

**Justice and Home Affairs: Impact of the European Union
on the internal security of Turkey**

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Abstract

This research project focuses on the impact of the EU's internal security policy on Turkey during its accession process. It investigates the conditions that determine the EU's success in effecting the changes in the internal security of Turkey. In order to limit the field of Justice and Home Affairs, the study selects the fight against Organised Crime, Terrorism and Drugs as its case studies. It takes Turkey's application for EU membership in 1987 as the starting point of the analysis and concludes in 2010. It tracks domestic change in Turkey by considering the adoption of the EU *acquis*, the development of its administrative capacity and the extent of internal security cooperation with the EU. The research aims to provide insight into the way the EU operates the external dimension of JHA towards applicant states, the conditions under what it exerts through influence of JHA, and the extent to which the EU shapes the internal security of Turkey during the enlargement process.

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List of Abbreviations

AA-Anadolu News Agency

ABGS-Secretariat General for EU Affairs

AFSJ-Area of Freedom, Security, and Justice

AK Party-Justice and Development Party

ANAP-Motherland Party

ANASOL-M- Coalition Government formed in Turkey by ANAP, DSP and MHP

AP-Accession Partnership

BSEC-Black Sea Economic Cooperation

CEECs-Central Eastern Europe Countries

CEPOL-European Police College

CoE-Council of Europe

DEP-Democracy Party

DSP-Democratic Left Party

ECO-Economic Cooperation Organization

EDU-Europol Drugs Unit

EFTA-European Free Trade Association

EGM-Directorate General for Security

EMCDDA-European Monitoring Centre for Drugs and Drug Addiction

ENP-European Neighbourhood Policy

EU-European Union

Europol-European Police Office

FATF-Financial Action Task Force

GRECO-Group of States against Corruption

HADEP-Peoples Democracy Party

HEP-Kurdish People's Labour Party

INCB-International Narcotic Control Board

IOM-International Organization for Migration

JGK-Turkish Gendarmerie Forces

JHA- Justice and Home Affairs
KOM- Anti-smuggling and Organised Crime Department of the Turkish National Police
MASAK-Financial Crimes Investigation Board in Turkey
MfA- Ministry of Foreign Affairs
MGK-National Security Council
MHP-Nationalist Movement Party
MIT-National Intelligence Agency
MoD- Ministry of Defence
NATO-North Atlantic Treaty Organisation
NPAA-National Plan for Adoption of the *Acquis*
OHAL-State of Emergency
OSCE-Organization for Security and Cooperation in Europe
PKK-Kurdistan Workers Party (Partia Karkeren Kurdistan)
TADOC-Turkish International Academy against Drugs and Organised Crime
TAIEX- Technical Assistance and Information Exchange
TBMM-Turkish Parliament
TMO-Turkish Grain Marketing Board
TREVI-Terrorisme, Radicalisme, Extrémisme et Violence Internationale
TRT-Turkish Radio and Television Agency
TUBIM- Turkish Monitoring Centre for Drugs and Drug Addiction
UNDCP- United Nations Drugs Control Programme
UNGASS-United Nations General Assembly Twentieth Special Session on Drugs
UNODC-United Nations Office on Drugs and Crime
UN-United Nations

1. Introduction

1.1. Rationale and context

Alignment of applicant states with EU provisions and institutional templates is considered one of the main objectives in the enlargement process. The EU sets up conditionality to ensure integration of applicant countries into the EU. Through Accession Partnership documents and Annual Progress Reports, the EU lists accession requirements and the sequence for their implementation. Specifically, in the Justice and Home Affairs (JHA) domain, the EU asks for the adoption of the legal basis of JHA, reinforcement of domestic security institutions and maintenance of internal security cooperation with the EU.

EU conditionality includes ratification of international conventions, transposition of minimum standards in national criminal law and the development of institutional links with EU agencies. In this way, the EU ensures transposition of JHA standards in applicant states and confirms internal security cooperation with domestic institutions without waiting for the conclusion of the lengthy accession process.

In the enlargement process, the EU uses various instruments to facilitate adoption of the membership requirements. Incentives and monitoring mechanisms are integrated into conditionality to convince the decision makers of applicant countries. Financial and technical assistance are provided for institution-building and capacity-development. The EU also uses deterrents and benchmarking to trigger legal and institutional alignment and threatens to withhold rewards in the absence of compliance.

Despite the use of these policy instruments, conditionality may not achieve the results expected. Conditions to stimulate the EU's impact on non-member states may change across different state structures, timeframes and policy sectors (Sedelmeier, 2006: 9). The EU's costly or problematic requirements may face stronger resistance

in one applicant country as compared to other candidates. Similar factors may generate different outcomes on different state structures and policy sectors. In addition, EU adaptation pressures and incentives may not result in compliance if they conflict with internal norms or *vice versa*. Specifically, in the JHA domain, variety or convergence of threat perceptions between the EU and applicant countries may retard or facilitate alignment.

Prevailing studies interpreting domestic transition of applicant states propound different assumptions to justify the success or the failure of the EU impact during the enlargement process (Caporaso, 2008; Grabbe, 2002; Schimmelfennig *et al.*, 2005). However, empirical studies are still needed to portray the conditions for the transposition of EU standards into the internal security of applicant states. To this end, this study aims to explore the answers to the following questions: How does the EU operate the external dimension of JHA in applicant states? Under which conditions is the EU able to ensure alignment with JHA?

In the research, it was hypothesized that convergence of threat perceptions between applicant states and the EU increases the likelihood of compliance with the conditionality on JHA. Convergence of threat perceptions between the EU and accession countries is taken as a condition which facilitates adoption of the EU rules and practices under JHA. It is also considered as a factor which prepares suitable grounds for internal security cooperation between the EU and applicant countries. Threat perception is attributed to domestic norms, values and beliefs which are developed over time. Threat assessments of security institutions also contribute to the development of threat perceptions at domestic level.

Threat perception, however, does not entail the main focus of this analysis. In addition to “convergence of threat perceptions” further mediating factors are taken into account to provide a thorough understanding on how the EU influences the domestic infrastructure of applicant countries in the field of JHA. In this respect, determinacy of the EU requirements, credibility of conditionality and domestic

adaptation costs are taken into account as other mediating factors which may influence the internal security of Turkey. An evaluation is made between these four mediating factors and whether they play a decisive or less determining role for conformation to the EU requirements in the fight against organised crime, terrorism and drugs.

The two mediating factors, determinacy of the EU requirements and credibility of conditionality are linked with EU policies, which are employed to facilitate domestic transition in applicant countries in the accession process. Determinacy of the EU requirements emphasizes whether the EU has precise rules and conditions to be adopted by Turkey. Other than that, credibility of conditionality reflects the validity of EU incentives and threats used to convince decision makers in Turkey for the adoption of accession conditionality (Schimmelfennig et al., 2005: 13).

Lastly, domestic adaptation costs are intrinsically linked to the cost benefit calculations of domestic actors. Based on this, domestic actors are reluctant to conform to the conditionality when the EU requirements are seen as costly at domestic level (Schimmelfennig et al., 2005: 9).

Turkey has been selected as the field of the study in order to analyse the impact of the EU accession conditionality on applicant states in the field of JHA. It investigates the extension and conditions of the EU's influence upon Turkey's internal security since Turkey's membership application in 1987.

Turkey was selected as the study field for a number of reasons. Firstly, the relationship between Turkey and the EU covers a long period of time. It is proposed that this lengthy relationship increases the number of observations available to test the causal factors of the EU's impact on Turkey.

Secondly, the accession process of Turkey has followed a turbulent course in which the success of accession conditionality and the speed of domestic transition have

changed over time. The selection of Turkey enables us to test the appropriateness and endurance of the EU's instruments used to mediate domestic transition in applicant states. Especially, political problems between Turkey and the EU offer an opportunity to examine the role of variation in the credibility of conditionality and domestic opposition to domestic policy change. Unlike other applicant states, this variation provides implications to test the success of conditionality over changing conditions.

Thirdly, Turkey was selected as the study field because of its common borders with the EU and its geographical location between Europe and zones of criminal activity. Turkey is a transit country on the "Balkan Trafficking Route" which is used to transfer Afghan drugs to Western Europe. Turkish organised crime groups in Europe have been trafficking drugs, human beings and smuggling arms for decades (Europol, 2008: 21). Besides, Turkish/Kurdish immigrants and asylum seekers in Europe are considered as a target population by the PKK for financing its activities and to recruit new members. Various cultural centres, media organs and lobby groups in Western European countries are also used as propaganda instruments by the PKK (Tocci, 2007: 57, 70). Therefore, the compatibility of Turkey's internal security with JHA and internal security cooperation in combating transnational crime is considered a prominent internal security interest for both Turkey and the EU. Alignment with JHA is designated as one of the priority policy domains in the accession process for Turkey.

The results of the study show that the resonance of threat perceptions of applicant states and the EU is the constituent mediating factor for the success of accession conditionality on JHA. Despite credible incentives and threats integrated in conditionality, variation in common vulnerabilities and threat perceptions between applicant states and the EU may limit the EU's impact in the field of JHA. For instance, illegal immigration is a primary security risk for the EU. However, for Turkey it is a secondary risk. Consequently, the EU's influence on Turkey's immigration policies are limited. Activities of the Kurdistan Workers' Party (PKK)

are a considerable terror risk for Turkey but not a primary threat for the EU. Due to the lack of common threat perception, security cooperation between the EU and Turkey against the PKK is modest. In contrast, drug addiction and trafficking are perceived as common threats for both Turkey and the EU. In consequence, adoption of the EU's drug policies and operational cooperation against drug trafficking is successful. Therefore, it is argued that the presence of common threat perceptions facilitates influence of the EU on Turkey in connection with JHA.

In order to limit the broad field of JHA, this project is concerned with three sub-domains: organised crime, terrorism and drugs. These three policy domains are selected because of their international dimension and being perceived as crucial within the security relationship between Turkey and the EU. Due to their cross-border dimension, international cooperation is considered important for combating terrorism, organised crime and drugs for both Turkey and the EU.

Another reason for the selection of three cases from the JHA domain is that they are composite policy sectors in which legal and institutional dimensions mutually exist. Domestic alignment with these JHA fields entails adoption of the body of EU Law (the '*acquis communautaire*', hereafter the '*acquis*'), administrative capacity development and internal security cooperation with EU agencies. Selection of these cases enables us to analyse the impact of the EU from different aspects of JHA. Since combating transnational crime is considered a sensitive and technical issue for political decision-makers, domestic security institutions become involved in the decision making process through consulting governments and by publishing internal security assessment reports. To this account, focusing on the fight against transnational crime enables us to test the role of domestic security institutions in the adoption of the JHA policies in Turkey.

1.2. Formulation of the problem

To explore the conditions of the impact of the EU on the internal security of Turkey, the study makes an assessment between selected mediating factors. It develops a

research design to analyse the causal background of domestic developments in Turkey. The research design entails a set of mediating factors that have an effect on domestic change in Turkey. In the study, effectiveness of the mediating factors is controlled by looking at the changes in domestic policies, institutional structures and the extent of international security cooperation. In this way, the research aims to generate plausible results that are applicable to the other sectors of JHA in addition to the selected cases.

Conditions for the impact of the EU: Mediating factors

In the research design, mediating factors that result in the success or failure of the conditionality are classified under two main categories: EU-level (External) factors and Domestic factors (Table 1). The EU-level factors refer to the EU’s enlargement strategy used to trigger domestic change in applicant countries. Alternatively, domestic-level factors represent the conditions in Turkey that facilitate or limit impact of the EU.

Table 1: Mediating factors of the impact of the EU

Mediating factors	
EU-level	<ul style="list-style-type: none"> • Determinacy of the EU requirements • Credibility of conditionality
Domestic-Level	<ul style="list-style-type: none"> • Domestic adaptation costs • Convergence of threat perceptions (Legitimacy and resonance of the EU approach in Turkey)

EU-level factors

In various policy domains, the EU requires legal and institutional alignment from applicant states during the enlargement process. It determines membership requirements and poses an enlargement strategy, the so-called “Accession Conditionality” to induce domestic change in legal and institutional infrastructures. In Accession Partnership documents and in European Commission progress reports, the EU outlines certain requirements and clarifies accession conditions to inform

candidate states about membership requirements. Besides, in subcommittee meetings and in mission visits, the European Commission presents recent developments in JHA and asks for further steps to fulfil the accession requirements.

Additionally, the EU uses indirect mechanisms to raise awareness about EU policies and the conditions for accession. In the JHA domain, twinning projects, training seminars, mutual study visits and interactions of liaison officers result in a learning process among domestic officials of the security institutions about the EU approach to combating transnational crime (Kirisci, 2007: 19). As a result, *determinacy of the conditionality increases the likelihood of rule adoption*.

In the accession process, the EU makes use of a range of policy instruments such as incentives, monitoring and suspension of negotiations to facilitate adoption of the membership requirements. EU membership is given as the key incentive and ultimate goal for applicant countries if they meet the EU requirements. Anticipation of EU membership incentivises governments to comply with the given EU conditions. To be able to gain further grounds towards EU membership, applicant countries speed up transposition of EU rules. Moreover, the EU threatens to apply sanctions and withholds rewards in case of non-compliance. Threats to suspend the accession process and withholding of EU incentives induces governments to conform to the EU requirements (Grabbe, 2002: 312; Schimmelfennig *et al.*, 2005: 9).

In JHA, security cooperation with the EU agencies and member states is also considered as an incentive for applicant countries. Intensifying relations with the EU, institutional links and security cooperation are considered as opportunities for applicant countries to strengthen their effectiveness in combating internal security threats at the domestic level. The EU assistance for institutional capacity development is also seen as valuable to advance the technical competence of the security institutions.

Together with rewards and threats, the EU endeavours to convince governments of

the need for compliance with the EU demands. If the EU rewards and threats associated with conditionality are not credible however, effectiveness of the EU instruments used for stimulating domestic policy transition may be unsuccessful. Ambiguity about delivery of the EU rewards, the EU's limited monitoring capacity and the high expectations of applicant countries that they will receive the rewards even without complying with the EU requirements could lessen the credibility of conditionality (Schimmelfennig *et al.*, 2005: 13-14). In consequence, governments could act reluctantly to adopt the EU's requirements. In the JHA domain, a decline in credibility may also result in unwillingness among the officials of national institutions to cooperate with their EU counterparts over internal security. Therefore, it is claimed that *credibility of the conditionality increases the likelihood of fulfilment of the accession requirements*.

Domestic factors

Adoption of the membership requirements could be considered as costly by the decision makers of applicant states. Institutional legacies could raise domestic resistance to the adoption of membership requirements. At domestic level, the EU conditionality affects the redistribution of the executive powers of domestic actors and the duties of public institutions. The state elites and formal and informal organizations could oppose domestic change to prevent the loss of their political or economic powers (Heritier *et al.*, 2001: 288).

Moreover, adoption of JHA rules may be seen as costly because of domestic concerns about national sovereignty. Providing internal security to the citizens and enforcement of criminal law is seen as one of the main responsibilities of a state in its national territories (Monar, 2007c: 19). However, in the enlargement process, candidate states are obliged to comply with the conditions on JHA alike with other accession conditions. They are not able to pursue their own internal security objectives because of their exclusion from the decision-making process of JHA. Therefore, the leverage of an external actor in internal security issues could raise domestic opposition to this involvement.

Due to the factors mentioned above, the EU's influence on the internal security of applicant states may be constrained because of sovereignty considerations. On the other hand, assistance of the EU for administrative capacity development, institutional links with the EU agencies and the benefits of strategic and operational information exchange for internal security cooperation may exceed national sovereignty considerations. Adoption of the EU rules could be perceived as beneficial for strengthening the internal security of the state. Accordingly, domestic actors favour the adoption of the EU requirements and intensified international cooperation against transnational crime.

In brief, *domestic adoption costs associated with to the EU's regulatory policies could slow down compliance with conditionality*. However, the benefits of security cooperation tend to diminish domestic opposition and adoption costs in JHA.

Further to the three mediating factors mentioned above, in the JHA domain, *convergence of the threat perceptions between the EU and the applicant states increases the likelihood of conformation with the membership requirements*. The EU's requirements are likely to be adopted if they do not conflict with domestic norms (Checkel, 2001: 563). In this sense, conditionality on JHA would be seen as appropriate if it resonates with the domestic security preferences and objectives of applicant states. Convergence between the EU approach and domestic threat perceptions legitimise adoption of the EU rules in the JHA domain and give rise to internal security cooperation between applicant countries and the EU.

In the study, threat perceptions of the states are attributed to domestic social norms, values and cultural legacies. Development of threat perceptions and security policies are considered the result of a social and political process (Buzan *et al.*, 1998: 23-33). Decision-makers in governments and professionals in security institutions are given as important actors for the construction of security policies (Bigo, 2008: 11). Because law enforcement is a technical issue, domestic security agencies contribute

to the decision-making process of internal security policies through recommendations and assessment reports. The identification and sequence of perceived threats influences political decision-makers and plays a part in the development of national security policies.

To this account, interactions between domestic institutions and member state agencies, and training programmes for capacity development help to recover dissimilarities between policy preferences of applicant countries and the EU approach in JHA (Tomalová et al., 2007: 383). In the long run, internal security collaboration and institutional interactions between applicant countries and member state institutions initiate a learning process about the EU approach and contribute to the development of common threat perceptions at the domestic level (Kirisci, 2007: 19). Specifically, twinning, training programmes and mutual study visits increase awareness in applicant states about EU policies. Domestic institutions become inspired by the EU's practices and the way the EU perceives internal security threats. The engagement between security institutions mediates domestic threat perceptions and legitimises the EU conditionality on JHA.

1.3. Methodology

In order to make an assessment about the dynamics of the EU influence on Turkey, the project follows a bottom-up approach in which domestic developments are traced with reference to the selected cases (Haverland, 2007: 62; Radaelli, 2004: 4). Domestic change in Turkey is also identified and categorized according to three different periods between 1987 and 2010. Later, the causal backgrounds of specific events are scrutinised through the control of the EU's influence mechanisms, domestic conditions and their outcome for Turkey's internal security.

For making a causal inference linked with the research question and the hypothesis, the project makes cross-sectoral and cross-temporal analyses (King *et al.*, 1994: 75-115; George *et al.*, 2004: 166). To increase units of observation it compares domestic developments in Turkey across three different periods, which are established

diachronically. It takes key events in the relationship between Turkey and the EU to determine the start and end points of each period. The first phase covers the period from 1987, when Turkey made an official membership application to the EU, to 1999, when the Helsinki Council admitted Turkey as a candidate state. The second phase covers the period from 1999 to 2005 in which the EU initiated structured relations with Turkey through the development of conditionality and the commencement of accession negotiations in 2005. The last phase covers the period from 2005 to 2010 in which accession negotiations were ongoing. In these three periods, the study considers four selected mediating factors to identify causal relationships between domestic transition and the EU conditionality.

The cross-sectoral analysis is designed by choosing three sub-domains of JHA. In this way, the research makes a comparison between fight against organised crime, terrorism and drugs within JHA. To explore the reasons for variation in these selected cases, it keeps other mediating factors constant while analysing the causal impact of one explanatory factor on domestic change. In addition to making crosschecks and controls to clarify the output of each mediating factor, it also considers the correlation between mediating factors to eliminate indeterminacy (King *et al.*, 1994: 118).

In the project, the extent of compliance by Turkey is measured by examining the variation in the domestic legal system, institutional setting and the extent of cooperation with international organisations and other countries on fighting organised crime, terrorism and drugs. To make the measurement more precise, domestic change within these three policy domains of JHA is extracted into three different categories.

Adoption of the EU provisions and ratification of international conventions are taken as the first category of indicators. Ratification of international conventions on countering drugs, organised crime and terrorism as well as harmonization with the definitions of offences and criminal procedures with the EU *acquis* is observed in

order to make an assessment of compliance within the legal feature of JHA. Emulation of the EU strategies and action plans issued by Turkey are considered as another dimension of legal alignment within the JHA.

In the second category, change in the administrative setting of Turkey is scrutinized to measure the extent of compliance with the conditions of the EU. The level of compliance with EU administrative standards is evaluated by examining the revisions in relevant public institutions of Turkey. Establishment of new units within security agencies (e.g. national focal point, liaison office), structural revisions for technical capacity development (e.g. maintaining a database for information exchange, new training units) and establishment of coordination mechanisms (e.g. for controlled delivery, for drug demand reduction) are considered as parameters for identifying the level of institutional alignment at domestic level.

In the final category, the extent of internal security cooperation with the EU is investigated in order to assess compliance with the EU requirements within JHA. In this latter category, institutional links and cooperation agreements with EU agencies, implementation of twinning programs, exchange of best practices through institutional interactions and number of joint operations between member state and Turkish institutions are considered the final group of indicators for deciding the extent of compliance with accession conditionality.

1.4. Data collection

In the project, a qualitative methodology is used. Data and proof of the arguments of the project are acquired from four main sources. Initially, a review of official documents was done in the EU and in Turkey about JHA, the enlargement process and combating transnational crime. This survey included legislation, government decisions, internal training documents, strategy papers and the security assessment reports of security institutions.

In this regard, to obtain data for the research project, a number of public agencies

were visited in Turkey, or their online resources accessed. The “Secretariat General for EU Affairs (ABGS)”, the “Directorate General for Security (EGM)” and the “Turkish Parliament” (TBMM) have been the main Turkish institutions from which data was collected. In addition, resources of the Gendarmerie, the Turkish Radio and Television Agency (TRT) and the Turkish Grain Marketing Board (TMO) were explored to scrutinize domestic developments with respect to the selected case studies of the research. Lastly, an extensive overview was performed in the archives of Turkish newspapers for data-gathering purposes.

In the EU, official documents about the external dimension of JHA and the enlargement process of Turkey were obtained mainly through online resources of the ‘Directorate General: Justice Freedom and Security’ and ‘Directorate General: Enlargement’ in the European Commission. The resources of the European Council and the European Parliament were also used for the review of other relevant documents.

Secondly, a total of 11 semi-structured interviews were conducted with senior officials and a researcher in Turkey and in the EU in 2009, 2010 and in 2011. In Turkey, 7 interviews took place. These were with officials at the Ministry of Interior (3), the Ministry of Justice (1), the Secretariat General for EU Affairs (1), and the Undersecretary for Public Order and Security (1) and with a researcher from an independent think-tank organization (1).

In the EU, four interviews were conducted. These were with officials of the European Commission in DG Home (1), DG Justice (1) and DG Enlargement (1). One interview was conducted with an official in the European Council Counter Terrorism Coordination Unit (1).

Thirdly, participation in a range of seminars, workshops and conferences in Turkey and in the EU took place. The researcher attended two comprehensive research activities related to the subject of the research project. The first activity,

“SECURINT Project 3rd Research Seminar” took place on 23-27 June 2008 at the Strasbourg Robert Schumann University, which was funded by the EU as a Marie Curie Action in the context of its “Sixth Framework Programme for Research”. It focused on terrorism, organised crime and illegal immigration in the context of JHA. The second activity was “The Summer School on Understanding and Fighting Organised Crime in the New Europe” which took place from 28 June to 9 July 2010 in Belgium at the Leuven Catholic University and was supported by the European Consortium for Political Research. This event focused on challenges of organised crime and its control in Europe.

Lastly, a comprehensive review of secondary literature and academic materials on JHA, Europeanization, and Turkey was undertaken to grasp an understanding about theoretical and methodological issues. Recent publications were also followed by using University of Nottingham library resources.

1.5. Limits of the research

The main limit of the project is its focus on one country, Turkey, as the field of study. This selection can raise questions about the validity of the findings for different countries. However, due to the extensiveness of JHA, the research is constrained to focus on a particular country. Accordingly, it has been possible to make a comparison between three extensive sub-domains of JHA as an alternative to making a comparison of different countries across a narrow field of JHA.

The second limiting factor of the research is the difficulty of approaching officials in domestic security agencies and getting access to empirical data about the research subject. Due to the sensitivity of internal security issues, it has been a challenge to identify the relevant officials to conduct interviews. In some cases, interviewees were tentative about making comments on a few research questions. However, they replied to the majority of the questions without any prejudice. Overall, being a native Turkish speaker was an advantage when exploring public documents and conducting interviews with domestic officials.

1.6. Structure of the thesis

Chapter 1 incorporates the introduction to the research project and methodological issues. It outlines how the research question was formulated, which methodology was employed and the way the data was collected.

Chapter 2 outlines a theoretical framework to be able to understand the relationship between the EU and third states in the context of JHA. Governance is introduced to explain the motives for the EU to operate an external dimension of JHA. Later theories of 'Rational Choice' and 'Sociological Institutionalism' are presented to explain the influence of international institutions on state behaviours. Dependent variable and mediating factors of the research design are explained in detail by considering Rational Choice and Sociological Institutionalism.

Chapter 3 sets the scene for the next stages of the research. Therefore it encompasses a survey of secondary resources about the historical background of the external dimension of JHA, the extension of JHA during the eastern enlargement and the EU's impact on the internal security of Turkey. It is designed to give a brief understanding about the experience of the EU in its enlargement process toward Central Eastern Europe countries. The chapters also touch upon the state of the literature concerning impact of the EU upon the internal security of Turkey.

Chapter 4 presents one of the three empirical cases of the research. It analyses the conditions for adoption of EU requirements in combating organised crime in Turkey. To this account, the EU involvement in the fight against organised crime is scrutinized with reference to three different periods between 1987 and 2010.

Chapter 5 outlines the second case of the thesis. Following a similar structure to that of the previous chapter, it investigates the success or the failure of the impact of the EU on countering terrorism in Turkey across three periods between 1987 and 2010.

Chapter 6 includes the third case of the research, which focuses on the influence of the EU in combating drugs in Turkey. The causal relationship between the EU membership requirements and domestic change in Turkey in combating drugs is examined by considering the role of selected mediating factors in three different phases until 2010.

Chapter 7 is the conclusion. This last chapter reflects the findings of the research. It makes an evaluation of the conditions that extend or constrain the impact of the EU on the internal security of Turkey through comparison of the selected case studies. It also discusses the way that the EU operates the external dimension of JHA in applicant states, the limits of the research and makes recommendations for further research.

2. Theoretical framework: Alternative approaches to the impact of the EU

2.1. Introduction

Prevailing studies on the impact of the EU on third states tend to take account of two conceptual standpoints for analysing the relationship between the EU and non-member states. The first approach considers the EU as an international actor which has accountability to maintain democracy and stability in its region. The influence of the EU to extend its norms and values as well as its institutional authority over states is linked with its institutional and economic capabilities. From this perspective, the interaction between states and the EU is identified as *governance*. This first concept questions the EU's role as a supranational actor and scrutinizes its reasons for developing economic and political relationships with third states (Smith, 1996: 5; Knodt et al., 2003: 1; Lavenex, 2004: 681).

On the other hand, the second approach investigates the way the EU influences states. This second concept aims to explain the causal relationship between the EU's policies and domestic change in member states and in third countries. It looks for the conditions for adoption of EU rules, the EU's influence mechanisms and mediating factors (Checkel, 2001; Borzel et al., 2003; Kelley, 2004; Schimmelfennig et al., 2005). Apart from the previous concept, this second approach concentrates on the results of the EU's regulatory policies and excludes motivations of the EU to maintain relationships with states.

In recent years a handful of studies have focused on the external dimension of the EU's internal security. Using the above approaches, they have considered and extracted the reasons for, and the results of, the EU's external policies toward non-member states. They have examined the causal background of the EU's external

action and the outcomes of the EU's policies for the domestic structures of third states (Wolff, 2006; Wichmann, 2007; Rees, 2008).

2.2. EU governance beyond its borders

In the post-cold-war order, the interests of the EU in Central Eastern Europe and its role as a leading institution in Europe has been the main inspiration for it developing external relations with the CEECs. According to Smith (1999) the EU was involved in the transition process of the post-communist countries to prevent further rivalries to the liberal regime in Europe. The EU put forward a democratic and economic model for the new countries in Europe. The EU's preferred instrument has been the 'politics of inclusion' in which it has extended its borders towards these states through institutional engagement (Smith, 1996: 5). To be specific, the EU performed a transforming role in these newly-emerged states by offering them EU membership.

Parallel to this argument, another assumption postulates that the post-cold-war order in Europe has delivered a leadership role for the EU. The EU's economic and administrative capabilities have made it as an influential actor in its region. Due to being a regional power in Europe, the EU has attempted to solve international problems in its neighbourhood. The EU started to promote liberal and democratic values, respect to human rights and good governance (Manners, 2002: 3). Enlargement towards CEECs is considered as an attempt to create peace and democracy in the region as an international actor. Membership conditionality has been used to trigger domestic transformation in Eastern European countries (Friis et al., 1999: 214). Additionally, since the early 1990s the EU extended its Schengen regime towards East European countries. The EU was able to extend its visa and border management regime to these countries without giving them a say in the future development of this regime. The relationship with these states and the EU has been labelled as 'Unequal Inclusion' in which the EU extends its internal security regime via bilateral agreements towards these countries without allowing them to participate in decision making (Monar, 2000: 13).

On the other hand, an alternative approach put forward a different argument to justify the EU's external relations with non-member countries. It is claimed that the EU endeavours to provide institutional alignment with third states through its external policies without aiming at institutional integration (Lavenex, 2004: 688). Specifically in the context of the external dimension of JHA, the EU makes use of foreign policy to expand its influence towards third states. In threat assessment reports of the EU security agencies the neighbouring countries are addressed as source or transit countries of the internal security threats. It is claimed that the EU should develop internal security cooperation with third states to prevent internal security threats at source. External relations with third states are considered as a barrier against the spill over of security threats in to the EU (Wichmann, 2007: 9, 12).

Consequent to perception, the EU started to operate its foreign relations and exert influence over third states linked with JHA. For instance accession conditionality is used to line up internal security of applicant states with the standards of the EU. The EU has concluded security co-operation with Mediterranean countries through the European Neighbourhood Policy (ENP), as well as a partnership agreement with Russia. Through mutual agreements the EU aims to prevent illegal immigration, terrorism and organised crime. A range of instruments are used by the EU to achieve its security objectives; for instance, the EU provides financial and technical assistance to strengthen the capabilities of law enforcement institutions, border management and for the development of a visa regime. The EU also promotes respect for human rights, rule of law and democracy to prepare suitable grounds for implementation of the legal practices of the EU (Rees, 2005: 223; Wolff, 2006: 7).

However, it is necessary to mention that the EU's cooperation agreements with third states do not always involve extending influence. For example, the EU's security co-operation with the USA comprises information exchange and operational issues, rather than legal and institutional alignment (Rees, 2005: 219). Similarly, the

relations with Russia give priority to internal security cooperation rather than the extension of the EU's own norms and values.

As discussed above, the involvement of the EU in the policy making process of other countries is conceptualised as *governance*. The definition of this concept is, “the steering and coordination of interdependent actors through institution-based internal rules systems” (Monar, 2006: 4). In the field of JHA, the EU *acquis* and activities of the EU institutions on combating crime regulates the duties of governments, ministries, police forces, prosecution services in states (ibid.: 4). To maintain coordination between national initiatives the EU builds interaction mechanisms between member states and candidate countries. As part of the enlargement process, the EU offers financial aid to domestic law enforcement institutions and supports twinning and training projects to minimize institutional deficits in accession states and to strengthen operational capabilities.

Governance does not entail a single type of EU involvement. The EU could promote different forms of interactions between member states or for candidate countries. Overall, EU governance could be classified into three categories: “soft and hard governance” (Friis et al, 1999: 214), “external governance” (Lavenex, 2004: 683) and “old governance” (Schimmelfennig et al., 2004: 682).

According to Friis and Murphy (1999), the EU impact on candidate countries entails both ‘soft’ and ‘hard’ governance. It is argued that soft governance covers formal and informal interactions between the EU and applicant states. The EU promotes its fundamental values, such as liberalism, human rights and the rule of law, to trigger democratic and liberal transformation in applicant states. The EU institutions develop contact channels with domestic public institutions and non-governmental organizations to promote the extension of EU norms. Therefore, the EU's indirect pressures on governments, such as the empowerment of domestic institutions and civil organizations to mediate public opinion in favour of EU standards, can be considered as soft governance. On the other hand, accession conditionality is

labelled as hard governance because of the asymmetrical nature of the relations between the EU and applicant states. In conditionality, the EU uses incentives and deterrents to secure adoption of the *acquis* and administrative developments in candidate states. The EU offers membership as the key incentive to facilitate adoption of the EU requirements. The EU institutions also evaluate adoption of the EU rules through monitoring the progress in candidate countries (Friis et al., 1999: 214-215). Based on these definitions it can be argued that the EU's direct adaptation pressures on national governments and other decision makers in applicant states is a mode of hard governance. However, the EU's indirect pressures on governments such as empowerment of domestic institutions and civil organizations to mediate public opinion in favor of the EU standards can be considered as soft governance.

A different approach proposed by Lavenex (2004) considers the EU's influence on third countries as 'external governance'. External governance is defined as 'linking third countries with the EU by various forms of institutional affiliation' (Lavenex, 2004: 681). External policies of the EU with neighbouring countries are regarded as being different from co-operation because of its less voluntary and highly asymmetrical character. In that sense, the relationship between the EU and candidate states is given as an example of external governance in which the EU extends its *acquis* and institutional authority to applicant states via asymmetrical relations (Lavenex, 2004: 683).

Schimmelfennig (2004) describes the impact of the EU upon candidate states as 'old-governance'. The eastern enlargement is understood as a horizontal relationship because of the top-down character of the relations between the EU and applicant states. Emphasis is given to the lack of applicant state influence in the context of membership requirements. It is argued that the EU's rule transfer is similar to the control and command procedures found in a hierarchical authority's approach to a particular sub-domain. The EU's impact over CEECs is determined as a model of old-governance because of the asymmetrical relations between the EU and CEECs;

the existence of predetermined set of rules; and active role of bureaucratic actors during the accession negotiations (Schimmelfennig et al., 2004: 683).

The institutional capabilities of the EU and its effectiveness in its region help to justify its involvement in third countries. Within the field of JHA, combating transnational crime has been given as the main motivation of the EU to conclude internal security cooperation with third states and has been a priority field in the enlargement process (Lavenex, 2004: 684). For the states participating in the enlargement process the EU envisages deeper integration. Therefore, it seeks to influence these countries through using certain mechanisms and policies which are derived from practices of previous enlargement rounds.

The EU's policies may not result in the expected outcome in all candidate states in the accession period. Domestic and EU-level factors may affect the EU's leverage. Although some membership requirements are adopted straightforwardly by an applicant state, in some states conditionality may encounter domestic resistance. In that sense, the concept of governance would be insufficient to explain the conditions for transposition of EU standards in third states. A different concept will be introduced in the following section to examine conditions for the adoption of EU requirements in the enlargement process.

2.3. Europeanization: The process of domestic transition in applicant states

The EU's influence on states has been a growing research field in the last decade. Scholars tend to use the term 'Europeanization' to explain conditions for the extension of the influence of the EU on domestic structures and the policy-making of countries. In this account, studies of Europeanization concentrated on a number of domestic and external factors to explain EU-led domestic change in national states (Radaelli, 2004: 3).

Europeanization is determined as the ‘... process of construction, diffusion and institutionalisation of formal and informal norms... which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic discourse, identities, political structures and public policies’ (Radaelli, 2003: 15). Another, somewhat briefer, definition gives Europeanization as the ‘domestic impact of the EU’ (Sedelmeier, 2006).

With emphasis on the different explanations of Europeanization, it can be argued that Europeanization encompasses the EU’s adaptation pressures, conditions of domestic change and the responses of domestic actors to illustrate domestic change in national states. Studies in this field consider the EU’s influence mechanisms, different explanatory factors and domestic responses to explain the EU’s impact on the domestic structures and policies of national states (Figure 1).

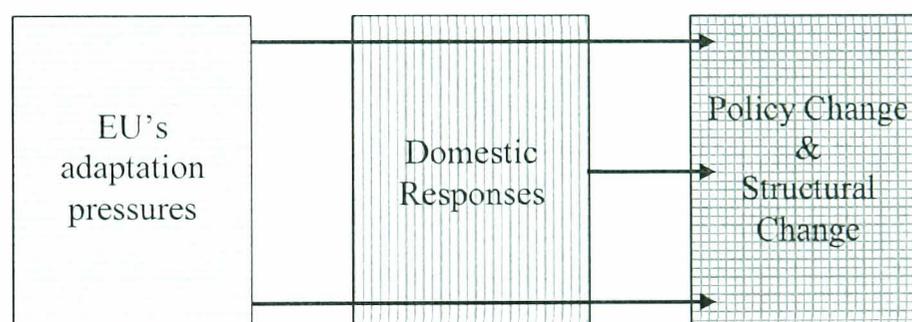


Figure 1: Basic explanation of domestic change
Adapted partly from Kelley (2004)

The literature on Europeanization can be categorised across three geographical areas. The first group focuses on the Europeanization of member states. These studies scrutinize conditions for the diffusion of the EU policies in member states (Borzel et al., 2000: 2; Radaelli, 2003: 3; Caporaso, 2008: 28). Following the start of eastern enlargement, a second group of researchers started to study domestic transition in applicant states in the accession process. This group of studies focuses on the successes and shortcomings of the EU’s influence mechanisms that are used for the transposition of the EU’s policies. These studies consider EU instruments and domestic responses to explain the conditions of domestic transition in candidate

countries (Grabbe, 2002; Anastasakis et al., 2003; Schimmelfennig, Engert et al., 2005; Bauer et al., 2007). Finally, the third group of scholars focuses on the EU's influence on third states that have no prospect of EU membership. These scholars mainly focus on the European Neighbourhood Policy (ENP) to analyse the relationship between the EU and Mediterranean countries (Panebianco et al, 2004; Schimmelfennig, 2007; Wichmann, 2007).

With the beginning of eastern enlargement, scholars emphasize different factors to examine domestic change as a result of the EU's demands. These studies seek to find the answer to the following questions to give a thorough understanding about the conditions of domestic change in applicant countries in the enlargement process: How does the EU stimulate domestic change in candidate states? Which mechanisms are being used to elicit transition? To what extent is the EU able to influence domestic structures?

During the enlargement process with CEECs, different analyses were generated in order to find an explanation for the transition of domestic policies and institutions. Borzel and Risse (2000) argued that the EU's pressures are not sufficient for domestic change in applicant countries as those with the power of domestic veto and institutions play a crucial role in Europeanization. The influence of the EU will be more effective if the EU engages with domestic actors and institutions. Institutional interactions will reduce domestic opposition and facilitate adoption of the EU requirements (Borzel et al, 2000: 7).

Furthermore, Grabbe (2002) postulates a more detailed model to explain the EU's leverage on CEECs. It is claimed that the influence of the EU accounts for five different factors. First, the EU provisions and institutional templates are taken as models by applicant countries. Domestic rules are aligned with the EU *acquis* during the accession negotiations. In some cases, candidate states may accept rule transfer before the EU asks them to do so. For instance, after the 9/11 attacks CEE countries

adopted JHA rules for such things as border control, police cooperation, asylum, migration and crime prevention before they were requested by the EU.

Second, EU financial assistance motivates domestic decision-makers to adopt the EU requirements. In that sense, EU financial assistance targets institution-building, cross-border cooperation, regional development, rural development and human resources development during the enlargement process. That way, the EU establishes the necessary administrative structures to ensure implementation of the EU *acquis* in applicant states. Third, the EU monitors domestic developments and offers incentives for applicant states to undergo domestic change. Annual progress reports issued by the Commission summarize domestic reforms and address further requirements to be implemented by domestic decision-makers.

Fourth, advice and twinning programmes facilitate alignment of domestic infrastructures with the EU standards. Mutual interactions between domestic institutions and member state agencies introduce EU practices and stimulate administrative developments. However, in that case, member states may have different technical practices, therefore advice and twinning can vary for each member state and the nationality of the advisor. Finally, accessing a further stage in the membership process facilitates the impact of the EU. Candidate status and the start of accession negotiations increase the probability of the membership applicant countries being successful and increase their willingness to implement the conditionality (Grabbe, 2002:310-314).

Alternatively, in a different study, the process of domestic change in CEECs is outlined as “compliance”, “competition” and “communication” (Bauer et al., 2007: 407). With “compliance”, the EU raises obligations for applicant states during the negotiations. It uses conditionality as a coercive tool. States are compelled to fulfill the *acquis* to obtain the rewards of membership. The EU also uses non-compliance measures and sanctions to ensure adoption of the EU *acquis*. In that sense, states become likely to adopt costly regulatory rules because of conditional pressures and

possible sanctions. With reference to 'competition', it is assumed that states and institutions adapt themselves to the EU standards to improve their status against other candidates. Finally, 'communication', between domestic actors and EU institutions refers to training programmes and information exchange between applicant countries and the EU as an instrument of domestic change.

