan responded to this offer by saying that Turkey cannot accept the position France and Germany have taken, because it is impossible for Turkey to accept a type of membership that does not exist in the EU *acquis* (Financial Times 2009). According to senior EU and Turkish officials, this proposition has not been taken seriously either by the Turkish side or by other EU member states and institutions (Interview_11 2013; Interview_13 2013; Interview_18 2013). It has only served to weaken the EU's conditionality strategy in the eyes of Turkish politicians.

Whilst Turkey's membership was a serious topic in the EU's political agenda, the third revised accession partnership was adopted in January 2006 (European Council 2006). The accession partnership set short-term and medium term priorities for Turkey just as the previous versions did. All the EU requirements regarding what Turkish political actors should do to end PKK terrorism by peaceful means, were placed in the short-term priorities section. Turkey was expected to accomplish these within one or two years. However, in response to this accession partnership, Turkey did not prepare the NPAA, considering it to be unnecessary (AB Haber 2006).

In February 2008, two years after this decision, the fourth version of the accession partnership, which updated the 2006 version, was adopted. Although it was slightly different from the 2006 programme, the EU requirements on Turkey to continue democratic reforms as a remedy to PKK terrorism were the same, and they were identified as being a short-term priority for Turkey. However, in contrast to the previous case, Turkey adopted the NPAA in December 2008, promising to adopt EU promoted human rights norms and expand the rights of its citizens. The decision to prepare NPAA was based on overcoming the laziness of state institutions, in order to speed up the reforms by setting targets, and to indicate that Turkey is determined to be member of the EU (AB Haber 2006). However, Turkish attempts to open the suspended *acquis* chapter did not end in line with the expectations of Turkish political actors.

By 2012, only 13 *acquis* chapters had been opened to negotiations, and one chapter (Science and Research) was provisionally closed. Even though screening meetings for chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security), which are influential on Turkish counter-terrorism policy, were completed by 2006, the screening reports of these chapters had not been submitted to Turkey by 2013 (Ministry for EU Affairs 2012: 12). According to the EU senior officials, the failure to submit these reports was not related to the Commission. Even though the Commission had prepared these reports, member countries did not reach an agreement to open benchmarks, because of the Cyprus veto (Interview_11 2013; Interview_13 2013; Interview_14 2013; Interview_19 2013). In this respect, the Cyprus veto also weakened the EU's conditionality strategy towards Turkey to transform its counter-terrorism policy.

Due to the blocked *acquis* chapters, and the unresolved Cyprus problem between the EU and Turkey, another approach called "Positive Agenda" was launched in May 2012. The aim of this process was to create new momentum in stagnated Turkey-EU relations. Within this framework, it was agreed that eight working groups would be established, which are responsible for aligning Turkish policies with those of the EU in various areas, such as counter-terrorism, visa liberalization, migration, energy and trade (Aktar 2012: 37). If the stalemate between Turkey and the EU can be overcome in the future, these policy areas will be ready for negotiation, which will save time in securing Turkey's accession to the EU. According to the Enlargement Commissioner Füle, the Positive Agenda was not a process replacing Turkey's membership negotiations. Rather, it was a process that complements accession negotiations and motivates reform processes in Turkey (Füle 2012). Similarly, as senior EU officials indicate, this process was invented to keep up the conversation with Turkey, and had limited shelf-life (Interview_11 2013; Interview_13 2013; Interview_14 2013). However, from the Turkish side, there was still suspicion about this process. In an interview

with a senior Ministry of Foreign Affairs official, Positive Agenda is considered as being "artificial respiration" in continuing negotiations. He also remarked that there were some concerns that this process might have replaced the EU's conditionality strategy towards Turkey, which would not be desirable for Turkish political actors in the long run (Interview_8 2012).

In sum, during the post-Brussels period, the likelihood of Turkey's EU membership increased identity and economic based concerns in the EU. Furthermore, the tension between Turkey and the Republic of Cyprus caused stagnation in negotiations. In order to overcome these problems "privileged membership" and "positive agenda" was proposed to Turkey in order to keep negotiations alive, and hold Turkey on the EU track. Within this context, the transformation of Turkey's counter-terrorism policy towards the PKK was not the highest priority for the EU in comparison to the problems of absorbing a less developed country with a large Muslim population. The fact that democratic reforms continued during the post-Brussels period, even though Turkey's membership prospects were less certain, reduced the need for the EU to provide clear membership prospects to Turkey.

7.4. The Impact of the EU on Rule Adoption

As indicated in the previous two sections, the resumption of PKK attacks and the vague membership prospects were two negative factors against the alignment of Turkish counter-terrorism policy with the EU requirements. Even though these two reasons were strong hurdles for reformist Turkish political actors, during the post-Brussels period rule adoption continued in line with the EU demands. Within this context, there was one extensive constitutional amendment, and four judicial packages. Furthermore, several international conventions that are part of the EU *acquis* were either signed or ratified by Turkey. In order to reveal the EU impact during the post-Brussels period, these rule adoptions will be examined within three sub-sections: ratification of international laws, domestic legislative changes and institution building initiatives.

7.4.1. Ratification of International Laws

The Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (OPCAT) was one important agreement, and was signed in September 2005 and ratified in September 2011. The EU urges all member countries and candidate countries to be a party of the convention (Council of the European Union 2009: 2). This protocol establishes independent international (the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)) and national preventive mechanisms (NPT) for visiting places where people are deprived of their liberty (such as detention centres and police stations) without the consent of the authorities. The SPT and NPT prepare confidential reports guiding the relevant state authorities on how to enhance the protection from torture. If the contracting state refuses to cooperate with these institutions, the UN Committee against Torture (CAT), which is an umbrella institution of SPT and NPT, make a public statement against the country.[44] After ratification of OPCAT, along with the Council of Europe's Committee of Prevention of Torture, another mechanism began to monitor torture cases in Turkey to protect the rights of terror suspects.

During the post-Brussels period, the ratification of human rights conventions, which were signed in the post-Helsinki period, were continued. Within this context, in 2006 the Second Optional Protocol of UN ICCPR and the thirteenth Protocol of the ECHR (which abolish the death penalty in the party states) were ratified (Commission of the European Communities 2006: 10). In addition, the First Optional protocol of the ICCPR, which provides a control mechanism in contracting states for human right violations, was ratified in November 2006 (Commission of the European Communities 2007: 11). In view of these decisions, Turkish political actors continued the unfinished reform trend of the post-Helsinki period during the post-Brussels period.

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[44] Turkey signed the CAT protocol in 1988. See section (5.4.1) for further details.

Even though promising steps were taken by Turkish political actors to adopt the EU promoted international norms, there were still unfulfilled EU requirements. For instance, Turkey did not lift its reservations on UN ICCPR and ICESC regarding the educational rights of minorities. Furthermore, Turkey was still reluctant to sign the Framework Convention for the Protection of National Minorities (FCPNM) or the ECRML (Commission of the European Communities 2012: 31). According to a senior Ministry of Justice official, adoption of these conventions was considered risky for the integrity of Turkey, and there are some concerns that the PKK might manipulate these conventions to justify demands for autonomy in the future (Interview_5 2012). Therefore, in the absence of membership prospects, Turkish political actors hesitated to adopt these conventions due to their possible high future costs.

In sum, despite there being unratified and reserved provisions in international conventions, Turkey carried on adopting the EU promoted international conventions during the post-Brussels period. However, due to the lack of EU membership prospects, the speed in adopting these conventions reduced considerably in comparison to the post-Helsinki period. Furthermore, Turkish political actors were reluctant to adopt EU promoted ethnic minority conventions due to the risks of the PKK's demands for autonomy. In view of these circumstances, the ratification of EU promoted norms was neither as high as in the post-Helsinki period, nor as low as in the pre-Helsinki period. Nevertheless, it was comparatively better than the pre-Helsinki period. Due to the two-level parameter (High-Low), which was identified in the beginning of study, the EU impact on Turkish counter-terrorism policy is considered high during the post-Brussels period in terms of ratification of international laws.