Different from these arguments, Schimmelfennig and Sedelmeier, proposes three different frameworks to explain conditions of domestic change in applicant states. They claim that domestic change could be explained through "external incentive", "social-learning" and "lesson drawing" models (Schimmelfennig *et al.*, 2004: 671, 2005: 10-20; Sedelmeier, 2006). The "external incentive model" mentions the top-down character of the relations during the negotiations and emphasizes material incentives as a facilitator for the adoption of the costly EU requirements. It explains success of impact of the EU by referring to the EU's strategy and domestic responses in the target country.

In the "external incentive model", the EU's influence correlates with the "clarity of the requirements", "size and speed of the rewards", "credibility of the incentives and threats" and "domestic veto players and cost/benefit calculations" (Schimmelfennig *et al.*, 2005: 10-11). They claim that if the requirements are clear, states will not avoid or manipulate the rules by interpreting them in accord with their own desires. If the target governments are aware of their obligations to get the rewards, they will successfully adopt the given rules. Moreover, the EU will be bound by its clear demands and promises.

Besides, the EU's requirements will be more likely to be adopted if the rewards and promises are considerable. In that sense, prospective membership is referred to as an important incentive for rule adoption. It is claimed that candidate countries are more likely to adopt EU standards because of having membership prospects (Panebianco *et al.*, 2004: 3).

On the other hand, domestic transition will be faster if applicant states are confident about receiving rewards. States will not adopt the EU's rules if sanctions do not have a deterrent effect. It is claimed that withdrawing assistance funds, lack of enthusiasm for enlargement and different membership prospects reduces the EU chance to promote domestic change in candidate states (Anastasakis et al., 2003: 16).

As an alternative to the "external incentive model", "social-learning" refers to the legitimacy of the EU's rules and the lack of conflicting norms as a condition of domestic transition. It is claimed that the EU rules are more likely to be adopted if the EU is an accepted identity. Finally, the third assumption "lesson drawing" refers to domestic dissatisfaction as a driving factor for the adoption of the EU rules. It is claimed that applicant states adopt the EU standards voluntarily in order to solve their policy deficits. Therefore, in the lesson drawing model, EU persuasion is not seen as necessary for domestic transition (Schimmelfennig et al., 2005: 21).

Accession conditionality associated with JHA

EU membership requires certain economic and political conditions to be achieved by all applicant states. Political conditions for EU membership include fundamental principles of the EU such as a liberal economy, democracy, good governance and respect for human rights. These principles are considered as crucial for the accomplishment of the EU standards in candidate countries, for the adjustment of their public institutions and the creation of a liberal infrastructure. That way, the EU establishes suitable grounds in applicant states for implementation of the EU *acquis* and for international cooperation through domestic institutions.

In the field of JHA, political conditions are considered as crucial to safeguard the rights of individuals and to deliver a balance between human rights and the administrative practices of security institutions. Political conditions address the issues of combating internal security threats whilst maintaining transparent, reliable, security institutions and an impartial judicial system (Vitorino, 2002: 11). Therefore, in the enlargement process, the EU promotes good governance, the rule of law and

anti-corruption policies to encourage the development of well-built internal security structures in candidate states. By doing so, the EU envisages maintaining the accountability of public institutions, the rule of law and good governance in accession states.

Along with political conditions, the EU asks for the adoption of the JHA *acquis*, maintaining adequate administrative structures and institutional collaboration in the enlargement process. Candidate countries are asked to adopt the EU *acquis* for harmonization of definitions of offences and criminal procedures. In that sense, the EU *acquis* under JHA comprises common positions, framework decisions, decisions and international conventions to regulate the fight against transnational crime in the EU.

“Common Positions” set up targets for cooperation on combating cross-border crime. In principle, they have no binding effect, but in fact, they have a high degree of influence on member states and institutions (Monar, 2006: 8). Common positions include resolutions, recommendations, conclusions, action plans, strategies, programmes, guidelines, the annual programmes of agencies and best-practice manuals. For instance, the EU action plan on combating terrorism, the millennium strategy against organised crime and the EU action plan on drugs are the common positions expected of applicant states.

“Framework Decisions” provide minimum standards for approximation of the criminal laws of member states. They are binding provisions and rules required from member states. However, states have the initiative to formulate these minimum standards according to their preferences (Ibid.: 9).

“Decisions” represent measures, which do not envisage the approximation of laws and regulations between member states; yet, they have binding effect since they should be implemented by member states. However, similar to framework decisions,

they do not have direct effect at the national level and states can select their own methods and forms to achieve the required ends (Ibid.: 9).

The last measure that represents the EU *acquis* for judicial and criminal cooperation is “Conventions”. According to the Treaty of European Union, the Council recommends to the member states the adoption of the necessary UN and CoE conventions in accordance with their respective constitutional requirements. Member states are asked to ratify international conventions within a certain time determined by the Council (Ibid.:8).

The types of the EU involvement in the candidate countries

In the literature, the misfit or incompatibility between the EU’s regulatory and domestic policies is addressed as a pre-condition for the examination of EU-driven domestic change in applicant countries. Borzel and Risse (2000) argue that divergence between the EU’s rules and the infrastructure of states increases domestic resistance to the EU’s regulatory policies during the enlargement process. Competition between domestic practices and the EU’s requirements could hamper the EU’s influence and domestic change. Thus, the EU determines requirements to provide alignment in applicant countries to overcome the differences between domestic practices and EU policies. To facilitate the adoption of the requirements, the EU exerts adaptation pressures and uses incentives to facilitate domestic change (Borzel et al. 2000: 8; Radaelli, 2004: 6).

However, accession requirements and the EU instruments may sometimes be ineffective for producing domestic change in applicant states. Domestic actors, such as governments, parliaments, executives of institutions and domestic elites, facilitate or limit conformity with the EU requirements. In addition, the credibility of the EU promises, the resonance and legitimacy of the EU policies and the clarity of the EU requirements are considered as crucial factors for adoption of the EU rules and policies (Grabbe, 2002: 315-316; Sedelmeier, 2006).

The studies analysing the conditions for adoption of the EU requirements in applicant countries makes reference to rational choice and sociological institutionalism to analyse of the causal relationship between the EU's policies and adoption of EU rules in applicant countries (Borzel et al., 2003: 58-60; Kelley, 2004: 8; Schimmelfennig et al., 2005: 6). Although these two theoretical viewpoints are based on different assumptions to justify the actions of domestic actors against the EU requirements, these arguments are not considered as mutually exclusive in the studies of Europeanization (Borzel et al., 2003: 59).

The lengthy accession process comprises certain domestic and external factors which have links with rational choice and sociological institutionalism viewpoints. Moving from the rational choice approach, it can be claimed that domestic decision makers change their actions after being faced with accession conditionality and tangible incentives offered by the EU. In the short or medium term actors may adopt the EU requirements to pass onto the next stage of the enlargement process or to reap the benefits of a structured relationship with the EU.

Alternatively, alteration of domestic norms and identities result in deeper-rooted change in the long-term. Interactions with EU institutions and transmission of EU values at the domestic level lead to social change over time that initiates policy changes. Socialisation of the EU norms and values mitigates opposition of the elites in applicant countries and facilitates implementation of the EU requirements.

Therefore, in the studies of Europeanization, rational choice and sociological institutionalism are taken into account simultaneously because of their links with domestic change. These two approaches are taken as reference points to study different dimensions of domestic change in applicant countries. In the initial stages of relations with the EU, mediating factors linked to rational choice may better explain the domestic transition. However, in the long term a sociological institutionalism – based approach justifies compliance with the EU requirements as domestic norms and values changes gradually over time (Coppieters, 2004: 35).

According to the “rational choice” approach, the accession process is considered as a bargaining process in which decision makers in the countries adopt given rules to maximize their utility. The rationalist approach underlines the use, and withholding, of incentives to encourage domestic decision makers to comply with EU conditionality during the enlargement process. It is argued that the EU’s policies, which favour benefits to domestic actors, prevent domestic decision-makers from taking action against the EU’s requirements (Borzal et al., 2000:12-13; Schimmelfennig et al., 2005: 10).

From a rationalist perspective, the reactions of domestic actors are explained as the “Logic of Consequences”. It is stressed that the preferences of domestic actors are dominated by their interests and objectives. If the consequences of a decision exceed domestic adaptation costs, decision makers will be more likely to take the relevant action (March et al., 1998: 160-162). In other words, domestic responses will be in favour of international institutions if this action exceeds domestic costs and coincides with the benefits of domestic actors.

In the course of the enlargement process, the EU membership and incentives embodied in accession conditionality have been linked with the assumption of rational choice. Primarily, it is perceived that the possibility of membership manipulates domestic attitudes and facilitates rule transfer in applicant states. States adopt the EU’s requirements to become a member of the EU. Furthermore, the EU assistance for administrative capacity development, institutional links with the EU agencies and information exchange between the EU institutions and domestic agencies motivate domestic security institutions and governments to adopt the EU’s requirements under JHA. Domestic security agencies in applicant states favour the EU requirements under JHA if these requirements empower them and enhance their capabilities. In addition, governments will adopt the EU’s requirements in order to enhance the internal security of the country. In brief, the EU’s requirements in JHA are likely to be accepted by domestic decision-makers and internal security

institutions if these requirements empower the capabilities of domestic security agencies and strengthen the internal security of the country.

In contrast to the rational choice assumptions, “sociological institutionalism” considers Europeanization as a sociological process involving social learning rather than a bargaining process (Checkel, 2001: 563; Diez et al., 2006: 572). In this paradigm, the attitudes of domestic actors are determined as a result of the ‘Logic of Appropriateness’ (March et al., 1998: 160-162). In that sense, domestic actors treat the EU rules as appropriate if these rules comply with domestic norms, values and identities.

It is argued that the behaviours of domestic actors are linked with internal identities, values and norms rather than their interests and preferences. In other words, adaptation pressures supporting institutional order will be acceptable for national states, if they are legitimised on the domestic level (March et al., 1998: 160-162). Social and cultural developments in applicant countries could result in the EU requirements being legitimised or resisted. It can be stated that, if the EU induces normative differentiation in target states this will mediate attitudes towards domestic choices and lead to persuasion and social learning for the adoption of given rules.

In the JHA domain, if the EU and domestic actors in states perceive common threats for internal security, this will legitimise the EU’s requirements in applicant states. In brief, the convergence of threat perceptions between domestic actors and the EU facilitates adoption of the EU requirements within the context of JHA.

In case of a contest between domestic norms and the EU approach, the EU operates norm-entrepreneurs, cultural organizations and non-formal institutions to differentiate domestic norms and values in favour of the EU (Schimmelfennig et al., 2005: 228). In that sense, twinning projects, training programmes and institutional interactions between domestic agencies and member state institutions initiate a learning process among domestic institutions about the EU practices and result in the

legitimacy of the adoption of the EU requirements (Kirisici, 2007: 14; Tomalová et al., 2007: 387).

Domestic actors

In the accession process, governments are considered as the main domestic actors due to being the decision makers of applicant countries (Schimmelfennig et al., 2005: 16). However, in some policy fields formal institutions can also have a say in the implementation of the EU's rules and policies. Especially in the context of JHA, domestic security institutions contribute to the decision-making process through consultancy mechanisms. Due to being a sensitive and technical issue, within the JHA domain, recommendations and assessment reports of domestic security agencies are taken into account by the political actors. In other words, security institutions are involved in the decision-making process through consultation mechanisms.

In Turkey, policy makers in governments are the primary domestic actors because of being the political decision-makers of the state. The Ministry of Justice is the body responsible for drafting domestic regulations under JHA. The Ministry of the Interior and affiliated security institutions are responsible for implementing the EU *acquis* on JHA and for carrying out law enforcement cooperation with EU agencies. Due to these responsibilities, security institutions in Turkey contribute to public policy-making on the adoption of the EU *acquis* and on administrative changes. They could facilitate or veto EU conditionality through participation in the law-making process or in formal meetings with political decision-makers.

This issue arose in an interview with an official from the Ministry of Justice in Turkey,

“within the context of JHA, consultation commissions are gathered under the Ministry of Justice before editing draft bills. In these commissions, representatives of NGO's, security institutions and other relevant organizations give their opinions on proposals. Different viewpoints are

important since they are taken into account during the law-making process. Apart from commissions, draft copies are also circulated to relevant security institutions for a last say on final drafts. Then, they are submitted to the prime ministry and forwarded to the parliament for approval” (Interview#2, 2009).

Dependent variable

The EU’s regulatory policies and influence mechanisms result in “domestic change” in applicant states. In the literature, different classifications are made to make domestic change measurable. Borzel and Risse (2003) categorize domestic transition as policy, politics and polity change. In the policy field, they emphasize specific sectors, such as the environment and agriculture as a feature of dependent variables. Concerning politics, they underline how Europeanization affects public discourses in political life. Finally, concerning polity change, administrative developments, change of intergovernmental relations and national bureaucracies are given as the third feature of domestic change (Borzel et al., 2003: 60). Schimmelfennig and Sedelmeier (2005) highlight “rule adoption” as a dependent variable. They determine rule adoption as dissemination of the EU’s formal and informal norms and structures in applicant countries (Schimmelfennig et al., 2005: 7).

As an alternative to these two approaches, compliance with EU requirements in JHA could be measured by looking at three features of JHA. First, domestic transition under JHA comprises adoption of the EU *acquis*. Adoption of the legal provisions of the EU and ratification of international conventions are considered as one of the tasks that applicant countries should accomplish in the accession process.

Second, revisions in administrative structures and in the duties of public institutions constitute another aspect of compliance under JHA. In Accession Partnership documents and in national programmes, institution-building takes place as an important undertaking to tackle internal security threats and to implement the EU *acquis* under JHA. Overall, compliance with conditionality in JHA comprises

capacity development, establishing liaison offices in Europol and Eurojust and the establishment of a data protection supervisory unit, forensic units and border control agencies.

Finally, internal security cooperation between domestic agencies and the EU is the third aspect of domestic change in JHA. Operational and strategic cooperation between applicant countries, institutional links with the EU agencies and cooperation agreements could be considered as measurable features of internal security cooperation. In sum, observation of the variation in these three areas of JHA would allow researchers to make an assessment about the determinants of the EU impact on the internal security policy of applicant countries.

Conditions shaping the impact of the EU in JHA: Mediating factors

Although mediating channels and material incentives are used to line up the legal and administrative infrastructure of applicant states with those of the EU, they may not stimulate domestic change during enlargement. The different structures of the countries and diversity of the policy areas may generate different outcomes for the EU's regulatory policies (Sedelmeier, 2006). The attitudes of national governments and domestic institutions can retard or facilitate alignment. Instead, variation in the EU's credibility can also limit the EU's leverage over applicant states (Kelley, 2004: 52-53 ; Schimmelfennig et al., 2005: 13-14). Related with JHA, the EU's impact on applicant states may vary across different internal security policies due to the involvement of EU-level and domestic security agencies.

Determinacy of the EU requirements (External factor)

It is assumed that ambiguity about the EU incentives and lack of accession conditions limit the EU impact on candidate states. If the requirements are determined clearly, states will not avoid or manipulate the rules by interpreting them in accordance with their desires. If the target governments are aware of their obligations and the rewards, they will be more willing to adopt given rules. Additionally, the EU will be bound by

its demands and promises in the course of the enlargement process (Grabbe, 2002: 317).

In order to qualify candidate states for EU membership, the EU uses a strategy to ensure the alignment of the domestic policies and administrative structures of applicant states with EU standards (Schimmelfennig et al., 2005: 11). In Accession Partnership documents and Commission progress reports, the EU outlines accession requirements. In the Accession Partnership documents, the EU priorities are listed as short-term and medium-term priorities. Through the progress reports of the European Commission, the EU further clarifies accession conditions. In the progress reports, accession requirements are outlined in more detail than in the Accession Partnership documents.

The Commission reports address a wide range of issues, including immigration, asylum, terrorism, organised crime and drugs, to be met by applicant states under JHA. Annually, the Commission summarizes domestic developments and addresses further requirements such as the ratification of a convention, adoption of the EU *acquis*, strengthening administrative structures and the facilitation of international cooperation. Each accession state prepares a National Programme for Adoption of the *acquis*. In national programmes, states determine a timetable for implementing the EU *acquis* and achieving the institutional standards of the EU.

In the course of the accession process, the EU also clarifies accession conditions through training programmes and exchange of best practices. That way, it introduces the EU norms and values at the domestic level. Assessment visits, committee meetings and institutional interactions are also used to clarify the accession requirements in the JHA domain. It is pointed out by an interviewee from the European Commission that,

“Study visits performed between officials of applicant and member states' institutions help exchange best practices for international

cooperation. JHA sub-committee meetings held between candidate states and relevant EU commission bodies are also used as platforms to make [an] assessment of implementation in candidate countries. In JHA sub-committee meetings, the EU presents recent developments in the EU *acquis*. Besides, officials from applicant countries present what [has] been done to comply with the EU requirements over the past year” (Interview#9, 2011).

In the JHA domain, the EU *acquis* does not ask for the development of a common criminal and law enforcement system within the EU. Rather, wide variety of the *acquis* linked with JHA leaves room for states to decide the exact measures to be used in their domestic criminal law (Monar, 2007c: 3). The EU sets up a threefold agenda to be met by the applicant countries in the accession process. First, the EU calls for adoption of the EU *acquis* and ratification of relevant international conventions for alignment of minimum standards in national criminal laws. The EU *acquis* envisages the harmonization of definitions of offences and procedures in the criminal laws of applicant states.

Second, the EU asks for administrative capacity development and the foundation of new institutions which are capable of implementing the EU *acquis* under JHA. Accession states are also required to establish certain institutional structures for strengthening international police cooperation through such measures as the regulation of cross-border pursuit, liaison offices and controlled delivery. For institution-building and capacity-development, the EU offers pre-accession financial and technical assistance.

Third, the EU demands the development of institutional links between domestic institutions and the EU agencies for internal security cooperation. Accession states are required to take necessary measures for the pooling of data and for information exchange to contribute to Europol’s ‘computerized system of collected information’, the Schengen Information System and Customs Information System (Anderson et al.,

2002: 4). In that sense, candidate states are required to sign cooperation agreements with Europol, Eurojust and other relevant EU agencies for information exchange and sharing best practices.

Credibility of conditionality (External factor)

In the enlargement process, the EU uses incentives and monitoring mechanisms to stimulate policy transition in applicant states. EU membership is given as the key incentive and ultimate goal for applicant countries if they meet the EU requirements. On the contrary, the EU threatens to apply sanctions and withholds rewards in case of non-compliance. The EU incentives, monitoring and sanctions accompanying the accession conditionality convince governments of the need for compliance with EU demands. However, the effectiveness of the EU instruments used for stimulating domestic policy transition could be constrained if the EU incentives and threats associated with conditionality are not credible (Anastasakis et al., 2003: 16).

The credibility of the EU incentives and sanctions could suffer due to various reasons. Primarily, ambiguity about delivery of the EU rewards could diminish credibility. Controversy in the EU about membership of an applicant country could raise doubts in applicant countries. Changes in EU promises and threats of sanctions could also diminish the EU's credibility. Domestic decision makers could be unsure about the possibility of accession, although they comply with the EU requirements.

After getting candidacy for the EU membership the candidate countries are expected to meet political conditions. They are required to make progress in meeting democratic, liberal and economic standards of the EU to be able to start accession negotiations. In this next stage, negotiations start for further integration of applicant states to the EU. The candidate states are required to adopt and implement the EU acquis to be able to join to the EU. Therefore policies of the EU are categorised into 35 chapters in the negotiation process. JHA issues are gathered under the chapter 24. However, uncertainty could occur when candidate states propose to pass to a next stage in the accession process. Rise of a candidate country to an advanced stage

without satisfying progress could send inconsistent messages and decline credibility of conditionality in other candidate states. High domestic expectation of achieving EU rewards, even without fulfilment of the EU conditions, could also weaken credibility in that candidate state. Governments of applicant countries may therefore act reluctantly if they become uncertain about achieving the next stages of the accession process.

Furthermore, the limited capacity of the EU to monitor adoption of the EU rules could make applicant countries less willing to comply with them. Due to deficits in the monitoring capacity of the EU, target governments may cover up a lack of progress at the domestic level (Schimmelfennig et al., 2005: 15). In the JHA domain, lack of credibility may result in the unwillingness of national institutions to cooperate with the internal security organisations of their EU counterparts.

Adoption costs (Domestic factor)

In applicant states, the adoption of EU rules and financial assistance for capacity development results in administrative change in various policy domains. On the domestic level, EU conditionality affects the redistribution of executive powers of domestic actors and the duties of public institutions (Heritier et al., 2001: 287-288). Consequently, state elites and formal and informal organisations could raise opposition to domestic change to preserve their political or economic powers (Borzel et al., 2000: 1; Schimmelfennig et al., 2005: 16).

The adoption of EU rules in JHA affects the duties and administrative structures of domestic security institutions. In some cases, even institution-building or capacity-development driven by the EU conditionality may result in the foundation of new security institutions and a change of actors within the institutional setting of a state. Establishment of new institutions and change in internal security policies could generate domestic resistance among public policy makers and senior officials in domestic institutions. A mismatch between EU policies and national practices and

changes in the administrative *status quo* could increase opposition to the EU demands among domestic actors.

In comparison with other policy fields of the EU, JHA is considered sensitive because of national sovereignty considerations, as law enforcement is considered as one of the main responsibilities of states in their national territories (Gregory, 2001; Monar, 2006: 14). Thus, the EU emphasizes information exchange and practical collaboration rather than developing a uniform criminal and law enforcement regime between member states.

However, unlike member states, applicant countries could not alter or negotiate membership requirements. They are obliged to implement the JHA *acquis* as with other accession conditions. Applicant countries are excluded from the decision-making process and they could not pursue their security interests (Lavenex, 1999: 109). The EU requirements could be considered as costly by the applicant governments because of national sovereignty considerations.

Furthermore, the asymmetric relationship between applicant states and the EU may cause political concerns about state sovereignty (Grabbe, 2002: 301). Involvement of an external actor in national security issues is likely to result in domestic opposition. Domestic elites and senior officials in security institutions (including the military) could resist the EU requirements about revisions in national security policy. Consequent to increasing pressures and costs on governments, rule adoption could slow down.

Therefore, the EU empowers domestic institutions through financial assistance, new institutional links and security cooperation to overcome domestic resistance. In the long run, financial assistance for capacity development and institutional cooperation yields positive results to lessen opposition to EU demands.

In addition to financial assistance from the EU, the benefits of internal security cooperation decrease adaptation costs at the domestic level. Decision makers and senior officials in domestic security institutions may consider adoption of the EU rules as an opportunity to strengthen the internal security of the state. Thus, domestic actors would be willing to maintain institutional links with the EU and to intensify international cooperation against transnational crime.

Convergence of threat perceptions between Turkey and the EU (Domestic factor)

Internal security measures of states are configured to eliminate perceived security threats to public order. In response to threat perceptions, states allocate enforcement powers to security institutions and enact criminal legislation. In addition, security institutions cooperate with foreign security agencies and international institutions against cross-border crimes. Countries therefore develop domestic security policies to tackle internal and external threats and to maintain stability within their borders.

Within the context of the fight against transnational crime, common threat perceptions between the EU and applicant states play an important role in the adoption of EU policies. Consensus on threat perceptions and shared internal security objectives would legitimise EU conditionality at the domestic level. The legitimacy and resonance of the EU policies with domestic norms, values and identities makes rule adoption more likely in JHA. On the other hand, divergent threat perceptions would limit EU influence on domestic security policies and slow down security cooperation with non-member states.

In the case of divergence between EU interests and domestic practices, the EU provides training programmes and shares best practices between domestic institutions and EU counterparts to overcome dissimilarities between policy preferences (Tomalová et al., 2007: 384-385). In the long run, internal security collaboration, institutional interactions between domestic actors and their counterparts in member state institutions initiate a learning process, which contributes to the development of

common threat perceptions at the domestic level (Kirisci, 2007: 14, 19), Twinning, training programmes and the arrangement of mutual study visits increases awareness of EU policies. Engagement between security institutions through training programmes would mediate domestic threat perceptions and legitimise EU conditionality in applicant states. However, at the domestic level, other factors besides the EU could also mediate threat perceptions. For instance, changing social attitudes, like increases in the illicit use of drugs, relations with other international organizations or extreme terrorist attacks may affect the threat perceptions of states.

At the national level, threat perceptions and security policies are constructed through a social and political process (Buzan et al., 1998: 23-33). Traditions and cultural legacies set up a basis for the development of threat perceptions. Identification of the security threats in the countries calls for extraordinary measures and legitimizes the use of force to combat this threat. In general governmental authorities are considered as the main actors that shape the security policies of the state (ibid: 40). However, professionals in security institutions, media, and private risk management agencies could also take part in the construction of security policies (Bigo, 2008: 11-12; (Buzan et al., 1998: 40). Particularly, threat assessment reports and official documents issued by security institutions classify and prioritise security threats. After construction of threat perceptions, states introduce new security policies and start to implement new internal security measures. Briefly, the identification and sequence of perceived threats point to the development of national security policies.

In the study, threat perception is taken as one of the mediating factors for investigating the underlying conditions of the EU impact in the field of JHA. Variation in the perception of threat and the level of convergence between Turkey and the EU approach is observed to evaluate the causal relationship among this factor and conformance to the EU requirements. In this respect, the “concomitant variation method” is preferred because of the difficulty of precisely specifying presence or absence of the perception and convergence (George *et al.*, 2004: 153). According to this methodology, variation in the mediating factors are rated as “High”, “Medium”

or “Low” instead of saying “Absent” or “Present”.

The perception of threat in the EU and in Turkey is measured through a review of official documents and interviews with officials in public institutions. Particularly, threat assessment reports of security institutions have provided invaluable information about the priorities of law enforcement agencies over the time. In threat assessment reports security institutions make analysis of the security situation and put forth the significance of internal security threats. Besides, strategy documents, action plans, and specific reports on drugs, terrorism and organised crime provide an overview for identifying perceived levels of threat both in Turkey and in the EU.

Finally, semi-structured interviews performed with experts in public agencies have provided further insight into identifying the extent of threat perceptions in the EU and in Turkey. In the interviews, officials from security agencies prioritized specific security threats. They also evaluated current security conditions and their level of significance. Interviewees also gave information about the importance of security cooperation between Turkey and the EU on combatting transnational crime.

2.3. Conclusion

The European Union generates various types of external policies to pursue its economic, environmental and security interests or objectives in the international system. From the governance perspective, the EU’s leading role in its region in the post-cold-war order has been a key motivator for the development of external relations with Central and Eastern Europe. As an international actor, it is considered as a supranational power, which is accountable for maintaining democracy and stability in Europe. The EU’s internal security objectives justify its involvement in the transition process of CEECs. Attributed to its capability and security objectives, the EU has disseminated its legal and institutional security standards to non-member states through enlargement.

In the enlargement process, applicant states are obliged to adopt the EU *acquis* and institutional templates in order to be granted EU membership. For this purpose, the EU operates channels for alignment during accession negotiations. However, the EU's leverage upon candidate states changes across sectors, time and states. Similar factors generate different outcomes for different states and policy sectors. Due to domestic and EU-level factors, some of the accession requirements of the EU face strong resistance in one candidate state whilst being swiftly adopted in another. In this study the concepts of rational choice and sociological institutionalism are taken into account to explain the conditions for the impact of the EU on applicant countries. The adoption of the EU's internal security policy relies on a number of mediating factors. Having links with incentives and social norms, different domestic and external factors could be seen as determinants of the EU impact on applicant countries.

3. The external dimension of JHA: Relations with applicant countries

3.1. Historical background

The rise in transnational crimes in the last two decades has altered security understandings worldwide. The cross-border nature of terrorism, organised crime, illegal immigration and drug trafficking has made international cooperation between states an indispensable requirement. To prevent cross-border crimes, states have begun to seek cooperation agreements with neighbouring countries and with states which are located in criminal activity zones (Pastore, 2002: 60). Especially after 9/11, EU member states became aware of foreign security relations and international cooperation with third states.

Bigo argues that in this new security environment, armies, secret services and police forces have begun to search for enemies inside borders, in neighbouring countries or on a different continent (Bigo, 2000: 171). In other words, new threat perceptions and the rise of transnational criminal activities have blurred the distinction between internal and external security (Anderson et.al, 2002: 2; Pastore, 2001: 1).

In similar vein, the rise of transnational crime has changed the prospect of internal security in the EU. Policy makers and law-enforcement agencies of the EU-member states began to perceive illegal immigration, transnational crime and ethnic conflicts as primary threats to their internal security. In consequence, the EU has intensified internal security cooperation between member states under Justice and Home Affairs (JHA) since the Treaty of Maastricht came into force in 1993.

Over this time, a wide range of instruments was adopted by the European Council to advance internal security cooperation between member states. Basically, JHA foresees civil and criminal cooperation under “Justice” and internal security

cooperation under “Home Affairs” including the fight against transnational crime, the policing of public order, border control, immigration and asylum. Under JHA, the Europol, Eurojust and the European Police College (CEPOL) agencies were established to facilitate information exchange and collaboration within the EU.

In 1993, a special agreement between member states created the Europol Drugs Unit (EDU), which was the initial model for Europol. In 1995, the JHA Council decided that each member state should send liaison officers to the headquarters of the Europol Drugs Unit and establish a contact office in The Hague. These offices were considered as sovereign territories of member states. Furthermore, liaison officials were authorized for collaboration between each other where necessary. However, activities of the liaison officials were limited in certain areas. For instance, for data protection purposes, using personal details of individuals was prohibited. Additionally, due to being a contact point, participation in operational activities was not permitted.

After the formation of the Europol Drugs Unit and liaison offices in The Hague, internal security collaboration between national law enforcement agencies of EU member states increased considerably. EDU and liaison officers began to exchange information, not only on drug trafficking but also on various other types of cross-border crimes, such as terrorism, organised crime, racism, human trafficking and fraud.

In October 1998, a convention was signed by member states to establish Europol. It is tasked to support law enforcement authorities of member states in combating international crime. It deals with different forms of cross-border crimes including, terrorist activities, unlawful drug trafficking, money-laundering activities, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, trade in human beings and motor vehicle crimes. In order to assist national law enforcement units, Europol processes EU-level criminal information. This data is transmitted through Europol National Units in member states. Member states also put data into the

Europol information system through National Contact Units. Europol supports national law enforcement agencies in their operations but Europol itself does not have an operational functionality.

In the Europol Convention, Europol is allowed to conclude formal agreements with third states. In this regard, the European Council and the Europol Management Board are responsible for preparing conditions of cooperation and its procedures. Europol's external relations with third states are based on formal agreements between Europol and third states. In practice, Europol's first formal external relations were launched by a Council Decision in March 2000 (European Council, 2000a). Council prepared a list of countries and third bodies with which Europol could enter into negotiations. Concerning the selection of states, it is implied from the Council decision that priority is given to the security requirements and safeguarding internal security of the EU in parallel with the EU's external JHA policy. Additionally, in the selection of countries, priority was given to the states with which the EU and member states have established a structured dialogue. Thus, all EU candidate states were considered as parties to collaboration, through Europol, against transnational crime in Europe.

Eurojust was established as a result of the decision of Tampere European Council of October 1999. In the Council decision it was concluded that to reinforce fight against organised crime in the EU and for exchange of criminal evidences a new unit should be set up. Accordingly in December 2000 a provisional judicial cooperation unit was set up with appointment of prosecutors, magistrates, and police officers from the member states. Later in 2002 Eurojust was legally founded to improve coordination between judicial authorities of the member states. It is authorized to process personal data that are suspected of having committed a criminal offence within the competency of Eurojust. In this regard Eurojust is being concerned with cross-border crimes including terrorism, trafficking in human beings, sexual exploitation of children, drug trafficking, fraud, corruption, money laundering and cyber crimes which are liable to at least 5 years prison sentence. At the international level Eurojust is allowed to sign cooperation agreements with third states and international

organizations for exchange of judicial information and personal data (European Council, 2002a).

Another EU agency deals with JHA issues, the European Police College (CEPOL), was founded in 2005. It aims to encourage international cooperation against transnational crime. It functions as a network for training of senior police officers of the member states. It helps development of common standards among police officers of Member State agencies through exchange of best practices (European Council, 2005e). CEPOL also provides training programs for third countries to exchange knowledge and experience against cross-border crime.

The progress under JHA has helped in the development of common security perceptions and increased interdependence between the law enforcement institutions of member states. Threat assessment reports, action plans and strategy documents adopted by EU institutions identified key security challenges for the EU and introduced new security measures to be implemented by member states. In that sense, terrorism, drugs, cross-border organised crime, ethnic conflicts and illegal immigration are listed as the most important security threats to the internal security of the EU.

The progress in JHA was boosted with the introduction of the Treaty of Amsterdam in 1997, which has formed an 'Area of Freedom, Security, and Justice' (AFSJ). Since this treaty, the European Council has adopted various provisions to maintain internal security within the borders of the EU. Besides, member states became aware of international cooperation and foreign relations with non-EU states. In this evolving security regime, the EU's neighbourhood was referred to as having an 'unsafe outside' (Monar, 2001: 762). Consequently, the EU has started to consider cooperation against terrorist activities, organised crime, and illegal immigration not only inside but also beyond its borders. The idea proposes improving internal security standards of non-member states and international security cooperation as a way of minimizing possible security risks for the EU.

In October 1999, the Tampere European Council conclusions underlined the importance of external action as a part of JHA. It emphasized the harmonization of internal and external security policies and stronger external action to tackle internal security threats. The council decision underlined that: ‘all competences and instruments at the disposal of the Union, and in particular in external relations, must be used in an integrated and consistent way to build the area of freedom, security and justice. Justice and Home Affairs concerns must be integrated in the definition and implementation of other union policies and activities’. In the Tampere conclusions, the fight against organised crime and the promotion of democracy were referred to as particular policy objectives in the external dimension of JHA. Readmission agreements with non-member states and assistance through the use of Europol were counted as instruments of cooperation (European Council, 1999c).

As a complement to the Tampere conclusions, the Feira European Council of June 2000 identified political priorities for external action in JHA and emphasized the importance of foreign relations in achieving EU internal security objectives and priorities (European Council, 2000b). Integration of JHA issues into the EU’s external action was given as a requirement to strengthen the AFSJ. The Council also listed drugs, terrorism and trafficking in human beings as key challenges to the internal security of the EU.

Parallel with the recognition of the external dimension of JHA in the Tampere and Feira Council meetings, emphasis was placed on the external aspect of internal security threats in the European Security Strategy of 2003. The strategy identified terrorism, regional conflicts, state failure and organised crime as the principal security challenges for the EU. The means of external action under JHA proposed the involvement of the EU in the resolution of security problems in third countries and cooperation with the UN, the CoE, the Organization for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organisation (NATO) and other regional organizations (European Council, 2003c).

In the EU, identification of internal security risks has led to the differentiation of structures, methods and practices under JHA. According to the security priorities of the EU, Europol signed cooperation agreements with third countries (Rees, 2005: 218, 223). That way, the EU enabled the transfer of expertise for capacity development in non-member states. In operational terms, the EU agencies started to exchange information in combating cross-border crime.

On the fight against transnational crime, the Hague Council Summit of November 2004 adopted the Hague Programme for the development of capacity between member states. The programme also touched upon security cooperation with other states to prevent the rise of transnational crime in Europe (European Council, 2004b).

Eventually, following the Hague Programme, the EU Commission prepared a strategy on the 'External Dimension of JHA' in October 2005, which was approved by the European Council in November 2005. The strategy determined the core objectives of external action under JHA as: 'enhancing internal security by creating a secure external environment and promoting the democratic values of the EU and the rule of law towards third countries' (European Council, 2005d).

In this strategy, terrorism, organised crime, and illegal immigration were listed as primary threats to the internal security of the EU. Counter terrorism, the fight against organised crime, drug trafficking, migration, border management, human rights and access to justice were noted as key issues that need to be addressed by the EU's external relations. The strategy highlighted the causal relationship between criminal activities, state failure and weak governments. It counted lax law enforcement institutions and corruption as the catalyst for criminal activities in third countries. It emphasized drug trafficking and poverty as underlying factors for organised crime. Concerning illegal immigration, the strategy referred to the attraction of the EU's economic and social life as a cause of immigration and highlighted the necessity of

promoting legal immigration and the improvement of the conditions of immigrants in their home countries (European Council, 2005d).

In 'The strategy on the external dimension of JHA,' political engagement with third countries was counted as one of the main instruments influencing the internal security policies of these states. The strategy addressed the need for information exchange and coordination between all countries against terrorism. Furthermore, it mentioned judicial cooperation with third states in criminal and civil matters. As a policy instrument, it emphasized enhancing border controls, travel document security, law enforcement and judicial cooperation against smuggling and human trafficking as well as the signing of readmission agreements with third countries (European Council, 2005d). With an emphasis on interaction between JHA, and external relations of the EU, the strategy stressed peace operations and support for development policies in third countries as a way of tackling ethnic conflicts and failed states.

From a geographical perspective, the strategy identified the Mediterranean region, Western Balkans, Africa, the US and Russia as targets of external action in JHA. Associated with its security priorities, the EU has intensified institutional cooperation between member states and with third countries in different regions to tackle internal security threats. At the present time, the EU seeks to prevent the root causes of illegal immigration, terrorism and organised crime in third countries. For Western Balkan states and Turkey, the EU operates its enlargement policy for the dissemination of its internal security practices. For states which do not have a possibility of membership, the EU employs the European Neighbourhood Policy (ENP), African Development Policy, and 'Partnership' agreements to intensify internal security cooperation and assist enforcement against transnational crime.

Parallel with these developments, JHA has been a key policy field within the EU's external relations. Within the ENP, the African Development Policy and in its 'Partnership' relations, the EU has concluded operational contacts and readmission

agreements against transnational crime and illegal immigration. Through these policy frameworks, the EU has started to support capacity-development and institution-building for law enforcement institutions of third states. For this purpose financial and technical assistance programmes were allocated in various sub-policy domains of JHA (Wichmann, 2007: 20; Wolff, 2006: 6).

In that sense, enlargement policy has been the most effective EU policy so far for the extension of the principles of JHA to non-member states. As part of the pre-accession process of CEECs, the EU had triggered substantial domestic change through membership requirements and incentives. The EU provided legal and institutional alignment and maintained security in Central and Eastern Europe.

3.2. Extension of JHA towards CEECs: EU instruments for domestic transition

In the early 1990s, the influence of the EU on CEECs was substantially increased. These states' strong membership expectations and assistance provided by the EU facilitated their alignment in JHA. In the CEECs' pre-accession period, the EU was able to become involved in their post-communism transition process. The EU instruments used to pursue domestic transformation in the CEECs have resulted in them experiencing significant changes.

The eastern enlargement has also been an opportunity for the EU to spread its internal security regime and its practices vis-à-vis non-member states. Particularly against transnational organised crime, the EU was able to enhance security cooperation with CEECs and Cyprus during the pre-accession period (Mitsilegas et.al, 2003: 130, 133).

However, the CEECs' inclusion within the Schengen regime brought a potential for increased cross-border criminal activity within the EU borders. Therefore, adoption of the EU requirements associated with JHA was considered as crucial during eastern enlargement. For two underlying reasons, JHA was strongly emphasized. First, the

EU became more vulnerable to cross-border crime with the Schengen abolition of internal borders, which, whilst allowing the free movement of goods, persons and services, facilitated the mobility of criminals across member states ((Mitsilegas *et al.*, 2003: 127). Particularly, in Western Europe, organised crime groups originating from Russia, East Europe, the Balkan states and Turkey were able to spread illicit activities. Drug trafficking, exploitation of women and children for sexual abuse, small arms trade, organised robbery, car theft, cyber crimes and fraud became the typical cross-border security challenges to be tackled by the EU member states (Paoli, 2002: 60).

Second, since the early 1990s, political instability and transition to a free market economy had resulted in legal and structural deficits in Eastern European countries. Corruption and deficient law enforcement agencies constrained capacity to prevent cross-border crime in these states. The rapid transition to a liberal economy also triggered social inequalities and high unemployment. This unstable environment prepared suitable grounds for recruitment by organised crime groups (Rees, 2003: 113).

To overcome the security risks of eastern enlargement, the EU put forward various accession requirements and used policy instruments within the membership conditions. Foremost, the EU asked for adoption of the *acquis* under JHA. Provisions adopted by the European Council and key UN and CoE conventions in combating transnational crime were legal obligations expected of CEECs. Furthermore, the EU asked for institutional-capacity development and international cooperation to enhance domestic security infrastructures against transnational crime and for implementation of the *acquis*. That way, the EU aimed to line up the legal and administrative infrastructures in CEECs and to maintain security in its neighbourhood against intensifying transnational crime in Europe (Rees, 2005: 220-221; Smith, 2005: 272-273).

From the CEECs' point of view, JHA rules and standards were seen as appropriate to fix structural deficits in the transformation process (Grabbe, 2002: 304). However, alignment with the EU's internal security was not an easy task because of the complex requirements of the EU. CEECs experienced considerable pressure from the EU to implement rapid developments in JHA. Particularly following the introduction of the Treaty of Amsterdam in 1997 and the AFSJ, the Council adopted a considerable number of measures within the context of JHA.

Due to the complex requirements of the EU, JHA was one of the most challenging policy fields of the accession process. Initially, the EU asked for fulfilment of political conditions for preparing a basis for alignment in JHA. The adoption of political conditions were considered as an important step to safeguard the rights of individuals and deliver a balance between human rights and the administrative practices of national security institutions.

Later, the EU envisaged the legal approximation of criminal law and procedures, the adjustment of national security institutions and operational cooperation before the accession of non-member states to the EU. To achieve these requirements, the EU used various instruments including financial and technical aid, twinning, mutual cooperation agreements, and monitoring mechanisms.

By using these instruments, the EU triggered considerable domestic change in Eastern Europe during the eastern enlargement. The EU's adaptation pressures and incentives mobilized domestic transformation in CEECs. Legal and Institutional deficits in CEECs also facilitated the alignment with the EU standards in JHA.

European Agreements and structured relations

To provide a liberal market economy, stable democracy and security in its immediate neighbourhood the EU started to conclude bilateral negotiations with Eastern European States in 1991. As the first step, the EU concluded Europe Agreements (Association Agreements) with Hungary, Poland (1991), Romania, Bulgaria, the

Czech Republic (1993), Latvia, Lithuania, Estonia, Slovakia (1995) and Slovenia (1996). Along with these agreements, the EU launched a “structured dialogue” with ten Eastern European countries about their EU membership. During this initial period, JHA were not included within the context of the bilateral dialogues (Lavenex, 1999: 112). Originally, European Agreements and bilateral relations focused on issues of trade and economic cooperation rather than internal security.

At the Copenhagen Summit in 1993, the European Council stressed its intention of accepting Eastern European states as members of the EU when they met the economic and political membership conditions. With respect to political conditions, CEECs were asked to develop stable institutions capable of guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities (European Council, 1993).

Related with these conditions, the EU initiated joint meetings with interior ministers and law enforcement representatives of Eastern European states beginning in the mid 1990s. For the first time, JHA was included in a structured dialogue (Lavenex, 1999: 113). The EU institutions, member states and CEECs established a platform for the consideration of different EU policies as well as JHA. Through these meetings and platforms, the EU and CEECs outlined their intention to collaborate over common security interests.

The Corfu Council of June 1994 instructed the Commission to prepare a strategy to strengthen integration of CEECs into the EU standards. The Council also recommended arranging a conference with the CEECs in the fight against drugs, organised crime and terrorism during the German Presidency (European Council, 1994c).

Later, the European Commission prepared an “accession strategy” in July 1994 regarding the political, administrative, and economic needs of the CEECs as stressed at the Corfu Council. The strategy involved a “structured dialogue” to support

cooperation in various policy fields of the EU. In the strategy, scheduled joint meetings were recommended as a method of communication to enhance cooperation on internal security. Therefore, the strategy document invited JHA Ministers of the member states to have regular joint meetings with their counterparts in CEECs to consult and inform them about JHA issues (European Commission, 1994a; 1994b).

In official meetings addressing JHA issues, greater emphasis was given to the fight against organised crime, drug trafficking, border management and adoption of restrictive measures to limit illegal immigration (Lavenex, 1999: 117). During the bilateral meetings under the structured dialogue, member states consulted CEEC interior and justice ministers about the provisions of the EU to provide legal approximation and development of administrative structures in CEECs. However, adoption of the EU *acquis* on JHA was not put forward as a requirement.

In December 1994, the Essen Council called for the Commission to prepare a proposal about the progress of integration of CEECs into JHA. The Council also made financial aid for administrative developments available through the PHARE Programme (European Council, 1994b).

Concerning the alignment of Eastern European States in JHA, an intergovernmental conference on drugs and organised crime was held in Berlin in September 1994. In the conference declaration, the EU and seven Eastern European states (Bulgaria, Poland, Rumania, the Czech Republic, Slovakia and Hungary) decided to tackle organised crime and drug addiction through precise steps. In the conference, participants were committed to intensify operational cooperation and integration. Ministers of the EU member states agreed to the preparation of guidelines on EU legislation and the administrative practices of member states. In addition, parties were committed to take concrete measures against cross-border crime. It was decided to improve cooperation through liaison officers and experts for the transfer of expertise and technical developments; improving border controls and the visa regime and the introduction of provisions against smuggling. In the conference, organised

crime and drug trafficking were considered as primary internal security threats to be dealt with by applicant states (European Council, 1994a).

Pre-Accession pact on combating organised crime

To tackle transnational crime in Europe, an important step was taken on 28 May 1998. The EU and CEECs concluded the Pre-Accession Pact on Organised Crime which addressed legal and institutional deficiencies in candidate states and gave importance to the implementation of the EU *acquis* in combating organised crime. Furthermore, the pact emphasized law enforcement cooperation between the EU and CEECs.

In the pact, organised crime, drugs and international arms trafficking, confiscating the proceeds of crime and money laundering were listed as the main security challenges to be faced by the EU and CEECs. To stimulate cooperation under JHA, the EU asked for the development of an efficient police and judicial infrastructure, technical capacity for enforcement, satisfactory legal bases for combating corruption and a consistent implementation (European Council, 1998).

The pact also proposed security cooperation between applicant states and the EU. In this regard, Europol was assigned as the primary channel for information exchange and for the transfer of expertise to domestic security institutions in the CEECs. The EU and candidate states also agreed to mutual assistance between national law enforcement institutions, Europol and the national judicial authorities of applicant states. For approximation of criminal rules and procedures, the pre-accession pact referred to a range of international conventions adopted by the EU against organised crime, drugs, human trafficking and terrorism.

Accession partnerships

Accession negotiations between the EU and CEECs began in 1998. The EU prepared “Accession Partnerships” and listed the requirements in the context of JHA

(Misilegas et al, 2000: 130). The Accession Partnership Documents defined short- and long-term goals parallel with the gaps in the internal security infrastructures of applicant states. To ensure alignment in JHA, Accession Partnership documents asked for the adoption of the EU *acquis* on immigration and asylum, the fight against organised crime and terrorism, border management, Schengen, law-enforcement and judicial cooperation. It also put forward institution-building and administrative-capacity development to maintain internal security in accession states. Meanwhile, CEECs prepared a National Programme for the Adoption of the *Acquis*. In national strategy papers, accession states determined their national plan for implementing the EU *acquis* and associated standards.

To evaluate domestic practices in CEECs, the European Commission undertook screening visits to the candidate states and released reports before arranging the accession partnership. Through these reports, the EU precisely specified the context of the negotiations for each state. Despite the variation in state infrastructures, the accession partnerships of CEECs were framed around a pre-determined enlargement strategy, the so called “Agenda 2000”, prepared by the European Commission in 1997 (Soveroski, 1998: 18). In this comprehensive document, the European Commission precisely determined accession requirements for each specific EU policy field, including JHA.

In the field of JHA, “Agenda 2000” underlined institution-building as a pre-condition for implementation of the EU *acquis* in combating transnational crime and illegal immigration. Thus, it proposed an exchange of best practice through interactions between the security institutions of applicant states and relevant member states' institutions and touched upon the need for practical cooperation and information exchange. “Agenda 2000” also addressed the EU Treaty and the EU *acquis* as well as relevant international conventions to be implemented by the applicant states as a necessary condition of cooperation (European Commission, 1997).

After the 9/11 attacks, the alignment of CEECs with the EU standards in JHA became prominent in the enlargement process and counter-terrorism became an important policy objective along with actions against organised crime, drugs and illegal immigration (Occhipinti, 2003: 13). In addition, institutional cooperation between member states and CEECs was boosted through Europol and Eurojust. As of 2003, Europol signed operational cooperation agreements with CEECs.

Monitoring

To enforce domestic transformation in accession states, the EU used monitoring to assess compliance with EU rules and EU standards during the enlargement process. In the JHA domain, the EU evaluates the effectiveness of national law enforcement authorities and implementation of criminal rules and procedures.

To assess the adoption of EU requirements by candidate states, the Council established a monitoring mechanism in June 1998. This so-called “Collective Evaluation Working Party” consisted of delegations of member states and was to prepare evaluation reports on JHA issues. The Working Party categorized JHA under five issue areas: asylum, migration, border management, police and judicial cooperation (European Council, 2002c).

For the preparation of evaluation reports, experts from member states were appointed to collect data on domestic developments in CEECs. The reports outlined the level of implementation of the *acquis* and convergence in specific categories of JHA. The Expert Group collected relevant information from experiences of member states' officials during the study visits, from other relevant EU bodies and embassies during their mutual relations with candidate states (European Council, 2006b).

Collective Evaluation Working Groups prepared regular evaluation reports for the European Council. These reports set out the level of implementation of, and cooperation over, JHA in applicant states and were taken as a reference for arrangements for the enlargement strategy. Reports of the evaluation groups were

also taken into account by the Commission for the preparation of the progress reports.

Apart from Collective Evaluation Group Reports, the European Commission prepared annual progress reports for each candidate state beginning in 1998. These reports assessed the adoption of the EU *acquis*, including JHA, and clarified conditionality on JHA. In the progress reports the EU underlines reforms in JHA and calls for internal security cooperation for deepening relations with the candidate countries (Knelangen, 2007: 89).

Institutional-capacity development in the JHA domain

To pursue administrative developments in the CEECs, the EU used a number of political and financial instruments during the eastern enlargement. In that sense, financial assistance and training had been important instruments to transfer EU models to CEECs. To facilitate implementation of the EU *acquis* under JHA and to maintain cooperation over cross-border crime, the EU allocated financial support through financial assistance programs and encouraged the exchange of best practice through training schemes. Monitoring instruments were also used to pursue domestic transformation in JHA.

Financial assistance: PHARE

The PHARE programme was created in 1989 to enhance public administration in Poland and Hungary. It has been extended to other Eastern European countries since 1993 to support alignment with the EU. According to the priorities of the EU identified for each of the CEECs, JHA issues have been integrated into the PHARE since 1998. Financial assistance was made available for the transposition of the EU standards and for exchange of expertise to strengthen institutional infrastructures in accession countries.

On combating cross-border crime, assistance projects were undertaken until 2003 on a range of issues including drug trafficking, fraud, terrorism, organised crime and law enforcement cooperation. On the whole, €500 million was allocated to CEECs between 1997 and 2001 for institution-building and to facilitate convergence with the EU *acquis* (European Council, 2002).

Furthermore, the EU afforded financial support through specific programmes for institution-building and capacity-development in the CEECs. The EU offered practical support to the candidate states for investigations and operations, training and consultancy. For instance, for stimulating common practices against different forms of organised crime between candidate states, the EU initiated specific programmes under JHA such as Octopus II, OISIN, Grotius, STOP, Odysseus and Falcone.

Twinning and TAIEX

During the eastern enlargement, technical support was given to strengthen CEECs' administrative structures. Therefore, experts from institutions of member states were appointed to work at equivalent institutions in candidate states. That way, member states were able to introduce best practice and institutional models for the implementation of the *acquis* in CEECs (Tomalová et al., 2007: 380).

During eastern enlargement, twinning has been a significant instrument for the transfer of expertise and institutional structures under JHA. By the end of 2006, 367 of the 1,674 twinning projects involved JHA issues (Wichmann, 2007: 10). As an alternative to the use of political pressures on accession country governments, the EU promoted transposition of the EU norms through engagement between the institutions of member and candidate states. Member state experts and institutions were able to consult with their counterparts in CEECs in the context of JHA.

Through twinning projects, a network of domestic institutions was established for the transfer of knowledge (Tomalová et al., 2007: 387). Domestic institutions in

beneficiary countries were able to communicate with the EU and report their difficulties during the project period (European Commission, 2006). From the EU side, the institutions of member states were able to engage with their counterparts in candidate states and strengthen mutual dialogue about internal security cooperation. As a result, not only did the EU provide consultation over domestic institutions but also ensured that the EU perceptions and priorities in combating cross-border crime were acknowledged by the CEECs.

Along with twinning projects, Technical Assistance and Information Exchange (TAIEX) has been an important instrument for the extension of JHA norms towards CEECs. It was introduced for the first time in 1995 under PHARE. Short-term training programmes, such as study visits, seminars, and workshops, addressed a wide range of JHA issues. These were carried out using EU TAIEX funds. As a short-term instrument, TAIEX had been a complementary instrument to Twinning projects. To facilitate transposition of JHA in CEECs, training seminars and workshops were used to guide the implementation of the EU practices on JHA.

3.3. An overview of the impact of the EU on the internal security of Turkey

It is widely admitted that Turkey's candidacy for EU membership has boosted domestic transformation in many policy domains since 1999 (Keyman *et al.*, 2007: 71; Schimmelfennig *et al.*, 2005: 41-42; Tocci, 2007: 71). Declaration of Turkey's candidacy in the Helsinki Council Decision of 1999 enabled the EU to exert influence on Turkey in the context of JHA. With the start of a structured relationship between Turkey and the EU, accession conditionality on JHA was introduced by the EU.

As had happened in the CEECs' pre-accession period, Turkey's alignment with the EU on JHA was considered as a prominent issue. In the Accession Partnership documents and in the Commission's progress reports issued for Turkey since 1999, the EU put forward adoption of the EU *acquis* on JHA, institutional-capacity

development and internal-security cooperation as requirements to ensure that the internal security of Turkey met EU standards. Thus, the EU aimed to prevent cross-border crime before awaiting the conclusion of the lengthy enlargement process with Turkey.

However, the high volume and dynamic nature of JHA, extensive use of non-binding measures, and domestic sovereignty considerations against the hierarchy of the EU make JHA a sensitive domain (Monar, 2007c: 4). Thus, adoption and implementation of JHA practices is a long, complicated and difficult task in the enlargement process for Turkey (Dokos, 2007: 5). Especially long frontiers and distinctive geographical setting of Turkey between East and West pose further challenges for combating transnational crime and illegal immigration (Apap *et al.*, 2004: 17; Mannaert, 2003: 5). As a result, the difficult-to-manage extensive borders and coastline of Turkey raise doubts in some EU member states whether Turkey's membership could result in lower standards of internal security within the EU.

The literature examining Turkey's domestic transformation has been a growing field after it became a candidate state in 1999. Studies analysing the impact of the EU on Turkey have mostly focused on Turkey's democratisation process, the civil-military relationship, the transition of Turkey's foreign policy and issues of military security (Bac, 2007; Buharali, 2007; Emerson, 2004; Keyman *et al.*, 2007; Schimmelfennig *et al.*, 2005). However, only a handful of studies have touched upon the EU-Turkey relationship within the context of JHA.

Studies considering JHA issues in Turkey's EU accession process have mainly analysed the influence of the EU on Turkey's immigration and asylum policy and the transition of its border control infrastructure (Apap *et al.*, 2004; Cicekli, 2004; Keser, 2006; Kirisci, 2002, 2007). On the other hand, a few studies have focused on Turkey-EU relationships vis-à-vis the Kurdish question and touched upon combating drugs and organised crime (Bovenkerk *et al.*, 2004; Gunter, 1998; Pek *et al.*, 2007; Robins, 2005, 2008; Tocci, 2007) Within this latter group of studies, analysis of the

conditions within which the EU has exerted influence has remained limited. Rather, they have focused on the ways in which Turkey is combating cross-border crime, and the effectiveness of enforcement. In the following sections, key arguments in the literature are given by looking at the transposition of JHA into Turkey during the EU accession process.

Immigration and asylum policy

It is widely claimed in the literature that the prospect of EU membership has increased the credibility of the EU preconditions and the willingness of Turkey to adopt the EU requirements on asylum, immigration and visa policy (Cicekli, 2004: 1; Keser, 2006: 126; Mannaert, 2003: 11). The EU membership incentive offered in 1999 increased the enthusiasm in Turkey to align itself with the EU's JHA regime (Kirisci, 2002: 9). As a result, Turkey used constructive language in its first National Plan for Adoption of the *Acquis* (NPAA) in 2001, despite the reservations of the security institutions on the modification of Turkey's asylum and immigration regime. Yet, sovereignty considerations, the high economic burden and administrative difficulty were addressed as likely domestic veto points in the context of asylum, visa and immigration policy (Mannaert, 2003: 13).

It is claimed that the EU requirements on border control and the adjustment to the visa regime are considered as rather costly for Turkey, although Turkey has pledged to align with the EU asylum regime and to lift reservations on the Geneva Convention. The adoption of the EU requirements are considered as a burden, as visa restrictions to neighbouring countries and tight border controls were seen as a risk to small-scale, cross-border trade and tourism especially in Turkey's eastern provinces (Keser 2006: 128).

Alternative to cost-benefit calculations, normative factors are put forward as determinants of domestic developments in Turkey's immigration and asylum policy. The EU accession process is presented as a powerful tool for transferring European norms, and practices to Turkey. It is claimed that the EU pressures integrated within

the accession process not only change domestic policies and structures but also provide an understanding in Turkey of the refugee regime of the EU (Kale, 2005: 4). The EU accession process maintains suitable grounds for an exchange of views between national institutions. JHA sub-committee meetings and training seminars organised by the EU increase the interactions between domestic institutions and help develop commonsense solutions to the implementation of EU practices within JHA. Along with the engagement of domestic institutions with the EU counterparts, international cooperation with the UN, CoE and International Organization for Migration (IOM) help develop an awareness of trafficking in human beings at the national level (Kale, 2005: 270).

The Kurdish question and Turkey's counter-terrorism policy

Adoption of political criteria has resulted in indirect consequences for Turkey's counter-terrorism policy since the granting of EU candidate status in 1999. Political reforms introduced in Turkey since 1999 have constrained the excessive security measures to prevent PKK terrorism in Southeast Turkey. Especially, the EU conditions on the extension of fundamental human rights and strict control of torture and ill-treatment have affected the balance between liberties and counter-terrorism measures for Turkish security forces.

Overall, political conditionality is perceived in Turkey as costly since democratic and human-rights conditions have consequences for Turkish counter-terrorism policy. Although Turkey made satisfying progress to meet political criteria, progress on counter-terrorism policy had been limited while the EU demands were perceived as a threat to Turkey's integrity and internal security (Schimmelfennig *et al.*, 2005: 43).

Along with adaptation costs, the credibility of the conditions is addressed as another condition for the adoption of EU rules. The impact of the EU is identified as weak in the face of low credibility. Alterations in the EU commitments and unequal treatment between applicant states are given as grounds for the low credibility (Schimmelfennig *et al.*, 2005: 16). However, when compared with credibility, the

adaptation cost is presented as dominant factor in persuading domestic decision-makers to conform to the EU requirements. High credibility is considered insufficient, when the adaptation cost is high.

Based on this assumption, it is claimed that the adoption of the democratic and human rights principles of the EU in Turkey are associated with the presence of EU incentives and the extent of domestic adaptation costs. Turkish decision makers are observed to be reluctant in adopting the EU requirements when adoption costs are high. For instance, the EU requirement for the abolition of the death penalty was passed by the Turkish Parliament in 2002 as adoption costs were low at the time (Schimmelfennig *et al.*, 2003: 508). Domestic actors considered that the EU requirement to abolish the death penalty was a necessary price that should be paid for the opening of accession negotiations (Bac, 2005: 20; Tocci, 2007: 69).

It is also claimed in the literature that, domestic adaptation costs have increased on countering terrorism since 2005 because of the uncertainty on the future of Turkey-EU relations and the resumption of PKK attacks in Southeast Turkey. In this environment, nationalists and conservatives find suitable grounds to voice Eurosceptic opinions claiming that the EU has double standards against Turkey and do not want to accept Turkey as a member state (Kaliber *et al.*, 2010: 202).

Competing with the arguments about the role of adaptation cost and the EU incentives, the impact of the EU on Turkey's Kurdish question is also attributed to the socialization of EU norms and values in Turkey. Domestic transition is seen as likely if the EU norms resonate with domestic beliefs and historical practices. It is claimed that the EU maintains a dialogue with civil society and formal institutions for the diffusion of EU norms and legitimacy. Institutional interactions between Turkey and the EU modify perceived interests and norms which are attributed to political conditionality. In the long run, the alteration of domestic beliefs, purposes and perceptions results in domestic transformation (Tocci, 2007: 16).

It is claimed that, the EU requirements on counter-terrorism policy have faced objections in Turkey, as they were seen as competing with national sovereignty, domestic norms, traditions and the integrity of the state (Tocci, 2007). The EU's advocacy of a political solution to the Kurdish problem raised doubts in Turkey about whether the EU wanted to weaken the territorial integrity of Turkey. Therefore, the EU requirements for the extension of Kurdish cultural rights were considered as attempts to undermine the unity state by making concessions to terrorism (Bac, 2005: 23).

Combating drugs and organised crime

Turkey is one of the major licit poppy-producing countries in the World. Legal poppy production was seen as a significant source of income at the domestic level. Therefore, international pressures increased in the 1970s to ban legal poppy cultivation in Turkey attracted strong resistance. Consequently, in the 1990s, Turkey and the UN agreed on the development of a regime to control poppy production on an annual basis under United Nations Drugs Control Programme. As a result of intensifying interactions with UN, Turkey ratified key UN conventions in combating drugs at the global level (Robins, 2007: 22).

However, implementation of the conventions and cooperation with European states in combating drugs had been limited in Turkey over the 1990s. Due to mounting PKK attacks in this decade, combating drugs trafficking and illegal manufacturing were considered as a secondary challenge to Turkey's internal security (Robins, 2008: 636). In consequence, combating drugs was overlooked in Turkey until the end of the 1990s.

Meanwhile, cooperation with Turkey in combating organised crime and drugs is essential for the EU (Dokos, 2007: 6). Turkey is an important hub of the heroin route between Afghanistan and Europe. The vast majority of the heroin delivered in Europe has a Turkish connection. Turkish/Kurdish, kin-based, organised crime groups smuggle raw narcotics from Turkey's eastern borders and refine them in

hidden laboratories in Turkey. It is then transferred to Europe by Turkish organised crime groups (Robins, 2002: 635).

Terrorism and Turkey's extensive borders provide suitable grounds for tightly-organised smuggling organizations. Some local clans from Southeast Turkey and the PKK profit from heroin production. Besides, in Europe, low socio-economic status and cultural marginalization motivate immigrants to become involved in drug trafficking. Kin-based relationships between members of organised crime groups and the difficulty of translation from the local languages make enforcement problematic for European security agencies (Paoli *et al.*, 2008: 22-26).

In Turkey, combating drugs and organised crime shows substantial progress since the end of the 1990s. The relationship with the EU in combating drugs has been intensified after the EU granted Turkey candidate status in 1999. Some notorious organised crime groups were dismantled and corruption minimized. Robins (2005) claims that Turkey's willingness to undertake security cooperation in combating heroin is not well recognized by the EU. Disagreements between Turkey and the EU on the Cyprus problem, cultural differences and the uncertainty on EU membership increase the vulnerability of the security relationship. A downturn in Turkey-EU relations is given as a possible handicap to the efforts to combat hard drugs in Europe (Robins 2005).

In the following parts, the impact of the EU conditions on the internal security of Turkey will be scrutinized with reference to three case studies.

4. The impact of the EU on combating organised crime in Turkey

4.1. Introduction

Since the end of 1990s, transnational organised crime has become a growing security concern in the EU. It has been perceived as a challenge to the liberal economy, the functions of the state, the rule of law and the integrity of society (Kirchner *et al.*, 2007: 2). Two underlying factors have led to the development of this perception in the EU. First, the EU became more vulnerable to transnational organised crime with the creation of the Schengen Area. Following the abolition of internal borders, free movement of goods, persons and services in Europe has increased the mobility of criminals and facilitated cross-border criminal activity across the Schengen countries. Particularly, in Western Europe, organised crime groups from Russia and Eastern Europe, as well as from the Balkan states and Turkey, were able to extend their illicit activities such as drug trafficking, exploitation of women and children for sexual abuse, the trade in small arms, organised robbery, car theft, cyber crimes and fraud. These typical offences need to be tackled by the member state authorities. Free movement of goods and services has also enabled perpetrators of organised crime to veil their illicit commodities. Assets of criminal activities have been legitimised under the cover of legal industries such as transport, finance, estate, hotel and night-clubs (Paoli, 2008: 47).

Second, after the end of the communist regimes, political instability and the transition to a free market economy in Eastern Europe provided a suitable environment for the growth of organised crime in the states of the region. Legal and structural deficits in post-communist states enabled organised crime groups to commit illicit activities. Corruption and management gaps constrained the capacity of law enforcement agencies to prevent organised crime in these states. Besides, the rapid transition to a liberal economy triggered social inequalities and high

unemployment that allowed organised crime groups to recruit members from low-income groups (Rees, 2003: 113).

By the end of the 1990s, fears that serious crimes would spill over into Western Europe persuaded EU member states to intensify internal security cooperation to prevent transnational organised crime. In the Treaty of Amsterdam (1997), combating organised crime was counted as an objective in the field of JHA. With the creation of the AFSJ, the European Council issued a range of legal instruments to facilitate law enforcement and judicial cooperation between member states. The EU institutions Europol, CEPOL and Eurojust also contributed to criminal and judicial cooperation between member states.

Parallel with the attempts to increase coordination between EU member states, the EU has started to exert influence on candidate states to prevent organised crime through the 1998 pre-accession pact on organised crime. Later, cooperation with third countries was identified as a requirement for maintaining security within the EU in the Tampere Council conclusions of 1999, the European Security Strategy of 2003 and in the strategy for the External Dimension of JHA of 2005

In partnership with the Council of Europe, the UN and other regional organizations, the EU started to provide assistance to strengthen the law enforcement capabilities of candidate countries. Parallel to increasing external action under JHA, the EU has become more engaged in initiatives by the UN, the CoE, the Financial Action Task Force (FATF) and the IOM to support the security policies of third countries against organised crime.

Enlargement policy has been an instrument for the EU to stimulate effectiveness in combating organised crime in its neighbourhood. Through accession conditionality the EU maintained legal alignment and administrative capacity development in applicant states. The EU also ensured internal security cooperation with applicant states to prevent transnational organised crime in Europe.

Alignment of Turkey with the EU standards in combating organised crime is seen as one of the objectives of the EU in the accession process of Turkey. Turkey's geographical location between Asia and Europe makes it a convenient hub for transnational trafficking networks. Additionally, the huge Turkish immigrant community living in European countries and the involvement of some Turkish nationals in organised crime groups makes international cooperation with Turkey important for the EU to increase the effectiveness of enforcement against organised crime groups in Europe.

Related to the developments above, this chapter analyses the scope of the impact of the EU in combating organised crime in Turkey in the period from 1987 to 2010. Since organised crime covers a broad field, this chapter concentrates on specific types of organised crime; trafficking in human beings, money laundering and cybercrime. It analyses legal and institutional developments, as well as international cooperation to uncover the EU's impact in Turkey. It considers four variables to test the EU's role in domestic transition in Turkey: Determinacy of the EU requirements, credibility of conditionality, domestic adoption costs and convergence of threat perceptions between Turkey and the EU. In order to clarify this phenomenon, the analysis begins with an attempt to give a definition for organised crime.

4.2. Definition of organised crime

Both in the academic literature and in practice, there is no consensus on a definition of organised crime. However, agreement on a definition is considered important since diverse definitions lead to different threat assessments in different states for similar situations (Lampe, 2008: 2). For instance, an alteration in the minimum number of offenders in criminal law, or the inclusion of an element, such as the use of violence, as a pre-condition for the classification of organised crime, could change crime statistics significantly. Variation in crime rates and threat assessments could alter security priorities and threat perceptions thereby differentiating national security policies and limiting international cooperation against organised crime.

Two central elements are widely integrated by lawmakers and scholars to characterize organised crime. First, provision of illegal goods and services is taken as the key element to distinguish organised crime from ordinary crimes. This approach considers organised crime as an “illegal business” which is committed by a group of criminals. These activities are sometimes referred to as “the crime industry” or “illegal enterprise” (Finckenauer, 2005: 66; Paoli, 2002: 53). Illegal activity committed by organised crime groups aim to achieve profit and/or power. Drug trafficking, money laundering, racketeering, exploitation of women or children for sexual purposes constitute the most common types of organised crime. In that sense, organised crime groups are distinguished from terrorist groups, as they pursue material benefits rather than particular political agendas or ideologies.

Second, a criminal structure engaged in criminal activity with a specific collective identity and division of work among its members is considered as a key element that differentiates organised crime from ordinary crimes (Lampe, 2001: 103). This element refers to the networking capacity and structural characteristics of organised crime groups. The number of members in a criminal group, the method of coordination and hierarchy, the length or frequency of their companionship are considered as core factors to identify organised crime groups from single offenders. In that sense, kin-based smuggling networks in the Western Balkans and in Turkey, the Mafia in Italy, street drug dealers or prostitution networks in some European countries are seen as typical organised crime groups (Lampe, 2008: 2, 3).

Despite the lack of consensus on the definition, organised crime could be roughly determined as crimes committed by a group of persons in a continuous and organised fashion, for the purpose of getting profit and/or power. Additionally, the extension of their criminal activities across more than one state could lead to them being defined as “Transnational Organised Crime”.

In the United Nations' Convention against Transnational Organised Crime (Palermo Convention) of December 2000, an organised crime group was defined as: “a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences, to obtain directly or indirectly, a financial or other material benefit” (UN, 2000).

In similar vein, the EU definition of organised crime complies with the UN definition and emphasizes the structured nature of organised crime groups and their purposes of getting material benefit and power. In a Framework Decision of 2008, organised crime is outlined as: “a structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit” (European Council, 2008c).

4.3. Conditions shaping the impact of the EU in combating organised crime in Turkey

Four mediating factors are taken into account to determine the scope of the influence of the EU in combating organised crime in Turkey. They are categorized under the Rational Choice and Sociological Institutionalism theoretical approaches. “Determinacy of the EU requirements”, “credibility of conditionality”, and “domestic adaptation costs” are attributed to the rational choice viewpoint because of their links with cost-benefit calculations and incentives related with EU membership. Alternatively, “convergence of threat perceptions” is considered under sociological institutionalism as it takes domestic traditions, beliefs and norms into account as principal constituents of policy transition.

Determinacy of the EU requirements

The EU requirements for the fight against organised crime were undefined for Turkey in the period from 1987 to 1999. Two factors account for this lack of clarity.

First, the EU did not have a concrete approach against organised crime before the creation of the AFSJ in 1997. Although the EU's first strategy for the prevention of organised crime was adopted by the Council in April 1997, progress in combating organised crime was limited until the Treaty of Amsterdam came into force in 1999.

Second, the EU did not set out the conditions for Turkey's accession before it achieved candidate status in 1999. The Customs Union agreement of 1996 had been the main platform between Turkey and the EU before the start of their intensified relationship in 1999. The relationship between Turkey and the EU in this period concentrated on customs integration and the development of mutual trade rather than internal security cooperation. Thus, the EU did not put forward requirements to harmonise Turkey's internal security policy despite it having signed the pre-accession pact on organised crime with the CEECs and Cyprus.

The EU requirements on organised crime have gradually become concrete since 1999. First, different from the situation before 1999, the fundamentals of the EU policy in combating organised crime have been clarified. Creation of the AFSJ under the Treaty of Amsterdam has boosted harmonization of criminal procedures and internal security cooperation between member states. The Tampere, Hague and Stockholm programmes intensified internal security cooperation in the EU. The Council issued various legal instruments to bring into line criminal definitions and the administrative procedures of member states against organised crime. Furthermore, the external aspect of JHA has been part of the EU's policy towards non-member states. Financial and technical assistance was allocated to strengthen the capacity of third countries in combating organised crime.

Besides, the EU-Turkey relationship has evolved to a structural basis since 1999, as conditionality for Turkey was set out through the Accession Partnership Documents of 2001, 2003, 2006 and 2008. In these AP documents, short-term and medium-term requirements were outlined to prepare Turkey for accession. Concurrently, since 1999 the European Commission has started to monitor progress in Turkey and has

prepared Annual Progress Reports in which the EU requirements in combating organised crime in Turkey have been further clarified.

Credibility of conditionality

The credibility of the EU requirements was low before 1999, as the EU did not offer EU membership to Turkey. Although Turkey had made an EU membership application in 1987, before the CEEC states and Cyprus, it was excluded from Eastern enlargement. In this period, the EU and Turkey signed the Customs Union Agreement of 1996 and the EU committed to provide financial assistance to support its implementation in Turkey. However, after ratification of the agreement, considerable funds that had been allocated to Turkey were not released due to Greece's veto. Consequently, the credibility of the EU policies appeared to be low in Turkey until 1999.

However, the situation changed when the Helsinki Council of 1999 accorded Turkey candidate status and allowed it to benefit from pre-accession financial assistance and to join EU programmes and agencies (European Council, 1999a). Turkey's candidacy for EU membership and the delivery of EU financial assistance for administrative capacity-development increased the credibility of the conditions involved in Turkish accession after 1999 (Keyman *et al.*, 2007: 71, 74; Schimmelfennig *et al.*, 2005: 42). To become a member of the EU and to secure the benefits this offered, the Turkish government adopted various requirements in the field of JHA. The security institutions under the Ministry of the Interior also increased security cooperation with the EU agencies and member state institutions.

Nevertheless, credibility has started to decline since 2005 for two primary reasons. First, the political debate in the EU on Turkey's membership has increased uncertainty in Turkey. Turkey's big population and geographical proximity to the Eastern world raised questions in the EU about the negative consequences of Turkey's accession. Germany, France and Austria started to discuss alternatives to full membership for Turkey. Opponents of Turkey put forward the EU's absorption

capacity and inability to take new member states. Furthermore, controversy on Turkey's membership was reflected in EU documents. In some Council and Commission documents negotiations with Turkey were called an "open-ended process" (European Commission, 2004a; European Council, 2005a). The Council and the Commission also referred to the EU's ability to take new member states as a pre-condition for Turkey's accession.

Second, the isolation of Turkish Cypriots and the accession of Cyprus to the EU raised questions about the fairness of the EU's attitude to Turkey. Despite the refusal of the UN reunification plan by the Greek Cypriots in a referendum in April 2004, the EU admitted the Greek Cypriot administration as the legitimate authority for the whole island and disregarded the Turkish administration in Northern Cyprus. Later, Cyprus was granted EU membership in 2004. In response to the economic and political isolation of Turkish-Cypriots, Turkey has refused to open its harbours to Cypriot vessels, despite the EU requests (Ulusoy, 2008: 318). As a result of the controversy between Turkey and the EU since 2005, the EU partially suspended negotiation process with Turkey in 2006.

Domestic adaptation costs

Due to the complex nature of organised crime offences, various domestic institutions in Turkey engage in action against organised crime. Domestic institutions in Turkey not only perform enforcement against organised crime, but also assist domestic policy-making through consultation mechanisms. According to a senior official in the Ministry of Justice;

"Due to being technical issues, security institutions contributes the policy making process of internal security. Representatives of relevant institutions gathered in commissions under the Ministry of Justice can give their opinions on the provisions which are drafted by the Government. During this policy-making process, security assessment

reports and the proposals of security agencies are also taken into account to determine domestic policies” (Interview#2, 2009).

As a result of the involvement in the decision making process, senior officials in domestic security institutions are considered as important actors that could facilitate or limit compliance with the EU requirements for the fight against organised crime in Turkey. Overall, security agencies dealing with combating organised crime tend to support the EU requirements. Although sovereignty considerations have a place in JHA matters, officials in Turkish security agencies did not oppose the EU requirements on organised crime since it was considered at the domestic level that,

“Turkish institutions benefit from institutional links with the EU agencies and operational cooperation. Moreover, exchange of best practices and mutual dialogue between Turkish and member state officials help development of common sense to prevent transnational crime in the region. Interactions between institutions facilitate international cooperation to tackle cross-border crimes effectively” (Interview#3, 2009).

Adoption of EU practices and the *acquis* are seen as chances to enhance the capabilities of the institutions in the fight against organised crime. Therefore, the EU assistance for capacity development and international cooperation with member states have been incentives for Turkish officials. In other words, financial assistance, training programmes and operational cooperation with the EU agencies stimulate domestic support for the adoption of the EU conditionality.

Convergence of threat perceptions: Domestic resonance and legitimacy of EU approach

As in the EU, the fight against organised crime in Turkey evolved to become a particular policy field since the end of the 1990s. Organised crime started to be perceived as a serious security threat to public order, the legal economy and society.

Parallel with this domestic awareness, a number of measures were taken to prevent organised crime in Turkey. Since it was seen as a serious threat, Turkish governments issued a range of measures to prevent organised crime since the end of the 1990s. A special law designed to tackle organised crime passed through the Turkish Parliament in 1998. In this regard, the use of special investigation techniques was allowed to detect organised crime and specialized departments were established in the Turkish security agencies.

In Turkey, the construction of the perception of the threat from organised crime accounts for both domestic and international factors. First, on the domestic level, the principal formal norm - the Turkish Constitution of 1982 - obliges Governments to ensure the security and welfare of society and of individuals living in Turkey (Constitution, 1982). With reference to the Constitution, protecting citizens against serious crimes is perceived as an essential duty for decision makers and enforcement agencies of Turkey. In that sense, the fight against organised crime made it the duty of Turkish governments to remove the social, political and economic obstacles that could restrict the fundamental rights of Turkish citizens.

Further to the constitutional norms, another domestic factor - the Susurluk road accident of November 1996 - has helped to construct the domestic threat perceptions against organised crime. The accident revealed evidence about the engagement of high-ranking security officials and politicians with mafia organizations. It was exposed by the accident that some officials, politicians and mafia members established a special organization for fight against the PKK. However, it was also revealed that they ran illicit businesses including drug trafficking, gambling, racketeering, intimidation etc. to make profits for themselves (Bovenkerk *et al.*, 2004: 585; Robins, 2008: 150).

As a result of the revelations, mass demonstrations were organised throughout Turkey to complain about the state-mafia connections and the failure to tackle organised crime. The connections of some officials with mafia members became the

subject of media coverage and public criticism in the following months. In big cities, citizens started to turn off their residence lights for one minute at 9.00 pm every day to protest the state-mafia relationship in Turkey (Bovenkerk *et al.*, 2004: 587). This intense reaction aroused within civil society put organised crime onto Turkey's agenda as a serious threat in the following years. Consequently, the Turkish public's awareness of, and antipathy to, the mafia and other organised crime groups was increased. So, "combating organised crime groups", (Cetelerle mucadele) has been a motto of politicians and a priority in party programs (AK Party, 2011; Sabah, 1998).

Second, as happened in the EU, alterations in the perception of security threats post-cold-war have influenced threat perceptions in Turkey. Since the 1990s, transnational organised crime and terrorism have become the principal security threats in the world, as the end of cold war diminished in importance of military threats. Despite existence of ethnic conflict in Balkans, it was not perceived as a military threat to the whole Europe (Bigo, 2000: 173; Kirchner *et al.*, 2007: 120; Rees, 2003: 112).

International Conventions, the UN, CoE, and the EU programmes on organised crime, money laundering, drugs, and trafficking in human beings have further increased domestic awareness of organised crime. Institutional interactions with the UN and the EU on the exchange of best practices and operational cooperation familiarise international cooperation among Turkish officials and brought domestic threat perceptions in line with the EU and UN approaches (Interview#3, 2009).

Turkey has ratified the 2000 United Nations Convention against Transnational Organised Crime, additional protocol of 2000 to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the 1990 Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg Convention) and other key international conventions in the fight against organised crime.

4.4. The EU policy in the fight against organised crime

International cooperation has been a constitutional objective in the EU since the Treaty of Maastricht came into force in 1993. Although the term 'organised crime' was not used in the Treaty, it resulted in indirect consequences for the fight against organised crime. Primarily, police cooperation in the EU has been an objective with the creation of the Third Pillar. Combating serious international crimes forms part of the duties of Europol within article K1 (Treaty of Maastricht, 1993).