7.4.2. Domestic Legislative Changes

The adoption of a new penal code was one of the important initiatives tin transforming Turkish counter-terrorism policies during this period. Prior to this decision, the European Commission suggested to Turkey that it renew its existing

eighty year old penal code to bring the code in line with EU standards (Commission of the European Communities 2004c). In response to the Commission's recommendations, the new penal code was adopted in June 2005. The new code foresees severe punishment for law enforcement agencies if they torture or ill-treat terror suspects. For instance, the punishment for perpetrators of torture increased from 10 years to 15 years. In cases of the death of a victim, life imprisonment is given to offenders. Furthermore, the statute of limitations for the offence of torture was lifted. In this respect, law enforcement officers will be prosecuted for torture crimes whenever their action is discovered in future (CNN-TURK 2013).

Along with the Penal Code, the New Code of Criminal Procedure Law and the New Regulation of Apprehension, Detention, and Statement Taking (RADST) came into force in June 2005. This legislation provided new rights to people who are being prosecuted for charges related to terrorism. For instance, a free interpretation service was provided for defendants who cannot speak Turkish (Commission of the European Communities 2005a: 15). This was a major development in the prosecution of PKK members, who often can only speak Kurdish, or sometimes refuse to speak Turkish. Furthermore, security forces were obliged to inform persons who are detained of the reason for their detention, and of their legal rights (such as right to legal counsel). If the law enforcement agency failed to do so, defendants were given the right to claim compensation for violation of his or her rights (CNN-TURK 2013). The new RADST also brought medical examination to suspects before they are taken into custody, and also on their release (Commission of the European Communities 2005a: 22). This provision was a vital preventive measure for possible torture and ill-treatment cases, whilst terror suspects are in custody.

With regards to the abolition of "Special Courts", articles 250 and 252 of the CCPL were revoked in the third judicial reform package in 2012. As earlier indicated, these courts were authorized to prosecute major offenses such as

organised crime, terror, and drug trafficking. Instead of these courts, "Regional High Crime Courts" were established under article 10 of the ATL, which were tasked with hearing terror cases. According to the new article 10 of the ATL, also, a "Freedom Judge" is assigned to make decisions regarding preventive measures such as search, seizure, arrest, and detention. In the past, these decisions were handled by the judge responsible for hearing the case (Ministry for EU Affairs 2012: 16). This new amendment aimed to ensure the impartiality of judges on deciding the preventive measures, which were criticized during the high profile cases such as "Ergenekon", "Sledgehammer" and "KCK" for the length of detention periods, early-bird police raids, and the collection of evidence (Hürriyet Daily News 2012).

Restrictions on the use of languages other than Turkish in prisoner visits were also lifted by amending the provision regulating visits of imprisoned people. Prior to this amendment, PKK prisoners were not allowed to speak Kurdish with their families. The EU criticized this arrangement more restrictive than security reasons can justify (Commission of the European Communities 2009: 17). According to a senior Ministry of Justice official, this amendment was made in response to EU requirements (Interview_1 2012). After the amendment was put into practice, communication was not only ensured for convicted PKK members with their families, but also the EU requirement on this issue were fulfilled. Furthermore, one of the PKK arguments on the restrictions on Kurdish was disposed with. Within this context, also, a draft law amending the Law on the Execution of Sentences and Security Measures was forwarded to the Turkish National Assembly, to provide the right to be defended in another language (Ministry for EU Affairs 2012: 43). This amendment aimed to lift the restrictions over the defendants to make their defence statement in Kurdish, which became a crisis during the KCK investigation. The defendants prosecuted under the KCK investigation asked to be allowed to submit their statement in Kurdish. However these requests were rejected during the trial (Todays Zaman 2011a).

The legislative amendments made to the ATL were another important dimension of domestic legislation during the post-Brussels period. As indicated earlier, the resumption of PKK attacks after 2004 caused a few amendments in the ATL. Within this context, articles 3 and 4 of the law, which define terror offences, were extended. According to article 7, covering up one's face in order to hide one's identity, and carrying emblems or signals of a terror organisation, became terrorist-related offences. Article 10 of the ATL narrowed the right of access to a lawyer, which is limited to only one lawyer, and may be denied for 24 hours by the decision of a magistrate. Moreover, if there is strong suspicions on the mediating role of a lawyer between a suspect and a terrorist organisation, security officers may attend meetings between the suspect and their legal counsel (Commission of the European Communities 2006: 6). However, these new provisions raised concerns when the so called "Stone Throwing Kids" were prosecuted. In this respect the EU urged Turkey to find an immediate solution to the problem (Commission of the European Communities 2009: 16-73).

In response to increasing EU criticisms, article 5 of the ATL was amended in 2010. In the previous form of the article, children who are between the ages of twelve and eighteen were prosecuted in the same way as adults. However, the new amendment excluded minors from being tried under the same article as adults, and they were no longer sentenced for being members of terrorist organisations. Furthermore, according to the amended articles 9 and 13 of the ATL, minors accused of committing terror-related crimes are to be tried by juvenile courts rather than the "Special Courts" (or with its new name "Regional High Crime Courts"). Their sentences can also be postponed, converted into alternative sanctions, or suspended (Commission of the European Communities 2010b: 79-80). In an interview with a senior official from the Central Counter-Terror Department of Police, he admitted that these amendments were made in response to EU critics (Interview_2 2012).

As for freedom of expression, the post-Brussels period witnessed many legislative amendments. The problematic article 301 of the penal code (which penalises insulting Turkishness, the state, or state intuitions) was amended. The EU criticized the Turkish judiciary for interpreting this article in a restrictive manner and emphasized the need for amendment (Commission of the European Communities 2005a: 36). Prior to the amendment, the non-violent opinions of journalists and other individuals about Turkey's counter-terrorism policy towards the PKK, could be prosecuted under this article. However, after the amendment, the wording of the provision was changed to limit the scope of article, and the upper limit of the penalty was reduced (Commission of the European Communities 2008: 15). Moreover, permission from the Ministry of Justice was required for launching an investigation, which made it complicated to open cases for non-violent opinions. As a result of this decision, the number of trials reduced considerably. For instance, in 2010, only 10 out of 403 applications were upheld by the Ministry of Justice (Ministry for EU Affairs 2012: 32).

Within the same context, further articles within different laws were amended to improve the protection of freedom of expression in the counter-terror domain. For example, according to article 7 of the ATL, participants in terrorist organisation sponsored gatherings would no longer be prosecuted as members of terrorist organisations. Rather, they would be investigated under a minor crime, such as the violation of attending an unlawful gathering. This amendment was a positive step in distinguishing investigations between PKK sympathizers and PKK members, who used to be prosecuted within the same legal framework. In addition, persons who were charged with committing a crime on behalf of an unlawful organisation would no longer be prosecuted as being a member of a terrorist organisation, unless the organisation was involved in armed violence. In that sense, the KCK members who were not affiliated with the PKK were not prosecuted with being members of the PKK. Instead they were only convicted with their illegal action of supporting the PKK. Article 6 of the ATL,

which penalized publishing and disseminating the leaflets and statements of terrorist organisations, was no longer considered a crime unless it incited violence (such as encouraging the use of explosives, property damage, physical injury, and resisting security forces). In this vein, this amendment freed democratic or non-violent opinions of PKK members and sympathisers from investigation.

Concerning the freedom of the press, several articles, which were used against journalists in the name of countering terrorism, were amended. According to article 285 of the penal code, the penalty for the dissemination of information (which disrupts confidentiality of investigation) would not be increased if the press or other media tools had been used. Thereby, sharing confidential information about counter-terror investigations with the media was no longer used to increase the penalty. Within the same context, article 288 of the penal code, which penalised attempts to influence the judiciary was made more explicit to narrow the interpretation of the article. Furthermore, the penalty of imprisonment in article 288 was converted to fines, which meant journalists who criticize a counter-terror investigation would only be subject to criminal fines rather than imprisonment. Article 6 of the ATL, which enabled the temporary suspension of periodicals, was repealed (Ministry for EU Affairs 2012: 33). After the amendment, the courts were stripped of their authority to ban publications under counter-terror investigations.