In the legal field progress has started since the mid 1990s. In the Dublin Council Summit of December 1996, the EU member states agreed to build up a common approach and coordinate action against transnational organised crime. As a result, the "EU Action Plan to combat organised crime" was adopted in April 1997 (European Council, 1997).

The action plan has been a milestone for future policies of the EU. The plan outlined 30 recommendations and 15 political guidelines to strengthen cooperation against organised crime in the EU. Overall, this document put the emphasis on harmonization of the criminal law of member states and greater coordination between national law enforcement and judicial bodies. It also called for cooperation with non-member countries and other international institutions including the UN, Interpol, the CoE and the Financial Action Task Force. Concerning candidate states, an action plan called for the ratification of Council of Europe agreements and other relevant United Nations conventions as part of the EU *acquis* in combating transnational crime (European Council, 1997).

Corresponding with the principles of the action plan of 1997, the European Council took another important step and issued a definition of organised crime with a joint action of 1998. In the joint action, the EU adopted the UN approach to advance the harmonization of criminal legislations against organised crime. Complying with the UN provisions on definition of organised crime, the EU joint action identified organised criminals as a "structured association", established for a period of time, of

more than two persons, which have intention to commit offences for obtaining material benefits (European Council, 1998).

In the following years, the EU approach to the fight against organised crime has gradually evolved to a more comprehensive mode with improvement of EU internal security regime. The EU policy against organised crime has been based on two features. First, in the legal field, the EU initiated the harmonization of the definitions of criminal offences and criminal procedures between member states. Binding regulations (framework decisions, formal positions and conventions) introduced in the period have established limits for national criminal legislation through maintaining minimum standards, penalties and a mutual recognition of judicial procedures. The EU started to set up targets to speed up the implementation of the EU objectives through action plans, strategies and specific programmes.

Second, international cooperation against organised crime has become more institutionalized (Longo, 2003: 158). The EU institutions Europol, Eurojust and CEPOL have become instruments of practical and judicial cooperation. To strengthen enforcement action against organised crime, Europol, and CEPOL started to provide assistance to member state institutions through information and technical exchange. Besides, Eurojust has been part of judicial cooperation through the exchange of judicial evidence.

As a part of the progress under AFSJ, the Council issued "The Prevention and Control of Organised Crime: A Strategy for the beginning of the New Millennium" in May 2000. In the strategy, the dynamic nature of organised crime groups and their external links outside the EU territory are pointed out. The strategy called for a further coordinated response from member states and listed a range of political guidelines and recommendations based on the principles of the Action Plan of 1997. The strategy underlined a multidisciplinary approach and focused on both the prevention of organised crime and its enforcement in the EU. The strategy invited national institutions to develop annual assessment reports on organised crime, the

exchange of information and best practices and to increase the effectiveness of Europol.

In addition to growing security cooperation within AFSJ, the Council outlined the 1999 Tampere, 2004 Hague and 2009 Stockholm programmes to intensify cooperation under JHA. In the programmes, organised crime was set as one of the security threats along with terrorism, illegal migration and drugs. The programmes introduced detailed actions and timetables to monitor the implementation of specified measures to combat organised crime (European Council, 2004b).

The prevailing constituents of the EU action on organised crime were outlined in the Council's conclusion of 2009. According to this document, drug trafficking, trafficking of human beings, fraud, corruption and money laundering are considered as priority fields in the fight against organised crime (European Council, 2009). Furthermore, an increasing role of non-EU-based - particularly Russian - organised crime groups in criminal activities, investment of profits in Western European states, misuse of legal businesses and technology by organised crime groups are highlighted as principal focus areas for enforcement in the EU.

Further to domestic policy-making within the EU, the external features of JHA have also been brought to the EU agenda since 1999. The EU policy in the fight against organised crime became a part of the EU's foreign policy interests in the European Security Strategy of 2003. In the strategy, organised crime was listed as a serious threat to Europe together with terrorism and regional conflicts. Cross-border trafficking in drugs, women, illegal immigrants and small arms were listed as security threats that have external links to third states (European Council, 2003c).

4.5. Domestic dynamics of Turkey concerning the fight against organised crime

The fight against organised crime in Turkey has made continuing progress since the late 1990s. In the legal field, the Turkish parliament passed legislation to tackle

different types of organised crime. The anti-organised crime law of July 1999 had been the backbone of Turkish anti-organised crime policy until 2005. Similar to international trends, the anti-organised crime law of 1999 created an increased number of offences for organised crime groups. The law authorized the use of special investigation techniques to stimulate the effectiveness of law enforcement agencies. Turkish governments issued a range of secondary regulations to maintain administrative procedures to prevent organised crime and to strengthen judicial procedures. Later, the Turkish Penal Code of 2005 and Code on Criminal Procedures of 2005 revised the anti-organised crime law of 1999. The updated legislation has extended the scope of organised crime offences and made use of special investigation techniques to combat various forms of organised crime offences.

International cooperation against transnational organised crime represents one of the dynamics within the fight against organised crime. Organised crime groups tend to use the new trends of globalisation to establish cross-border alliances with other criminal groups. Parallel with the increasing economic and social interactions between states, organised crime groups use different regions of the world to carry out their criminal activities. In that sense, due to its geographical location between Asia and Europe, Turkey has been a convenient destination for transnational criminal groups (KOM, 2006). Drugs, small arms, human traffickers and illegal immigrant smuggling groups are active across Turkey's borders. Turkey has also been a destination country for trafficking in human beings sourced from post-Soviet countries. Thus, international cooperation against transnational organised crime is perceived as an element of Turkey's anti-organised crime policy.

Over the period, Turkey has ratified the United Nations Convention against Transnational Organised Crime additional protocol to 'prevent, suppress and punish trafficking in persons, especially women and children' in 2003; the Council of Europe Convention: 'laundering, search, seizure and confiscation of the proceeds from crime' (Strasbourg Convention) in 2001; and other key international

conventions in the fight against organised crime. It has also concluded mutual agreements with more than 70 countries on internal security.

Turkey maintains cooperation with the UN, EU, and CoE against cross-border crimes (MfA, 2011). Specifically, since the start of Turkey's candidacy in 1999, EU institutions and member states have established various programmes to bring the fight against organised crime in Turkey into line with EU practices. A strategic agreement between the Europol and Turkey came into force in July 2004. Turkish and member state law enforcement agencies have also intensified operational cooperation to tackle cross-border organised crime groups.

In addition, Turkey cooperates with international organisations to prevent organised crime. The Anti-smuggling and Organised Crime Department of the Turkish National Police (KOM) works as one of the key institutions to implement UN programmes in Turkey. In this respect, the Turkish International Academy against Drugs and Organised Crime (TADOC) was founded in 2000 as a common project of Turkey and the United Nations Office on Drugs and Crime (UNODC) (UNODC, 2000). UN programmes carried out in collaboration with TADOC organize training for both Turkish and neighbouring countries' law enforcement officials for capacity development.

To prevent trafficking in human beings, Turkey has been a member of the International Organisation for Migration (IOM) since November 2004 and maintains international cooperation with countries that are the source of trafficking in human beings. Turkey undertakes a range of programmes and common projects with the EU and IOM to accelerate alignment with the EU and increase public awareness about people-trafficking (IOM, 2010).

Furthermore, in the fight against money laundering, Turkey is involved in FATF programmes and has cooperated with the EGMONT Group since the late 1990s. EGMONT Group was founded in 1995 as an informal organization to facilitate

international cooperation between financial intelligence units of the states. It holds regular meetings for information exchange, training and for exchange of expertise between national financial intelligence units. With involvement in the activities of FATF and EGMONT the Financial Crimes Investigation Board (MASAK) of Turkey under Ministry of Finance undertakes international cooperation against money laundering (MASAK, 2008: 25).

Due to the complex characteristics of organised crime, the institutional setting in Turkey comprises a range of public institutions. Police and gendarme forces, customs authorities, the National Intelligence Service (MIT), MASAK, the Turkish Communication Agency, the Ministry of Foreign Affairs and judicial authorities are the domestic institutions that deal with organised crime.

Meanwhile, the Turkish National Police so-called Directorate General of Security (EGM) under the Ministry of the Interior is the central law-enforcement organization tackling organised crime in Turkey. The EGM has a specialized central branch in Ankara and local units in all provinces of Turkey to focus exclusively on organised crime. The special branch in Ankara - the so-called Anti-smuggling and Organised Crime Department (KOM) - was founded in February 1998. This unit has sub divisions that have expertise in narcotics, smuggling, financial crimes, and cyber crimes. In total, the KOM has 6,500 personnel, including its local units. The KOM also has a training department (TADOC) that provides education about organised crime for officials of national and international law enforcement agencies .

In rural areas, the General Command of the Gendarmerie is the law enforcement institution responsible for dealing with organised crime. It was founded in 1983 and is affiliated to the Ministry of the Interior. Similar to the institutional structure of the EGM, the General Command of the Gendarmerie has an anti-smuggling and organised crime division and a narcotic crimes department. It has local units in 81 provinces of Turkey with 817 officers in total.

The Turkish Coast Guard and Customs authorities also have enforcement duties in the fight against organised crime. The Turkish Coast Guard Command functioning under the Ministry of the Interior has responsibility for enforcement along the coast of Turkey (JGK, 2009). Customs authorities in this regard are also mandated to take necessary measures against illicit trafficking.

In addition to law enforcement institutions, the MASAK founded in 1997, works exclusively in the fight against money laundering. It examines suspicious transactions to identify money laundering and supports judicial procedures. MASAK also conducts research into trends of laundering the proceeds of crime, and on the methods of detecting and preventing them. In consequence, it contributes to the development of policies and strategies to prevent money laundering and terrorist financing (MASAK, 2011).

4.6. Accession conditionality concerning the fight against organised crime in Turkey

The EU conditionality in the fight against organised crime in Turkey has been in place since 1999. The conditionality maintained over the period concentrated on three issue areas: legal alignment with EU *acquis*, institutional capacity development and international cooperation with EU institutions and member states in combating organised crime.

In the legal field, the accession conditions concerning organised crime comprise the ratification of key conventions and the adoption of the EU *acquis*. UN Conventions and CoE conventions to prevent organised crime are considered as being within the EU's legal framework. At the institutional level, the EU requirements emphasize the development of administrative structures, coordination between national institutions and the technical expertise among security agencies and judicial authorities to further the fight against organised crime. Finally, the conditions for international cooperation put forward requirements to prepare suitable grounds for the exchange of

information for operational purposes. Cooperation on organised crime also comprises exchange of best practices at the technical level.

The European Council endorsed the first Accession Partnership (AP) document in March 2001 and laid down principles, priorities, and intermediate objectives for Turkey in the fight against organised crime. In the short term, the AP of 2001 emphasized the need for stronger enforcement against organised crime and money laundering. In the medium term, the 2001 AP underlined the adoption and implementation of the EU *acquis* and the intensification of international cooperation (European Council, 2001). Later, the Council endorsed a revised Accession Partnership in May 2003, for the period 2003-2004. In the revised AP, the EU counted the fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering as particular offences to be dealt with. It asked for legal alignment, institutional capacity development and international cooperation as short- and medium-term priorities (European Council, 2003a).

After the start of accession negotiations in 2005, the European Council endorsed the third AP for Turkey in January 2006. In this document, Turkey was called upon to adopt a national strategy on organised crime, strengthen enforcement measures against drugs, trafficking in persons, fraud, corruption and money-laundering as short-term priorities. In the medium term, the EU called for the protection of the EU's financial interests. It underlined the need to adopt and implement the *acquis* in the fields of corruption, the fight against drugs, organised crime, money laundering and judicial cooperation in criminal and civil matters (European Council, 2006). Following the change in financial instruments used to assist candidate states, the Council endorsed a final AP document in February 2008 which asked for the implementation of a national strategy on organised crime and a stronger fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering (European Council, 2008a).

Further to the AP documents, the European Commission has prepared annual progress reports on meeting the EU's conditions. Overall, progress reports pointed to the need to strengthen efforts against organised crime through legislative alignment, capacity development and with cooperation between domestic and international law-enforcement agencies. On the fight against organised crime and trafficking in human beings, the reports underlined the need for ratification of UN Conventions and the criminalization of trafficking in human beings under the Turkish Penal Code (European Commission, 1999). Progress reports addressed the development of the technical and forensic investigation capacities of Turkish security bodies (European Commission, 2002, 2003). In the field of money laundering, progress reports asked Turkey to sign CoE agreements and to comply with FATF recommendations to criminalize the proceeds of crimes in Turkish criminal law. Progress reports pointed to the need for a revision of the banking law and capacity development for the MASAK (European Commission, 2004b, 2005b). Further to legal and structural issues, progress reports addressed the necessity of cooperation between national institutions. In this sense, the Commission required the adoption of a national strategy and action plans on different forms of organised crime. At the international level, cooperation between Turkish institutions, the EU and UN bodies as well as with CoE, FATF and the IOM, were also emphasized as a requirement.

Table: EU requirements in AP documents linked with the fight against organised crime

<u>Task to be undertaken</u>	<u>Document Date and Timescale</u>
Enhance the fight against organised crime, drugs trafficking and corruption and strengthen capacities to deal with money laundering.	2001 Accession partnership - Short Term
Adopt and implement the EU <i>acquis</i> in the field of corruption, the fight against drugs, organised crime, money laundering and judicial cooperation in criminal and civil matters; further intensify international cooperation in those fields.	2001 Accession partnership - Medium Term

Continue to strengthen the fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering, particularly through legislative alignment, improved administrative capacity and enhanced cooperation between different law-enforcement bodies, in line with EU standards.	2003 Accession partnership - Short Term
Adopt and implement the <i>acquis</i> in the fields of the criminal law, protection of the Euro and of the Community's financial interests and judicial cooperation in criminal and civil matters as well as the fight against corruption, drugs, organised crime and money-laundering. Further increase administrative capacity, cooperation between the different law enforcement bodies and intensify international cooperation in these fields.	2003 Accession partnership -Medium Term
Adopt and implement a national strategy on organised crime. Strengthen the fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering.	2006 Accession Partnership -Short Term
Adopt and implement the <i>acquis</i> in the fields of corruption, the fight against drugs, organised crime, money laundering, and judicial cooperation in criminal and civil matters, criminal law protection of the Euro and of the Community's financial interests.	2006 Accession Partnership -Medium Term
Implement the national strategy on organised crime. Strengthen the fight against organised crime, drugs, trafficking in persons, fraud, corruption and money-laundering.	2008 Accession Partnership -Short Term

4.7. Outcome: Assessment of the EU's involvement

In the following sections, the influence of the EU in combating organised crime in Turkey is scrutinized across three periods. The first phase covers the period from

1987, when Turkey made an official membership application to the EU, to 1999, when the Helsinki Council admitted Turkey as a candidate state. The second phase covers the period from 1999 to 2005 in which the EU initiated structured relations with Turkey through conditionality and started accession negotiations in 2005. The last phase covers the period from 2005 to 2010 in which accession negotiations were maintained. In these selected periods, the study considers four selected variables to identify causal relationships between domestic transition and EU conditionality.

Table: Mediating factors of domestic transition and the outcome

Period	1987-1999	1999-2005	2005-2009
Determinacy of the EU requirements	Low (Lack of conditionality, limited progress in the EU against organised crime)	High (Accession Partnership Documents, progress reports, assessment visits)	High (Accession Partnership Documents, progress reports)
Credibility of conditionality	Low (No membership perspective and other incentives)	High (Candidacy, delivery of financial assistance, institutional links)	Low (Uncertainty on delivery of EU promises, Cyprus issue)
Domestic adaptation costs	Low (due to benefits of internal security cooperation and financial assistance)	Low (due to benefits of internal security cooperation and financial assistance)	Low (due to benefits of internal security cooperation and financial assistance)
Convergence of threat perceptions between Turkey and the EU	Low (No concrete policy yet, developing threat perceptions in Turkey and in the EU)	High (Formal norms, Susurluk incident, institutional interactions with EU, relations with UN, CoE, FATF, IOM)	High (Formal norms, Susurluk incident, institutional interactions with EU, relations with UN, CoE, FATF, IOM)
Outcome	No policy outcome	Compliance	Compliance

Phase 1: 1987-1999

Due to the geographical proximity of Turkey, between Asia and Europe, Turkey has been used as a convenient hub for cross-border criminal activities for many decades. Not only foreign offenders but also Turkish criminal groups carry out cross-border human and arms trafficking, money laundering, fraud and counterfeit money crimes, using the same route since the early 1980s. However, organised crime was not seen as a particular concern in Turkey until the end of 1990s, although it has been used as an active location for cross-border criminal networks.

It was confirmed by a high-ranking security official in Turkey that,

“due to the significant increase in terrorism throughout the 1990s, Turkish security agencies concentrated on countering terrorism. Enforcement against serious crimes had been perceived as a secondary problem within Turkey’s internal security policy. Therefore, human and technical resources of Turkish security agencies were not allocated on fight against drug trafficking, organised crime or other cross border crimes” (Interview#5, 2010).

Terrorism was perceived as the principal security challenge in Turkey over this period. Extreme law enforcement measures were adopted in the fight against the PKK. Therefore, a concrete policy against organised crime was not constructed until the end of the 1990s.

Increasing terrorist attacks and counter terrorism measures, mainly implemented by the Turkish military until the end of 1990s, prepared suitable grounds for Turkish/Kurdish kin-based organised crime groups in Southeast Turkey (Robins, 2002: 635). State repression and instability have been driving forces for the development of organised crime networks in the region.

To fight against the PKK, members of some local clans were employed as paramilitary forces (Village Guards). These paramilitary forces from local clans were enabled to perform enforcement duty against the PKK. Having links with the security forces, they were granted a level of immunity in their regions. Accordingly, some of the village guards abused their powers and started to conduct illicit businesses (Cumhuriyet, 2004). Empowered clan members and corrupt security officials became involved in arms smuggling, drug trafficking and heroin manufacturing (UNODC, 2000). For instance, a criminal organization, the so-called Yuksekova Gang, was revealed in 1996. A group of village guards, security officials and PKK informers were associated with counter terrorism whilst also being engaged in drug trafficking in addition to their “official” duties (Milliyet, 2010).

Mafia groups in the big cities of Turkey also established links with some officials and politicians over the 1990s. Having connections with politicians and senior security officials, some Turkish mafia groups expanded their effectiveness until the end of 1990s. “Mafia” or so called “underworld” criminal organizations had engaged in a wide range of illicit businesses including, racketeering, gambling, intimidation, drug and arms trading, corruption and tax fraud crimes. For instance, uncovering of Soylemez Brothers gang in 1998 exposed the links between senior officials, an MP, and some judges. 25 Members of this gang were arrested on suspicion of murders, extortion, drug and arms trafficking (Gunter, 1998: 127; Radikal, 1999).

Instability and state repression in Southeast Turkey also had negative consequences for European states concerning organised crime. Tensions in Turkey had led to an increase in the number of asylum seekers and immigrants in European states where, due to social and economic disadvantages, an unskilled immigrant community lived on low incomes and in poor living conditions. Over the time, cultural differences induced some of these immigrants to become involved in organised crime (Paoli et al., 2008: 22). Eventually, Turkish and Kurdish family-based groups started to dominate the heroin trade and trafficking of human beings in Europe (Europol, 2008: 21, 34, 39).

In the period, the influence of the EU in the fight against organised crime was absent because of two underlying reasons. First, before 1999, the EU had not yet developed a specific organised crime policy. The first concrete attempt to advance EU cooperation against organised crime had been the adoption of an action plan against organised crime in 1997. Later, in 1998, the European Council began joint action on the definition of organised crime and requested member states to adopt a common definition for organised crime to make use of the legal instruments against it. However, due to slow progress in the implementation of JHA instruments, the EU policy against organised crime had remained superficial until the Treaty of Amsterdam came into force in 1999.

The second reason that accounts for the lack of influence of the EU on Turkey before 1999 is the absence of a structured relationship between the EU and Turkey. The relationship between Turkey and the EU was not based on inclusive grounds until the Helsinki Council decision of 1999. Since Turkey was not admitted as a candidate state until 1999, the EU did not set out membership conditions for Turkey. Consequently, the engagement of the EU in Turkey's domestic policy-making remained limited.

The Customs Union agreement of 1996 and the EU assistance to maintain economic relations with Turkey had partly convinced Turkish governments to comply with certain EU demands over the period. However, the EU requirements during that period concentrated on Turkey's human rights records and asked for revisions in its counter terrorism strategy. The EU did not ask for a specific requirement for internal security cooperation against organised crime. Accordingly, the EU was not able to engage with the development of Turkey's anti-organised crime policy until 1999.

In the period, domestic dynamics in Turkey initiated the perception of threat from organised crime. Disclosure of a mafia-state relationship with a car accident happened in 1996 has been an important factor in the development of the domestic

perception of organised crime (Robins, 2002: 637). The Turkish Interior Minister resigned because of his alleged links with the criminal gang unearthed with the accident.

Soon after, the Turkish Parliament established a special commission to investigate associations with criminal organizations and to prevent the rise of organised crime in Turkey (TBMM, 1997). Parallel with the findings of the commission, the government prepared a draft bill in 1998 in the fight against organised crime. Gambling and casinos were banned in Turkey. Security officials linked with organised crime were dismissed from their official duties. A specialized branch dealing exclusively with organised crime was established under the Turkish National Police in 1998. Later the Anti-Organised Crime Law no 4422 was approved by the parliament in July 1999. This law provided a definition of organised crime as a structured and hierarchical organization which aims to get profit from illicit activities through the use of power and intimidation and introduced enforcement measures to dissolve such organizations. The law introduced a penalty of up to 8 years for founders and members. It permitted law enforcement agencies to intercept telephone calls, engage in surveillance and use under-cover agents with the consent of a court. However, since the government did not adopt secondary regulations to allow the use of special investigation techniques to detect organised crime groups, implementation of the legal measures was hampered until 2000.

In addition to domestic dynamics, interactions with international initiatives had started domestic developments against transnational crime. Turkey's membership of the FATF against money laundering in 1991 and interactions with the UN against drugs stimulated progress against drug trafficking and money laundering in Turkey. Under the United Nations Drug Control Programme (UNDCP), Turkey has provided training programmes on the enforcement of action against illicit drugs to the law enforcement agencies of Central Asian countries since 1998 (UNCT, 2001: 28).

As a result of intensifying relations with the UN since the mid-1990s, Turkey ratified the 1988 United Nations Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances in 1996. Soon after, the Turkish government adopted a regulation in December 1997 to allow “controlled delivery” operations against drug-trafficking. In order to discover the perpetrators or evidence of criminal activity, Turkish law enforcement agencies are authorized to allow trafficking of illicit goods and their assets until it reaches its target. The controlled delivery regulation authorizes the Directorate General of Security (Turkish Police Agency), Gendarmerie, Coast Guard, and Customs Enforcement agencies to perform operations at national and international levels. Concerning national and international collaboration, the regulation underlines communication and mutual understanding between agencies rather than establishing a mechanism (Council of Ministers, 1997).

In the field of money laundering, Turkey's membership of the Financial Action Task Force (FATF) in 1991 has led to the development of domestic policies. However, under Turkey's criminal legislation, money laundering was not described as an offence until the mid 1990s. The Turkish Parliament passed a law on the prevention of money laundering in November 1996 and recognized it as an offence. The MASAK was established in 1997 under the Ministry of Finance to monitor transactions linked with laundering the proceeds of crime. MASAK became a member of the EGMONT Group in 1998 and intensified international cooperation against money laundering through information exchange, training and sharing of expertise. However, in fact, international cooperation in combating money laundering remained superficial until 1999, as Turkey did not ratify the Council of Europe and UN conventions on money laundering.

In brief, domestic pressures on the Turkish government after the Susurluk accident of 1996, initiated the threat perceptions on organised crime in the late 1990s. As a result of increasing domestic pressures after the Susurluk, the Government passed the Anti-Organised-Crime Law no 4422 in July 1999. A specialised department was formed under the Turkish National Police in 1998. However, the implementation of legal

measures remained limited as the Government did not adopt administrative procedures to strengthen the effectiveness of enforcement. Turkey also did not ratify key international conventions on money laundering in this period.

Phase 2: 1999-2005

Turkey was officially declared to be a candidate state in the Helsinki Council of 1999 and EU-Turkish relations then moved onto a more complex basis. Along with other candidate states, Turkey was granted the benefit of pre-accession financial assistance and allowed to join EU programmes and agencies (European Council, 1999a). Subsequently, with the start of its candidacy and with the delivery of EU financial assistance, the credibility of conditionality was substantially increased in Turkey (Keyman *et al.*, 2007: 71).

With the endorsement of the Accession Partnership documents of 2001 and 2003, the EU formally set out conditions for Turkey's accession. Further to the Accession Partnership documents, the European Commission started to monitor Turkey's progress with respect to EU requirements. Thus, the EU has been able to engage with the domestic security policy of Turkey on a wide range of issues since 1999.

Although conditionality mainly focused on the implementation of political criteria throughout the period from 1999 to 2005, implementation of the JHA *acquis* and institutional capacity development to prevent transnational organised crime was also included in the accession conditions for Turkey.

It was pointed out by an interviewee from the European Commission that;

“Turkey’s cooperation with the EU is important to increase the effectiveness of combating organised crime in Europe. First, Turkey’s geographical location makes internal security cooperation crucial for the EU. Turkey has common borders with two EU member states. It locates on the Balkan trafficking route and is used as a hub for cross-border

criminal activities targeting Europe from the East. Second, in Europe there is a huge Turkish immigrant community which has close relationship with their relatives in Turkey. It is a known that some Turkish nationals resident in the EU member states are involved in illicit businesses and have active participation in kin-based organised crime groups located in Turkey and in Europe” (Interview#8, 2011).

In that sense, the EU requirements in the fight against organised crime comprised a wide range of issues. In the AP documents of 2001 and 2003, the EU put an emphasis on the adoption of the EU *acquis* and international conventions as well as institutional capacity development related to drugs trafficking, corruption, fraud, trafficking in persons and money laundering as short-term priorities under JHA (European Council, 2001, 2003a).

In the initial stage of the candidacy process, an assessment visit took place to Turkey in September 2000 to identify Turkey’s competence and deficits in the field of JHA. The assessment was performed across five issue areas including organised crime, asylum, migration, border management and police cooperation and training. The EU experts held meetings with Turkish security officials to elaborate on the state of play in Turkey's fight against organised crime (Maffre, 2001: 40).

During this visit, attention was paid to drugs trafficking, money laundering and trafficking in human beings as priority areas for combating organised crime. In the final report of the visit, it was concluded that the long borders of Turkey with the East and West, as well as the difficult geographical characteristics of Turkey, made it difficult to prevent cross-border crime effectively. Additionally, technical weaknesses and limited coordination between national institutions constrained enforcement. However, Turkish security agencies tended to show willingness to advance cooperation with EU agencies and member states. The report recommended that the EU should address institutional deficiencies within Turkey and provide

assistance to strengthen the effectiveness of enforcement of the fight against organised crime (Maffre, 2001: 51).

The assessment visit was the first concrete step in the development of internal security cooperation between the EU and Turkey. Parallel with the suggestions raised in the assessment visit, the EU began various training programmes for Turkish officials and endorsed pre-accession financial assistance in 2002. Until 2005, four Twinning projects were initiated to assist combating organised crime in Turkey (ABGS, 2008). These projects concerned action on organised crime, drugs trafficking, money laundering and human trafficking. Overall, the projects were designed to advance the law enforcement capacity of Turkey and the implementation of the EU *acquis*. Relevant domestic institutions and member state agencies gathered to share best practices to increase the effectiveness of Turkish institutions. Programmes also introduced legal aspects of the EU approach in the fight against organised crime and promoted alignment with the EU *acquis* (Interview#4, 2010).

The EU assistance programmes established under JHA were used as important instruments to line up domestic security policy of Turkey. Exchange of best practices through mutual study visits and training programmes supported by the EU raised awareness in combating organised crime among Turkish officials and helped the domestic threat perception of Turkey to resonate with the EU approach. Specifically, twinning programmes performed with the participation of EU member state institutions increased the legitimacy of EU practices among Turkish officials (Kirisci, 2007: 14). Consequently, EU requirements asked for Turkey's alignment in combating organised crime were seen as appropriate by Turkey's decision makers and domestic institutions.

In addition to being compatible with Turkey's threat perceptions, the EU requirements on organised crime were considered as rational by decision makers in Turkey. While Turkey was admitted as a candidate state, anticipation of receiving the benefits of EU membership increased greatly in Turkey. Decision makers in

Turkey in that period were eager to anchor institutional links with EU agencies to deepen relations with the EU. Officials in the Ministry of the Interior were also willing to establish institutional links with EU agencies.

The EU conditionality on organised crime was not confronted by domestic opposition in this period. It was considered by Turkish security officials that,

“Turkey will be able to advance law enforcement against transnational crime, if it establishes institutional links with EU agencies and acquires EU assistance” (Interview#1, 2009; Interview#6, 2010).

As a result of positive conditions for alignment, the anti-organised crime policy of Turkey has made gradual progress since the early 2000s. The ANASOL-M Coalition Government issued a regulation in January 2000 to set up administrative procedures for the surveillance of organised crime groups. Corresponding with the law in the fight against organised crime of 1999, the regulation set up administrative procedures and conditions for the use of surveillance, interception of communication and the use of secret agents to detect and investigate organised crime groups.

After the elections of November 2002, the Justice and Development Party has intensified efforts to comply with EU requirements on organised crime. Turkey ratified the UN Convention against Transnational Organised Crime (the Palermo Convention) in January 2003; the UN Convention against Corruption was signed in December 2003 and the CoE Convention against Corruption was ratified in January 2004. Turkey has also joined the Council of Europe’s Group of States against Corruption (GRECO) in 2004.

The Turkish Penal Code and code on criminal procedures were updated in June 2005. New procedures were introduced to tackle organised crime. Inspired by the EU provisions, the new legislation extended the scope of organised crime offences and the use of special investigation techniques by law enforcement agencies.

In addition to legal developments, capacity development and institutional cooperation with the EU was intensified in this period. Anti-smuggling and organised crime departments were established under the Gendarme General Command in 2001. Gendarme forces were authorized to detect and investigate organised crime groups in rural areas where police forces do not exist. With the participation of relevant domestic institutions, a study group was established in 2004 to coordinate national institutions in the fight against organised crime. Members of relevant public institutions gathered to coordinate enforcement practices and to prepare a national strategy against organised crime.

Regarding international cooperation, the Directorate General for Security (EGM) - Turkish police organization- under the Ministry of the Interior was authorized to cooperate with Europol. Representatives from the EGM participated in a meeting with Europol in April 2000 as a first step of cooperation. Europol established a Liaison Office in 2003 in the Headquarters of the EGM in Ankara. Later, Turkey and Europol signed a strategic cooperation agreement in 2004. In this context, Europol has started to provide technical assistance to the Turkish police in the fight against organised crime.

Along with the launch of structured relations with the EU, financial and technical assistance has been allocated under the EU's pre-accession financial programme of 2002. In this regard, a twinning project on organised crime was started in 2004 to advance Turkey's legal and institutional alignment with the EU in the fight against organised crime. Throughout the project, training seminars were given to officials of the EGM, the Ministry of Justice, the General Command of the Gendarmerie, Coast Guard Command and the Under-secretary of the Customs (ABGS, 2008).

A senior official at the Ministry of Interior in Turkey pointed out in an interview that,

“The organised crime twinning project allowed exchange of best practice between Turkish security agencies, judicial authorities and their European counterparts. Training programmes focused on the use of special investigation surveillance techniques, interception of communication, the use of secret agents, intelligence analysis, witness protection and prevention of corruption to increase the effectiveness of Turkey’s institutional infrastructure (Interview#7, 2010)”.

As a part of Turkey’s organised crime policy, transition in domestic policy concerning the fight against money laundering had been an EU requirement in this period. However, Turkey's progress against money laundering had been relatively slow until 2003. The EU requirements in that phase comprised revision of the definition of laundering crimes in the Law on the Prevention of Money Laundering of 1996, to conform to FATF recommendations, and institutional capacity development to investigate and prosecute money laundering (European Commission, 2002, 2003, 2004b).

Turkey had signed the 1990 Council of Europe Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg Convention) in September 2001. It was ratified by the Turkish Parliament in June 2004. With the entry into force of the Turkish Penal Code in June 2005, Turkey changed the money laundering legislation of 1996. Corresponding with the EU practice, the new penal code has introduced toughened confiscation provisions for money laundering. The new penal code of 2005 has authorized law enforcement agencies to use special investigation techniques for the detection and investigation of money laundering.

Apart from legal adjustments, the Turkish government extended the mandate of the MASAK to comply with EU requirements and FATF recommendations. With a government decree adopted in November 2002, financial institutions were obliged to appoint a coordinator to report suspicious transactions to MASAK. Additionally,

MASAK was allowed to request documents and information from financial institutions without any secrecy limitations. However, the technical and administrative capacity of MASAK still needed to be improved throughout the period. Therefore, a twinning project was approved by the Commission to be started in 2006 under the EU pre-accession financial assistance programme of 2003.

Turkey is one of the destination countries for victims of human trafficking (Harrison, 2007: 2). However, trafficking in human beings was not considered as a specific offence before 2002. Parallel with intensifying relations with the EU, the fight against trafficking in human beings became part of Turkey's internal security policy as a new security challenge (MfA, 2006). In Turkey, this phenomenon is frequently seen as the trafficking of women for sexual exploitation. In many cases it was revealed by Turkish security agencies that,

“organised crime groups employ women workers from Ukraine, Russia, Georgia, Azerbaijan, Bulgaria and Romania to work in legitimate businesses in Turkey. However, these persons are then intimidated and forced into prostitution” (Interview#6, 2010).

Trafficking in human beings became a criminal offence by an amendment made to the Turkish Penal Code in 2002. Corresponding with the EU requirements, offenders involved in human trafficking became liable to imprisonment for from 5 to 10 years. Later, Turkey ratified the Additional Protocol of the UN Palermo Convention to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in March 2003. With a law adopted in 2003, foreign workers were required to obtain work permits to prevent illegal employment and forced labour.

Furthermore, in 2003, Turkey adopted its first strategy in combating trafficking in human beings. Parallel with the 2005 EU strategy on Human Trafficking, the minimum penalty for human trafficking crimes was raised to 8 years in the new penal code of 2005. In the Criminal Procedure Law of 2005, law enforcement

agencies were entitled to apply undercover investigation and surveillance methods in the fight against the trafficking of human beings.

Due to the transnational nature of the trafficking in human beings, Turkey has also intensified international cooperation with third countries and international organizations. The Ministry of Foreign Affairs was appointed as the principal institution to maintain coordination at the international level. As of 2003, Turkey signed a cooperation agreement with Ukraine, Georgia, Bulgaria, Romania, Moldova, the Russian Federation, Azerbaijan, Belarus, Uzbekistan and Kyrgyzstan in the fight against human trafficking. Turkey has been a member of the IOM since November 2004.

In brief, the start of Turkey's candidacy in 1999 and its benefits increased domestic support for policy change among senior officials in public institutions. Compatible threat perceptions between the EU and Turkey over the fight against organised crime have further facilitated the adoption of the EU requirements. The EU *acquis* in the fight against organised crime had been taken as a suitable framework to fix the deficits of Turkish anti-organised crime policy. Although some delays happened in the fight against money laundering, Turkey had complied with the EU requirements from 1999 to 2005 for the fight against transnational organised crime.

Phase 3: 2005-2010

After Turkey fulfilled the political conditions of the EU, accession negotiations began in 2005. In this phase, the EU clarified the accession requirements through Accession Partnership documents and progress reports. The EU conditionality was revised through the Accession Partnership Documents of 2006 and 2008. Overall, the EU requirements in that phase comprised the need for the adoption of the EU *acquis*, capacity development and internal security cooperation for the enforcement of measures against organised crime (European Council, 2006; European Council, 2008a).

On the other hand, the credibility of conditionality has declined since 2005 because of two underlying factors. First, controversy in the EU over Turkey's accession resulted in uncertainty in Turkey about the possibility of EU accession. It was claimed by Germany and France that Turkey's membership of the EU would result an immigration flow into Western European countries which would be detrimental to cultural integration (Onis et al., 2009: 14; Pahre et al., 2009: 360). This issue was also reflected in official documents of the EU. In the opening statement of the European Council and Commission proposals on starting negotiations with Turkey, the negotiation process is described as an "open-ended process" and a long period was foreseen before the conclusion of negotiations (European Commission, 2004a; European Council, 2005a). The documents also touched upon the EU's absorption capacity as a pre-condition for the admission of new member states. It was argued that the EU may not be able to absorb Turkey because of its population, geographical size and cultural differences. Although absorption capacity is counted as one of the conditions in the Copenhagen Criteria, it has not been a matter for an accession state before (Kirisci, 2007: 8).

Second, the accession of Cyprus to the EU and the isolation of North Cyprus further increased controversy with the EU. Turkey refused to open harbours to Cypriot vessels unless the isolation of North Cyprus was abandoned. Subsequently, the negotiation process was suspended in 8 chapters as Turkish harbours remained closed to Cypriot vessels. Parallel with increasing tensions and uncertainty in Turkey over the delivery of EU promises, alignment with the EU slowed down in many other policy domains. Only one chapter of the negotiations was concluded in the period from 2005 to 2010. An official from the European Commission commented about the situation that,

"In recent years, overall progress in Turkey is far below the EU requirements. It seems that Turkey do not want to be a member of the EU anymore (Interview#8, 2011).

Although, the progress is slow in many policy domains, Turkey has continued to comply with the EU *acquis* and practices in the fight against organised crime. Cyprus and other political problems did not overshadow security cooperation between the EU and Turkey on organised crime. An official from the European Commission DG Enlargement claimed that;

“Political debate between Turkey and the EU did not have negative implications for JHA issues. Credible EU policies are crucial for successfully accomplishing domestic change in candidate states, but in the field of JHA, security priorities are also important. Although political problems exist between the EU and Turkey, both parties could always find suitable grounds for internal security cooperation” (Interview#9, 2011).

Despite the decline in the credibility since 2005, convergence of the threat perceptions between Turkey and the EU on fight against organised crime has been the driving factor for compliance with the EU requirements. In annual threat assessment reports from Turkish security agencies and in official documents issued since 2005, organised crime is addressed as an important threat to the legal economy and public order. In the Turkish Organised Crime Strategy of 2007, alignment with EU practices and international cooperation were established as strategic objectives for combating organised crime in Turkey. In the strategy, compliance with the EU provisions and international cooperation is given as one of the strategic objectives (KOM, 2008, 2010).

Since security officials contribute to the policy-making process in Turkey through consultation mechanisms and assessment reports, adoption of the EU requirements and international cooperation with the EU member states were not confronted by opposition. As the officials in Turkish security agencies considered alignment with

the EU requirements and institutional cooperation as an advantage to improve internal security in Turkey (Interview#1, 2009; Interview#6, 2010).

The first strategy of Turkey to tackle organised crime was approved by the Government in February 2007. It was prepared to cover a period from February 2007 to the end of 2009. The narrative of the strategy included compliance with the EU practices as one of the main objectives. In a legal context, the strategy suggested the harmonization of criminal law to strengthen deterrence and the capabilities of law enforcement to prevent organised crime. Concerning enforcement, the strategy emphasized national and international coordination between law enforcement units and the extension of liaison offices in European countries and within Europol. It underlined the need for specialized training for public prosecutors and other judicial authorities to strengthen the effectiveness of judicial procedures (Interview#4, 2010).

Corresponding with the objectives outlined in the strategy, the Turkish government passed an anti-smuggling law in March 2007. The new law has introduced a penalty of up to five years imprisonment for offenders engaged in illicit trafficking and increased sanctions for members of organised crime groups. It permitted the Turkish Coast Guard and Customs Authorities to use controlled delivery operations to investigate cross-border trafficking activities. Concomitantly, the Turkish government revised the 1996 controlled delivery regulation in April 2008. The regulation established procedures for coordination between national law enforcement agencies during controlled delivery operations. Furthermore, witness protection law was passed by parliament in January 2008 to strengthen the effectiveness of judicial procedures against organised crime. The law set up procedures to protect the identity and guarantee the safety of witnesses during criminal procedures.

New steps were also taken to strengthen institutional structures in combating organised crime. The Turkish Telecommunication agency was appointed as the coordinating institution in 2008 to monitor and supervise the technical surveillance activities of law enforcement bodies. A witness protection department was

established under the National Police Agency in 2008 and had been extended to sixty provinces of Turkey by 2010. A special National Police unit to investigate criminal proceedings of organised crime and smuggling was established in 2008.