Increasing individual applications against Turkey in the ECtHR was often emphasized by the EU as a problem for Turkey in reaching the democratic standards of the EU. Therefore, in order to improve the protection of human rights and reduce the number of individual applications to the ECtHR, individual application processes to the Turkish Constitutional Court (TCC) were introduced by amending the Constitution in 2010. The new regulation gave rights to individuals to apply to the TCC if they did not satisfy previous judicial remedies. (Commission of the European Communities 2012: 14). From the counter-terror

dimension, the new application processes paved the way for the victims of counter-terror policies to seek further remedy if they faced human rights violations as a result of acts of negligence by public authorities (Ministry for EU Affairs 2012: 14).

The use of Kurdish in electoral campaigns was allowed during the post-Brussels period by amending the Law on Fundamental Principles of Elections and Electoral Registry in April 2010. In the years before the amendment, the EU was criticized Turkey for not allowing other languages in political life (Commission of the European Communities 2008: 26). After the amendment, it was no longer possible to claim that the use of Kurdish in election campaigns constituted terrorist propaganda.

In order to monitor the unlawful actions of law enforcement agencies and increase the transparency in these units, a draft law was submitted to the Parliament in October 2012. The new law proposed the establishment of a monitoring commission formed from state representatives and civilians. This Commission is expected to examine and investigate complaints about security forces for their illegal actions (such as torture, ill-treatment, and excessive use force) (Ministry for EU Affairs 2012: 14). However, the selection of members of the commission by the Government increases concerns about impartiality of the Commission (Hürriyet 2013).

Within the Constitutional amendment in 2010, article 20 of the constitution was amended, which codifies the protection of personal data. Following this amendment, in June 2012, a draft law on the Protection of Personal data was also submitted to Parliament. As indicated earlier (see chapter 4), data protection was required by the EU to allow non-member countries to be part of Eurojust for their terror-related extradition demands (Council of the European Union 2002d). Moreover, as the EU's counter-terror coordinator Gilles de Kerchove has emphasized, data protection regulations are necessary for intelligence sharing between the EU and Turkey on PKK matters (NTV 2010). In

that sense, the adoption of EU promoted norms by Turkey is not only based on normative reasons, but also depends on counter-terror cooperation between Turkey and the EU.

In sum, during the post-Brussels period the return of the PKK to terror based strategies caused a hardening in counter-terror legislation in Turkey. In this context, the ATL was amended several times in line with the requirements of security forces. However, improving human rights protection was not abandoned as it was in the pre-Helsinki period. If the amended counter-terror articles ended up with unexpected human rights violations, these legislative mistakes were redressed. The EU was the most important actor influential on these reforms due to its demarches, progression reports, and accession partnerships. In consideration of these circumstances, the EU impact on Turkish counter-terrorism policy was high during the post-Brussels period in terms of domestic legislative changes.

7.4.3. Institution Building

As indicated in the pre-Helsinki period, the Turkish Parliament Human Rights Inquiry Committee was the first monitoring mechanism in Turkey established to protect human rights. However, this institution was subject to EU criticism for its lack of influence on administrative units and for having no legislative role (Commission of the European Communities 2005a: 20, 2006: 12). In order to improve the standards of the Committee, the law establishing TPHRIC was amended in December 2011. According to the amendment, the Committee was authorised to examine notice of motion and draft laws regarding human rights, either as a main or as a secondary committee (Ministry for EU Affairs 2012: 14). After the amendment, the committee had the right to intervene in legislations relevant to Turkish counter-terrorism policies, if draft legislation contradicted EU promoted human rights norms (Interview_25 2013). Therefore, the Committee's impact on the protection of human rights was reinforced during the post-Brussels period.

The establishment of the Ombudsman institution was another important step in improving human rights protection in Turkey. The Ombudsman[45] upholds complaints of citizens regarding public services, and makes recommendations to state institutions to provide an appropriate remedy. The EU encourages the establishment of such institutions in member and candidate countries to ensure accountable, fair, and transparent public administration (European Ombudsman 2010). In this regard, the AKP government initially amended the constitution in 2010 to establish such an institution. Afterwards, in June 2012, a law establishing the Ombudsman entered into force (Ministry for EU Affairs 2012: 13). According to the Turkish Ombudsman responsible for human rights, this institution was established in line with the EU requirements and the Sweden Ombudsman model was adopted (Interview_25 2013). The Ombudsmen are exempt from orders and instructions from governments, and any other political entities. Moreover, a special budget was allocated to the institution to maintain its independence. In the context of Turkey's counter-terrorism policies, the Ombudsman started to play a role in resolving any disputes between the state and its citizens that arise from the undesirable consequences of counter-terror investigations and operations.[46]

The reconstruction of the Human Rights Presidency was another major initiative made during the post-Brussels period. As was revealed earlier (see section 6.4.3), the Presidency was established under the Prime Ministry in 2001. However, the EU found this institution inefficient due to its limited budget, its dependency on the government, its failure to consult on its legislative actions, and its non-operating sub-committees (such as Human Rights Consultation Board) (Commission of the European Communities 2005a: 21, 2006: 12). In response to EU objections, the Law on the Turkish National Human Rights

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[45] The Ombudsman institution originated in Scandanivian countries and it is adopted by other European countries.

[46] The Ombudsman institution only deals with the cases which have not been prosecuted by the Judiciary. For instance, if security forces damage a property whilst conducting a terror operation, the householder can complain to the Ombudsman and require a compensation for his loss.

Institution was adopted in June 2012 (Interview_16 2013; Interview_25 2013). According to the new law, no one may order or instruct this institution about matters that fall under its responsibility. In addition, the Presidency has its own budget, property, and personnel to protect its autonomy (Ministry for EU Affairs 2012: 13). Moreover, the national preventive mechanism of OPCAT with regards to preventing torture and ill-treatment in Turkey (see section 7.4.1), has been given to the mandate of the Presidency (Ministry for EU Affairs 2012: 13). Even though, after the amendment, the EU voiced its concerns about the independency of the institution (which does not fully comply with the UN Paris principles regarding the status and functioning of national human rights institutions) (Commission of the European Communities 2012: 19), in comparison to the post-Helsinki period the role of the Presidency to prevent human rights violations has strengthened (Interview_16 2013).

As for monitoring the abusive actions of security forces, the establishment of an independent institution started in 2008. The new institution is expected to monitor and investigate complaints such as torture, ill-treatment, and the use of excessive power against the security forces. Similar to the Ombudsman and Human Rights Presidency, the Law Enforcement Complaints Agency is considered to be an independent institution having its own budget, and it is protected from political intervention. The EU has provided 3.5 million Euro support to establish this institution (Aksam 2013). If the project can be put into practice, Turkey's counter-terrorism policy will be under the monitoring of another national human rights institution.

In sum, during the post-Brussels period the institution building initiatives to protect human rights in Turkey in the counter-terror domain continued. In this respect, a new Ombudsman was established and a project establishing a Law Enforcement Complaints Agency began. Furthermore, the structural problems of the TPHRIC and the Human Rights Presidency regarding their independency, limited budget, and their limited role in legislative actions, was resolved. Within

this reform process, the EU critics and the EU provided funds were influential on change. Therefore, in consideration of these circumstances, the EU impact on institution building initiatives to transform Turkish counter-terrorism policy was high during the post-Brussels period.

7.5. The Application of EU Conditionality and Socialization in the Post-Brussels Period

As was revealed in the earlier sections, the EU influence on Turkish counter-terrorism policy was high during the post-Brussels period, in terms of the ratification of international laws, domestic legislative changes, and institution building initiatives. However, internal and external factors influential on this change neither resembled the conditions of the pre-Helsinki period, nor the post-Helsinki period. In order to indicate the difference, in this section the EU impact on Turkish counter-terrorism policy will be analysed in terms of 4 factors: the credibility of conditionality, adoption costs, the legitimacy of EU requirements and domestic resonance.[47]

7.5.1. Credibility of Conditionality

The most controversial fact during the post-Brussels period, which challenges the idea that the EU influence on Turkey was high, is that the EU did not provide clear membership prospects to Turkey. When the negotiation framework was revealed, the negotiations on Turkey's accession were left open-ended, and their outcome was uncertain. With this decision, the EU had the opportunity to extend negotiations using any excuse relating to Turkey's counter-terrorism policies, by claiming that Turkey did not fulfil the EU requirements. Furthermore, even if Turkey fulfils the EU requirements, the absorption capacity of the EU was another problem in giving Turkey its membership. In other words, the transformation in Turkey's democracy as well as its counter-terrorism policies, does not guarantee membership, unless Turkey's admission is considered safe by

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[47] See chapter three for details of these independet variables.

the EU. Therefore, the uncertain membership prospects is one of the reasons that the EU's credibility of conditionality was undermined in the post-Brussels period.