The government then approved a second strategy and action plan in 2010 after the conclusion of Turkey's first strategy in 2009. The strategy identified Turkey's priorities for combating organised crime for the period from 2010 to 2015. Similar with the first strategy, the new strategy emphasized alignment with the EU as one of the strategic objectives.

International cooperation against organised crime also advanced in the period. Turkish law enforcement officials undertook study visits to see witness protection practices in Europe. A twinning project was concluded in March 2007 to increase the capability of Turkish police for tracing and investigating the financial sources of crime and to undertake confiscation of the proceeds of crime. As a result of the project, a specialized unit was founded under the Anti-Smuggling and Organised Crime Department of the Turkish police to fight against laundering the assets of crimes. Two twinning projects were also approved under the EU's 2008 financial programme on "Strengthening the Forensic Capacity of Turkey" and "Strengthening the Investigation Capacity of the Turkish National Police and Gendarmerie against Organised Crime" (ABGS, 2008). However, cooperation with Europol was constrained to the strategic level, as Turkey did not establish a data protection regime. In the period, Turkey has increased the number of its liaison officers in European states from two to five (KOM, 2008, 2010).

Against money laundering, legal and administrative changes were made in Turkey to comply with the EU requirements. In progress reports, the EU addressed the institutional deficits of the MASAK, though it confirms the legal alignment against money laundering (European Commission, 2008, 2009, 2010). In the legal field, Turkey has revised its anti-money-laundering regime through the adoption of a new law in October 2006. Complying with the EU anti-money-laundering regime and

FATF recommendations, the new law introduced provisions on customer identification, suspicious transaction reporting, disclosures to Customs, and the duties and powers of MASAK. Following the adoption of the anti-money-laundering law, in 2007 and 2008 the government issued regulations to supplement its implementation. The regulations obliged the financial sector to coordinate with MASAK to prevent laundering and financing terrorism. In consequence, the number of reports on suspicious transactions substantially increased in 2007 and 2008. Turkey signed the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism in March 2007.

Turkey's international cooperation with the FATF and the EU has continued throughout the period. For institutional capacity development, a twinning project was started with the financial assistance of the EU in 2006 and concluded in 2007. The technical capacity of MASAK has been strengthened through the project (MASAK, 2008: 37). Additionally, Turkey's strategy and action plan in the fight against money laundering was prepared as an outcome of the EU project. In the strategy and action plan, alignment with the EU practices and FATF guidelines formed one of the objectives to prevent laundering the proceeds of crime.

In the field of the fight against trafficking in human beings Turkey has also made progress to comply with the EU requirements (European Commission, 2007, 2008). Provision in the Turkish Penal Code was revised in 2006 and trafficking of human beings for sexual purposes has been included in Turkish criminal law. The Turkish government has introduced a number of administrative measures with the amendment to increase awareness at the domestic level and support victims of traffickers. An emergency helpline was established, legal assistance and temporary residences were allocated for victims of traffickers. Turkey signed the Council of Europe Convention on action against trafficking in human beings in March 2009. Numbers of arrested traffickers and prosecutions increased from 2004 to 2009. Over

the period, 1,111 victims of human traffickers were identified and offenders were prosecuted in Turkey (IOM, 2010).

International cooperation against trafficking in human beings also advanced. An EU twinning project was started in 2006 to strengthen the legal and structural capacity of Turkey against trafficking in human beings and concluded in 2008 (ABGS, 2008). Complying with the EU requirements, the National Task Force on Human Trafficking has started to collect data and issue activity reports on trafficking in human beings in Turkey.

In coordination with the EU, alignment with the EU *acquis* and structural capacity development was supported by the IOM. In cooperation with the IOM, a range of programmes was initiated to align Turkey's practices with the EU approach. Voluntary return programmes were established for the victims of traffickers. In order to accelerate alignment and public awareness in Turkey against trafficking in persons, the Turkish Ministry of the Interior and the IOM Turkish office executed various EU funded projects from 2007 to 2009 (MfA, 2007: 9).

Compliance with EU requirements in combating Cybercrime has been a developing field since 2005. The Turkish Penal Code of 2005 introduced unauthorized access to computers and the use of personal data, blocking or sabotage, fraud and the misuse of credit cards as cybercrime offences. The law introduced up to six years imprisonment as a sanction. Further to the Penal Code, the Turkish Government passed a Law in May 2005 to tackle crimes performed through the Internet. The law introduced administrative measures to prevent child pornography, prostitution, gambling and the encouragement of drug abuse and suicide. The law permits the Telecommunication Agency to ban harmful web pages or harmful contents and implies duties for the service providers to control harmful content.

Over the period, international cooperation was intensified parallel with the increase in cybercrime. The EU and CoE have established common projects to strengthen the

fight against cybercrime and promote the ratification of the 2004 CoE Convention on Cybercrime. In that sense, a workshop was organised in September 2008 in Turkey with the support of the EU and CoE. Later, Turkey was involved in an EU-CoE regional cooperation programme to strengthen capacities in the fight against cybercrime. The programme is designed to line up the legal and structural capacities of the Western Balkan countries and Turkey with the EU practices. The project is funded by the 2010 financial assistance programme of the EU and is planned to be concluded in 2013 (Council of Europe, 2011a). As an outcome of these efforts, Turkey signed the Council of Europe Convention on Cybercrime in November 2010.

In brief, it could be asserted that, due to the decline in the credibility of the EU promises since 2005, compliance has slowed down in Turkey in many policy fields. However, this was not the case in the fight against organised crime in Turkey. Although the credibility of conditionality has declined since 2005, the progress in combating organised crime has been compatible with the EU approach and practices. Over the period, the EU policy and practices against organised crime have corresponded with Turkey's threat perception. Frequent interactions between member state institutions and domestic law enforcement agencies have legitimised the EU practices among Turkish officials and increased the likelihood of the adoption of EU requirements. As a result, domestic decision makers were convinced of the need to align Turkey's legal and administrative settings with those of the EU.

4.8. Conclusion

Although Turkey has been an active location for cross-border criminal networks, organised crime was not seen as a specific security challenge in Turkey until the end of the 1990s. Alternatively, terrorism had been the primary security concern for Turkey over the period. Counter terrorism measures and terrorist attacks had resulted in instability in the Southeast part of the country for over two decades and prepared suitable grounds for Turkish/Kurdish kin-based organised crime groups in the area. Due to a significant increase in terrorism throughout the 1990s, organised crime and mafia were considered as secondary internal security problems.

Domestic dynamics in Turkey initiated the perception of threat from organised crime since the end of 1990s. Disclosure of a mafia-state relationship in Turkey has been an important factor in the development of the domestic perception of organised crime. Mass demonstrations were organised throughout Turkey to complain about the state-mafia connections and the failure to tackle organised crime. Intense reactions aroused within civil society put organised crime onto Turkey's agenda as a serious threat in the following years.

On the other hand, the EU did not set out membership conditions for Turkey, as it did not admit Turkey as a candidate state until 1999. Consequently, the engagement of the EU in Turkey's domestic policy-making in combating organised crime had been limited over the 1990s. The start of structured relations with the EU, combating organised crime became part of the EU conditionality. The EU put forward legal alignment, structural capacity development and internal security cooperation as requirements to strengthen enforcement action against organised crime. The EU also required ratification of UN and CoE conventions as a part of the EU *acquis*. It encouraged interactions with FATF on money laundering and with IOM on trafficking in human beings.

Turkey's candidacy for EU membership increased the EU's credibility and boosted alignment with the EU model to tackle organised crime since 1999. In the period from 1999 to 2005, Turkey conformed to the EU conditionality in combating organised crime. Compatible threat perceptions between the EU and Turkey and low adoption costs also facilitated compliance. Domestic opposition appeared to be low as Turkish institutions benefited from institutional links with EU agencies and operational cooperation.

Following the opening of accession negotiations with Turkey in 2005, the credibility of accession conditionality has declined in Turkey. Controversy raised by some EU member states over Turkey's membership increased uncertainty in Turkey over the

possibility of EU accession. Furthermore, negotiations are partially suspended with Turkey because of the political problems with the EU related with Cyprus.

However, Turkey's threat perception in combating organised crime has been still compatible with the EU approach since 2005. In Turkey, training seminars and mutual study visits performed as a part of twinning and TAIEX programmes have legitimised adoption of the EU requirements and international cooperation among Turkish law enforcement officials. Since security officials contribute to the policy-making process in Turkey through consultation mechanisms and assessment reports, adoption of the EU requirements and international cooperation with EU member states was facilitated at the domestic level. As a result, although the credibility of conditionality has declined since 2005, Turkey has continued to adopt the EU *acquis* and practices in the fight against organised crime until 2010.

5. The impact of the EU on countering terrorism in Turkey

5.1. Introduction

In this part of the thesis, the influence of the EU on Turkish counter terrorism policy is assessed. The study scrutinizes the answers to the following questions: “Which factors mediate the influence of the EU on countering terrorism in Turkey? To what extent does the EU have an impact?” To explore the answer to these questions the analysis focuses on domestic developments between 1987 and 2010. Over this period, the PKK was considered as the primary terror threat in Turkey in terms of size and effectiveness with the vast majority of terror incidents being linked to them. Consequently, Turkey’s counter terrorism policy was driven by the need to eliminate the PKK. Hence, in the study, the fight against the PKK has been the subject of the analysis.

In the period between Turkey’s application for EU membership in 1987 until 2010, terrorism was considered as the primary security challenge in Turkey. Terrorist attacks carried out by the PKK and over counter measures implemented by the security forces have claimed over thirty thousand lives across the country (Rodoplu et al., 2003: 152). Due to intense security measures and insecurity, social and economical disparities have occurred between the East and the other regions of Turkey. Especially, in Southeast Turkey, where the majority of the Kurdish population lives, law enforcement measures and insecurity have slowed down socio-economic development and nourished tensions between the state and the local population.

Due to the extent of the struggle against the PKK, the Turkish military has been an important domestic actor for countering the PKK. Along with the government, top military commanders were explicitly engaged in the development of Turkey’s

counter terrorism policy until the end of 2010. In periodic National Security Council (MGK) meetings, the internal security policy of Turkey was mostly constructed from a military perspective until the adjustment of MGK legislation in 2003. As a result of military influence in the decision-making process, the use of military measures was constantly chosen as an important instrument against the PKK.

On the whole, Turkey had opted for extreme enforcement measures and political repression as the principal counter terrorism strategy. Counter terrorism strategy against the PKK comprised the use of military force, restrictions on fundamental liberties and cultural rights, and control of political activities. Anti-terrorism law no 3713, the State of Emergency (OHAL) and the Village Guard System have been main instruments of Turkey's counter terrorism policy until late 2010.

The integrity of the state and national homogeneity clauses within the Turkish Constitution of 1982 were used as a justification for restrictions on liberties and cultural rights. Specifically, the declaration of a State of Emergency (OHAL) in up to 13 provinces of Southeast Turkey by 2002 had legalised implementation martial law and excessive security measures (Gemalmaz, 1997: 37).

On the other hand, the strategy of Turkey on countering terrorism has been a controversial issue between Turkey and the EU. The EU has diverse perceptions and policy preferences concerning the tensions in Southeast Turkey. Unlike Turkey's threat perception and policy instruments to end the PKK, the EU identifies the tensions in Southeast Turkey as a Kurdish ethnic problem and so considered it within the context of minority rights. The EU also addressed the need for balance between security measures and civil liberties. In that sense, the EU has frequently emphasised the need for a political settlement and recognition of Kurdish cultural rights, respect for human rights and socio-economical development as a means of ending terrorism (Tocci, 2007: 66).

In the following sections, the study outlines a conceptual framework for the conditions of the impact of the EU on countering terrorism in Turkey. It then extracts the dynamics of the EU in the fight against terrorism and domestic conditions in Turkey. Finally, the study investigates the outcome of the EU's requirements across three periods with reference to four mediating factors: Determinacy of the EU requirements, credibility of conditionality, domestic adoption costs and convergence of threat perceptions between Turkey and the EU.

5.2. Conditions shaping the impact of the EU on Turkey's counter-terrorism policy

In the chapter, the determinants of domestic policy transition are classified under two theoretical approaches: Rational Choice and Sociological Institutionalism. It is assumed under the rationalist argument that adaptation pressures and incentives integrated in accession conditionality are important factors to provoke policy transition at the domestic level. Alternatively, sociological institutionalism claims that domestic traditions, beliefs and norms that exist at the domestic level constitute preconditions for norm-transfer and policy change in applicant states. In this regard "determinacy of the EU requirements", "credibility of conditionality", and "domestic adaptation costs" are attributed to rational choice institutionalism because of their links with cost-benefit calculations of domestic actors. On the other hand, "convergence of threat perceptions" is considered within the context of sociological institutionalism as it takes domestic traditions, beliefs and norms into account as principal constituents of policy transition.

Determinacy of the EU requirements

After end of the Cold War, maintaining democracy, human rights, and the rule of law in Eastern European has been an important objective for Western European states to safeguard security in Europe. In order to line up legal and administrative infrastructures of the post-communist states to EU model and to ensure peace and stability in Europe the EU utilized enlargement policy after 1990. The EU has set up

political conditions “Copenhagen Criteria” for applicant states and listed fundamental principles to be a member of European Union. That way, the EU has aimed to propose democratization and respect of human rights in applicant states. On the other hand the external dimension of JHA was not perceived as a particular concern within the EU’s external relations until the late 1990s. The EU did not have precise objectives to transfer JHA policies to non-member states. Integration of CEEC states with JHA has been part of the EU’s agenda since 1998 (Grabbe, 2005: 126).

On the other hand, the Customs Union agreement signed in 1996 had been the first concrete platform to voice the EU requirements related with the counter terrorism policy of Turkey. Although the agreement was designed for the alignment of customs procedures between parties, it had been used as an instrument by the EU to induce Turkey to use softer measures against secessionist terrorism. Throughout the negotiations of the Customs Union Agreement, the EU had questioned Turkey’s counter terrorism strategy and asked Turkey to respect fundamental human rights and the rule of law.

In the period, the European Parliament (EP) has been the main EU institution to raise concerns on human rights violations in Turkey. During the Customs Union negotiation process, the EP asked the Council to put forward political conditions on Turkey because of human rights violations. Emphasising the prohibition of Pro-Kurdish political parties, the European Parliament called for the modification of the Turkish Constitution and Turkish anti-terrorism law. The EP also demanded the extension of cultural rights and changes to Article 8 of the anti-terror law no 3713 for extension of freedom of expression (Zanon, 2005: 2-3).

After being admitted as a candidate state in 1999, EU-Turkey relations were intensified and evolved to a more structured form. Similar to other candidate states, the EU asked for fulfilment of the Copenhagen Criteria as a primary condition for the opening of accession negotiations. The European Council endorsed the first

Accession Partnership (AP) in 2001 and determined a formal agenda to be adopted by Turkey. In AP documents issued in 2001, 2003, 2006 and 2008, the EU did not have a separate section on counter terrorism within the JHA domain. However, in AP documents and in annual progress reports, the requirements on political conditionality have set up an agenda for Turkey that has consequences for countering terrorism in Turkey.

Overall, in the 2001, 2003, 2006 and 2008 AP documents, the EU asked for legal and constitutional modifications to strengthen freedom of assembly, freedom of expression, cultural rights and elimination of torture. With reference to the Copenhagen Criteria, the EU has obliged Turkey to comply with the rule of law, human rights and respect for and protection of minorities. In the AP documents, Turkey was called on to abolish the death penalty and State of Emergency (OHAL) in Southeast Turkey. The EU requirements within political conditions tended to emphasise a political solution and settlement for the ethnic conflict in Southeast Turkey.

Parallel with the AP documents, in annual progress reports the EU has repeatedly called on Turkey to implement a softer counter terrorism strategy through the extension of cultural rights and strengthening of the rule of law and human rights. Particularly in the fight against the PKK, progress reports again emphasised a political settlement as an alternative to the use of military force and asked for conformation with EU political conditions while combating terrorism.

Credibility of conditionality

The EU and Turkey signed the Customs Union Agreement in 1996 and the EU promised to give financial assistance to support its implementation in Turkey. However, considerable amounts of funds that were allocated for Turkey were not released because of human rights violations in Turkey. Since the EU commitments were not delivered and the prospect of Turkey's membership seemed distant, the EU requirements put forward before 1999 were not considered as credible in Turkey.

After Turkey's admission as a candidate state in 1999, the credibility of the EU increased. Membership prospects grew with the arrival of financial assistance and speeded up policy transition. To comply with the EU requirements, Turkey has gradually relaxed security measures in the Southeast Turkey. The State of Emergency (OHAL) was abolished and constitutional changes were introduced.

However, since 2005, controversy in the EU on Turkey's EU membership has again increased pessimism in Turkey about joining the EU and diminished the credibility of accession conditionality. The Cyprus problem has been one of the constituents of the decline in the EU credibility (see. the previous discussion in chapter 4). The EU suspended negotiations with Turkey in eight chapters in 2006. The postponement of negotiations has further diminished the credibility of the EU accession conditionality (Ulusoy, 2008: 319). In Turkey, support for EU membership among public opinion has fallen from 74% in 2002 to 45% in 2008 (Eurobarometer, 2008).

Domestic adaptation costs

In Turkey, the military is considered as the primary institution to ensure security against terrorism. In article 35 of the Military Internal Service Code and in the Ministry of Defence White Paper the military's role is affirmed as to protect and maintain constitutional order, national presence and integrity of the state against any kind of internal or external threat (Lecha et al, 2006: 11; MoD, 2000: 2). Attributed to these formal norms, the Turkish military has assumed the role of guardian of the state. The military does not only retain a role in eliminating terrorism but is also involved in the formulation of Turkish counter terrorism policy.

Until structural changes were made by the National Security Council (MGK) in 2003, the MGK was used as a platform by top military officials to intervene in security policies. Although it has been a consultation organ, Turkish governments tended to comply with the MGK decisions. Until 2003, military commanders and members of the government had been in an equal position in MGK meetings.

In periodic MGK meetings, the internal security policy of Turkey was mostly constructed from a military perspective until the adjustment of the MGK legislation in 2003. As a result of military influence on the MGK, the use of military measures was constantly preferred as the main solution. The State of Emergency (OHAL), deployment of troops to Southeast Turkey and cross-border military operations in North Iraq to eliminate the PKK have been the principal instruments of Turkey's counter terrorism strategy (MGK, 2010).

On the other hand, governments were not able to develop long-term policies to eliminate the PKK until the end of the 1990s. First, in the period between 1993 and 2002, there had been short-term coalition governments in Turkey. Due to frequent cabinet changes, it had not been possible to implement long-term strategies or the EU requirements to end violence in Turkey. On the contrary, rapid reactions against the PKK attacks and use of military force remained as Turkey's only strategy on countering terrorism.

Second, the adoption of peaceful measures and compliance with the EU requirements on counter terrorism had been rather costly because of high civilian and military casualties in Turkey. In the last three decades, terrorist attacks and counter terrorism measures have claimed many lives across Turkey. Since the start of PKK activity in 1984, terrorist attacks had reached the highest levels in the 1990s. In 1996 alone, 2,516 persons reportedly were killed because of PKK related events (Rodoplu *et al.*, 2003: 157).

However, adaptation costs moderately declined when the PKK leader Ocalan was apprehended in Kenya in 1999. Following his detention, a unilateral ceasefire was declared by the PKK for the period between 1999 and 2004. This long-standing ceasefire led to the assumption in Turkey that the violence in Southeast Turkey was over. Consequently, domestic opposition to the EU conditionality on the Kurdish issue was relatively reduced.

Nevertheless, the resumption of the PKK attacks in 2005 dealt a blow to this optimism and increased the government costs of domestic adaptation. Although the change to the MGK legislation in 2003 diminished the MGK's influence on the government, the Turkish military maintained its influence on counter terrorism policy until 2010. The resumption of the PKK attacks led to an increased military presence in Southeast Turkey. Concomitantly, the military strengthened its role as an actor in Turkish counter terrorism policy since 2004 and became critical of non-military solutions.

Convergence of threat perceptions: Domestic resonance and legitimacy of EU approach

Turkey's perception on terrorism and preferred counter terrorism measures have differed from the EU's approach and policy preferences since Turkey made its EU membership application in 1987. The divergence between perceptions of the EU and Turkey on terrorism concerns two points: first, the identification of the source of the problem and second, the measures adopted by Turkey to prevent separatism.

Foremost, regarding the causes of the tensions, Turkey and the EU have different perspectives. In Turkey, the source of tensions in the Eastern part of the country was not considered as an ethnic conflict or cultural problem. The state elites had identified the tensions as a "terror problem", "underdevelopment" or a "security issue" rather than an issue of identity or culture (Celik *et al.*, 2006: 212).

As a reflection of the need to protect the national homogeneity of the state, cultural differences were ignored by governments until 2010. The Kurdish population living in Turkey was referred to as part of the Turkish Community. Domestic demands for Kurdish cultural rights were considered as separatist propaganda and linked with the PKK. It was believed that terrorism in Turkey is supported by third countries that want to weaken Turkey through ethnic divergence and terrorism (Cornell, 2001).

Turkish decision makers also considered the tensions in East Turkey as an underdevelopment problem. It was pointed out by a researcher in Turkey that,

“For decades Turkey has refused to identify the source of the tensions in Southeast Turkey. It had perceived that low income and lack of investment in Southeast Turkey sustained terrorism. It was believed that unemployed and less-educated populations were likely to be deceived and recruited by the PKK with promises for a better future” (Interview#5, 2009).

On the other hand, different from Turkey’s standpoint, the situation in Southeast Turkey is perceived as state oppression and denial of the Kurdish minority's cultural rights (Cornell, 2001) since the Kurdish population living in Turkey is considered as an ethnic minority. Therefore, in the Commission's annual progress reports and in the AP documents for Turkey, the Kurdish issue was considered within the section on minority rights. In contrast to the Turkish approach, the tensions in Turkey were identified as a matter of ethnic conflict that could only be overcome through full respect for Kurdish identity and extension of liberties (Tocci, 2007: 53).

The second divergence between the EU and Turkey’s approach is seen in selected policy instruments to eliminate terrorism. Overall, Turkey’s policy instruments in the fight against terrorism do not correspond with the EU’s proposed policy preferences. With the escalation of the PKK attacks in Turkey after 1984, separatist terrorism was perceived as the main security threat to the integrity of Turkey. For the unity of Turkey to survive, use of military force, political repression, long detention periods and limits on basic human rights were adopted as security measures. A State of Emergency (OHAL) had been set up in 13 provinces of Turkey before 2002. In the State of Emergency zones, local governors were entitled to restrict basic human rights including freedom of assembly, propaganda and travel. Throughout 1984 to 1998, some villages were displaced to prevent logistic support for the PKK from local populations (TBMM, 1998).

The temporary village guard system was established in 1986 to protect rural settlements from the PKK attacks. Under this scheme, the state has employed village guards from local Kurdish tribes and licensed them to carry firearms. Furthermore, with the adoption of anti-terrorism legislation freedom of expression and freedom of assembly were restricted for nearly two decades. In anti-terrorism legislation, broad definitions had been set up for terrorist propaganda crimes.

Contrary to Turkey's preference for the use of tough security measures, the EU has been a supporter of a softer approach to prevent the conflict in Turkey. This issue was commented upon by an interviewee from the European Commission that,

“combating the PKK is not felt to be in the security interest of the EU, although it was accepted as a terror organisation by the EU”
(Interview#8, 2011).

In European Parliament resolutions and in the Commission's annual progress reports, the EU frequently criticised Turkey's counter terrorism measures and called for a peaceful settlement and political resolution. Furthermore, the EU asked for respect for individual human rights and freedom of expression as well as for socio-economic development in East Turkey (European Commission, 2001b, 2002, 2003; Zanon, 2005: 3). The EU questioned the use of torture, displacement of villages, long trials and detention periods for terror-related crimes and criticised the village guard system in Turkey.

As a consequence of the divergence between Turkish and EU perceptions of accession conditionality related to Turkey's counter terrorism policy the EU approach has not been legitimised at the domestic level. The EU demands for the extension of political and cultural rights and non-military solutions were seen as a threat against the unity of the Turkish community and the integrity of Turkey. Although Turkish governments have made some modifications to the anti-terrorism

legislation and extended human rights and cultural liberties, these modifications did not touch the essence of Turkey's counter terrorism strategy until 2010. Use of military force against the PKK finds considerable support from domestic actors and the political decision makers of the state.

5.3. The EU policy on countering terrorism

Cooperation against terrorism among European States dates back to the 1970s. After the terrorist attacks at the Munich Olympics in 1972, 12 EC states inaugurated a coordinating committee, *Terrorisme, Radicalisme, Extrémisme et Violence Internationale* (TREVI), against terrorism. TREVI has worked as an intergovernmental body without having links with the European Council and the Parliament. However, it was used as a channel for information exchange, operational cooperation and for training between national counter-terrorism units of member states until the end of 1990s (Bunyan, 1993: 1). Later, with the entry into force of the Treaty of Maastricht of 1993, counter terrorism was counted in police cooperation under the Justice and Home Affairs policy. In the Treaty of Maastricht TREVI was also integrated into Europol and the EU level coordination against terrorism was given as one of the duties of Europol (Treaty of Maastricht, 1993).

The Treaty of Amsterdam (1997) generated a more comprehensive approach under JHA and established the AFSJ. In the treaty, combating terrorism was counted as one of the objectives to maintain internal security within the AFSJ. The Treaty of Amsterdam emphasized the implementation of minimum rules and sentences between member states and developed a basis for internal security cooperation through police and judicial collaboration (Treaty of Amsterdam, 1997). However, due to different perceptions of terrorism, the EU states did not agree on a common definition of terrorism until the 9/11 terrorist attacks on the US (Keohane, 2005: 13).

Soon after the 9/11 attacks and the uncovering of the role of an Al-Qaeda plot based in Hamburg, Germany, the EU member states have been aware of the cross-border terrorist threat in Europe. The EU has adopted a number of legal and operational

instruments to tackle terrorism in the aftermath of 9/11. To prevent terrorist activities in Europe, the EU has tried to maintain a multidimensional approach, including both prevention and combating terrorism. In this regard, member states have intensified information exchange through Europol and set up a counter terrorism task force for operational cooperation. Furthermore, in the judicial field, Eurojust was set up to aid member states' judicial investigations on transnational crimes. With the adoption of the Framework Decision on the European Arrest Warrant of 13 June 2002, the prosecution and extradition of terrorist offenders have been accelerated between the EU member states.

Information exchange and operational cooperation also intensified through the Framework Decision on Joint Investigation Teams of 13 June 2002, the Council Decision on the Implementation of Specific Measures for Police and Judicial Cooperation to Combat Terrorism of 19 December 2002, the Council Decision on the Exchange of Information and Cooperation Concerning Terrorist Offences of 20 September 2005, the Council Decision on the Exchange of Information Extracted from the Criminal Record of 21 November 2005 and the Framework Decision on Simplifying Exchange of Information and Intelligence Between Law Enforcement Agencies of 18 December 2006 (Monar, 2007b: 275).

In the Framework Decision of June 2002, terrorism is identified as a threat against the core values of the EU including universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms, democracy and the rule of law. Terrorism was defined as certain acts that aim at intimidating populations or compelling governments to perform their duties, or seriously destabilize or destroy social, economic, political and constitutional structures of countries and international organizations. It counts directing a terrorist group or participation by supplying information, material, funds or knowledge to contribute to its activities as terrorist offences. The framework decision also set up the minimum penalties for offenders of terrorist organizations fifteen years for directors and eight years for members (European Council, 2002b).

Strategy documents and action plans of the EU also contribute to the construction of a common perception on countering terrorism in the EU. In the European Security Strategy (ESS) of 2003, terrorism is perceived as a key internal security threat against the security of the EU. In the strategy, the EU is considered as both a target and a base for religious extremist terrorism. The ESS not only touched upon the coordination in the EU, but also addressed external cooperation with third states. With an emphasis on the linkage between terrorism and state failure, organised crime and regional conflicts, it called for coordination between the EU's external relations and Justice and Home Affairs (European Council, 2003c).

Instead of the ESS, the EU Counter Terrorism Strategy of November 2005 and the Action Plan on Countering Terrorism of February 2006 helped the construction of the perception in the EU on terrorism. Parallel with the ESS, the strategy counted extremist religious terrorism as a security threat against the EU's values, rights and liberties. It addresses openness, free movement of people and goods as vulnerabilities of the EU (European Council, 2005c; Monar, 2007a: 297, 302).

5.4. Domestic dynamics of Turkey concerning fight against terrorism

Terrorism has been a primary security problem for Turkey for over three decades. Terror organisations with diverse ideological backgrounds and purposes have taken many lives in the country since the 1980s. In the Turkish Constitution of 1982 "unity of the state" is a core value that shall be protected against internal and external security threats. In the Constitution, this issue is stated as "no protection shall be afforded to thoughts or opinions contrary to Turkish national interests, the principles of the integrity of Turkey, Turkish historical and moral values, or the nationalism, principles, and reforms of Ataturk and his embracement of values of contemporary civilization". Furthermore, in the Constitution, the fundamental aims and duties of the state are defined as "to safeguard the independence and integrity of the Turkish Nation, the unity of the country, the republic and democracy" (Constitution, 1982).

Consistent with the Turkish Constitution, separatist terrorism is perceived as one of the main internal security threats in Turkey. In Ministry of Defence threat assessment reports issued in 1998 and 2000 and in regular press releases from the National Security Council (MGK), terrorism is considered as the main internal security problem in Turkey because of its targeting of the integrity of the republican regime of the state (MGK, 2010; MoD, 2000: 2).

The PKK has been considered to be the largest terror organization in Turkey in terms of size and effectiveness. During the 1990s, the PKK recruited nearly 8,000 militants and extended attacks across Southeast Turkey (Rodoplu *et al.*, 2003: 157). It has also extended its effectiveness in Turkey's neighbourhood and gained an international dimension. In Syria and in Iraq, it has established training camps to sustain terrorist activities in Turkey. Especially after the US invasion of Iraq in 1991, Northern Iraq, where the PKK has gained support from local Kurdish tribes, has been a safe haven for the PKK militants due to instability in the region.

The PKK aims to establish autonomous Kurdish governance in Turkey. It has used armed struggle or so-called "guerrilla war" against the Turkish State since it began its attacks in 1984 (Indictment, 1999). The PKK still conducts attacks against security forces. It is estimated that it has nearly 5,000 militants mainly based in North Iraq (MfA, 2010).

Further to armed struggle, the PKK uses legal organisations to disseminate its objectives among the Kurdish population in different countries. The Kurdish Diaspora and lobby activities of the PKK aim to legitimise the PKK ideology in Europe and increase the international pressure on Turkey concerning its anti-terror policy (Tocci, 2007: 57).

Turkey has adopted tough security measures across the country since the start of PKK activity in 1984. Over the three decades, these measures have led to restrictions

on civil liberties in the country. Until the end of the 1990s, Turkey had chosen repression as an instrument to erode the legal dimensions of the PKK (Lecha *et al.*, 2006).

Throughout the 1990s, extreme measures had been enacted for terror crimes under anti-terrorism law no 3713. The law restricted verbal and written propaganda and assembly that could be against the unity of the state. It had set up a number of strict measures including long detention periods and special security courts for terrorist offenders. On the other hand, for enforcement forces, the anti-terror law had brought some immunity, such as restrictions for detention of officers during the prosecution of crimes, in which they are involved during the course of their duty. Turkey's anti-terrorism law has still been subject to criticism by the EU due to restrictions on freedom of expression and assembly (European Commission, 2008, 2009).

In the political field, strict measures have limited political activity. Due to alleged links with the PKK and conspiracy on their political agenda against the unity of the state, four pro-Kurdish parties were prohibited in 1993, 1994, 2003 and 2009. Pro-Kurdish People's Labour Party (HEP) was banned in 1993. Followers of HEP later founded another pro-Kurdish Democracy Party (DEP) in 1993 but the Constitutional Court also banned it in 1994. Furthermore, immunity of 13 Kurdish MP's was lifted because of alleged links with PKK and speaking in Kurdish during a ceremony in the Turkish Parliament. In Turkey, two further pro-Kurdish Parties were also banned in 2003 and in 2009. In all court rulings, it was alleged that party members had links with PKK and they were following a strategy against the unity of the state (Tocci, 2007: 58).

To eliminate the PKK attacks, counter terrorism measures have involved "the use of military force", "State of Emergency (OHAL)" and "the Temporary Village Guard System". To legitimize the use of extreme security measures, between 1987 and 2002, the State of Emergency was declared in 13 provinces. As a result of increasing PKK attacks the military campaign not only intensified in Southeast Turkey but also

troops were deployed to Northern Iraq. During the period between 1990 and 2008, Turkey concluded nearly 50 military operations to destroy the PKK presence in Northern Iraq (AA, 2008).

In the OHAL period, security measures were tightened and military control on civil administration had been increased. Top military commanders in OHAL provinces were entitled to take over the duties of governors in urgent situations. In the State of Emergency zones, local governors were also mandated to restrict basic human rights including freedom of assembly, propaganda and travel, to prevent terrorism. Between 1984 and 1998, over three thousand villages were displaced in Southeast Turkey to prevent the local population supporting the PKK (TBMM, 1998). Due to torture and extra-judicial executions, Turkey was convicted many times in the European Court of Human Rights (Council of Europe, 2005). Finally, in November 2002 OHAL was completely abandoned.

Additionally, to protect rural settlements from terrorist attacks and to prevent logistical support for the PKK, the “Village Guard System” was created in 1986. Civilians from local Kurdish tribes are employed as “village guards” to protect rural settlements from terrorist attacks and to prevent logistic support to the PKK. They were licensed to possess firearms and allowed to use them when tackling the PKK. By 2008, the number of village guards had been increased to 60,000. Village guards are charged to fight against the PKK alongside military forces. So far, the village guard scheme has been gradually extended to 35 provinces in Eastern Turkey. However, this system has also brought pitfalls and raised international criticism about Turkey’s counter terrorism policy. They have sometimes been accused of using excessive force on the local population and being involved in human rights abuses (Uslu, 2008).

In brief, Turkey’s counter terrorism policy has comprised the use of extreme measures. Although modifications were made, in legal and political terms the measures adopted have brought restrictions on fundamental human rights and

attracted criticism from the EU. Due to the extensive use of military force, the military has been an influential actor in Turkey's counter terrorism policy.

5.5. Accession conditionality concerning countering terrorism in Turkey

After Turkey was accredited as a candidate state for EU membership, the European Council adopted the first Accession Partnership document in 2001. In this document, the EU did not openly touch upon Turkey's counter terrorism policy under short- or medium-term obligations. However, human rights and the rule of law had required Turkey to establish a balance between liberties and counter terrorism measures. Under short-term political conditions, the EU demanded respect for fundamental human rights, prevention of torture, the abolition of the death penalty and structural changes in Turkey's judicial system. Furthermore, Turkey was called on to remove restrictions on broadcasting in non-Turkish languages and to reduce regional disparities in Southeast Turkey. Turkey was also asked to lift the State of Emergency and to extend cultural rights (European Council, 2001).

In annual progress reports, the EU requirements linked with Turkey's counter terrorism policy were listed under the political conditions. Under the JHA domain, emphasis is given to the prevention of terrorist financing and the ratification of relevant international conventions to support the fight against transnational crime. Finally, in the chapter on Foreign, Security and Defence policy, the fight against terrorism is considered as a part of Turkey's neighbourhood relations and within the context of international cooperation against terrorism (see. the reports of European Commission 1999, 2002, 2003, 2005, 2007, 2009).

Since the beginning of Turkey's candidacy for EU membership, in regular progress reports, which date back to 1998, the EU asks for peaceful solutions and a civilian settlement to end separatist terrorism. The EU condemns the PKK attacks and identifies the PKK as a terrorist organization. However, as a pre-condition of the fight against separatist terrorism, the EU simultaneously requests respect for human

rights and protection of cultural rights. With emphasis on the difficult socio-economic situation in Southeast Turkey, the EU calls on Turkey to develop a peaceful strategy focusing on economic and social development for the Kurdish population.

In progress reports since 2004, the EU has started to consider the Kurdish ethnic problem within the context of minority rights. Regarding the extension of cultural rights, the EU criticizes the lack of progress and asks for further efforts to facilitate the use of languages other than Turkish in broadcasting, in political life and in public services (European Commission 2007). In progress reports, the EU also frequently questions the use of torture, displacement of villages, long trials and detention periods in the fight against terrorism and asks for the abolition of the village guard system in Turkey.

Table: EU requirements in AP documents linked with Turkish counter terrorism policy

<u>Task to be undertaken</u>	<u>Document Date and Timescale</u>
Strengthen legal provisions and undertake all necessary measures to reinforce the fight against torture practices, and ensure compliance with the European Convention for the Prevention of Torture. Remove any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting. Develop a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the south-east, with a view to enhancing economic, social and cultural opportunities for all citizens. Strengthen freedom of expression in line with Article 10 of the European Convention of Human Rights. Strengthen the right to freedom of association and peaceful assembly and encourage the development of civil society.	2001 Accession Partnership - Short Term.

Lift the remaining state of emergency in the Southeast. Ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin. Any legal provisions preventing the enjoyment of these rights should be abolished, including in the field of education. Abolish the death penalty.

2001 Accession
Partnership - Medium Term.

Ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin. Ensure effective access to radio/TV broadcasting and education in languages other than Turkish through implementation of existing measures and the removal of the remaining restrictions that impede this access. Intensify efforts to develop a comprehensive approach to reduce regional disparities and, in particular, to improve the situation in the Southeast, with a view to enhancing economic, social and cultural opportunities for all citizens. In this context, the return of internally displaced persons to their original settlements should be supported and speeded up.

2003 Accession
Partnership - Short Term.

Develop a comprehensive approach to reducing regional disparities, and in particular to improve the situation in Southeast Turkey, with a view to enhancing economic, social and cultural opportunities for all Turkish citizens, including those of Kurdish origin. Abolish the village guard system in the southeast. Clear the area of landmines. Pursue measures to facilitate the return of internally displaced persons to their original settlements. Ensure that those who have suffered loss and damage as a result of the security situation in the southeast are fairly and speedily compensated.

2006 Accession
Partnership -Short Term.

Continue implementation of the law on the compensation of losses due to terrorism and the fight against terrorism. Ensure fair and prompt compensation of victims. Abolish the village guard system in the Southeast.

2008 Accession
Partnership -Short Term.

5.6. Outcome: Assessment of the EU's involvement

In the following sections, the influence of the EU on Turkish counter terrorism policy is scrutinized across three phases. The first phase covers 1987-1999. In 1987, Turkey made an official membership application to the EU. In 1999, the Helsinki Council admitted Turkey as a candidate state. The second phase covers 1999-2005 in which the EU initiated structured relations with Turkey through conditionality and began accession negotiations in 2005. The last phase covers 2005-2010 in which accession negotiations have taken place. In these selected periods, the paper addresses four salient factors that could have a causal relationship for the transition of domestic policies in Turkey.

Table: Mediating factors for transition of Counter Terrorism Policy

Period	1987-1999	1999-2005	2005-2009
Determinacy of the EU requirements	Low (Lack of membership incentive and conditionality).	High (Accession Partnership documents, progress reports, assessment visits).	High (Accession Partnership documents, progress reports, assessment visits).
Credibility of conditionality	Low (Lack of membership prospects and financial assistance).	High (Candidacy, delivery of financial assistance, institutional links).	Low (debate in the EU on Turkish accession, alternative membership proposals, Cyprus issue).
Domestic adaptation costs	High (Due to extensive PKK attacks and military casualties).	Medium (Due to five years unilateral PKK ceasefire, the EU candidacy, decline in military influence on politics).	High (Due to resumption of the PKK attacks, problematic negotiation process with the EU).

Convergence of threat perceptions between Turkey and the EU	Low (Diverse approaches to the Kurdish problem, different instruments to end tensions in Southeast Turkey).	Low (Diverse approaches to the Kurdish problem, different preferences to end tensions in Southeast Turkey).	Low (Diverse approaches to the Kurdish problem, different preferences to end tensions in Southeast Turkey).
Outcome	Non-compliance	Non-compliance	Non-compliance

Phase 1: 1987-1999

PKK terrorism had peaked in Turkey throughout this period. It had increased attacks against security forces not only in Southeast Turkey but also on the Turkish Riviera and in big cities like Ankara and Istanbul. In 1996 alone, nearly 3,000 people were killed because of terrorism-related events. Furthermore, Turkey initiated cross-border military operations against the PKK training camps based in Northern Iraq and established temporary posts there (AA, 2008).

In this tumultuous period, the PKK attacks and counter terrorism measures of Turkey had resulted in breaches of human rights, unsolved murders, the displacement of civilians and villages and the assassination of activists and journalists in the country (Gemalmaz, 1997: 38).

Accompanying the use of military measures, Turkey had sometimes used softer measures in the early stages of countering PKK terrorism. The former Prime Minister and President, Turgut Ozal, had questioned Turkey's coercive counter terrorism strategy and looked for a civilian settlement for Turkey's terror problem when he was in charge between 1983 and 1993 (Ataman, 2002: 128).

Ozal had sought to end terrorism through maintaining a balance between human rights and enforcement measures. He addressed the root causes of separatism and considered Kurdish identity as an ethnic part of Turkish society (Cakmak, 2003). Ozal's Government passed a bill in the Turkish Parliament in 1991 to abandon restrictions on the use of any languages, in either speech or writing that were not recognized as the official language of the state. Turkey signed the International Human Rights Conventions and ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1988. In the same year, Turkey ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Parallel with ratifying these international agreements, Turkey recognized the jurisdiction of the European Court of Human Rights in 1990.

However, the PKK attacks and resulting casualties increased domestic opposition to these modifications. Particularly, the Turkish military and state elites objected to civilian measures and favoured a military campaign against the PKK. Therefore, an extension of cultural rights was rather costly to the Government. Later, the unexpected death of Ozal in 1993 and a change of Government made this process fragmentary.

In the following years, short-term coalition governments came to power in Turkey for nearly a decade. Frequent cabinet changes, diverse party programs and lack of consensus between members of coalition governments prevented development of comprehensive counter terrorism strategies. Therefore, Turkey's principal strategy had been the use of repression and military force to eliminate terrorism.

In addition to military measures, restrictions were introduced in the political field to tackle the legal aspects of the PKK. Two Kurdish political parties were banned in 1993 and in 1994 because of alleged links with the PKK. Subsequently, 13 members of pro-Kurdish parties in the parliament were detained and suspended from political

life. A number of Kurdish newspapers and Kurdish cultural centres were banned for providing support for terrorism (Zanon, 2005: 4).

On the other hand, political repression and human rights violations seen in Turkey over the 1990s increased the external pressures from the EU. Especially, the European Parliament had frequently drawn attention to human rights violations in Southeast Turkey. In a number of resolutions, the European Parliament called for modifications to the Turkish Constitution of 1982 and in the Turkish anti-terrorism law. It condemned the ban on pro-Kurdish political parties and Turkey's detention of Kurdish MP's (Zanon, 2005: 4-5).

The Customs Union Agreement of 1996 was used as a platform by the EU to put forward certain conditions for Turkey. Although the agreement was designed for economic purposes and customs alignment between Turkey and the EU, the EU asked for revisions in Turkey's counter terrorism strategy against the PKK. During the negotiations of the Customs Union Agreement, the European Parliament urged the European Council to put forward an extension of human rights as a precondition for the ratification of the agreement. The EP called upon the Council to suspend Customs Union negotiations unless Turkey carried out an extension of cultural rights and changed in the anti-terror law to extend freedom of expression (Celik, 2006: 213).

The Customs Union was seen as a chance for Turkey to intensify political and economic integration with the EU. Financial promises of EU support for the Customs Union Agreement and predicted foreign investment were considered as crucial to the recovery of the Turkish economy from an economic crisis in 1995. With the agreement, Turkey was promised 2,200 million ECU (Euro) support from the EU (Somuncuoglu, 2002: 11).

To get the benefits of the Customs Union and to deepen relations with the EU, the Turkish Government under Prime Minister Tansu Ciller attempted to extend

fundamental human rights and to change anti-terrorism legislation. In a reform package passed by the Parliament in 1996, terrorist propaganda offences were narrowly defined and penalties were reduced in Article 8 of the anti terrorism law 3713. Furthermore, financial support was promised for those who suffered from terrorism and counter terrorism measures in Southeast Turkey. With modification to the constitution of 1982, labour organizations and associations were allowed to become involved in political life.

However, modifications in the anti terrorism law and in the Constitution did not affect the essence of Turkey's domestic security policy. Turkey maintained a coercive approach to eliminate terrorism. The State of Emergency and strict inquiry procedures for terror-related crimes remained untouched. Restrictions on freedom of expression to prevent terrorist recruitment and on the use of cultural rights were maintained.

In the period before 1999, three factors had limited the adoption of the EU requirements on countering terrorism in Turkey. First, the credibility of the EU conditions was suffering as Turkey was not classified as a candidate state for EU membership. Despite the EU membership application in 1987, Turkey was excluded from the EU enlargement until 1999. Consequently, Turkish Governments refused to attend joint summits with the EU after 1997, unless it was treated on an equal basis with other applicant states (Aybet, 1999: 107).

The credibility of the EU declined further in Turkey, as the EU financial commitments linked with the Customs Union Agreement of 1996 were not delivered. Due to the Greek veto, Turkey was able to use only a quarter of the total financial assistance that had been allocated for the period between 1996 and 2000 (Kocak, 2009: 129).

Second, domestic opposition to the EU requirements had been high during the 1990s. Due to intense PKK attacks and the casualties, the EU requirements were perceived

as an obstacle to the prevention of terrorism. Extension of cultural rights, broadcasting and official communication in different languages other than Turkish were seen as threats to the integrity of the Turkish Community as well as to the unity of the state.

In the period, the military had received the full support of the political decision-makers and from the public to tackle terrorism. It was seen as the primary actor to implement the state's counter terrorism strategy. In regular meetings, the highest decision-making organ, the National Security Council (MGK), had expressed support for the Turkish military and advised the extension of the State of Emergency, cross-border military operations and the deployment of security forces to Eastern Turkey and northern Iraq (MGK, 2010).

Third, the perceptions of the EU and Turkey had been diverse on the definition of the problem and the selection of policy instruments throughout the period. In Turkey, the source of the PKK terrorism was identified as an “Underdevelopment Problem”, although it was seen in the EU as an ethnic conflict or a cultural phenomenon (Celik, 2006: 212). From the EU’s viewpoint, the tension in Southeast Turkey was determined as an ethnic conflict. The Kurdish population in Turkey was considered as an ethnic identity that should enjoy its cultural rights and liberties. It was stressed that the PKK terrorism in Turkey could be overcome through the extension of cultural rights and liberties and with respect for Kurdish identity (Tocci, 2007: 53).

Contrary to the EU approach, during the 1990s, decision makers in Turkey did not perceive the source of terrorism as a problem involving culture and identity. It was believed that low income and lack of investment in Southeast Turkey were likely to sustain terrorism. The Kurdish population living in Turkey was seen as a part of the Turkish community rather than as a different ethnic population. It was perceived by the state that unemployed and less-educated populations were deceived and recruited by terror groups who promised them a better future (Atici *et al.*, 2002: 3).

As a result, the EU's approach to solve Turkey's terror problem was not legitimised at the domestic level between 1987 and 1999, because of Turkey's and the EU's diverse threat perceptions and policy preferences.

Phase 2: 1999-2005

In the period between 1999 and 2005, two Turkish governments had been in power. The ANASOL-M Government was formed as a coalition government by the Democratic Left Party (DSP), the Nationalist Movement Party (MHP) and the Motherland Party (ANAP) after parliamentary elections in April 1999. After the elections of November 2002, the Justice and Development Party (AKP) won a majority of the seats in the Turkish Parliament and has been the ruling party since then.

Turkey was admitted as a candidate state for EU membership at the Helsinki Council of December 1999. The Council decision declared the start of accession negotiations with Turkey when political requirements were fulfilled. Along with other candidate states, Turkey was granted the benefit of pre-accession financial assistance and membership of EU programmes and agencies (European Council, 1999a).

Along with the decision of the Helsinki Council, the credibility of the EU was increased in Turkey (Keyman *et al.*, 2007: 71). The prospect of membership offered by the EU increased the optimism of decision makers in Turkey about accession to the EU. Surveys conducted in 2002 revealed that 64% of the Turkish public were in favour of EU membership (Kubicek, 2004: 49).

Another event in February 1999 also intervened in the domestic developments on countering terrorism in Turkey. The PKK leader, Abdullah Ocalan, was captured in Kenya. Subsequently, the PKK declared a unilateral ceasefire and ended attacks against security forces. This lasted from 1999 to 2004. In this period, the PKK only performed propaganda activities through its legal elements in Europe and Turkey.

The end of the PKK attacks over this period reduced pressures on Turkish governments for the adoption of the EU requirements linked with countering terrorism in Turkey. Thus, the PKK ceasefire nourished assumptions among Turkish decision makers that separatist terrorism in Turkey had ended (Cornell, 2001; Kirisci, 2002: 18). Although some high-ranking military commanders criticised the adoption of EU political criteria, the military chief, Huseyin Kivrikoglu, and his successor, Hilmi Ozkok, gave support to the EU reform process (Hurriyet, 2002).

On the other hand, during the period, the EU's and Turkey's viewpoints on the definition of security problems in Southeast Turkey had remained diverse. At the domestic level, insecurity in Southeast Turkey tended to be considered as the result of economic and social problems. It was assumed that the social and economic disadvantages of the Kurdish population had been exploited by the PKK and its legal elements for terrorist recruitment (Atici *et al.*, 2002: 3). As a policy instrument, Turkey opted for law enforcement measures to ensure a secure environment in Southeast Turkey for economic and social development.

In Turkey, the integrity of the state and national homogeneity were still considered as core values. Decision makers had been hesitant to increase cultural rights for the Kurdish population and extend their liberties. Kurdish cultural rights were still considered as separatist propaganda and linked with the PKK. Corresponding with domestic threat perceptions, in the first National Programme for Adopting the *Acquis* (NPAA) in 2001, Turkey used tentative language on the EU demands related to terrorism. In the NPAA and without giving any concrete commitment, Turkey promised to review security measures in Southeast Turkey. Additionally, the 2001 NPAA did not touch upon the EU demands for the extension of cultural rights. Instead, it emphasised national homogeneity, the integrity of the state and the equality of the citizens (Council of Ministers, 2001).

Contrary to Turkey's approach, in AP documents and in progress reports, the EU identified the problem in Southeast Turkey as an ethnic conflict or an identity

problem. From the EU's perspective, the Kurdish population in Turkey was identified as an ethnic minority that should enjoy its own culture, liberties and language (European Council, 2001, 2003a). The EU advocated a peaceful settlement to end the conflict in Southeast Turkey. In the AP documents and in progress reports, the EU requested extension of cultural rights and peaceful solutions to pacify the PKK.

In response to the 9/11 attacks in the US, international cooperation against terrorism rapidly increased at the global level. In Europe, the European Council started to produce a list of terrorist organizations as of December 2001. However, in the first list of 2001, the PKK was not included. After Turkey's diplomatic efforts, the PKK was included in the updated terror list of May 2002 (Bese, 2004: 127). However, in practical terms, the activities of the PKK remained untouched in Europe. It was able to conduct financing, recruitment and propaganda activities in European countries.

Related with this issue, an official from the European Council's Counter Terrorism Coordination Unit claimed in an interview that,

“The EU considers the PKK as a local problem which is confined to Turkey. It is not considered as a terror threat for the whole of Europe. PKK uses European countries just as a support base. Members of the PKK are involved in trafficking and intimidation to get finance from Kurdish immigrants. They do not commit terror crimes in the EU. Violent incidents occurred during some of the demonstrations in the past but they were small attacks to diplomatic premises of Turkey” (Interview#11, 2011).

In similar vein, an official from the DG Home claimed that,

“In the EU, counter terrorism policy is determined parallel to the activities of terrorist organizations. The PKK is dealing with drugs and

human trafficking but they don't perform terrorist attacks in the EU. Therefore it is not seen in the interest of the EU counter terrorism policy" (Interview#8, 2011).

In the period between 1999 and 2005, limited progress was observed in Turkey on countering terrorism. This situation is explained by two factors. First, the high credibility of the EU after Turkey's candidacy boosted the willingness of the ANASOL-M Coalition Government to intensify relations with the EU. The EU requirements related to countering terrorism in Turkey were seen as a necessary cost to get the benefits of the pre-accession process (Bac, 2005: 20). It was thought in Turkey that intensifying relations with the EU would advance internal security cooperation with the EU against the PKK.

Second, the PKK's unilateral ceasefire after the detention of its leader, Ocalan, diminished the adoption costs at the domestic level. The termination of the PKK attacks for five years enabled Turkish decision makers to make revisions in the counter terrorism strategy against the PKK. Parallel with the conclusion of the PKK attacks, the Turkish military gradually relaxed the security measures in Southeast Turkey.

To meet the political conditions of the EU, the ANASOL-M Government under Bulent Ecevit had passed three reform packages before 2002 (Tocci, 2005: 73). Amendments in the first two reform packages had limited the powers of law enforcement organizations during criminal investigations and shortened pre-detention periods. Pre-detention periods for organised crime and terror-related crimes were reduced by up to four days. Anti-terrorism law no 3713 was also modified and narrower definitions and shorter sentences were established for terrorist propaganda crimes (ABGS, 2007).

The death penalty was abolished in 2001 for crimes committed in peacetime (Bar, 2007: 4). Initially, the death penalty remained applicable for terror and wartime

crimes under Article 18 of the Constitution. However, due to EU pressure during the trial of Abdullah Ocalan, the ANASOL-M government formulated a middle way and decided to suspend the execution of Abdullah Ocalan's sentence until his trial ends in the European Court of Human Rights (European Commission, 2001b).

On the other hand, due to allegations of torture and ill-treatment by the security forces, Turkey was still criticized by the Council of Europe. The EU also called for further efforts to meet the Copenhagen criteria. In the 2002 progress report, the Commission noted Turkey's progress to improve human rights standards. Yet it called for implementation of the adopted revisions to fully meet the EU conditions (European Commission, 2002a). Despite the revision of propaganda crimes in anti-terrorism legislation, in 2001 and 2002 80 books were confiscated because of allegations of terrorist propaganda. Due to breaching of anti-terrorist legislation and having links with terror organizations, 57 authors were prosecuted in Turkey (Hurriyet, 2003).

In the November 2002 general election, the Justice and Development Party (AKP) won a majority of the seats in the Turkish Parliament. In its party programme, the new government committed itself to advance relations with the EU and to start the accession negotiations. It also got domestic support from civil society for the adoption of democratic reforms .

The AK Party Government passed five reform packages between 2002 and 2004 to meet EU political conditions. Concerning counter terrorism policy, the democratic reform packages passed in 2003 and 2004 had introduced a narrower approach for the definition of terrorism. In Article 1 of the amended anti-terrorism legislation, the "use of force" and "criminal actions" were introduced as pre-conditions for terror crimes. The offence of terrorist propaganda against the integrity of the state was also abandoned in anti-terrorism legislation. Parliament also passed a law for compensation of losses resulting from terrorist acts. The law introduced a swift process for citizens living in insecurity zones to claim their damages without

applying to the courts. The death penalty was abandoned in July 2004 and all suspended death sentences were commuted to life imprisonment, including Ocalan's (Bar, 2007: 3).

Along with revisions in the Turkish Constitution of 1982, moderately firm conditions were set up for the prohibition of political parties. Pro-Kurdish Party members held in prison since 1994 were granted the right to a retrial and later freed in 2004. However, contrary to the reforms, the pro-Kurdish Peoples Democracy Party (HADEP) was banned from politics in 2003 because of its links with the PKK. It was addressed by the Constitutional Court for being a source of threats against the integrity of the state (Radikal, 2003).

With the seventh reform package, passed in July 2003, structural changes were made to the National Security Council (MGK). Secretariat duty was taken from the military and given to a civilian bureaucrat. A mechanism was established to monitor its budget and the period between its regular meetings was extended. In consequence, military influence in the MGK as well as on Turkey's counter terrorism policy has been lessened. However, at the domestic level, the military still tended to be considered as the guardian of the state against internal and external security threats.

Furthermore, some minor changes were made to extend cultural rights in the country. Broadcasting and education in the Kurdish language was permitted. Along with this, private language courses were opened in some provinces of Turkey. However, in practical terms, the use of the Kurdish language in political and daily life was still restricted. Some pro-Kurdish party members were sentenced for reading Kurdish statements during party meetings in 2003 and 2005. In Southeast Turkey, some Kurdish music albums were banned in 2005 by court rulings due to alleged terrorist propaganda under the Turkish Penal Code, Article 312 (European Commission, 2005b).

In brief, the ANASOL-M Government and its successor, the AKP, introduced a range of reforms to balance security measures and liberties in Turkey between 1999 and 2004. However, in practical terms, implementation has been superficial. Due to the diverse perceptions of the EU and Turkey over the Kurdish question, the EU approach and demands on Turkish counter terrorism policy were not legitimised at the domestic level. Although governments had passed eight reform packages before 2005, implementation of the reforms on Kurdish cultural rights and countering terrorism had remained limited. Despite changes in anti-terrorism law, the Turkish Penal Code was used by the courts in practice to preserve the integrity of the state (Schimmelfennig et al., 2006: 104; Tocci, 2007: 62).

In the Turkish Constitution, Article 14, the tendency to use repression on cultural rights was preserved despite being inconsistent with modifications on democratic reforms. According to Article 14, it is emphasized that any of the individual rights could not be used against the territorial integrity and unity of Turkey and the democratic and secular composition of the state (Constitution, 1982). Finally, with the resumption of the PKK attacks in 2004, security measures were intensified.

Phase 3: 2005-2010

The period starts with the opening of accession negotiations between the EU and Turkey. Following a communication from the Commission issued in November 2004, the European Council decided to open accession negotiations with Turkey in December 2004. In the communication, the Commission found that Turkey's progress satisfied the political conditions of the EU. The Council therefore recommended opening of negotiations with Turkey. However, in the Commission report, tentative language was preferred about the future of relations between Turkey and the EU. The Commission report determined Turkey's position as being different due to Turkey's size, population, location, military and security potential. It describes the negotiation process as "an open-ended process the outcome of which cannot be guaranteed beforehand" (European Commission, 2004a). Similarly, in the Council statement of October 2005 on the start of negotiations with Turkey, the negotiation

process is determined as open-ended. A long period is foreseen for Turkey's readiness for EU membership and the EU's absorption capacity is considered as a pre-condition for Turkey's accession (European Council, 2005a).

After the opening of negotiations, the European Council endorsed an Accession Partnership in January 2006 and revised it in February 2008 to represent the membership requirements. Concerning the situation in Southeast Turkey, the AP document of 2006 asked for the abolition of the village guard system, compensation for losses of the victims of terrorism and for the strengthening of cultural, social and economic opportunities for the Kurdish population.

In the period, the Cyprus problem has further increased tensions between the EU and Turkey. In 2006, the EU suspended accession negotiations with Turkey on eight chapters. This disagreement with the EU on the Cyprus problem and confusion about the intention the EU on Turkey's accession resulted in uncertainty in Turkey. It was claimed by Turkey that the EU applies different standards for Turkey and changes its commitments. In consequence, credibility of the conditionality has started to decline since 2005.

Further to the political problems with the EU, the PKK has ended its five-year unilateral ceasefire and started to carry out attacks against security forces in Southeast Turkey since the end of 2004. The resumption of the PKK attacks and military casualties stimulated nationalism and concerns about the territorial integrity of Turkey. Thus, the adoption of a balanced approach between liberties and counter terrorism measures in the period has been costly.

Along with escalation of PKK attacks, the military presence has started to increase and tough security measures were again introduced. Implementation of the modifications made between 1999 and 2004 for the extension of Kurdish cultural rights has been constrained. For instance, broadcasting in Kurdish by private organizations was not authorized until February 2010, although legal changes were

made to ease restrictions on the use of the Kurdish language (CNNTurk, 2010). Although the State of Emergency was completely abandoned in 2002, military forces started to establish security zones and frequent checkpoints around some provinces in Southeast Turkey (Uslu, 2008). In the Commission progress report of 2005, the situation was described as “Turkey continues to adopt a restrictive approach to minorities and cultural rights” (European Commission, 2005b).

In the period, the EU approach and domestic perceptions concerning the tensions in Southeast Turkey have remained diverse. In the progress reports of 2006, 2007, 2008 and 2009, the Commission called on Turkey to find a peaceful solution to its terror problem. In AP documents of 2006 and in progress reports, the EU considered the Kurdish population as an ethnic minority. To end terrorism, it proposed the extension of Kurdish cultural rights and liberties and the protection of human rights. The EU also called for socio-economic and cultural development in Southeast Turkey as an alternative to the use of law enforcement measures against the PKK.

On the contrary, the EU’s perception and proposals to end violence did not resonate with domestic threat perceptions and selected policy instruments. The use of law enforcement measures had been a top priority until 2010 to end tensions. On the domestic level, it was considered that tension in Southeast Turkey is solely driven by the PKK and its international alliance. In nationalist circles, the European states are blamed for not taking necessary action against PKK members in Europe. It was claimed that EU reforms and requests addressing the extension of ethnic, cultural and political rights are actually targeted at weakening Turkey's national homogeneity and the territorial integrity of the state (Polat, 2008: 78; Tocci, 2005: 76).

Turkey’s traditional approach to the Kurdish issue has started to change. For the first time, in August 2005, the Justice and Development Party government under PM Tayyip Erdogan identified the tensions in Southeast Turkey as the “Kurdish Problem” rather than exclusively calling the situation a matter of terrorism. He

addressed cultural differences and the multicultural structure of Turkey (Milliyet, 2005b).

However, the Kemalist elites and political opposition groups, even some MP's in the Justice and Development Party, have voiced reservations on this definition and insisted on identifying the tensions in Southeast Turkey as a "PKK problem", a "terror problem" or a "security issue" (Milliyet, 2005a). Opponents considered the Government's new approach to be a threat to the integrity of Turkey. Later, in a MGK meeting declaration of August 2005, the terms "PKK terrorism" and "Kurdish problem" were distinguished. In the MGK declaration, the protection of the unity of Turkey and the fight against the PKK was declared to be the top priority of the state (Milliyet, 2005a).

With the escalation of terrorist attacks since 2005, security institutions, mainly the Turkish military, have started to raise concerns about the legal background of the fight against terrorism. The military addressed the adoption requirements of the EU, which was made in anti-terrorism law in 2003 and 2004 as drawbacks in the fight against the PKK - and called for revisions (Hurriyet, 2006). In consequence, a bill was passed by the Parliament in June 2006 to change the anti-terrorism law. The new law introduced new restrictions on the media against terrorist propaganda. Besides, the anti-terror law broadened the authority of security officials and toughened the procedures for the offences committed during their enforcement duties to prevent terrorism. The law eased procedures for the prosecution of terrorism offenders and limited access to lawyers for the first 24 hours after their capture. In the new law, only terrorist attacks against Turkey were considered as terrorism. Acts against third countries and international organizations were excluded from the definition of terrorism.

However, the restrictions on media and freedom of expression introduced by the new anti-terror law raised criticism in the EU. The European Commission claimed that

the definition of propaganda crimes was not in line with the Council of Europe Convention for the Prevention of Terrorism (European Commission, 2006b).

Along with implementation of counter terrorism against the PKK, the Government introduced alternative measures to reduce tensions in Southeast Turkey. The state television channel (TRT) and two private TV channels started broadcasting in Kurdish in 2006. In 2009, the Turkish Higher Education Board permitted the opening of a Kurdish education centre in a University in Mardin.

Additionally, the Government started its “Kurdish Initiative” or “Democratic Initiative” in August 2009. In this regard, the PKK was called on to give up the armed struggle through terrorist means. Members of the organisation who were not involved in any terrorist attack were granted parole if they handed their arms to the security forces. Subsequently, 34 PKK members returned to Turkey from Northern Iraq in October 2009 and were released without facing any prosecution (Sabah, 2009).

However, opposition parties, the military and the Kemalist elites have considered this process and the release of PKK members as a compromise with the PKK. Later, by the end of 2010, the democratic initiative slowed down due to high adaptation costs at the domestic level. The Constitutional Court banned the pro-Kurdish Democratic Society Party (DTP) in December 2009 on charges of having links with the PKK. Also, two DTP MPs and thirty-seven party members were banned from politics (Hurriyet, 2009).

Concerning international cooperation against the financing of terrorism, Turkey has been party to all UN and Council of Europe anti-terrorism protocols in the period. In January 2005, Turkey ratified the amending protocol of the European Convention on the Suppression of Terrorism. Turkey then ratified the Council of Europe Convention on the Financing of Terrorism in March 2007. Turkey's MASAK started to cooperate with international organizations on the prevention of the financing of terrorism.

In 2006, a twinning project on money laundering and the financing of terrorism was begun with financial assistance from the EU. As a result, a law on preventing the laundering of the proceeds of crime was passed in 2006. With revisions made in the Turkish Criminal Code and anti-terror law in 2006, the financial sponsors of terrorist groups became punishable as members of terrorist organisations.

On the other hand, international cooperation with the EU against the PKK has still been very limited. Although the PKK was included in the EU list of terror organisations in 2002, most of the measures to prevent PKK activities in Europe proved ineffective (Renard, 2008). In many European states, the organisation was able to engage in fund raising, propaganda, training and recruitment. The PKK-led TV station 'Roj TV' has started broadcasting from Denmark in 2004 and maintained its presence until now. Despite arrest warrants from Interpol, PKK members were released after being detained in various European countries. Some prominent PKK members such as the leaders of PKK European Branch Zubeyr Aydar, Remzi Kartal, Sabri Ok, Nedim Seven, Muzaffer Ayata were allowed to be resident in European countries (SABAH, 2011; Uslu, 2007: 167).

A 2008 report on the Coordination of Terrorism prepared by the US State Department noted that the PKK operative, Riza Altun, was detained in Austria in 2007 but later released despite having fake documents, facing charges in France and being subject to an extradition request from Turkey. Similarly, another key PKK organizer, Remzi Kartal, travelling to Austria was not detained although he was wanted by Interpol. Additionally, the PKK is known to have TV production studios in Belgium. South Cyprus is used as a transit route to Europe for PKK members (US, 2008: 55).

In brief, despite the negotiation process that started between Turkey and the EU in 2005, Turkey's counter terrorism policy has contrasted with the conditions laid down by the EU. Three factors have limited compliance with the EU requirements. First,

adoption of the EU requirements has been costly for the decision makers of Turkey with the resuming of PKK attacks at the end of 2004. Second, the credibility of conditionality has declined because of political problems between Turkey and the EU. The negotiation process was partially suspended and support for EU membership declined at the domestic level. Third, the perception of Turkey in the fight against terrorism and the EU approach had still differed. Although the PKK was placed on the EU list of terrorist organisations in 2002, PKK members remained active in Europe. Moreover in Turkey, the EU conditions on Turkey's counter terrorism policy were still considered as threats against unity of the country. Consequently, in anti-terrorism law 3713 restrictions were reintroduced to prevent the glorification of terrorism. In Southeast Turkey, the military established security zones and intensified operations along the Turkish-Iraqi border. In other words, the EU approach and policy instruments for a solution to the tensions in Southeast Turkey were not legitimised at the domestic level.

5.7. Conclusion

Since Turkey's application for EU membership in 1987, Turkey's counter terrorism policy differed from the EU's approach until 2010. Over the period, Turkey's principal policy instrument has been to use law enforcement measures to end tensions in Southeast Turkey. Turkey's strategy throughout the period has also included legal restrictions on fundamental liberties and cultural rights, and attempts to control the PKK's political activities. Although Turkey has sometimes begun to use softer instruments to end terrorism, violence and casualties have raised domestic fears about territorial integrity of Turkey and led to the failure of the reform process.

In the period between 1987 and 1999, PKK terrorism reached high levels in Turkey. In 1996 alone, nearly 3,000 people were killed because of terror-related events. In response, Turkey implemented extreme measures on countering terrorism. In this tumultuous period, terrorist attacks and counter measures against the PKK resulted in breaches of human rights, unsolved murders, displacement of civilians and villages and the killing of activists and journalists. Further to military measures, restrictions

were introduced in the political field to tackle the legal aspects of the PKK. Two Kurdish political parties were banned in 1993 and in 1994 because of alleged links with the PKK. MPs from pro-Kurdish parties were detained and suspended from political life.

At the same time, Turkey's counter terrorism practices were subject to criticism in the EU. Especially, the European Parliament frequently raised concerns on human rights violations in Turkey and condemned Turkey's tough counter terrorism strategy over the 1990s. However, the pre-1999 EU demands carried little weight in Turkey, as structural relations with the EU did not exist. The Customs Union Agreement of 1996 was the main mechanism through which the EU was able to put forward certain requirements related to Turkey's counter terrorism policy. However, due to a shortage of incentives and credibility, the EU requirements were ineffective.

On the other hand, for the Turkish governments, adoption of the EU requirements on countering terrorism was costly throughout the 1990s because of the PKK attacks and high military casualties. Adoption of the EU requirements for changes in Turkey's counter terrorism policy were seen as inappropriate and was contested by the military and state elites. Besides, the EU's requirements had not been legitimised at the domestic level because of the divergence between Turkish and EU perceptions of the problem in Southeast Turkey which Turkey considered to be either an underdevelopment problem or a security issue, whereas the EU perceived it as an ethnic conflict.

Although Turkey used tough security measures as the sole instrument to end terrorism, the EU asked for a balance between security measures and civil liberties. In that sense, the EU has frequently emphasised the need for a political settlement, the recognition of Kurdish cultural rights, respect for human rights and socio-economic development to end terrorism. In consequence, since the necessary conditions were lacking, Turkey did not comply with EU requirements between 1987 and 1999.

In the second period, structural relations started between Turkey and the EU. The EU confirmed Turkey's candidacy for EU membership in 1999. Conditions for Turkey's accession were clarified through accession partnership documents and progress reports. At the start of structured relations, delivery of financial assistance and institutional links increased the credibility of the EU in Turkey.

After Turkey was granted candidate status in 1999, domestic support for EU membership increased substantially. To start the accession negotiations, adoption of the political conditions was seen as a necessary cost to be paid by Turkey. Therefore, Turkish governments introduced eight reform packages before 2004 to meet these EU political conditions.

Turkey's domestic adoption costs were further reduced in 1999 when the PKK declared a unilateral ceasefire. After the capture of the PKK leader Ocalan, in 1999, the PKK gave up the armed struggle until 2004. This ceasefire from 1999 to 2004 nourished assumptions in Turkey about the conclusion of separatist terrorism.

However, the EU and Turkey still had diverse perceptions between 1999 and 2005 concerning the tensions in Southeast Turkey. In Turkey, integrity of the state and national homogeneity had been considered as core values to be protected against external and internal threats. Therefore, domestic demands for the extension of Kurdish cultural rights were considered as separatist propaganda and linked with the PKK. On the contrary to Turkey's perception Accession Partnership documents and Progress Reports of the EU had identified the tensions in Southeast Turkey as an identity problem. Turkey's Kurdish population was classified as an ethnic minority that should enjoy its own culture, liberties, and language.

Consequently, despite high EU credibility and relatively low adoption costs, Turkey did not comply with the EU requirements on countering terrorism. Turkish decision makers had been wary of the effect on counter terrorism measures of easing

restrictions on cultural rights and broadening liberties. The EU proposals to find a peaceful solution to PKK activities were rejected by Turkey because of their different approaches. Concurrently, transposition of the reform packages in domestic politics had remained limited.

In the third period, between 2005 and 2010, political debate in the EU on Turkey's accession increased uncertainty at the domestic level. Furthermore, due to the isolation of the North Cypriot Community, Turkey refused to open Turkish harbours to Cypriot vessels. Subsequently, in 2006, the EU partially suspended negotiations with Turkey leading to a decline in the credibility of the EU conditionality.

In addition to low credibility, adaptation costs increased because of the resumption of the PKK attacks since the end of 2004. The PKK attacks and the rise in military casualties increased domestic reactions against the EU requirements. Therefore, the use of law enforcement measures remained as the principal instrument for the protection of the integrity of Turkey.

6. The impact of the EU on combating drugs in Turkey

6.1. Introduction

Today, consumption of illicit drugs¹ is not only perceived as a problem which affects the living conditions of individuals but is also considered as a security threat which leads to an increase in criminal activity. Increasing demand for narcotic substances triggers both manufacturing and trafficking of drugs. Therefore, contemporary drug policies exploit a comprehensive approach, which targets the demand and supply of drugs simultaneously. In other words, existing national drug policies cover social and criminal aspects of drug abuse to tackle the problem effectively.

However, the cross-border nature of drug trafficking and widespread consumption of drugs entails not only national efforts but also international cooperation. Coordination of national efforts appears as a condition for tackling this global phenomenon. It is widely accepted that compatible national drug policies of different states is likely to increase the efficiency of national measures and international cooperation against drugs (European Council, 2008b).

Meanwhile, the UN performs the leading role in tackling the drug problem worldwide. UN Conventions and institutions in the fight against drugs help to develop a common approach between the national drug policies of states in different regions. UN Conventions on drugs oblige signatory states to develop national policies against drugs and lay down a set of instruments to be used for controlling the manufacture and trade of licit drugs and the criminalisation of illicit traffic.

In addition to the UN, the EU performs an important role for the development of compatible drug policies in Europe. To reduce drug demand and supply, the EU provisions provide a basis for the alignment of national drug policies between

¹ In this paper, the term of "drugs" is used for any of the illicit narcotic substances whether natural or synthetic.

member states. The EU drug policy also envisages the alignment of criminal law against the illicit traffic, manufacturing and trading of drugs, the monitoring of the trade in psychotropic substances and the mobilization of law enforcement cooperation. Additionally, EU drug strategies and drug action plans aim to coordinate activities to increase the effectiveness of national and the EU-level policies within Justice and Home Affairs.

The EU action on drugs not only pursues cooperation between member states but also influences third countries. Particularly, in candidate states, alignment with the EU drug policy and international cooperation against drugs are counted as one of the key priorities in the pre-accession period. Candidate states are required to comply with the EU *acquis* for harmonization of definitions of offences and criminal procedures and to tackle the social aspects of the drug problem. Candidate states are also required to create certain institutional structures for strengthening international cooperation in the fight against drugs.

Thus, the EU set up conditionality to pursue compliance during the accession process. Accession partnerships, progress reports and incentives underpin the alignment of candidate states. In order to mediate domestic policy transition, the EU uses various instruments including financial and technical aid, monitoring mechanisms, appointment of liaison officers and twinning programmes.

Based on the above developments, this chapter analyses the conditions for adoption of the EU policy in combating drugs in Turkey. Like the previous two chapters the study employs four mediating factors. To give a thorough understanding about the conditions for adoption of the EU requirements in combating drugs, domestic developments were analysed through control of “determinacy of the EU requirements”, “credibility of conditionality”, “domestic adoption costs” and “convergence of threat perceptions”.

To begin with, the analysis outlines a conceptual framework for the conditions of the impact of the EU in combating drugs. It then extracts the dynamics in the EU in the fight against drugs and domestic conditions in Turkey. Finally, the study investigates the outcome of the EU's requirements with reference to three different periods between 1987 and 2010.

6.2. Conditions shaping the impact of the EU in combating drugs in Turkey

The determinants of the policy transition in Turkey are classified under two categories: External (EU-level) factors and domestic conditions. In this regard, "Determinacy of the EU requirements" and "Credibility of conditionality" are categorized as EU-level factors. On the other hand, domestic factors that have an impact on policy transition are counted as "adoption costs" and "the convergence of threat perceptions between Turkey and the EU".

Determinacy of the EU requirements

The EU started to determine accession conditionality for Turkey in combating drugs after it became recognized as a candidate state in 1999. Relations before 1999 had aimed to develop a liberal market economy in Turkey and to facilitate mutual trade between the EU and Turkey.

The external features of JHA and internal security cooperation with non-member states were not considered as objectives under JHA. In 1998, alignment of candidate states under JHA was included in accession conditionality of CEECs for the first time (Mitsilegas *et al.*, 2003: 130). Later, in the Tampere meeting conclusions of October 1999, the Council addressed the necessity of internal security cooperation with third states under JHA. It emphasized the harmonization of internal and external security policies and stronger external action to tackle internal security threats.

After Turkey was granted EU candidacy in 1999, the European Council endorsed the first Accession Partnership (AP) in 2001 and determined a framework to be adopted by Turkey for its alignment with EU drug policy. Later, in 2003, 2006 and in 2008

the European Council endorsed additional APs for Turkey and determined short- and medium-term membership conditions. In the AP documents, the EU required the reinforcement of administrative capacity to adopt, implement and manage the EU *acquis* on drug trafficking as part of the fight against drugs (European Council, 2001, 2003a; European Council, 2006; European Council, 2008a). After 1999, the European Commission started to issue Progress Reports. In these annual reports, the Commission further clarified EU conditionality on drugs and addressed requirements for compliance with the EU drug policy in Turkey.

Under JHA, accession conditionality in combating drugs establishes a threefold agenda for applicant states. First, the EU requires adoption of the EU *acquis* in the fight against drugs. The EU *acquis* on drugs comprehends both drug supply and demand-reduction measures including framework decisions, joint actions, counter drug strategies, programmes and drug action plans. In addition to the legal provisions of the EU, international drug conventions ratified by the EU are considered to be part of the EU *acquis*. Thus, the EU particularly asks for ratification of the 1961, 1971 and 1988 UN Drug Conventions and other relevant international conventions as a condition of compliance with the EU anti-drug policy.

Second, the EU demands the establishment of adequate administrative infrastructures, which are capable of implementing the EU *acquis* in the fight against drugs. Conditionality on the development of administrative structures underlines the establishment of new institutions, management systems and coordination mechanisms to maintain cooperation against drugs trafficking in Europe. In this regard, administrative structures are required to be capable of implementing the EU *acquis* and undertaking operational cooperation with EU agencies and member state institutions (European Commission, 2005b).

Third, the EU asks for the development of international cooperation between EU institutions and national agencies in the fight against drugs. Conditionality obliges states to establish institutional links between domestic institutions and EU agencies

for involvement in EU activities on demand and supply reduction. Therefore, the EU asks for participation in the activities of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and establishment of a national focal point on drugs. At the domestic level, accession states are required to coordinate national efforts on demand-reduction, supply-reduction and rehabilitation through appropriate national coordinating institutions. National law enforcement agencies are required to cooperate with EU member state institutions against cross-border drug trafficking through strategic or operational agreement with Europol and member state institutions.

Credibility of conditionality

In Turkey, candidacy for EU membership had been an important factor in increasing the credibility of EU conditionality since 1999 (Schimmelfennig *et al.*, 2005; 42; Keyman *et al.*, 2007: 71). In the Helsinki Council of 1999, the EU formally declared Turkey as a candidate state for EU accession and allowed it to benefit from pre-accession financial assistance and to join EU programmes and agencies (European Council, 1999a).

This decision received positive responses as it strengthened EU membership expectancy in Turkey and acted as an incentive for Turkey to adopt EU drug policy after 1999. Intensifying interactions between Turkey and the EU and the delivery of financial assistance gave credibility to membership conditionality between 1999 and 2005.

Delivery of financial assistance and institutional links with the EU agencies against drugs also increased the EU's credibility. At the start of structured relations, the EU allocated pre-accession financial assistance to Turkey to support the foundation of the Turkish National Focal Point to the EMCDDA and to adopt a national strategy in the fight against drugs (CFCU, 2002). These membership links between EMCDDA and Turkey's National Focal Point allowed Turkey to join community programmes in

combating drugs. Europol also concluded a strategic cooperation agreement with Turkey in 2004.

However, the credibility of the EU conditionality started to decline in Turkey after 2005. The opening of negotiations in 2005 initiated a debate in the EU over the side effects of Turkey accession. Opponents of Turkey's membership put forward the absorption capacity of the EU as an obstacle to Turkey becoming a new member state, although this had not been raised as a problem before the commencement of negotiations with Turkey. It was argued that Turkey's extensive borders, population and cultural differences would be injurious to the EU's economy and security (Kirisci, 2007: 8). This was compounded by Cyprus' EU membership and the isolation of the Turkish-Cypriots raised questions about the EU's fairness to Turkey. Turkish decision-makers and the country's elites began to criticize the EU for its unequal treatment of Turkey.

Domestic adaptation costs

Compliance with EU drugs policy does not imply high adaptation costs for Turkey. The absence of adoption costs and domestic resistance to combating drugs are attributed to two main factors. First, Turkey's membership of EMCDDA has been an opportunity for Turkey to intensify its institutional relationship with the EU. Institutional links created new opportunity structures for Turkish administrative bodies to take a part in international initiatives on drugs. A senior official in the Ministry of the Interior claimed that,

“Institutional links with the EU agencies is valuable to advance enforcement against illicit trafficking and manufacturing in Turkey. The EU assistance, strategic and operational cooperation agreements with EU agencies helps administrative capacity development and improves the effectiveness of Turkish institutions in the fight against drugs. All in all, the relations with the EU contribute to the internal security of Turkey” (Interview#1, 2009).