During the same years, the EU approach towards Turkey was unfair in terms of fulfilling its promises. As indicated earlier (see section 7.3.), when the Turkish Cypriots voted in favour of the Annan Plan and the Greek Cypriots were against to it, Turkish political actors were expecting the EU to reward the Turkish Cypriots by lifting isolations. However, contrary to expectations, the Greek Cypriots were granted with EU membership, whereas Turkish Cypriots were faced with continued isolation. This decision was a wake-up call for Turkish political actors to be cautious in believing the EU promises before transforming their domestic policy.

The inconsistency of the EU towards Turkey was also another reason that weakened the EU's credibility of conditionality. Instead of membership and negotiations, Turkey was offered "privileged membership" and "positive agenda", which does not exist in the *acquis* and has never been applied to any other country. Increasing opposition in the EU to Turkey's membership seems to be the reason of such new initiatives. However, whatever the reason might be, the double standards applied to Turkey was not helpful to Turkish political actors who supported the EU required reforms to transform Turkish counter-terrorism policy. Their arguments, made on the basis that Turkey would enter the EU if its counter-terrorism policies reached the democratic standards of the EU, failed due to the EU's self-refuting approach.

Concerning the above-mentioned reasons, the credibility of EU conditionality was low during the post-Brussels period. The EU did not provide clear membership prospects to Turkey to change its domestic policy. Furthermore, a partial and inconsistent approaches towards Turkey undermined the EU influence. Therefore, during the post-Brussels period credibility of conditionality was not the reason for the changes.

7.5.2. Adoption Costs

The resumption of the PKK attacks was the major factor, which increased the adoption cost for the Turkish political actors to transpose the EU rules. According to figures derived from different sources, 3,394 people (1,025 security forces, 147 civilians, 2,222 PKK members) died during the post-Brussels period as a result of the struggle against terrorism (Grand National Assembly of Turkey the Committee on Human Rights Inquiry 2013: 54-65; Habera 2012; Kanal 7 2012; Şener 2010). In comparison with the post-Helsinki period, the number of fatalities tripled, which was 936 people during that period. Furthermore, the PKK was involved in many kidnapping cases in the Southeast of Turkey, targeting security forces, civilians, and sometimes elected politicians. The PKK sponsored violent demonstrations also increased tension in the region. Therefore, in the on-going PKK violence, adoption of the EU promoted norms was politically costly for the AKP government, due to criticism from opposition parties that the government was incompetent in dealing with the PKK.

Along with the PKK attacks, the provocative actions of sympathizers were creating an electoral cost to the AKP government in following up the EU recommendations to find a peaceful solution to PKK terrorism. For instance, the so-called "Democratic Opening" process was cancelled after the "Habur Crisis" which erupted in 2009, when joyful demonstrations were held for the return of thirty-four Kurds, including eight PKK militants. According to a survey at the time of "Democratic Opening", the public support for a peaceful solution reduced from 69.8% (6-7 June 2009) to 45.6% (22-23 August 2009) after this incident (Tamirak 2009).[48] Furthermore, based on a poll which measures the popularity of the political parties in Turkey, during the "Democratic Opening", whilst the AKP's popularity reduced by 4% (42.7% July 2009 – 38.8% October 2009) the popularity of the MHP (Nationalist Party) increased by 2% (15.9% July 2009 – 18% October

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[48] The survey was conducted with 1260 voting adults through face to face interview, within 11 provinces of Turkey (Adana, Ankara, Bursa, Diyarbakı, İçel, İstanbul, İzmir, Kayseri, Malatya, Manisa, and Trabzon)

2009) (Konsensus Research Concultancy 2009).[49] As these figures indicate, even though the government party was open to peaceful processes to end PKK terrorism, the provocative demonstrations led them to reject EU suggested initiatives due to unbearable political costs.

During the post-Brussels period, the adoption cost of the EU promoted norms by Turkish political actors was high. The resumption of the PKK attacks and provocative demonstrations of PKK sympathizers were the causes of the political cost. Within this context, it was difficult for the government to transform counter-terrorism policies in line with the EU requirements. In that sense, the adoption cost variable is inadequate to explain the change in Turkish counter-terrorism polices towards the PKK in the post-Brussels period.

7.5.3. Legitimacy of the EU Requirements

The EU requirements from Turkey to reform counter-terrorism policy were as clear as they were in the post-Helsinki period. The progression reports were regularly issued by the European Commission and indicated the responsibilities Turkey had. Furthermore, during the same period two accession partnerships were formed that highlighted priorities for Turkish political actors. Nevertheless, Turkish political actors sometimes failed to react to these documents. For instance, Turkey did not prepare NPAA in 2006, considering it to be unnecessary. Also, the AKP deputy Burhan Kuzu, who was the head of the Parliamentary Constitutional Commission, threw the 2012 EU progression report across the room on a TV programme, for being an unfair way to evaluate human rights reforms in Turkey. In addition, the Minister of EU Affairs Egemen Bagıs, indicated his displeasure about the 2012 progression report, saying that the EU is delaying Turkey's accession to the EU (BBC Türkçe 2012). However, these reactions were basically targeting the conditionality strategy of the EU rather than the clarity of the EU requirements. Therefore, within this period, the legitimacy of the EU

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[49] The survey was conducted with 1,550 adults over 18 by telephone interviews in 81 provinces of Turkey.

requirements was strong enough to guide Turkish political actors in terms of clarity.

The overlapping requests of the EU with other international organisations also increased the legitimacy of the EU requirements during the post-Brussels period. For instance, the EU shared the same point of view with the VCCE with regards to the closure of pro-Kurdish political parties. The EU criticized Turkey for the articles governing the closure of political parties based on the report of the VCCE, arguing that these articles are incompatible with the article 11 of the ECHR protecting freedom of assembly and association (Commission of the European Communities 2009: 30). Also, the EU encouraged the implementation of the Ministry of Justice Human Rights Action plan, which was prepared in cooperation with the Council of Europe, to reduce ECtHR judgements against Turkey (which are relevant to counter-terror policy) (Commission of the European Communities 2012: 14). In consideration of these examples, the EU requirements were supported by the initiatives of other international organisations to transform Turkish counter-terrorism policy. This increased the legitimacy of the EU requirements.

In terms of consistency, the EU displayed a mixed picture during the post-Brussels period. Some of the hard counter-terror measures of the EU countries (such as UK) were used by Turkish security actors to justify their hard counter-terror policy demands on the government. The legal amendments made in 2006 on ATL were made in the light of these debates (see section 7.3). Therefore, inconsistency between the implementation of some member county's counter-terror policies, and the EU's normative requirements on Turkey, was an undermining factor in the legitimacy of the EU demands. On the other hand, during the interviews with the senior ministry officials in 2012, in answer to a question of how the government perceived the legitimacy of the EU's human rights requirements, they clearly indicated that there is no problem of legitimacy with these norms. For instance, according to a senior Ministry of Justice official,

the government considers EU promoted human rights norms to be fully legitimate (Interview_1 2012). In another example, a senior Ministry of Foreign Affairs official emphasized that "even though we lost our membership expectations from the EU, we used EU promoted human rights norms as a 'guidance' or 'check-list' for better governance" (Interview_8 2012). In view of these opinions, it can be concluded that the Turkish political actors did not question the legitimacy of EU promoted human rights norms. However, when adopting hard counter-terror measures, they used the actions of some EU countries to justify policy change.

Even though some member countries' hard-line counter-terror measures undermined the legitimacy of the EU requirements from Turkey, the EU's demands on improving human rights standards in Turkey were still legitimate in terms of clarity, coinciding requirements with other international organisations, and in their appropriateness. Therefore, the legitimacy of the EU requirements was high within this period.

7.5.4. Domestic Resonance

The mixed picture seen in the post-Helsinki period concerning the openness of Turkish political actors to adopt the EU promoted norms continued during the post-Brussels period. On the one side, some of the political elite supported the adoption of EU promoted human rights norms to transform Turkey's counter-terrorism policies. On the other side, the EU promoted norms were not internalized by some political actors, which created implementation problems.

The AKP was the single party in government during the post-Brussels period. Thus, it was the major political actor in the adoption of EU promoted human rights norms. During these years, despite the absence of a clear membership incentive, the AKP government determined to carry on the reform process in line with EU requirements. For instance, in an interview with Prime Minister Erdogan in 2007, he stated that "if Turkey would not be accepted to the Union, we carry on the reform process under the name of 'Ankara Criteria'

rather than 'Copenhagen Criteria'"(Hürriyet 2007). Erdogan's reference to the 'Ankara Criteria' was not something officially recognised as laying down democratic standards in Turkey. Rather, it was a statement of goodwill made by Turkey regarding the adoption of EU promoted norms. Along with Erdogan's statement, most of the senior officials from different ministries shared the same view during the interviews held in 2012. According to these officials, the appropriateness of the EU promoted norms became the main reason for rule adoption in Turkey after 2007, rather than the rational reason of gaining membership benefits (Interview_5 2012; Interview_6 2012; Interview_8 2012). Moreover, as one of the Ministry of Foreign Affairs officials emphasized, the EU based reforms are used to legitimize human rights reforms in Turkey. They are used to counteract the harsh criticism of opposition parties, who represent the adoption of EU promoted human rights norms as a concession to the PKK (Interview_8 2012). In that sense, during the post-Brussels period, resonance was high on the government side, to adopt the EU promoted norms considering their appropriateness.

The position of the Turkish army to support adoption of the EU promoted norms for a peaceful solution was better than the previous two periods. In a statement of President Gül, after the National Security Council meeting regarding the "Democratic Opening", he indicated there is a consensus among the state authorities for a peaceful solution to the Kurdish problem (Karabat 2009). Even though he did not specify the state authorities, he addressed the Turkish Army by implying that the government and the military share the same point of view. Also, during these years, the Turkish army acknowledged that defeating the PKK with military means was not possible (Çandar 2012: 19), which was an unspoken approval for continuing democratization reforms in order to end PKK terrorism. Therefore, during the post-Brussels period, the openness of the Army to adopt the EU promoted norms was high in comparison to the other periods.

During the post-Brussels period, the judiciary continued its old habits. It interpreted the ATL and criminal code articles in a restrictive manner. Despite the legal amendments safeguarding freedom of expression, the non-violent opinions of Kurdish journalists and pro-Kurdish politicians were charged with being the propaganda of terrorist organisations. Moreover, the judiciary failed to apply the ECHR provisions and the ECtHR judgements, even though these rules and rulings were superior to the domestic law (Commission of the European Communities 2012: 14). Due to these shortcomings, the Turkish Council of Ministers adopted an action plan in 2010 to align standards of the judiciary with the EU countries (Commission of the European Communities 2010b: 9). This indicates that there was much to do to improve standards. In consideration of these reasons, resonance amongst the judiciary to implement the EU promoted norms was not at a satisfactory level, just as it was not in previous periods.

The public demand to adopt the EU promoted norms was high. However, during the post-Brussels period the motivation for adopting the EU required norms was different. For instance, in a survey conducted in July 2012 expectation of EU membership amongst the Turkish citizens dropped to 17%, (from 34% in 2011) (German Turkish Foundation for Education and Scientific Research (TAVAK) 2012).[50] In comparison to the post-Helsinki figure, which was 73% in 2004 (The German Marshall Fund 2010: 24), there was a strong pessimism in the public that EU membership was not possible in the near future. However, in contrast to these figures, there was a strong demand from the public to adopt the EU promoted norms and to find a peaceful solution to the Kurdish question. For instance, in the 2010 constitutional referendum, which was made to fulfil the EU requirements, 57.88% of the constituents voted in favour of the amendment, and 42.12% voted against it (Turkey's High Election Board 2010). Furthermore, public support for "Democratic Opening" and

[50] The survey was conducted with 1,110 people between ages of 18 and 60, within the period of 20-30 July 2012, in 8 major cities of Turkey (Istanbul, Ankara, Izmir, Antalya, Kayseri, Gaziantep, Artvin and Trabzon)

"Resolution Process", which are negotiation processes between Turkey and the PKK, reached 60% (ANAR 2013; Tamirak 2009).[51] As these figures show, despite the low EU membership expectations, nearly 60% of the citizens supported the continuation of EU promoted reforms, and negotiations with the PKK for a peaceful solution. In that sense, domestic resonance was high in the public during the post-Brussels period.

In view of these factors, general domestic resonance was high during the post-Brussels period. Even though the Turkish judiciary did not support democratic reforms, the government, the Turkish Army and the public supported a peaceful solution of the PKK terrorism, which is in line with the EU requirements. In contrast to the post-Helsinki period, the demand on the adoption of EU promoted norms was not based on membership expectations, but rather on the appropriateness of the norms.

7.6. Conclusion

As explicated in the previous sections, the EU influence on Turkey to transform counter-terrorism policy was high during the post-Brussels period. Even though some of Turkey's counter-terror measures deteriorated, the mainstream reform continuity on human rights sustained to transform Turkish counter-terrorism policies in line with the EU requirements.

In order to transform counter-terrorism policy, Turkey either signed or ratified the EU promoted UN and CE conventions. Furthermore, one comprehensive constitutional change, four judicial packages, and the ninth EU harmonization package was adopted during these years, which included EU required reforms. Also, institutions such as the Ombudsman were established, and some institutions, like the Human Rights Presidency, gained independence in monitoring the counter-terror policies of Turkey to prevent human rights violations. In comparison to the previous periods, the high level of the EU influence was based on different factors.

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[51] The ANAR survey was conducted with 5,500 voting citizens in Turkey by face to face interviews.

The credibility of conditionality was low. The EU did not provide a clear membership prospect to Turkey as a tangible incentive for the adoption of EU norms. Issues such as open-ended negotiations, the absorption capacity of the EU, privileged membership, and positive agenda, undermined the EU influence. In view of these reasons, the credibility of conditionality was not the mediating factor that explains the EU influence on changing Turkish counter-terrorism policies.

The adoption cost was high. The resumption of the PKK attacks and provocative actions of their sympathizers increased the adoption cost to the AKP government. Under these circumstances, it was difficult for the AKP to confront the criticism of opposition parties and those in nationalist circles. Therefore, the adoption cost variable was inadequate to explain the adoption of EU promoted norms in the field of counter-terrorism.

The legitimacy of the EU requirements was high. The EU requirements were clearly stated by the progression reports and accession partnerships. The demands of other international organisations on Turkey coincided with the EU requirements. Furthermore, in terms of human rights norms, Turkish political actors regarded these norms as a guidance or checklist to be fulfilled by Turkey for better right-based counter-terrorism policies. In that sense, the legitimacy of the EU requirements was the first variable that explains the EU influence on Turkish counter-terrorism policies during the post-Brussels period.

The domestic resonance for adoption of the EU required norms was high during these years. Except for the Turkish judiciary, the other political actors (such as the AKP government, the Turkish Army, and the public) were keen to adopt these norms. In the absence of a membership incentive, the appropriateness of the EU norms was the main reason of rule adoption. In the light of these factors, the domestic resonance was the second variable that explains the EU influence on Turkey's counter-terrorism policies. In view of these findings, post-Brussels results are summarized as follows.