Second, the interactions with the EU and adoption of the EU requirements were seen as an opportunity to strengthen the internal security of Turkey. In that sense, the EU financial assistance, twinning projects and training seminars held between EU member state agencies and Turkish authorities minimize the number of opponents in Turkey to veto its new drug policy. Particularly, after adoption of the EU 2000-2004 action plan on drugs and the 2003 action plan for collaboration between the EU and the Western Balkan and candidate countries (Bulgaria, Romania and Turkey), various seminars, workshops and study visits on demand and supply reduction took place with participation of officials in Turkey and in EU member states.

An official in the Turkish Ministry of the Interior claimed that,

“relations with the EU are constructive as they strengthen the internal security of Turkey. Study visits, training seminars and other interactions with the EU member state agencies are helpful for exchange of best practices. Officials in Turkish institutions are benefiting from these programmes to advance technical and practical capabilities in the fight against drugs. Furthermore, information exchange, sharing best practices between national agencies and member state institutions facilitates international cooperation and the number of controlled delivery operations for drug seizures” (Interview#6, 2010).

Convergence of threat perceptions: Domestic resonance and legitimacy of EU approach

The convergence of Turkish and EU perceptions in combating drugs increases the likelihood of the adoption of the EU requirements in Turkey. Although Turkey uses slightly different problem-solving approaches, both Turkey and the EU perceive drugs as a particular problem for both public health and security. Shared internal security objectives and common threat perceptions legitimized the EU policy and requirements among Turkish decision-makers and officials in public institutions.

Common threat perception with the EU and the legitimacy of EU drug policy in Turkey rests upon three reasons. First, it is perceived in Turkey that drug abuse and addiction are potential threats to the community. According to Turkish public opinion, drug addiction is a serious health problem and source of social disorder (TUBIM, 2007b). Therefore, it is considered an important duty of the state and non-governmental organisations to tackle addiction and the underlying reasons for drug abuse.

The Turkish constitution of 1982 obliges governments to determine policies for maintaining social order and to protect the community from bad tendencies, including drugs. Article 58 of the constitution regards drug addiction as damaging to the community. The constitution specifically emphasizes youth as a target group for drug addiction and obliges governments to take all necessary actions against drugs. In Article 58 of the constitution, it is stated that "...The State shall take relevant measures to protect young people from alcohol and drug addiction, from criminal activities, gambling and similar vicious practices and habits as well as illiteracy" (Constitution, 1982). The Constitution goes on to oblige governments to enhance the state's problem-solving capacities against drug demand. In this regard, the EU's problem-solving approach to the drug problem is seen to be appropriate for meeting Turkey's domestic needs and policy challenges. Domestic policy objectives on drugs legitimize the adoption of EU drug policy and alignment with EU administrative structures.

Second, due to its geographical proximity to Europe and Asia, Turkey has been a transit country for illicit drug trafficking activities. Turkey straddles the so-called "Balkan Route" which is used for transferring drugs produced in Afghanistan to Western Europe (Europol, 2008: 39). The particularly mountainous terrain on the borders of Southeast Turkey facilitates smuggling of narcotic substances through the Iranian and Iraqi borders. International and Turkish-based organised crime groups take a big share in trafficking heroin to Europe (Paoli et al., 2008: 26). In 2007, over

two tons of heroin, nearly six million synthetic drug tablets and thirteen thousand litres of psychotropic substances were seized on Turkish territory (KOM, 2007).

Terrorist organizations in Turkey, such as the PKK also use drug trafficking to get financial support for their activities. Primarily, the PKK uses the “Balkan Route” as a transit destination for trafficking heroin to Europe. Turkish migrants and Kurdish refugees in European countries are used as bases for trafficking narcotic substances (Pek et al., 2007: 146-148; Robins, 2005). In Europe, low socio-economic status and cultural marginalization motivate immigrants to become involved in drug trafficking. Kin-based relationships between members of organised crime groups and the difficulty of translation from the Turkish and Kurdish languages make enforcement problematic for European security agencies (Paoli et al., 2008: 24)

Third, for over a decade, Turkey was involved in international initiatives for the fight against drugs in its region. Relations with the UN and neighbouring countries in combating drugs developed recognition about drug-related crimes and international security cooperation among Turkish officials (Interview#3, 2009). Primarily, Turkey intensified interactions with the EU after 2001 and set up institutional links on the fight against cross-border trafficking and drug abuse. With the allocation of pre-accession financial assistance for institution-building and capacity-development, Turkish officials became involved in training seminars, workshops and mutual visits with their counterparts in the EU member states. These activities have led to a learning process among Turkish officials and legitimized the EU drug policy in Turkey.

It is claimed by an official at European Commission that,

“Twinning projects have been the most useful instrument to line up domestic policies of applicant states in combating drugs. The official from beneficiary countries is able to become aware of the EU policies through direct interactions with the contractor member state officials.

Through mission reports of the officials, the EU is able to monitor domestic developments very closely. In that sense results of the twinning projects are excellent” (Interview#10, 2011).

In addition to interactions with the EU, Turkey’s long-standing cooperation with the UN in the fight against drugs increases the likelihood of international cooperation in Turkey. In 2000, Turkey set up the Turkish International Academy against Drugs and Organised Crime (TADOC) with UN financial assistance. Meanwhile, in cooperation with the United Nations Office on Drugs and Crime (UNODC), Turkish police provide training seminars to domestic institutions and neighbouring countries to tackle drug trafficking and organised crime. Lengthy cooperation with the UN ensures Turkish officials' readiness for international security cooperation against drugs (Interview#1, 2009).

On the other hand, from the EU’s point of view, cooperation with Turkey and other applicant countries is perceived as important for the fight against the illegal supply of drugs in Europe. Particularly, due to its geographical position on the “Balkan Route”, internal security cooperation with Turkey against drug trafficking is considered as crucial to prevent drug supply in to Europe. A communication on the Commission's relations with Turkey on drugs asserted that,

“the Commission is concentrating its efforts on producing and transit countries and regions [*sic*] and in particular on the two main trafficking routes to the EU: the heroin route from Afghanistan to the EU via Central Asia, Iran, the Caucasus, Turkey, Eastern Europe and the Balkans; the Commission should seek out, within existing ceilings, new sources of funding for co-operation with Turkey and include co-operation on drugs issues in the forthcoming drafting of the Accession Partnership” (European Commission, 2004c).

6.3. The EU approach in combating drugs

Development of a legal basis of the EU drug policy dates back to a Council decision in 1990 on the ratification of the 1988 'United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances'. With ratification of the convention, the EU committed to take the necessary legislative and administrative measures against illicit traffic in narcotic drugs and psychotropic substances in the EU.

Subsequently, to stimulate compliance with the UN convention, the European Council adopted a regulation in December 1990 and called on member states to take the necessary monitoring measures including documenting, recording, pre-export notification and labelling against the illicit trade of psychotropic substances. Member states were also called on to maintain a coordination system and to deliver sanctions against illicit trade (European Council, 1990).

As in the early 1990s, the EU has served as a catalyst for the implementation of the provisions of UN conventions in Europe. So far, UN conventions and activities have inspired the EU drug strategies and development of the EU-level measures in combating drugs. The UN policies are emulated and international conventions on drugs are considered as the part of *acquis* linked with the EU drug policy (Lavenex et al., 2009; 94). Corresponding with the UN and Council of Europe conventions, the EU provisions endorsed by the European Council, place duties on states for controlling and criminalizing the manufacture, trade and traffic in illicit drugs in the EU.

Combating illicit drugs has been a specific policy domain with entry into force of the Treaty of Maastricht in 1993. In the Treaty, the drug issue was linked with public health and the Third Pillar. Treaty Article 129, under Public Health, called on member states to take common action against drug addiction. Additionally, Article K.1 under JHA counted combating drug addiction as one of the security objectives of the European Community. Article K.1 also underlined the need for police

cooperation and information-exchange between member states against trafficking drugs (Treaty of Maastricht, 1993).

To tackle drug trafficking in Europe, an agreement signed between EU member states established the Europol Drugs Unit in 1993, which was the initial model of Europol. Soon after, each member state was asked to send liaison officers to the headquarters of the Europol Drugs Unit (EDU) and establish a contact office in The Hague. Liaison officials were authorized to exchange information between each other when necessary. After the formation of Europol Drugs Unit and the liaison offices in The Hague, internal security collaboration between national law enforcement agencies of the EU member states were increased. EDU and liaison officers began to practise information exchange, not only on drug trafficking but also on various other types of cross-border crime such as, terrorism, organised crime, human trafficking and fraud.

In the period until 1999, drug demand and drug supply were considered as separate policy areas under JHA and the public health policy. Corresponding with the Public health provisions of the Treaty of Maastricht, the Commission prepared a drug strategy in 1994, which determined EU-level objectives and priorities for preventing drug dependence for the period 1995-1999. This strategy exclusively focused on demand reduction and did not touch upon the illicit manufacturing, trade or traffic of drugs. Concerning demand-reduction, the 1995-1999 EU Drug Strategy aimed to raise awareness in member states of the use of synthetic and natural drugs. To prevent drug addiction, drug-related mortality and diseases, the strategy proposed the use of counselling and social support services. For achieving its objectives, it called for the use of community programmes, policies and instruments for improving public awareness in the member states. At the international level, the strategy also required cooperation with the Council of Europe, the United Nations and non-member countries, including European Free Trade Association (EFTA) and Central Eastern European countries (European Commission, 1994).

On the other hand, in the fight against drug supply, until 1999, the European Council endorsed individual provisions rather than preparing an overall strategy. For increasing the effectiveness of the enforcement of the law against drugs, the Council adopted a joint action in November 1996, which delivered an information exchange mechanism between member states on new types of illicit drugs. In this joint action, member states were called on to exchange technical information on seizures of drugs including chemical specifications, physical dimensions, and type and quantity with the Europol Drug Unit designated as the transmitting channel for information (European Council, 1996a).

Furthermore, in a joint action of 1996, the European Council underlined the implementation of the provisions of the UN Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as the basis for member states' national legislation against drugs. In the joint action, member states were called on to impose serious sentences for illicit drug trafficking and illicit cultivation of narcotic plants (European Council, 1996b).

With the entry into force of the Treaty of Amsterdam in 1999, the JHA policy, has entered a new phase. The Treaty emphasized an enhanced internal security regime to generate a free and safe EU zone and initiated an 'Area of Freedom, Security and Justice'. In this context, law enforcement cooperation between member states was intensified to "provide citizens with a high level of safety within an area of freedom, security and justice". In the treaty, the fight against illicit drug traffic was counted one of the objectives to maintain internal security within the EU. Unlike the Treaty of Maastricht, the Amsterdam Treaty emphasized the implementation of minimum rules and sentences in the national criminal law of member states. Article K.3 of the treaty described this issue as "adopting measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the fields of organised crime, terrorism and illicit drug trafficking" (Treaty of Amsterdam, 1997).

In December 1999, a new drug strategy was prepared by the Commission for the period of 2000-2004 and endorsed by the JHA Council. Unlike previous drug strategies, the 2000-2004 drug strategy considered demand- and supply-reduction simultaneously. The Council also underlined the use of EMCDDA and Europol to achieve these objectives.

The EU's 2000-2004 drug strategy was based on the principles of both the Treaty of Amsterdam and the political declaration of the United Nations General Assembly Twentieth Special Session on Drugs (UNGASS) held in June 1998. Corresponding with this declaration, drug strategy espoused a "global, multidisciplinary, integrated and balanced" approach for delivering proposed objectives against drugs. In this regard, demand and supply reduction were seen as mutually reinforcing elements. Along with the UNGASS declaration, the strategy underlined the promotion of international cooperation and support for the UN and UNDCP efforts against illicit drugs. Under the provisions of the Treaty of Amsterdam, the EU drug strategy 2000-2004 highlighted cooperation between member states and the use of law enforcement measures. It also called for common action on judicial cooperation and the adoption of minimum measures in national criminal legislation and cooperation between national customs and law enforcement authorities against illicit drug trafficking. For demand reduction, it addressed the use of social initiatives. Moreover, the strategy pointed to the drug problem as a major priority for the EU's external action to support its Justice and Home Affairs policy (European Council, 1999b).

With the adoption of the "EU Action Plan on Drugs" by the Feira Council of June 2000, relations with candidate countries in combating drugs came to the agenda of the EU. In the Council declaration, the EU became dedicated to intensifying cooperation with candidate states against cross-border security problems. It was acknowledged in the declaration that the EU should achieve and support cooperation with candidate countries in various policy fields, including the fight against drugs. Concurrently, the drug action plan underlined the alignment of candidate states with

the EU drug policy. It called on the Commission to assist candidate countries' development of national drug policies. The Commission was called on to negotiate with candidate states to allow them to participate in the work of EMCDDA (European Council, 2000b).

Afterwards, the “Action plan on collaboration against drugs between the EU and countries of the Western Balkans and Candidate countries (Bulgaria, Romania and Turkey)” was endorsed by the JHA Council of June 2003. The EU action plan proposed the adoption of EU practices and the development of national drug strategies in applicant countries. Candidate states were also invited to participate in the work of EMCDDA.

Under the action plan, the development of strategic plans and national institutions against drugs were given as central objectives. The use of financial assistance programmes was recommended for capacity-development and institution-building. Member states and the Commission also called for the drawing up of cooperation agreements with applicant states. The action plan highlighted the establishment of national focal points in candidate states for cooperation with EMCDDA. It also addressed operational and strategic information exchange for law enforcement cooperation, the improvement of cross-border security measures and the use of controlled delivery operations against cross-border drug trafficking (European Council, 2003b).

As a part of the continuing progress in internal security co-operation between member states, in November 2004, the European Council endorsed The Hague Programme for strengthening the internal security of the EU. In this programme, illicit drugs were labelled as a primary security threat along with terrorism, immigration and organised crime. The measures adopted within the Hague Programme included a list of actions for the development of coordination mechanisms between member states for achieving internal security objectives for the period between 2005 and 2009 (European Council, 2004b).

In the Hague programme, the EU's current drug strategy "The European Strategy on Drugs" of December 2004 was endorsed for the period between 2005 and 2012. The strategy considers illicit drugs as a problem to be addressed at the international-level. Therefore, the strategy points to the coordination of national initiatives against drugs in the EU. It calls on member states to coordinate their efforts around the same objectives. The European Strategy on Drugs sets out its purposes around two policies: "demand reduction" and "supply reduction". Also related with these two policies, it emphasizes two crosscutting themes: "international cooperation" and "information, research and evaluation" (European Council, 2004a).

Corresponding with the 2005-2012 Drug Strategy, the European Council adopted two Drug Action Plans for the periods 2005-2008 and 2009-2012. In these, the implementation deadlines were listed to achieve concrete results against drugs. Member states were called on to adopt national strategies and action plans in line with EU drug strategy. In order to prevent drug addiction, comprehensive and effective prevention programmes were recommended to be conducted for target groups in schools, communities and NGOs. For supply reduction, criminal and judicial cooperation between member states through Europol, Eurojust and external relations with third countries were emphasized. For joint operations and information exchange, member states and Europol were invited to develop joint investigation teams against drug trafficking groups. For international cooperation, member states and the Commission were called on to promote the EU's approach against drugs and to support third-countries in their efforts against drugs. Therefore, Commission was called on to develop mutual relations and agreements with third countries on drugs (European Council, 2005b).

6.4. Domestic dynamics of Turkey in the fight against drugs

So far, Turkey has ratified most of the key international drug conventions aiming to control production, diversion and illicit trafficking of drugs worldwide. Corresponding with the national dynamics of Turkey, a range of policy instruments

were adopted in Turkey to regulate licit poppy manufacturing, to prohibit drug trafficking and to control the abuse of narcotic drugs. To that end, Turkish drug policy gives preference to both national objectives deriving from domestic dynamics and to its international commitments linked with the conventions. With respect to its international commitments and domestic priorities, Turkey's drug policy can be categorized under three main issue areas: Legal manufacturing of drugs, counter efforts against illicit manufacturing and trafficking and the fight against drug addiction.

Turkey has been a poppy producing country for many decades; indeed it is one of the largest licensed poppy producer countries in the world (Mansfield, 2001: 6). Annually, Turkish farmers cultivate nearly 60 tons of opium under supervision of the state. Farmers are certified for licit poppy production and monitored through strict formal mechanisms. With respect to international requirements, each year TMO licenses nearly 100,000 farmers in 13 provinces of Turkey for poppy cultivation. Raw plants are then processed by the state for medical purposes or exported to the US, Japan and Western European countries (TMO, 2009).

A formal agency, the so-called Turkish Grain Marketing Board (TMO) under the Ministry of Agriculture carries out the licensing procedures for cultivation. Raw products are bought by TMO and processed or exported under the control of the Ministry of Health (Council of Ministers, 1987, 1988).

On the other hand, due to its geographical location between the East and the West, Turkey has been used as an active destination for the trafficking of illicit drugs. International and Turkish organised crime groups smuggle Afghan opium across the Iranian, Syrian and Iraqi borders to Turkey where it is processed into heroin in clandestine laboratories in Southeast Turkey (Europol, 2008: 21).

In addition to organised crime groups, the PKK deals with drugs trafficking in European countries and in Turkey for financing its activities (Pek et al., 2007: 146).

According to official seizure reports of 2008, 353 narco-terrorism operations were conducted linked with members of the PKK and 794 individuals were detected with 50kg of heroin being seized (KOM, 2008).

Turkey's current administrative structure for anti-drugs-trafficking enforcement comprises three different law enforcement institutions under the Ministry of the Interior. The Turkish Police Organization or so called Directorate General of Security (EGM) is the main agency responsible for the fight against trafficking of drugs in Turkey. In rural areas and around the coast, the Gendarmerie and the Coastguard Command, perform their respective enforcement duties in coordination with the EGM.

The EGM, under the Ministry of the Interior, is the central institution for the implementation of national policies. Under the EGM, the Anti-Smuggling and Organised Crime Division (KOM), founded in Ankara in 1980, specialises in fighting organised crime and drug trafficking. Under the KOM, the Narcotic Crimes Department performs enforcement duty against illicit manufacturing and trafficking of drugs. This department has branches in 81 provinces of Turkey with approximately 1,100 officers (KOM, 2006).

At the international level, the United Nations Office on Drugs and Crime (UNODC) is an important partner for Turkey in tackling drug trafficking in its neighbourhood. A joint initiative by UNODC and the Turkish Government provided a cooperation programme through which the United Nations supported TADOC. This five-year joint project aimed to enhance regional cooperation with Turkey's neighbours through law enforcement training. The project was completed in three stages between 2000 and 2003. In the first phase, TADOC was founded as a training institution with technical and administrative capacity. In the academy, four research centres were established to analyse new enforcement techniques for specific crime types. In the second and third phases of the programme, various training programmes were executed through research centres (UNODC, 2000).

Meanwhile, TADOC sustains training programmes with Turkey's neighbouring countries for the suppression of illicit production, abuse and smuggling of drugs and narcotic substances. TADOC's activities aim to provide training to the beneficiary countries and to share best practices in the field of combating drugs and organised crime. In this regard, research centres of the academy analyse theoretical and practical information to develop new strategies for law enforcement. Training programmes also aim to intensify cross-border dialogue between officers of Turkey and the countries of the region against cross-border crime. Programmes are prepared for the law enforcement officers of neighbouring countries on a regional basis. They are offered to Economic Cooperation Organization (ECO) states, members of the Black Sea Economic Cooperation (BSEC) group, OSCE, the Balkan States and to other countries that have mutual agreements with Turkey on the prevention of drugs and organised crime. Since 2000, TADOC has organised nearly 30 training seminars for enforcement officers from different countries. Between 2000 and 2008, 179 training seminars were organised for 2,382 participants from 58 countries (KOM, 2008).

In terms of international law enforcement cooperation, the KOM under the EGM conducts cross-border law enforcement cooperation with neighbouring countries against international drug trafficking. Through bilateral agreements, Turkey conducts joint operations and controlled-delivery operations at an international-level. In addition, through liaison officers, information exchange and joint operations are also performed with states in Europe and Central Asia. In this regard, in 1999 Turkey signed a cooperation agreement with countries from South-eastern Europe which established the South-eastern Europe Cooperative Initiative (SECI) against transnational crime in the region. In order to tackle illicit drug trafficking, SECI members established a task force. Thus, the drug trafficking task force delivers law enforcement cooperation through liaison officers of member states. Meanwhile, Turkey has two liaison officers appointed from national police and customs authorities to serve at SECI headquarters in Romania.

By 2008, 59 foreign liaison officers from 25 countries were serving in Turkey for cross-border cooperation. Turkey has a total of five liaison officers in other countries including Germany, Holland, Denmark, the UK and Uzbekistan (KOM, 2008; TUBIM, 2007b). In Turkey, as a result of information exchange with other countries, 116 joint operations were executed against drug trafficking groups between 2003 and 2007. In 2007 alone, 47 joint operations were performed with the US, Germany, Belgium, Bulgaria, Holland, the UK, Spain, Poland, Romania, Slovenia, Iran, Kazakhstan, Hungary, Macedonia, Norway, Serbia, Saudi Arabia and Ukraine through information exchange. Additionally, since the adoption of controlled-delivery regulation in Turkey, Turkish law enforcement authorities conducted 77 controlled-delivery operations between 1997 and 2007 in cooperation with different countries (KOM, 2007).

Another aspect of the drug policy in Turkey focuses on demand reduction. In Turkey, illicit drug consumption and addiction are widely perceived as a serious habit and a threat against society, although there is no widespread use of illicit drugs (Robins, 2008: 633). According to Turkish public opinion, it is believed that drug abuse may cause social disorders and serious health problems. Therefore, it is considered an important duty of the state and NGOs to tackle addiction and the underlying reasons for drug abuse. Attributed to the perception, the Turkish Constitution of 1982 obliges governments to enhance the problem-solving capacities of the state to combat drug demand (Constitution 1982).

In Turkey, state and voluntary organizations emphasize the harmful effects of addictive substances through various awareness activities to protect at-risk groups including youths, students and less-educated populations. A range of public institutions in Turkey are involved in the fight against drug addiction. To increase awareness in Turkey of drug addiction, the Ministry of Education, Turkish Radio and Television (TRT), the Ministry of Health and the Directorate General for Security conduct projects.

The Turkish National Monitoring Centre for Drugs and Drug Addiction (TUBIM) works under the EGM as a coordinating institution. TUBIM's duties can be categorized into two groups. First, at national-level, it is the institution coordinating national demand-reduction activities against drugs. It has focal points in 25 public institutions in Turkey including the Family Research Agency (AAK), the Ministry of Health, the Under-secretary of Customs, the Turkish Radio Television Agency (TRT), the Ministry of Justice, the Ministry of the Interior, the Gendarmerie, the Ministry of Foreign Affairs, Ankara University, the Turkey Statistics Agency, the State Planning Agency, the Secretariat General for EU Affairs (ABGS) and the Directorate General for Security (EGM). The institutional focal points of TUBIM for the coordination and exchange of information on drug-related issues are appointed by each institution from among their own staff. There are also focal points of TUBIM in 81 provinces of Turkey. Officers of TUBIM participate in local awareness activities for demand reduction, such as conferences, panels and seminars in coordination with the Ministry of Education (TUBIM, 2007c).

The second duty of TUBIM has an international aspect. It functions as Turkey's national focal point of the EMCDDA. Through a data-transfer system, it supplies information to the EMCDDA about Turkey's 'risk and struggle' profile on drugs (TUBIM, 2007c). In order to transmit data to EMCDDA, a computer system, the so-called REITOX network, was established in the institution with EU assistance. TUBIM obtains data from national institutions through institutional focal points and then transfers it to EMCDDA on a regular basis. Data provided includes risk groups, drug-related deaths, rehabilitation results, ratio of drug addiction to the general population, etc. (TBMM, 2008).

TUBIM also engages in EU initiatives on behalf of Turkey. Annually, it issues a national situation report in combating drugs in Turkey. The report outlines Turkey's 'risk and struggle' profile against drugs based on data received from domestic

institutions such as the Ministry of Health, the Under-secretariat for Customs and the Directorate General for Security (TUBIM, 2006b).

6.5. Accession conditionality concerning the fight against drugs in Turkey

Requirements of the EU within the context of drugs policy include implementation of the *acquis* and coordination with the EU institutions simultaneously. The EU *acquis* in this field does not identify any administrative structure for national focal points. However, to be able to conduct information exchange on drugs through EMCDDA and Europol, national focal points and enforcement agencies are required to have adequate administrative and technical capacity. Candidate countries are required to set up adequate administrative capacity for fight against drug-related crimes and for co-operation with member states (European Commission, 2005a).

The EU began to determine accession conditionality for Turkey in combating drugs after it became a candidate state in 1999. A JHA expert mission to Turkey in September 2000 was the EU's first concrete step to identify conditionality on drugs. The assessment report of the mission pointed to institutional deficits in Turkey and addressed the reorganization and modernization of administrative structures to strengthen the fight against drug trafficking. The report underlined the need for coordination between domestic agencies at national-level. It suggested establishing a specific administrative structure to coordinate domestic policies on demand and supply reduction. The mission report also recommended cooperation with the EU agencies and the establishment of a mini-Dublin group for coordination of international efforts at the global level (Maffre, 2001: 45).

Accompanying Turkey's candidacy, the Council endorsed the first Accession Partnership in March 2001. In the Accession Partnership document, the EU counted effective enforcement against drug trafficking as a condition to be implemented by Turkey. It called upon Turkey to improve the capacity of administrative structures to implement and manage the EU *acquis* in this field. Therefore, it particularly

emphasized training and appropriate coordination between national ministries and the development of effective border control to prevent trafficking in drugs. In the medium term, the Accession Partnership of 2001 underlined implementation of the EU *acquis* and intensifying international cooperation in the fight against drugs (European Council, 2001).

The European Council endorsed a revised AP for Turkey in May 2003. Concerning drugs, the revised AP invited Turkey to strengthen efforts against drugs and demand legal alignment, administrative capacity development and the strengthening of national and international cooperation. The AP document underlined the adoption and implementation of EU criminal law in the field of drugs. It also required Turkey to adopt a National Drug Strategy in line with the 2000-2004 EU Drug Strategy and Action Plan (European Council, 2003a).

Following the opening of accession negotiations in 2005, the European Council endorsed two further AP documents for Turkey in 2006 and 2008. According to the AP document of 2006, in the short term, Turkey was called on to strengthen its fight against drugs and to develop, and implement a national drugs strategy in line with the EU Drugs Strategy and Action Plan. In the medium term, the AP sought to enhance the capabilities of the national focal point to EMCDDA and the adoption of the EU *acquis* in the fight against drugs (European Council, 2006). In the AP document of 2008, Turkey was also called to strengthen its fight against drugs under JHA (European Council, 2006; European Council, 2008a).

Further to AP documents, in the annual progress reports of the European Commission, the EU outlined accession conditions for Turkey's drugs policy. Strong emphasis was also placed on ratification of the international drug conventions, adoption of the *acquis* and capacity development for action against illicit drug trafficking on the Balkan trafficking route.

In the progress reports, Turkey was identified as a major drug trafficking centre, particularly for drugs coming from Afghanistan, Iran and Central Asia, and as a centre for refining opium. Therefore, the Commission called on the Turkish authorities to devote attention to dismantling hidden laboratories and combating the chain of trafficking more effectively. Reports invited information exchange between EU member states and Turkey. They required greater efficiency and the reinforcement of police cooperation. Commission reports also called on the Turkish authorities to establish legal instruments to facilitate international police cooperation.

Concerning demand reduction, Commission Reports called on Turkey to appoint a National Drug Coordinator, to improve co-ordination and co-operation among relevant national institutions. They also asked for the development of a national drug strategy in line with the EU Drug Strategy and for the capacity of the Turkish National Focal Point to be brought into line with EMCDDA standards.

Table: EU requirements in AP documents linked with Turkish drug policy

<u>Task to be undertaken</u>	<u>Document Date and Timescale</u>
Enhance the fight against drugs trafficking. Improve the capacity of public administration to adopt, to implement, and to manage the <i>acquis</i> in particular through training and appropriate coordination between ministries, to prevent illegal trafficking in drugs.	2001 Accession Partnership - Short Term
Adopt and implement the EU <i>acquis</i> in the field of fight against drugs further intensify international cooperation in those fields.	2001 Accession Partnership - Medium Term
Continue to strengthen the fight against drugs, particularly through legislative alignment, improved administrative capacity, and enhanced cooperation between different law-enforcement bodies, in line with EU standards.	2003 Accession Partnership - Short Term

Adopt and implement the *acquis* in the fields of the criminal law fight against drugs; further increase administrative capacity, cooperation between the different law enforcement bodies and intensify international cooperation in these fields. Develop and start to implement a national drug strategy in line with the EU drugs strategy and action plan.

2003 Accession
Partnership -Medium Term

Strengthen the fight against drugs. Develop and start implementing a national drugs strategy in line with the EU Drugs Strategy and Action Plan.

2006 Accession
Partnership -Short Term

In the field of drugs, continue to strengthen the national focal point. Adopt and implement the *acquis* in the fields of fight against drugs.

2006 Accession
Partnership -Medium Term

Strengthen the fight against drugs.

2008 Accession
Partnership -Short Term

6.6. Outcome: Assessment of the EU's involvement

The impact of the EU in combating drugs in Turkey is scrutinized with reference to three periods in the following sections. The first phase covers 1987, when Turkey made an official membership application to the EU, to 1999, when the Helsinki Council admitted Turkey as a candidate state. The second phase covers from 1999, when the EU began structured relations with Turkey through the construction of conditionality, to the start of accession negotiations in 2005. The last phase covers 2005-2010 in which accession negotiations had been started. In these three periods, the study considers four selected variables: "Determinacy of the EU requirements", "credibility of conditionality", "domestic adaptation costs" and "convergence of threat perceptions" between Turkey and the EU.

Table: Mediating factors for transition of drug policy

Period	1987-1999	1999-2005	2005-2009
Determinacy of the EU requirements	Low (Lack of conditionality, limited progress in the EU drug policy)	High (High (Accession partnership documents, progress reports, assessment visits)	High (High (Accession partnership documents, progress reports, screening)
Credibility of conditionality	Low (No membership perspective and other incentives)	High (Candidacy, delivery of assistance, institutional links)	Low (Uncertainty on delivery of the EU promises, Cyprus issue)
Domestic adaptation costs	Low (due to benefits of internal security cooperation and financial assistance)	Low (due to benefits of internal security cooperation and financial assistance)	Low (due to benefits of internal security cooperation and financial assistance)
Convergence of threat perceptions between Turkey and the EU	Low (No concrete relationship in combating drugs)	High (relations with UN, Institutional links, training programs, cooperation agreements against drugs)	High (relations with UN, Institutional links, training programs, cooperation agreements against drugs)
Outcome	No policy outcome	Compliance	Compliance

Phase 1: 1987-1999

Unlike the Central Eastern European countries (CEECs), Turkey did not get candidate status, although it made a membership bid in 1987. Due to not being

considered as a candidate for membership, the EU did not set up membership conditionality for Turkey until 1999. Consequent to the absence of structured relations and membership conditionality, the EU was not able to put adaptation pressures on Turkey to pursue domestic alignment with the EU drug policy. Only in a Council between Turkey and the EU in March 1995, was it declared that Turkey and the EU should extend cooperation to different policy areas, including JHA. The Association Council declaration also underlined an intention of strategic cooperation to be based on information exchange on internal security issues (Association Council, 1995). However, no precise steps were taken afterwards.

As an alternative to the influence of the EU, Turkish drug policy before 1999 was mainly driven by domestic factors and other international dynamics. In that sense, legal poppy production and trade became an important factor for the progress in Turkish drug policy (Ergul, 2002; Robins, 2008: 632). In order to regulate poppy production and legitimize it at the international level, Turkey developed a close relationship with the UN International Narcotic Control Board (INCB) and ratified the 1961 UN Single Convention on Narcotic Drugs in May 1967.

However, Turkey did not establish a licensing and monitoring system, as mentioned in the UN Single Convention, until the mid-1980s. For the first time in 1986, Parliament (TBMM) adopted a law to control poppy production in Turkey complying with the 1961 UN Convention (TBMM, 1987). According to the legislation, non-licensed cultivation was prohibited and the Government was authorized to set up conditions for monitoring cultivation, processing and export of poppy products. To comply with the UN convention, the ANAP Government issued two directives to regulate the licensing, processing and trade conditions of poppy production. Meanwhile, according to the directives of 1987 and 1988, the government would determine each year the size and geographical location of the areas used for poppy production after consulting with the United Nations International Narcotic Control Board (INCB).

In addition to legal poppy production, another domestic dynamic that has impacted on the development of Turkish drug policy has been domestic values among the Turkish public on drug abuse. According to public opinion in Turkey, drug addiction has been perceived as a serious health problem and as a source of social disorder for many decades. Attributed to social norms, the Turkish Constitution of 1982 obliged decision-makers to take necessary measures to prevent youth falling victim to bad tendencies, including drugs. In article 58 of the constitution, drug addiction is identified as a security threat to be tackled and a harmful habit that damages the community. The Constitution identified youth as a target group for drug addiction and called for the setting up of social initiatives against drug addiction (Constitution, 1982).

Turkey's geographical location on the "Balkan Route" also persuaded Turkey to develop international cooperation against drug trafficking. In the period, Turkey's participation in the Economic Cooperation Organization (ECO) and relations with the UN in the fight against the illicit traffic of drugs have influenced Turkish drug policy. Turkey has been a member of the ECO since its establishment in 1985. Meanwhile, ECO pursues social and economic development between Turkey, Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. Regarding social developments, ECO aims to control drug abuse and support ecological protection and intercultural dialogue in its region, in cooperation with UN. Concerning drugs, ECO member states, including Turkey, set up a Drug Control Committee in 1992 to intensify international cooperation. In March 1995, the UN started participating in the activities of the Drug Control Committee. Later, ECO signed an agreement with the UN under the United Nations Drug Control Programme (UNDCP) to support the fight against drugs in the region. In December 1995, in consultation with UNODC, the ECO Drug Control Committee issued an action plan that underlines measures to be taken at national and international levels to ensure reductions in both supply and demand. On supply reduction, the action plan called on ECO states to establish a communication network, adopt controlled-delivery legislation, appoint drug liaison officers between

member states and establish a regional training centre to support regional cooperation. For demand-reduction, the ECO action plan emphasized the identification of priority and high-risk groups at the national level and recommended the preparation of national public awareness projects, particularly through the mass media, and educational programmes to raise awareness of the dangers of drugs. The action plan also called on ECO states to ratify UN Drug Conventions, to prepare national drug strategies and to start pilot projects for demand reduction. For the coordination of national policies, the action plan underlined the establishment of a national committee to coordinate the activities of national institutions on demand reduction (ECO/DCCU, 1996).

Complying with the ECO drug action plan, in February 1996, Turkey ratified the United Nations Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances of 1988 (UN, 1988). Corresponding with the UN Convention, the Turkish government passed legislation in December 1996 against the manufacturing, import, export and use of psychotropic substances. The rule adopted by the parliament, authorized the Ministry of Health to establish the licensing mechanism in accordance with the annex of the 1988 UN convention to identify types of psychotropic materials. The law also delivered a sentence of two to four years imprisonment as the penalty for illicit production, trade and use of psychotropic substances listed in the annex of the UN Convention (TBMM, 1996).

Additionally, the Turkish Government adopted a regulation in December 1997 to allow "Controlled Delivery" operations against trafficking in drugs. According to the Government regulation, in order to discover the perpetrators or evidence of criminal activity, Turkish law enforcement agencies are authorized to allow trafficking of illicit goods and their assets until they reach their target. Controlled delivery regulations authorize the Directorate of Security (Turkish national Police), Gendarmerie, Coast Guard and Customs Enforcement agencies to perform operations at the national and international levels. Concerning national and international collaboration, the regulation developed a mechanism for communication and mutual

understanding between domestic agencies and coordination with international bodies (Council of Ministers, 1997).

In this period, Turkey's participation in international initiatives against drugs and the ratification of the 1988 UN drug convention had further increased the awareness of drug abuse on the domestic level. After the mid 1990s, public institutions such as the Ministry of Education, the Ministry of Health and NGOs conducted individual awareness programmes and campaigns to protect youth from drugs and other addictive substances. As a response to domestic concerns about drug abuse, in a meeting in April 1996, one of the executive organs, the National Security Council (MGK), addressed the necessity of a national drug policy for coordinating national activities against drug addiction in Turkey. The MGK invited the government to determine a national policy to protect the community from drug addiction and strengthen the fight against trafficking drugs (MGK, 1996).

Soon after, the Turkish Government endorsed Turkey's first national plan "The Strategy on Preventing, Monitoring and Management of Drug Addiction" against drugs in 1997 for the period 1997-2002. The strategy targeted the protection of youth against drugs through demand reduction. In order to achieve this objective, the strategy proposed implementation of awareness activities nationwide. In the strategy, 15-24 year olds were addressed as the target group of awareness activities. Therefore, the strategy invited the Ministry of Education to launch awareness projects in schools. It also recommended the use of media campaigns and training programmes for families to reduce the demand for drugs and protect youth from drug addiction (TUBIM, 2006b).

With reference to the strategy, to coordinate the national efforts to increase the effectiveness of the activities against drugs, the Government had set up two committees. Committees were designed to coordinate the activities of national institutions in the fight against drugs. These committees served until 2002, as the groups responsible for advancing national policies against drug demand. However,

they could not achieve the proposed coordination, because of administrative deficits and the absence of legal powers (AAK, 2000).

At the international level, Turkey has also participated in the activities of the Council of Europe Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) since 1980. Turkey created a permanent post in the Pompidou Group appointed by the Ministry of Foreign Affairs. Basically, the Pompidou Group was established as a forum where policy makers and researchers could discuss development of policies in the field of drugs in Europe and in other regions of the world. In this regard, it encourages collaboration between EU and non-EU countries and other international organisations, through conferences, seminars and other research activities. Thus, it promotes scientific research and analysis so that anti-drug policy-makers remain well-informed. Turkey has made a full contribution to these activities (Council of Europe, 2011b).

In brief, since Turkey was not an EU member and no conditionality had been stated, the EU was not able to become involved in developments in Turkish drug policy in the period between 1987 and 1999. On the other hand, national factors and relations with international organizations (primarily the UN and ECO) dominated developments on drug policy in Turkey.

Phase 2: 1999-2005

After admitting Turkey as a candidate state in 1999, the EU identified deficiencies in Turkish drug policy and clarified accession requirements in formal documents and in mutual visits. Turkey adopted its first National Plan for Adopting the *Acquis* (NPAA) in March 2001. In the NPAA of 2001, Turkey committed to adopting the EU *acquis* on the illicit manufacturing and trafficking of drugs and underlined its intention to implement the EU drug policy and intensify institutional cooperation with EU member states and institutions (Council of Ministers, 2001).

Along with the beginning of formal relations as a candidate state, the credibility of EU policies in Turkey was increased. The coalition government, formed by the Democratic Left Party (DSP), the Motherland Party (ANAP) and the Nationalist Movement Party (MHP) between 1999 and 2002 compromised on the idea of EU membership despite having divergent political ideologies. In the period, Turkey's candidacy allowed Turkish governments to adopt EU rules in various policy areas, including drugs policy. EU incentives, such as the delivery of financial assistance for capacity development, institutional links with EMCDDA and internal security cooperation with member states had strengthened the credibility of EU demands on drugs.

Just after the Helsinki Council decision, Turkey put a strategy into practice in 2000 to strengthen institutional ties with EU agencies. Through this strategy, Turkey aimed to benefit from institutional cooperation and EU financial assistance for administrative capacity development (Interview#1, 2009). Turkey outlined its willingness to participate in the activities of EMCDDA and submitted an official membership application in 2001 (European Commission, 2001b; KOM, 2006).

Due to Turkey's strategic location on the transit smuggling route between the producer and European countries, internal security cooperation with Turkey against drugs was perceived to be crucial by the EU. In an European Commission communication of 2001, this issue was claimed that,

“The two main aims of the EU are to enable applicant countries to implement the drugs *acquis*, and to bring the EU and applicant countries into closer drugs cooperation. special attention will be given to co-operation with Turkey. The Commission intends in particular to strengthen its cooperation with Turkey and intends to begin soon negotiations on an agreement to help prevent the diversion of chemical precursors” (European Commission, 2001a).