Table 4- Overview of Empirical Investigation of the Post-Brussels Period

Variables / Units	INDEPENDENT VARIABLES				DEPENDENT VARIABLE
	Conditionality (External Incentives Model)		Socialization (Social Learning Model)		
	Credibility of Conditionality (EU LEVEL)	Adoption Costs (DOMESTIC LEVEL)	Legitimacy of EU Requirements (EU LEVEL)	Domestic Resonance (DOMESTIC LEVEL)	*The EU Impact on Formal Rule Adoption in the Counter-terrorism Domain*
Post-Brussels Period 2004-2013	Low	High	High	High	High

If these variables are analysed from the theoretical framework, due to the low level of credibility of conditionality, and the high adoptions costs, the EU conditionality strategy was not influential on policy change in Turkey during the post-Brussels period. However, the high level of legitimacy of the EU requirements, and the high level of domestic resonance, indicates that Turkish political actors gave high credence to the EU norms being appropriate rules for a peaceful solution to PKK terrorism. Therefore, the socialization efforts of the EU were the main mechanism that influenced Turkish counter-terrorism policies in the post-Brussels period.

8. Conclusion

In an attempt to reveal the EU impact on the counter terrorism policies of candidate countries, this research has conceptualized and empirically investigated the EU influence on Turkey's counter-terrorism policy towards the PKK. The reason for selecting Turkey is that, since the Copenhagen Criteria was set up in 1993, Turkey has been the only candidate country that has strived to be member of the EU whilst fighting ethnic separatist terrorism. Due to the special status of Turkey, analysing Turkey tells us which internal and external dynamics are influential on the changing political behaviour of candidate countries in relation to their counter terrorism policies and in their engagement with the EU.

Within the two major aspects of counter-terrorism policy, this research has focused on the liberty aspect rather than the cooperation aspect. The EU impact on Turkey's counter-terrorism policies has been examined through the concept of rule adoption, which encompasses the ratification of international human and ethnic minority rights conventions, domestic legislative changes for enhancing the civil rights of terror suspects and sympathizers, and institution building initiatives for monitoring and protecting human rights in Turkey. By relying on these legislative changes, this study has argued that when the EU has diffused its norms to Turkey in order to transform its democracy, it has been implicitly influential on the transformation of its counter-terrorism policies.

In the absence of another country to compare Turkey with, the single case study of this research has been disaggregated into three periods. The first period starts with first attacks of the PKK in 1984 and ends with the 1999 Helsinki European Council, when Turkey was admitted to the position of being a candidate country. The second period begins with unilateral ceasefire of the PKK in 1999 and ends with the 2004 Brussels European Council, when the EU entered into accession negotiations with Turkey. The third period starts with the Turkey-

EU accession negotiations and the resumption of the PKK attacks in 2004. It ends in 2013 when negotiations with the PKK and the Turkish Government began.

In order to conceptualize the EU impact, this study has benefited from utilising two norm diffusion mechanisms: the "Conditionality" and the "Socialization" mechanisms. According to the conditionality mechanism, it has been argued that the EU sets political conditions on Turkey in order to transform its democracy along with its counter-terrorism policies. These conditions are such that if Turkey fulfils them, it is awarded with membership, and if it fails to fulfil them, membership is withheld. In relation to conditionality, the EU norm diffusion pattern is a top-down process, in which the EU influence is the major determinant of rule adoption. However, conditionality has some shortcomings in explaining rule adoption in the absence of clear EU membership prospects, and the presence of high political adoption costs. In this respect, the socialization mechanism has been used as an alternative mechanism to explain the EU impact on Turkey. According to the socialization mechanism, during social interactions between Turkey and the EU, Turkish political actors learn that EU promoted norms are convenient tools for solving their existing ethnic separatist terrorism problems. Therefore, they adopt these norms in consideration of their appropriateness, rather than because a membership incentive is provided by the EU. In view of the socialization mechanism, norm diffusion is a bottom-up process, where domestic political actors are the key determinants on rule adoption, rather than the EU.

In order to examine the efficiency of both norm diffusion patterns, a set of four factors (internal and EU-level), based on the "External Incentives Model" and the "Social Learning Model" have been used to understand the EU impact. The first of these factors, the credibility of conditionality, focused on whether the EU provided a membership prospect to Turkey. The second factor, adoption costs, concentrated on PKK related issues (such as the ceasefire, and the number of fatalities) and their political cost for domestic actors. The third factor, the

legitimacy of the EU requirements sought the answer to the question of whether the EU demands from Turkey were clear, consistent, and shared with other international organisations. The fourth factor, domestic resonance, examined the openness of Turkish political actors for adoption of the EU rules. In this context, the political stance of the government, the army, the judiciary and the general public was taken into consideration to measure the EU impact.

Considering the difficulties of measuring the qualitative data, in the study two parameters were identified ("high" and "low") to transform the qualitative data into scalable values. No "medium" value was used in order to refrain from making an arbitrary division.[52] In view of the empirical investigation, the following results have emerged.

Table 5- Overview of Empirical Investigation

Variables / Units	INDEPENDENT VARIABLES				DEPENDENT VARIABLE
	Conditionality (External Incentives Model)		Socialization (Social Learning Model)		
	Credibility of Conditionality (EU LEVEL)	Adoption Costs (DOMESTIC LEVEL)	Legitimacy of EU Requirements (EU LEVEL)	Domestic Resonance (DOMESTIC LEVEL)	*The EU Impact on Formal Rule Adoption in the Counter-terrorism Domain*
Pre-Helsinki Period 1984-1999	Low	High	Low	Low	Low
Post-Helsinki Period 1999-2004	High	Low	High	Low	High
Post-Brussels Period 2004-2013	Low	High	High	High	High

According to the empirical findings of this study, the EU has succeeded in being influential on the transformation of Turkey's counter-terrorism policies in post-Helsinki and post-Brussels periods. The EU's success story in Turkey, after

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[52] See section 1.1. for much details about variables and their measurement parameters.

the 9/11 attacks, puts the EU in a special category for diffusing norms that relate to counter-terrorism. After the 9/11 attacks, whilst many countries were adopting security oriented counter-terror measures, Turkey behaved differently by enhancing the civil liberties of its citizens. After this time, the EU's role was undeniable. If this result is assessed through a global counter-terror framework, it indicates that the EU's normative power to exert influence on third countries, sometimes even in opposition to global trends, is very strong. Therefore, if the EU political actors wish to use their normative power potential to transform the counter-terrorism policies of third countries, Turkey is an example of a specific case that can be used to guide them. They can employ similar norm diffusion mechanisms in other countries.

According to the findings of this study, by using its democratization tools the EU can transform third countries counter-terrorism policies in line with civil and human rights principles, if convenient domestic and EU-level factors are met. If this proposition is evaluated from a polity, politics and policies dimension, the EU has the ability to alter the domestic policies of third countries by using polity tools. In this respect, if the EU has civil and human rights concerns about the counter-terrorism policies of third countries, it is not necessary to impose any direct policy prescriptions on these countries (which might lead to the discontent of domestic political actors that the EU is intervening in their existential problem without considering the security concerns of that country). Instead of relying on such a direct interference, by using democratization methods the EU can produce a soft transition and relieve the political tension in the target country whilst transforming their counter-terrorism policies. In this way, the EU can give an impression to the domestic political actors in that country that it is only concerned with the democratization of that country, and not with its hard-line counter-terrorism policies, which helps to support the cause of reformist politicians, and leads to a more robust reform process.

The transformation of Turkey's counter-terrorism policies also reveals that the EU's norm diffusion mechanisms are not only based on a top-down process, in which the EU impact is intrusive, but also rely on a bottom-up process, where domestic demand plays a significant role on policy adjustment. However, the bottom-up norm diffusion process in Turkey was achieved only after a preliminary top-down norm diffusion process was put into action, which triggered the reform process by giving Turkey a strong membership prospect. In this regard, if the EU political actors aim to transform the counter-terrorism policies of other countries, they should trigger the policy transformation by starting with a top-down norm diffusion process rather than a bottom-up approach. When a top-down norm diffusion process cannot be carried on further, there is still a chance that reforms may continue in the target country if a bottom-up approach based on domestic demand is used. Otherwise, relying on only a bottom-up approach in a target country may unnecessarily prolong the reform process. Creating an atmosphere in which domestic political actors are open to adopting new norms is a long-term process; one that may take longer than the EU political actors expect.

In the light of the Turkish case, this study has found that norm diffusion to Turkey in the counter-terror context has been achieved within different time periods and by using different norm diffusion mechanisms. In the pre-Helsinki, period neither the conditionality nor the socialization mechanism were influential in changing Turkey's counter-terrorism policies. In the post-Helsinki period, conditionality was the main mechanism for the transposition of EU rules. In the post-Helsinki period, socialization was the main influence on Turkish political actors to align their counter-terror measures with the EU standards.

The inefficiency of the EU norm diffusion mechanisms during the pre-Helsinki period was found to rest on several reasons. During these years, the EU did not provide a membership prospect to Turkey. Furthermore, the PKK attacks were a major obstacle for the Turkish political elite in the light of electoral

concerns and the strong opposition of veto players. In addition, the legitimacy of the EU requirements had weaknesses in terms of their clarity, consistency, and because other international organisations were much influential on Turkey than the EU. Also, domestic political actors did not see that pursuing hard-line counter-terrorism policies were not the solution for ending PKK terrorism.

In the post-Helsinki years, however, conditionality was successful in transforming Turkey's counter terrorism policy. One of the reasons for this success was that the EU provided a clear membership prospect to Turkey. This membership prospect was a high value incentive for Turkish political actors, which had not been offered in earlier years. The second reason was that during the same period the PKK leader Abdullah Ocalan was captured, and the organisation declared a unilateral ceasefire. The reduction of PKK activities after the ceasefire was a positive factor that initiated the adoption of EU promoted norms by the Turkish political elite. This was because it was then easy for them to counter the criticism of opposition parties and those in nationalist circles.

If these two reasons are evaluated using the logic of consequence and the conditionality mechanism (which are based on making cost-benefit calculations) the likely benefits that were delivered by a high membership prospect outweighed the political costs due to the PKK's declining violent activities. In view of this result, it could be concluded that if the EU provides membership prospects to those countries in its neighbourhood where the domestic political cost of terrorism is small, they are likely to adopt EU promoted liberal democratic norms.

In the post-Brussels period, socialization was the prominent norm diffusion mechanism used to explain the EU impact. The major reason why socialization worked was that domestic resonance was higher than in the other periods. According to the empirical findings, the majority of Turkish political actors understood that ending PKK terrorism by military means was not possible. Therefore, they supported the adoption of EU promoted norms, which were

considered to be an appropriate way to solve the PKK problem by providing greater freedom to Kurdish citizens. This decision was taken when there was no clear membership prospect, and PKK attacks has been resumed. In consideration of this empirical finding, it could be concluded that the EU can be influential on the countries around the Union, if domestic political actors of those countries realize that they can solve their terrorism problems by adopting EU promoted norms.

In comparison to the other mediating factors, domestic resonance is the strongest of all for the transposition of EU norms to third countries. If domestic resonance is high, neither a membership prospect, nor terrorist attacks, are important for domestic political actors in adopting EU norms. The domestic demand for democratic change is more influential than rational calculations. Therefore, if the EU has nothing to offer target countries (material incentives) to transform their domestic policies, they should focus on improving the openness of domestic political actors by intense socialization. However, reaching an sufficient level of openness might take time, and EU actors need patience.

Along with the high domestic resonance, the legitimacy of the EU requirements was high during the post-Brussels period. In this respect, the EU requirements stated in progression reports and accession partnerships were clear. In addition, the EU demands overlapped with the requirements of other international organisations. However, the legitimacy of the EU's requirements were at the same level within both the post-Helsinki and post-Brussels periods, due to them possessing similar features. Therefore, in these periods it is not easy to determine the role of the "legitimacy of EU requirements" variable.

In this context, Schimmelfennig and Sedelmeier's proposition regarding the legitimacy of EU requirements have some shortcomings in explaining norm diffusion to candidate countries. Once the requirement of the EU on a candidate country reach a certain level of legitimacy (in terms of clarity, consistency, and overlapping demands with other international organisations), it is difficult for

that legitimacy to deteriorate. This is especially so when interactions between a candidate country and the EU are at the accession negotiations stage. The candidate country cannot object or refuse to adopt EU requirements at this stage by complaining that they are not legitimate. If they do so, there is always a risk that the negotiations will be interrupted. However, the EU still needs to be careful, because legitimacy can be reduced even at this stage if there is an inconsistency in how EU countries themselves apply the norms. In such a case, candidate countries can use this as a justification for their own hard-line policies. Therefore, using the variable of the legitimacy of EU requirements for non-candidate countries, rather than candidate states, could give better results. In addition, using this variable for non-candidate countries will increase the theoretical validity of this variable.

In consideration of post-conditionality literature, which is concerned with the rule adoption patterns of CEEC's after the EU accession (Dimitrova 2010; Epstein and Sedelmeier 2008; Meyer-Sahling 2011; Schimmelfennig and Trauner 2009), Turkey's rule adoption behaviour can also be evaluated within a similar context, despite Turkey still possessing candidate status. As Epstein and Sedelmeier propose, in the absence of EU conditionality (lack of membership prospect-high adoption costs) norm continuity in the target country is less likely to happen (Epstein and Sedelmeier 2008). However, as observed in the Turkish case, despite the absence of a clear membership prospect and high adoption costs, reform continuity succeeded in Turkey to transform counter-terrorism policy. This sustainability was achieved, neither to utilize EU-provided financial and technical incentives, nor because of the protection of reforms by Turkish courts.[53] However, during the reform continuity, there was not any government

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[53] See for further discussion Frank Schimmelfennig and Florian Trauner, 'Post-Accession Compliance in the Eu's New Member States', *European Integration Online Papers (EIoP)* (13, 2009).

alteration.[54] Rule adoption for the transformation of Turkish counter-terrorism policy appeared to constitute a socialization process in which domestic political actors considered the EU as promoting norms as an appropriate way of solving domestic problems and responding to strong public demands for peaceful solution to PKK terrorism. In this respect, the findings of this research may add value to post-conditionality literature by providing an alternative explanation to reform continuity in a candidate country despite the declining accession conditionality.

As for the number and speed of the democratic reforms considered, it was found that they were higher in the post-Helsinki period than the post-Brussels period. Turkish political actors adopted many more rules in the post-Helsinki period, despite the fact that this period was shorter than the others. This outcome clearly indicates that the conditionality mechanism was a more efficient mechanism than the socialization mechanism in transforming Turkey's counter-terrorism policies. In this respect, it could be said that if the EU wants to quickly transform the counter-terrorism policies of a country in its vicinity, it should employ the conditionality mechanism, and support it with a membership incentive. Conditionality will give better results in terms of the speed and quantity of reforms. Otherwise, if the socialization mechanism is relied upon, the speed and number of reforms will decrease, as was experienced in the Turkish case.

During the empirical analysis, this research also found that, in regards to the efficiency of rule adoption, Turkish political actors did not fulfil their duties, as they were required to, despite the high number of adopted norms. For instance, they were reluctant to adopt some of the ethnic minority conventions, and they placed reservation on some articles of these conventions (i.e. those which granted rights to Kurds, such as education in mother tongue). In addition,

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[54] See for the impact of domestic constellations and government alterations in post-conditionality. Jan-Hinrik Meyer-Sahling, 'The Durability of Eu Civil Service Policy in Central and Eastern Europe after Accession', *Governance,* 24/2 (2011).

they pursued a selective approach, for example, by adopting human rights norms rather than ethnic minority conventions. This unwillingness was based on the likelihood of the PKK making demands for autonomy on Turkey. The scepticism among the Turkish political elite indicates that granting ethnic rights might give a window of opportunity to Kurds to further their goal of establishing an independent state. In this respect, both the conditionality and the socialization mechanism have some limitations. If a candidate state considers that the adoption of EU promoted norms would create an existential threat to the territorial integrity of country, they are unlikely to adopt them. In light of this result, it could be concluded that the conditionality and socialization mechanisms do not guarantee that the EU requirements will be fully fulfilled by third countries.

The high level of rule adoption with regards to the transformation of counter-terrorism policies may also suffer if institutional capacity is not at a sufficient level. Based on the empirical investigation of this research, it was observed that despite the ambition of some Turkish governments to adopt the EU promoted norms in order to gain EU membership, and despite the appropriateness of the norms, the attitude of the judiciary and public administration hindered the genuine adoption of norms. That is, because of the attitudes of these actors, although reforms were made, they were sometimes only made on paper, and not put into practice. Furthermore, in order to overcome the weaknesses of institutional capacities, governments have to make further reforms repeatedly. In this context, in order to transform the counter terrorism policies of third countries, EU authorities should also follow a parallel strategy, based not only on formal rule transfer, but also on investing in initiatives for improving the institutional capacities of those countries. Also, reformist domestic political actors in the target countries should spend time on increasing the capacity and efficiency of their institutions for better rule

adoption and policy implementation. This will save their time and energy whilst fulfilling the EU requirements.

The lack of institutional capacity to adopt EU reforms also has negative consequences for the image of third countries. According to the empirical findings of this study, Turkish domestic political actors had a tendency to adopt politically costly EU promoted rules just before an important decision was made by the European Council regarding Turkey's accession. These last minute changes indicate that Turkish political actors aim to increase their bargaining power towards their European counterparts at the time of their decision. On the other hand, these last-minute attempts have the risk of undermining the efforts of Turkish political actors, in the sense that they will be viewed as cosmetic changes rather than as being internalizations of the reforms. Therefore, the adoption of EU reforms should take place at a steady pace, over a long term. This would improve the image and reliability of Turkish political actors in the eyes of their European counterparts.

This study also revealed that the stance of some domestic political actors with regards to the adoption of EU promoted norms has been changeable. For instance, the position of the Turkish armed forces was in transition during the three periods. During the pre-Helsinki years, they were in the position of veto players, and resisted the adoption of liberal democratic norms. In the post-Helsinki years, they played a more moderate role, and were neither for or against the EU reforms. However, in the post-Brussels years they implicitly supported a peaceful solution of PKK terrorism, and made no objections to government policies aimed at achieving such a solution. Therefore, one cannot generally categorize the political stance of veto players as being against the EU reforms. As Dimitrova argued, veto players' preferences can be configured if norm adoption is necessary for the new status quo (Dimitrova 2010). In line with improving relations with the EU and the social learning process, these domestic political actors may have a different political stance at different times.

In terms of EU's norm diffusion motives in the counter-terrorism domain, this study also found that the norm diffusion role of the EU is based on the self-interest of the EU. When terrorism became an imminent threat for the Union, the counter-terrorism policies of neighbouring countries became a priority for EU political actors. However, after the threat of terrorism subsided, their interest in the counter-terrorism policies of third countries waned. So, the EU behaves as a rational actor and is only concerned with its self-interest, rather than the well-being of others. Therefore, the findings of this study contradict the literature which argues that the EU diffuse its norms for 'altruistic' reasons (Aggestam 2008: 8; Bicchi 2006: 287; K. Smith 2003b: 130-31).

Furthermore, this research also shows that the EU has a potential power to transform the counter-terrorism policies of third countries by normative means. Even though, on particular occasions (such as after Madrid and London Bombings) the EU initiated security based strategies towards third countries, these external policies had a limited influence on candidate countries, such as Turkey, where the EU's normative requirements were seen as a guidance for better governance. Therefore, a shift in the EU's normative stance to a more security centric stance does not make any difference to candidate countries because of their intense engagement with the EU, and the incentive of likely membership. In this respect, the empirical findings of this research contrast with the findings of other studies by arguing that the increasing focus of the EU on security issues undermined its normative power (Joffe 2008; Manners 2006; Oz 2010; Van Reisen et al. 2004).

In view of the theoretical framework, the explanatory role of the conditionality and socialization mechanisms on the transformation of Turkey's counter-terrorism policies is an important theoretical finding, which could be applied to other countries in the vicinity of the EU where terrorism creates risks. In this respect, employing similar mechanisms to the ENP countries could bring similar transformation as those experienced in Turkey. As was revealed in the

literature review chapter (chapter 2), the EU employs the conditionality mechanism to these countries to transform their counter-terrorism policies in line with EU requirements. However, the absence of membership prospects weakens the efficiency of the EU's norm diffusion role on ENP countries. In order to overcome this problem the EU may give membership prospects to the ENP countries. These membership prospects, however, may have similar features as in Turkey, such as being based on open-ended negotiations and the EU's absorption capacity. If the negotiations with the ENP countries are expanded in the long term, then the social interaction between the ENP countries and the EU may also have socialization effects on these countries. During this interaction, they can learn that the EU norms are appropriate for solving their domestic terror problems, even if membership prospects are reduced.

This study also reveals lessons for Turkey relying on its experience of interactions with the EU. In recent years, Turkey has gained self-confidence with its booming economy and increasing influence over regions in the Middle East, Caucasus, the Balkans and African countries. Furthermore, it is considered a role model for many Islamic countries, by combining democracy and Islamic values. Therefore, Turkish political actors can benefit from norm diffusion mechanisms similar to those of the EU to exert influence on countries in its vicinity. For instance, since the PKK has been operational in Northern Iraq and Iran, Turkey has been in tension with these countries, and wishes for them to change their domestic policies towards the PKK. However, the fact that PKK camps are still to be found in these countries, it seems that the Turkish arguments to convince these countries have thus far failed. Therefore, if Turkey could provide strong incentives to these countries on the condition that they support Turkey's counter-terror struggle, or if they could engage in the intense socialization of the political elite in these countries to change their political behaviour, the EU norm diffusion mechanism can also work for Turkey's political objectives. In addition, these norm diffusion mechanisms need not necessarily be used only for counter-

terrorism, but they also could be used to diffuse liberal democratic norms to those countries around Turkey in which the Arab Spring has created instability.

Lessons drawn from the EU influence on Turkey might also be useful for other international political actors, such as the US and other international organisations. They may also use similar strategies to transform the counter-terrorism policies of other countries. For instance, as a global leader in counter-terrorism, the US can use the conditionality (based on material incentives, rather than membership incentive) and socialization mechanisms in countries such as Pakistan, Afghanistan, or Egypt. They can do this by not only investing in the security capabilities of these countries, but also by promoting democracy and liberal democratic values. Moreover, when the US faces a dilemma in these countries, between the stability of that country and the continuation of democratic governance, they should also be much more supportive of democratic governance. Even though such a choice might be painful for US political actors to start with, in the long run enhancing democratization will bring strong stability to these countries. Also, the UN, CoE and OSCE can use their democratization efforts to transform the counter-terrorism policies of third countries. In order to be successful like the EU, they should not only rely on the socialization mechanism, but also develop attractive material incentives for target countries to encourage them to abandon their current counter-terrorism policies.

As for the final remarks of this study, in this research the EU's norm diffusion role in the counter-terror domain was only analysed for Turkey and its policies towards the PKK. This research perspective can also be extended to other terrorist organisations in Turkey, such as the Revolutionary People's Liberation Army/Front/Party, which is another terrorist organisation on the EU's designated terrorist organisation list. In addition, the EU's norm diffusion role on Turkey as a candidate country can be compared with other countries in the vicinity of the EU, such as the ENP countries, and Russia, where terrorism is a

serious problem for their security. By making such a comparison, a broader picture can be gained of the EU's norm diffusion mechanisms in its neighbourhood in the counter-terror context. Furthermore, the focus of this research was to analyse the EU impact on Turkey's counter-terrorism policies within the context of formal rule adoption. This could be considered as a limitation of this research. In order to understand the implementation dimension of rule adoption, further research is needed that focused on behavioural rule adoption. Finally, the norm diffusion mechanisms of the EU and other international organisations can be compared in the counter-terror context, and an efficient norm diffusion mechanism can be developed for all of them by looking at strength and weakness of these mechanisms.

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APPENDIX 1: MAP OF EUROPEAN UNION

Source:

http://ec.europa.eu/avservices/photo/photoDetails.cfm?sitelang=en&mgid=38#0

APPENDIX 2: MAP OF TURKEY

Source:

https://www.google.co.uk/search?q=map+of+eu+enlargement&rlz=1C1CHIK_en-

gbGB495GB495&oq=map+of+enlargement&aqs=chrome.1.69i57j0l5.6508j0j8&sourceid

=chrome&espv=210&es_sm=122&ie=UTF-8#q=map+of+turkey