Due to the importance given to Turkey combating drugs, Turkey's application for EMCDDA membership was accepted as a positive sign by the EU. Subsequently, Turkey appointed the Family Research Agency as its first National Focal Point in June 2001 to carry out membership negotiations with EMCDDA. As a first step to meeting the EU requirements, in April 2001, Turkey ratified the 1972 Protocol Amending the 1961 Single Convention on Narcotic Drugs.

In the period, adoption of the EU requirements was not seen as costly by decision makers in Turkey. The benefits of cross-border security cooperation with the EU member states and allocation of financial assistance for capacity development minimized domestic opposition to the EU conditionality. Turkey's formal application for EMCDDA membership and positive responses received from the EU also minimized domestic opposition. Governments and senior officials in the Ministry of the Interior considered that institutional links to be established with EU agencies and member states would advance the effectiveness of national drug policy and enforcement against drug-related crimes in Turkey. It was also believed that EU assistance and strategic and operational cooperation agreements with the EU agencies would help administrative capacity development (Interview#1, 2009; Interview#6, 2010).

Additionally, it is claimed by an interviewee from an independent research organization in Turkey that,

“After the Justice and Development Party came to power in 2002, cooperation with the EU against drugs was continued since the prevention of social erosion caused by drugs corresponds with the conservative principles of the ruling Justice and Development Party (Interview#3).

Following the application of Turkey for EMCDDA membership, a group of experts from EMCDDA made an assessment visit to Turkey in October 2001 to determine conditions for Turkey's participation in EMCDDA activities. During the visit, the experts met with the relevant domestic institutions. Finally, an assessment report was prepared about conditions in Turkey to tackle drugs and the necessary steps that Turkey should take (TADOC, 2002). Concerning administrative structure, the report underlined the importance of a mechanism, which could coordinate the activities of the state and collaborate with the EMCDDA. It also emphasized the significance of a well-equipped institution to serve as a National Focal Point and to carry out negotiations with the EMCDDA on the participation process. The assessment visit pointed to the Family Research Agency's lack of legal background and recommended that another institution should be appointed as the national focal point.

In order to enhance cooperation with candidate states in combating drugs, the JHA ministers of member states and candidate states, including Bulgaria, Cyprus, the Czech Republic, Slovakia, Slovenia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Turkey met in Brussels in February 2002. In the final declaration of the meeting, candidate states were invited to integrate national drug policies and institutions with the EU. In this context, the parties agreed to launch an initiative to establish National Focal Points in candidate states by March 2002. For this purpose, the EU committed to assist candidate states through the PHARE Programme and Pre-accession Financial Assistance. In response, candidate states were committed to carry out the necessary actions listed in the EU drug strategy and action plan. Additionally, the EU and candidate states agreed on reinforcing regional cooperation against synthetic drugs and the diversion of chemical precursors (European Council, 2002a).

Corresponding with the suggestions given in the EMCDDA assessment visit and JHA ministers meeting of February 2002 in combating drugs, the Turkish government appointed the Turkish International Academy against Drugs and Organised Crime (TADOC) as Turkey's National Focal Point for EMCDDA in May

2002. In addition, the functions of the committees which were established in 1996 for monitoring and steering the fight against the use of narcotic drugs were terminated with their duties being taken over by TADOC, a training department in the Anti-Smuggling and Organised Crime Division of the Turkish National Police.

After being appointed as the National Focal Point to EMCDDA, TADOC prepared a twinning project to enhance institutional capacity and address Turkey's legal deficits in the fight against drugs. The twinning project, the so-called "Establishment of a National Drugs Monitoring Centre (Reitox Focal Point) and development and implementation of a National Drugs Strategy", was approved to begin in 2004 using the 2002 EU pre-accession financial assistance. The project aimed to create a national drug policy and a parallel institutional structure in Turkey to meet EU standards. It proposed to establish an information network in Turkey to function as the National Focal Point for the EMCDDA (TADOC, 2002).

As a matter of mutual interest in the fight against drugs, Turkey and the EU signed an agreement in December 2002 to control the export, import and transit of psychotropic substances which could be used in the illicit manufacturing of drugs. Complying with the provisions of the 1988 UN Convention on Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, the agreement between the EU and Turkey established administrative requirements such as trade monitoring, suspension of shipment and information exchange between EU member states and Turkey. To prevent the transfer of psychotropic substances for illicit purposes, parties committed to provide necessary information to each other. It was also concluded in the agreement that shipment can be suspended if there are reasonable grounds to believe controlled substances will be used for the illicit manufacture of drugs (Agreement, 2003).

In May 2003, the European Council endorsed a revised AP for the period 2003-2004. Concerning drugs, this revised AP again invited Turkey to strengthen its efforts against drugs through legislative alignment, to improve administrative capacity, to

enhance cooperation between different law-enforcement bodies and to sign international conventions in the field of drugs (European Council, 2003a).

Furthermore, the JHA Council of June 2003 outlined an action plan to intensify collaboration between the EU and the countries of the Western Balkans and Candidate countries (Bulgaria, Romania and Turkey) against drugs. The action plan called on the Commission and member states to conduct bilateral and multilateral initiatives with non-member states and to assist national activities, including the exchange of information and experiences. For demand reduction, the action plan highlighted the use of national focal points in coordination with EMCDDA and the implementation of relevant EU *acquis* and UN Conventions. For law enforcement cooperation, it addressed operational and strategic information exchange, the improvement of cross-border security measures, the use of controlled delivery and the development of an information exchange system on new synthetic drugs (European Council, 2003b).

Subsequently, in October 2004, Turkey signed the Council of Europe Agreement on “Illicit Traffic by Sea, implementing article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” which sets up administrative rules for measures on monitoring, jurisdiction and enforcement of illicit traffic by sea (Council of Europe, 2000). Furthermore, Turkey and Europol signed a strategic cooperation agreement in 2004 whereupon Europol started to provide strategic and technical assistance in the fight against transnational crime. As a matter of common objectives with the fight against drugs, Turkey and the EU signed the agreement for Turkey's membership of the EMCDDA in 2004.

To enhance the administrative structure of Turkey against drugs and to develop a national drug policy, a twinning project was undertaken between 2004 and 2006 in cooperation with Spain and Greece (ABGS, 2008). With the beginning of the project in 2004, the Turkish National Monitoring Centre for Drugs and Drug Addiction (TUBIM) was founded to function as the National Focal Point of Turkey for the

coordination of domestic policies and relations with the EU in the fight against drugs (TADOC 2002).

Institutional interactions between Turkish officials and their EU counterparts were an important element for the recognition of EU policies in Turkey until 2005. Twinning projects, training programmes and relations with the UN have initiated a learning process among Turkish officials (Interview#3, 2009; Kirisci, 2007: 19). Interactions developed an understanding on the importance of cross-border cooperation and the necessity of compatible drug policies to control drug demand and supply at the global level. Particularly, “the EU 2000-2004 action plan on drugs” and “2003 action plan for collaboration between the EU and Candidate countries” gave added impetus to the institutional interactions between member state agencies and Turkish officials. Various seminars, workshops and study visits were made with the participation of Turkish and EU member state officials. In that sense, the twinning project started in 2004 and training seminars had served as a transmitting channel to increase Turkish awareness of EU drug policies. Training seminars and exchange of best practices between EU agencies and officials from the Ministry of the Interior, the Ministry of Health and the Customs Authorities in the fight against drugs helped develop a common understanding for the development of internal security cooperation against drugs.

In the period, the United Nations Office on Drugs and Crime (UNODC) had also been a partner for Turkey to tackle illegal drugs. As a mutual initiative between UNODC and Turkish Government, a joint project to enhance regional cooperation between countries neighbouring Turkey was started. The project was completed in three stages between 2000 and 2003. In the first phase, the Turkish International Academy against Drugs and Organised Crime (TADOC) was founded as a training institution. In the academy, four research centres were established to analyze new enforcement techniques for specific crime types. In the second and third phases of the programme, various training programmes took place in the research centres (UNODC, 2000).

Phase 3: 2005-2009

In this phase, Turkey-EU relations shifted to another stage with the opening of accession negotiations in 2005. Following a communication of the Commission on Turkey's satisfying progress to meet political conditions (Copenhagen Criteria), the European Council decided to open accession negotiations with Turkey in December 2004. The European Council called on Turkey to adopt the entire *acquis* within the framework of JHA. Additionally, Turkey was invited to ratify international agreements concluded by the EU (European Council, 2005a).

However, the start of the negotiations initiated a debate in the EU on Turkey's membership. The absorption capacity of the EU and the cultural difference with Turkey were suggested as obstacles for Turkey's accession. Parallel to the debate on Turkey's accession, Germany, Austria and France suggested "privileged partnership" for Turkey as an alternative to full membership. According to the proposal, the EU would intensify relations with Turkey despite differences, but Turkey should be a privileged partner rather than being an EU member having equal rights with other member states. The Cyprus issue was a further setback to Turkey (see. The previous discussions in the Chapter 4).

At the domestic level, political debate in the EU on Turkey's membership and the suspension of negotiations resulted in uncertainty about the possibility of EU accession in the future. The AK Party Government and the political elites started to criticise the EU because of the alteration in its commitments. Accordingly, credibility of EU conditionality declined in Turkey. Subsequently, the transition process has slowed down in Turkey in various policy domains since 2005.

However, for Turkish Drug Policy this was not the case. Although credibility of the EU declined in Turkey after 2005, transposition of the EU policy in combating drugs made constant progress in this third period. As an alternative to the credibility of the EU incentives, Turkey and the EU perceived drug supply and consumption as a

serious problem for public health and security, which increased the likelihood of the EU requirements being adopted. In addition, contacts between Turkish and EU officials provided legitimacy for such an adoption. Turkish public policy makers and administrative elites considered the EU drug policy as appropriate to increase the effectiveness of fight against drug demand and supply in Turkey.

In this period, EU financial assistance for administrative capacity development, institutional links with EMCDDA and internal security cooperation with EU member states against drug trafficking have also eliminated domestic adoption costs. This issue was reflected by an official from Turkey that,

“Institutional interactions with the EU agencies and assistance of the EU for institutional capacity development were considered as valuable to advance technical and operational capabilities of Turkish institutions in the fight against drugs” (Interview#1 2010).

Soon after the start of accession negotiations with the EU, in June 2005, a new Turkish Penal Code came into force. The new code abandoned the previous 1926 penal code including sentences for drug-related crimes. Corresponding with the EU *acquis* on drugs, the new penal code introduced different sentences for those who commit drug-related crimes. Drug offenders were categorized as drug consumers, suppliers and traders. Under article 191 of the penal code, those who grow, buy or possess drugs for personal consumption became liable to one to two years in prison (TBMM, 2004).

Unlike the previous code, the new legislation delivered a similar approach to EU practices and encouraged treatment and rehabilitation for addicted users. Judicial supervision for drug addicted offenders as an alternative to imprisonment was introduced. However, in the 1926 code, treatment and rehabilitation could be applied in addition to a sentence if drug addiction was serious and posed a threat to the community (TBMM 2004).

In the penal code of 2005, severe sentences were delivered for illicit manufacturers, importers and exporters of drugs. Under Article 188, suppliers became liable to a minimum 10 years imprisonment. Moreover, those who sell, stock and distribute drugs became liable to 5 to 15 years in prison. For hard drugs, such as heroin, cocaine and morphine, the sentences were increased by fifty percent. In addition, sentences for organised crime groups or individuals that abuse their public duties, such as doctors and pharmacists, have also been subject to increase by one-half. Furthermore, under article 189, members of the legal profession became liable if they benefited from the trade or manufacturing of drugs (TBMM 2004).

Along with the start of accession negotiations with Turkey, the European Council endorsed a new AP in January 2006 to address short and medium-term EU priorities during the negotiations. According to the AP document, in the short term, the EU requested the development and implementation of a national drugs strategy in line with the EU Drugs Strategy and Action Plan (European Council, 2006). Later, in the 2006 Progress Report, the Commission again invited Turkey to prepare a national drug strategy in line with the EU Drug Strategy of 2005-2012 (European Commission, 2006b).

In the period, the twinning project, which was started in 2004 and concluded in 2006, had the impetus to meet the EU requirements. Following the conclusion of the project, Turkey prepared a National Drug Strategy in 2006, which is compatible with the EU drug strategy. Meanwhile, this strategy, the so-called “National Policy and Strategy Document for Addictive Drugs and Fighting against Drugs”, identifies Turkey’s policies and objectives against drugs for the period 2006-2012.

In the national drug strategy of 2006-2012, Turkey preferred a similar approach to that of the EU’s existing drug policy. It was mentioned in the strategy that the EU drug strategy was taken as the basis for the establishment of Turkish policy against drugs. Both strategies claim a “Balanced Approach” to the drug problem, which starts by using the interconnection between demand and supply to develop anti-drug

measures (TUBIM, 2006a). It was assumed that increasing demand for addictive substances increases supply and trafficking, therefore, a comprehensive anti-drug policy should cover the social and criminal aspects of drug abuse.

In the strategy, the main objectives of Turkish national drug policy were set out as; prevention of drug trafficking; protection and rehabilitation of the population and addictive users; improving institutional standards and coordination with international organisations. Corresponding with the EU drug policy, Turkey's strategy has set up five main issue areas: coordination; demand reduction; supply reduction; international cooperation and research/information/evaluation. A national-level strategy proposed raising awareness, strengthening organizational structures, and research for reducing demand. For suppressing drug trafficking, the strategy addressed the significance of controlled delivery operations. Controlled delivery operations held between Turkey and the EU member states counted as an effective instrument for dismantling the drug trafficking organisations. At the international-level, cooperation with EMCCDA, Europol and with other international organisations was among the measures to be taken by Turkey against drugs (TUBIM, 2006a).

Later, Turkish drug policy was underpinned by an action plan in 2007. The Ministry of the Interior prepared and endorsed the “Action Plan for Implementation of the National Policy and Strategy Document on the Fight against Addictive Substances and Addiction”. The action plan has set up a list of instruments to be used to achieve proposed objectives of the National Drug Strategy. In terms of supply reduction, the action plan underlined the strengthening of institutional capacity and national and international cooperation. It called for stronger control measures along borders and at border access points and for increasing the number of officers for law enforcement and monitoring the illicit cultivation of narcotic plants in the provinces.

In order to coordinate national activities, the action plan proposed the establishment of a mechanism for coordination between national organizations. Subsequently, in

2007, a Coordination Board was set up to coordinate activities of civil agencies and non-governmental organisations. The coordination board included representatives of civil and non-governmental agencies to make assessments about demand reduction activities. Furthermore, for scientific assessment, a scientific board, on which academics from different universities are appointed to evaluate the latest situation about drug use, has been established (TUBIM, 2007a).

In order to enhance international cooperation the action plan called for national institutions to develop contacts with neighbouring and transit countries on the Balkan drug trafficking route. The EGM is called on to increase liaison officers in transit and in neighbouring countries. The action plan also called for relevant institutions to participate in the EMCDDA meetings for information exchange. Additionally, mutual visits were recommended to share the good practices of EU member states about legal adjustments and activities for harmonization of the EU *acquis* (TUBIM, 2007a).

In October 2007, as part of increasing relations with the EU on drugs, a membership agreement was signed for Turkey's participation in the EMCDDA. It was underlined in the agreement that this participation would help Turkish adoption and implementation of the *acquis* concerning drugs (European Commission, 2006a). In the agreement, Turkey committed to engage in the work of EMCDDA and accepted the legal status of EMCDDA under Turkish law. Additionally Turkey was allowed to be represented in meetings and on the Management Board of the Centre but without the right to vote. Later, in April 2008, the European Council approved the agreement.

6.7. Conclusion

Since Turkey was not granted candidacy for the EU membership, there was no structured relationship between Turkey and the EU before 1999. Therefore, the EU was not able to put forward accession requirements on drugs. Due to the lack of a membership perspective and other incentives, such as institutional links and financial assistance, the credibility of the EU policies carried little weight in Turkey before

1999. Subsequent to the absence of membership relations and lack of conditionality, the EU was not able to become involved in developments in Turkish drug policy between 1987 and 1999.

As an alternative to the EU, Turkish drug policy before 1999 was mainly based on domestic factors and other international dynamics. In that sense, licit poppy production took place as an important feature of Turkish drug policy. On the other hand, due to its situation on the Balkan drug trafficking route, Turkey had developed close ties with the UN. In this period, poppy cultivation and economic concerns convinced governments to regulate legal poppy production in Turkey. To be able to legalize and export poppy products to other countries, Turkey maintained cooperation with the UN International Narcotic Control Board. Additionally, to control drug trafficking through the Balkan route, Turkey signed major UN Drug Conventions before 1999.

Domestic public concerns on drug addiction and drug-related crimes initiated demand-reduction campaigns in Turkey. In that sense, domestic norms and values persuaded governments to take measures for demand-reduction. Public institutions and NGOs organised awareness projects to protect citizens against harm from the use of illicit drugs. Yet, legal and administrative deficiencies in Turkey limited the implementation of a comprehensive drug policy before 1999.

Developments in Turkish Drug Policy made constant progress after 1999. Turkey's candidate status increased the credibility of the EU in Turkey. In AP documents, in progress reports and through assessment visits, the EU put forward an agenda for Turkey to align with the EU *acquis* and administrative structures in the fight against drugs. Additionally, the EU established institutional links and allocated financial and technical assistance to Turkey for administrative capacity development.

In the second phase, convergence of threat perceptions between the EU and Turkey and the legitimacy of the EU drug policy became important factors supporting

change in Turkish domestic drug policy. Despite having somewhat different problem-solving approaches, both Turkey and the EU perceived drug abuse and drug-related crimes as important internal security threats over the period. Especially, the emulation of UN policies and implementation of the provisions of UN drug conventions by Turkey and the EU member states provided convergence of perceptions between the EU and Turkey. Consensus between the EU approach and domestic security objectives of Turkey had legitimized adoption of the EU approach and instruments against drugs. In this period, clarity of accession conditionality, the EU incentives, the positive responses of domestic actors and a constellation of interests against drugs triggered domestic transition in Turkey to comply with the EU Drug Policy.

In addition, the benefits of internal security cooperation with the EU and allocation of pre-accession financial assistance significantly reduced domestic objections to the adoption of the EU requirements. In the period, domestic actors assumed that institutional links would be established with EU agencies and member states which would improve the effectiveness of national drug policy and enforcement against drug-related crimes in Turkey.

After 2005, the credibility of the EU started to decline in Turkey. Domestic debate in the EU about Turkey's accession and increasing domestic uncertainty whether Turkey would be able to gain EU membership hampered domestic alignment. Compliance with the EU requirements has slowed down in various policy domains. However, this was not the case for combating drugs.

Even with the decline in EU credibility, transition of Turkish drug policy made constant progress after 2005, in the period, common threat perception with the EU in the fight against drugs and institutional interactions legitimized the adoption of the EU conditionality on drugs. At the domestic-level, Turkish public policy makers and the administrative elites considered the EU drug policy as an appropriate way of dealing with domestic deficiencies in the fight against drugs in Turkey

7. Conclusion

In the previous chapters, the conditions for the impact of the EU on the internal security of Turkey have been scrutinized through analysis of the three sub-policy domains of JHA. Considering the theories of rationalist and constructivist institutionalism, the study investigated the effectiveness of the EU's influence mechanisms, domestic responses and outcomes of the EU conditionality for the internal security of Turkey linked with the external dimension of the JHA.

By limiting the field of JHA, the study concentrated on the fight against organised crime, terrorism and drugs as the case studies of the research. In the analysis, legal and institutional changes as well as the extent of internal security cooperation with the EU were tracked with reference to three different periods of time, from 1987 to 2010. The research aimed to provide insight into the conditions of the influence of the EU on applicant countries under JHA, the way the EU operates the external dimension of JHA in applicant states and the extent to which the EU engaged with the internal security of Turkey during the enlargement process.

The findings of the research were contrasted with the findings of recent studies analysing the impact of the EU on applicant states. Although prevailing studies address “credibility of conditionality” and “adoption cost” as the most influential factors for adoption of the EU rules in applicant states, the findings of this research reflect that the convergence of threat perceptions between the EU and applicant states is the key mediating factor to facilitate domestic alignment in the JHA domain. The study reveals that the EU incentives and sanctions can be ineffective in ensuring compliance in the field of JHA if the EU requirements do not correspond with domestic threat perceptions.

Comparison of the three case studies shows that domestic alignment in Turkey in the fight against transnational crime is likely in cases where the EU and Turkey have compatible threat perceptions. It is drawn from the analysis that the EU impact and

international security cooperation on drugs and organised crime shows progress even in the face of a decline in the credibility of the EU conditionality. Due to the convergence between threat perceptions of Turkey and the EU in combating drugs and organised crime, adoption of the EU requirements has been legitimized in Turkey for these two policy domains. In contrast, the impact of the EU has been limited in the case of terrorism as the threat perceptions of Turkey and the EU are diverse.

In the following sections, the findings of the thesis are outlined in detail. The conclusion is presented in three parts: First, the way in which the EU operates the external dimension of JHA in applicant countries is outlined by looking at the policies of the EU towards Turkey. Second, conditions for compliance with the EU requirements on JHA are presented. Finally, the extent to which the influence of the EUs the combating of drugs, terrorism and organised crime in Turkey is analysed.

7.1. The way the EU extends JHA towards applicant countries

In comparison to the European Neighbourhood Policy (ENP) and the Partnership Agreements of the EU with third countries, enlargement is an influential instrument for the exercise of the external dimension of JHA. Since enlargement policies prepare applicant countries for EU accession, the EU puts forward a range of requirements for the adjustment of the internal security of these states to meet EU standards. The enlargement process enables the EU to engage with the domestic policymaking process of applicant countries to conduct internal security cooperation for tackling transnational crime. In other words, instruments of enlargement and a structured relationship entitle the EU to exert its influence on non-member states in the context of the external dimension of JHA. Thus, the EU enhances internal security in its neighbourhood without having to await the conclusions of a lengthy enlargement process.

The EU operates a range of instruments in the enlargement process to bring the internal security of applicant states into alignment with the EU templates. To

facilitate compliance with accession conditionality, the EU uses incentives and monitoring mechanisms. The EU also employs deterrents and benchmarking to trigger transposition of JHA standards at the domestic level. Through Accession Partnership documents and Annual Progress Reports, the EU determines accession requirements, their sequence and a deadline for compliance.

It was observed from the cases of the research that conditionality on JHA includes a wide range of issues that reflect the EU's security objectives. In this sense, the conditionality on JHA comprises a threefold agenda. First, the EU asks for adoption of the EU *acquis* and ratification of relevant international conventions. The EU requirements on adoption of the EU *acquis* aim for alignment with the legal basis of JHA to secure the harmonization of definitions of offences and criminal procedures in applicant countries. Accession conditions on JHA do not foresee a single criminal system; instead the *acquis* determines minimum standards and leaves room for applicant states to insert domestic preferences in their criminal legislation.

In the legal context, the conventions of the UN and the Council of Europe are considered as an essential component of the EU *acquis* in the fight against drugs, terrorism and organised crime. Especially since the UN conventions inspire the EU policies in the fight against drugs and organised crime, conditionality includes as an indispensable requirement the ratification of the 1961, 1971 and 1988 UN Drug Conventions and the Palermo Convention of 2000 and its additional protocols on Organised Crime. To ensure implementation of the provisions of international conventions, the EU undertakes common projects with the UN and CoE in applicant countries. To that end, the EU works as a transmitting channel to spread the principles of the UN and CoE in its neighbourhood.

Additionally, accession states are asked to establish necessary administrative infrastructures to strengthen institutional capacity in the JHA domain. The EU requires development of administrative capacity, management systems and coordination mechanisms that can be capable of implementing the EU *acquis* and

achieving operational cooperation with EU agencies. Thus, the EU provides financial and technical assistance to reinforce domestic institutions. To guide implementation of the EU rules and practices in applicant states, the EU organizes twinning and TAIEX projects. Study visits and training performed with the support of the EU strengthens institutional infrastructure and paves the way for the emulation of the EU practices among domestic officials. Training programmes also initiate socialization of EU policies in applicant countries and contribute to the alignment of domestic threat perceptions with the EU approach.

In this respect, the EU assistance programmes have served as an important instrument for implementing EU practices and strengthening the administrative framework for combating transnational crime in Turkey. Following the allocation of the financial instrument for Turkey in 2002, nearly one third of the total twinning projects were prepared in the field of JHA. In the period between 2002 and 2007, 25 of 77 twinning projects were performed within the JHA domain. These projects dealt with a range of issues including combating drugs, organised crime, trafficking of human beings, money laundering, strengthening the forensic capacity of Turkey and border management.

Third, the EU policy towards applicant states maintains cross-border security cooperation between EU institutions and national agencies in the fight against transnational crime. Conditionality obliges applicant states to establish institutional links with the EU agencies to become involved in internal security cooperation within the EU. Therefore, applicant states are called on to sign cooperation agreements with the EU agencies. The agreements between national institutions and the EU agencies set up contact channels for information exchange, training and for the exchange of best practices. That way, the EU gets the benefits of internal security cooperation with the domestic institutions of applicant states to strengthen internal security within Europe.

7.2. Evaluation of the conditions shaping the impact of the EU in JHA

In this study, the impact of the EU on Turkey was analysed through comparison of EU rewards vs. domestic norms and beliefs. The EU incentives, as well as their credibility, were linked with rationalist assumptions. In that sense, the EU rewards and the cost-benefit calculations of domestic actors were considered as the explanatory variables that mediate the behaviours of decision-makers and constrain or facilitate the influence of the EU on the internal security of Turkey. The effectiveness of tangible EU incentives or lower adaptation costs are questioned as a means of persuading domestic actors to conform to EU conditionality.

On the other hand, domestic threat perceptions on drugs, terrorism and organised crime were taken as the other variable that could mediate the influence of the EU on Turkey. Domestic perceptions of security threats are addressed as a condition that allows intervention in the behaviours of decision-makers to secure their compliance with EU conditionality. In that sense, threat perceptions were linked with the result of domestic social and political processes. Domestic norms, traditions and values were given as basic references to identify domestic perceptions of security threats in Turkey. Threat assessment reports and the suggestions of security institutions were considered as the key instruments for classifying security threats and prioritising them. Additionally, interactions with international organisations, such as the UN, the EU and the CoE were considered as channels for legitimising international security cooperation among Turkish officials. In the long-run, together with domestic norms and beliefs, the identification and sequence of perceived threats and international interactions against cross-border security challenges constitute threat perceptions at national level.

The main theoretical finding of the study reflects that two mediating factors: the clarity of the EU requirements and convergence of the threat perceptions between Turkey and the EU, are the predominant factors that facilitate conformation with the accession conditionality in Turkey in the field of JHA.

It was seen that the likelihood of compliance with the EU requirements increases when conditionality is formed and the EU puts forth determinate requirements for alignment with the EU standards in combating transnational crime. Specifically, introduction of Accession Partnership documents and Progress Reports clarify the conditionality. Interactions between the EU and applicant country institutions result in domestic awareness of the EU policies and practices in the JHA domain.

In cases of organised crime and drugs, it was observed that lack of progress in the EU before 1999 and absence of the recognition of the external dimension of JHA constrained the influence of the EU. The impact of the EU started to increase however, when concrete policies were developed to fight transnational crime. Additionally, increasing awareness in the EU of the need to tackle internal security threats at their sources triggered the use of the enlargement policy as an instrument to ensure security within the EU.

Another finding derived from the research demonstrates that convergence of threat perceptions between Turkey and the EU facilitates compliance with conditionality in Turkey in JHA. It was seen that the decision makers showed more willingness to adopt the EU requirements when the domestic perception of internal security threats correspond with the EU approach. On the other hand, contrast between domestic threat perception and the EU approach mitigates the leverage of accession conditionality in JHA.

Therefore it is concluded that together with determinate requirements, convergence of threat perceptions result in alignment with JHA domain in accession countries in the enlargement process. The EU incentives integrated within accession conditionality fall short of providing transposition of JHA rules if the EU requirements do not correspond with the domestic threat perceptions of applicant countries.

While enthusiasm for the EU membership or use of the EU funds for administrative development inspires domestic decision makers to conform to the EU requirements, implementation is hampered in the long term if the threat perceptions are diverse. In other words, the EU incentives perform a complementary role for compliance with conditionality on JHA, rather than being a decisive mediating factor.

In the subsequent parts, an evaluation of the mediating factors that facilitate or constrain the influence of accession conditionality on Turkey in combating drugs, terrorism and organised crime are analysed in detail.

Determinacy of the EU requirements

Due to limited progress in the EU on JHA and the vagueness of the EU requirements, the impact of the EU on the internal security of Turkey was constrained prior to 1999. The EU had neither concrete rules for cooperation under JHA nor accession conditionality for Turkey throughout the 1990s. EU conditionality was absent until 1999 as Turkey was not admitted as a candidate state. The Customs Union Agreement of 1995 was the main platform to voice the EU requirements before the introduction of accession conditionality. However, in the context of this agreement, the EU concentrated on economic issues and customs integration rather than internal security cooperation. Only on countering terrorism did the EU (primarily the European Parliament) revive certain requirements in the negotiation process of the Customs Union Agreement of 1996. Nevertheless, the EU demands were too broad to propose a concrete roadmap to be adopted by Turkish governments. They were just reflecting the disapproval of human rights conditions in Turkey over the 1990s.

Unlike the situation up until 1999, adoption of the EU rules became more likely after 1999. The EU recognized Turkey as a candidate state for EU membership and started a structured relationship. Conditionality was set up for Turkey through the AP documents of 2001, 2003, 2006 and 2008. In these documents, short and medium-term requirements were outlined to prepare Turkey for accession. Concurrently, from 1999, the European Commission started to monitor progress in Turkey and prepared

Annual Progress Reports. In these reports, the Commission further clarified the EU requirements in combating drugs, organised crime and terrorism. As a result, decision makers and domestic security institutions became aware of the EU requirements on JHA.

The external dimension of JHA has also been a particular concern since the end of the 1990s. The EU gradually clarified internal security priorities in applicant states and put forward a range of requirements within the enlargement policy. Financial and technical assistance were allocated to strengthen the capacity of applicant countries in combating organised crime, drugs and terrorism. The EU and member state security agencies created institutional links with Turkish law enforcement institutions to build up internal security cooperation. Institutional interactions also triggered the exchange of best practices and disseminated the EU approach among Turkish law enforcement officials.

Convergence of threat perceptions

Analysis of three cases demonstrated that convergence between the threat perceptions of Turkey and the EU is a significant factor in explaining the impact of the EU on Turkey. Although the credibility of the EU incentives has declined in Turkey since 2005, common threat perceptions have increased the likelihood of compliance in combating drugs and organised crime.

Drugs and organised crime cases reflect that common threat perceptions between Turkey and the EU have stimulated domestic change and internal security cooperation with the EU since the start of accession conditionality in 1999. As with the EU, drug abuse and organised crime are perceived in Turkey as serious security threats to the legal economy, social and public order. The threat perception of Turkey on drugs and organised crime were driven by domestic norms, and values. Primarily, drug abuse and addiction contradict the moral values of Turkish culture and are identified as a potential threat to the community. They are considered as a serious health problem and source of social disorder. Along with this perception, the use of

illicit drugs is listed as a destructive habit against the community in the Turkish Constitution of 1982 and the fight against drugs is considered one of the duties of the governments.

Combating serious crimes also finds voice in the Turkish Constitution. The state is called on to take necessary security measures to remove social, political and economic obstacles which could restrict the use of the fundamental rights of Turkish citizens. In this sense, protecting citizens against mafia and organised crime is considered as an essential duty of decision makers and enforcement agencies in Turkey. Further to the formal norms, the Susurluk traffic accident of November 1996 initiated the development of domestic threat perception against organised crime in Turkey. The accident revealed the connections of high-ranking officials and politicians with mafia members. Soon after, intense reactions aroused in civil society raised the serious internal security threat from organised crime onto Turkey's agenda. In this regard, "Combating Organised Crime Groups" (Cetelerle mücadele) has been a motto for politicians since the end of the 1990s.

In addition to domestic norms and values, Turkey's lengthy interactions with the UN on drugs and organised crime helped facilitate the development of a threat perception among Turkish officials and decision makers. Due to being a major poppy producing country and being located on the infamous Balkan trafficking route, Turkey has attracted the attention of the UN in relation to drugs and organised crime. To be able to regulate global poppy production, Turkey and the UN have developed a strong relationship since the early 1990s. The UN also supported law enforcement training in Turkey to prevent drug trafficking along the Balkan route. The long-lasting relationship with the UN legitimised international cooperation among Turkish officials and helped with the development of threat perceptions on drugs and organised crime.

Furthermore, after 1999, the EU started to provide assistance to Turkey through training programmes and institutional interactions. Especially, with the start of

structured relations, the EU supported twinning and TAIEX programmes to develop awareness in Turkey about the EU approach in combating drugs and organised crime. In the long run, engagement between Turkish and member state security institutions have brought threat perceptions closer together and legitimised the adoption of the EU requirements in Turkey throughout the enlargement process.

On the other hand, the case of terrorism proved that diverse threat perceptions have constrained the impact of the EU on Turkey. Due to different approaches to the definition of the tensions in Southeast Turkey and the selection of security measures against terrorism, the EU requirements were not legitimised in Turkey. Despite high credibility and modest adaptation costs in the period from 1999 to 2005, Turkey has been reluctant to comply with EU demands.

In the case of terrorism, Turkey's view of the Kurdish problem and policy preferences for eliminating ethnic terrorism has been controversial since Turkey's membership application to the EU in 1987. In Turkey, protection of the integrity of the state and cultural unification has been a principal reference point for domestic threat perception. Attributed to domestic norms and traditions, Turkish identity has been considered as supreme to other ethnic cultures living in Turkey. Tensions in Southeast Turkey were perceived as an act against the homogeneity of Turkey, rather than an identity and cultural problem. From Turkey's perspective, the source of PKK terrorism was identified as "underdevelopment" or "lack of education". It was perceived by the state that low incomes and lack of investment in Southeast Turkey were the main basis of terrorism. In this regard, the tensions in Southeast Turkey were considered as a "terror problem", or a "security issue" rather than an issue of identity or culture (Atici *et al.*, 2002: 3).

In contrast to Turkey's perception, the EU identified the tensions in Southeast Turkey as ethnic conflict. For a long time, the situation in Turkey was seen as state oppression and the denial of the cultural rights of the Kurdish minority. The EU perceived that the violence in Turkey could only be overcome through full respect

for Kurdish identity and extension of liberties. Therefore, the EU advocated peaceful solutions rather than the use of extreme counter terrorism measures. Consequent to the divergence between Turkey's perception and the EU approach, the impact of the EU on Turkey's counter terrorism policy has been curbed.

Credibility of conditionality

Contrary to the studies emphasizing the power of credible EU incentives and deterrents for domestic adaptation in applicant states, this study reveals that the credibility of conditionality is not a decisive condition for domestic change in JHA. The three case studies showed that EU rewards and deterrents have a complementary role in mediating the impact of the EU in JHA, rather than being a driving factor for compliance. It has been shown that transposition of JHA models and internal security cooperation can still occur despite uncertainty about the delivery of the EU rewards and low credibility. In contrast, as was seen in the case of terrorism, compliance could suffer despite conditionality being seen as credible.

Over the course of the relationship between Turkey and the EU, the credibility of conditionality fluctuates. Credibility of the EU was low in the period from 1987 to 1999 as Turkey was not admitted as a candidate state. There were no tangible incentives and no accession conditionality until 1999. As of 1999, the credibility of the EU was increased by the acceptance of Turkey's candidacy for EU membership and with the introduction of conditionality. In the period from 1999 to 2005, EU membership and delivery of assistance for capacity development increased the reliability of conditionality.

However, expectation of EU accession started to decline in Turkey with the opening of negotiations in 2005. Increasing controversy in the EU on Turkey's membership and privilege partnership offers diminished the credibility of the EU's promises. The isolation of Turkish Cypriots and partial suspension of negotiations in 2006 have further diminished the credibility of conditionality.

Variation in the credibility of conditionality over the period allowed for testing of the control of credible EU incentives on Turkey's internal security across three selected policy domains. It has emerged that EU conditionality, accommodated with credible incentives, gave an ambition to applicant states to meet the requirements of the EU in order to acquire EU membership. The start of a structured relationship with Turkey after 1999 prompted domestic desire to join the EU and initiated reforms to meet the EU conditions. Inauguration of formal relations as a candidate state allowed Turkish Governments to adopt the EU rules in various policy areas. Along with the membership offer, delivery of assistance for capacity-development, institutional links with the EU agencies and internal security cooperation with member states encouraged rule adoption under JHA and internal security cooperation against transnational crime.

In the period from 1999 to 2005, the coalition government formed by the Democratic Left Party (DSP), the Motherland Party (ANAP) and the Nationalist Movement Party (MHP) compromised on the idea of EU membership, despite having diverse party policies on relations with the EU. As of the acceptance of its candidacy in 1999, the coalition government initiated an agenda to intensify institutional engagement with the EU and to get pre-accession assistance for administrative-capacity development. Domestic security institutions made applications to join relevant EU agencies. Turkey then adopted the first National Plan for Adoption of the *Acquis* in 2001. Until 2005, the Justice and Development Party (the AK Party) followed the same track and adopted further reforms to meet the requirements of the EU in combating drugs and organised crime.

However, in the case of terrorism, the impact of the EU was observed to be limited although the EU offered credible rewards from 1999 to 2005. Credibility of conditionality proved an ineffective trigger for change in Turkey's counter terrorism policy, despite modest adaptation costs over this period. Although governments passed a number of constitutional reforms to balance counter terrorism measures and liberties, implementation remained fragmentary.

The subsidiary role of credible EU incentives for mediating the impact of the EU on JHA was also confirmed in drugs and organised crime cases after 2005. Although there has been a significant decline in the credibility of conditionality in Turkey and suspension of negotiations since 2005, Turkey has maintained the transposition of EU templates and internal security cooperation with the EU in combating drugs and organised crime. Subsequent to credible EU rewards, the twinning and training programmes supported by the EU since 2002 have resulted in the socialisation of EU templates and practices among Turkish officials in combating transnational crime. In drugs and organised crime cases, domestic norms and capacity development instruments of the EU aligned the threat perceptions of Turkey with the EU approach and increased the likelihood of compliance even in the absence of the credibility of conditionality since 2005.

Domestic adoption costs

Material cost-benefit calculations of the domestic actors could imply adjustment costs in applicant states and may increase the number of opponents of EU conditionality. In Turkey, adoption of the EU *acquis* and emulation of the EU practices do not imply much adjustment costs in combating drugs and organised crime. The EU assistance for administrative capacity development, institutional links with the EU agencies and information exchange between the EU institutions and domestic agencies motivated domestic security institutions and governments to adopt the EU's requirements. Internal security cooperation was seen as an opportunity to strengthen the internal security of Turkey against transnational crime. Study visits, training programmes and exchange of best practices between Turkish law enforcement agencies and member state agencies increased the professionalism of Turkish security officials. Thus, political decision-makers and officials have been willing to maintain institutional links and deepen relations with the EU.

In drugs and organised crime cases, opposition to EU requirements has also been low among domestic security agencies. Implementation of EU models did not have

negative consequences on the administrative *status quo*. On the contrary, inauguration of new institutions and international cooperation created new opportunity structures for law enforcement officials under the Ministry of the Interior.

In the case of terrorism, opposition against conditionality and the level of adoption costs has changed over time. Before 1999, adjustment costs were very high because of extensive terrorist attacks and military casualties in Southeast Turkey. Therefore, external pressures to address Turkey's counter-terrorism policy provoked substantial resistance.

Since 1999 however, adoption costs have been modest in countering terrorism in Turkey. Following the capture of the PKK leader, Ocalan, in 1999, the PKK declared a unilateral ceasefire until the end of 2004. Over the following five years, PKK attacks against security forces and casualties dropped to minimum levels. The ending of the PKK attacks in this five-year period nourished domestic assumptions about the end of ethnic terrorism. Along with aspiration for EU membership, adjustment costs further decreased. Candidacy for EU membership and the decline in PKK attacks minimized the number of veto players against the EU conditionality.

Consequently, the coalition government had compromised on the idea of EU membership between 1999 and 2002, despite having divergent political ideologies. Chief military commander Huseyin Kivrikoglu and his successor Hilmi Ozkok also declared support for EU membership. Due to the widespread optimism in Turkey regarding EU accession, opposing arguments against EU conditionality remained marginal in the period from 1999 to 2005.

Despite lower adaptation costs and high credibility Turkey showed limited progress towards alignment with the EU requirements on countering terrorism. Although Turkish governments have made some modifications to the anti-terrorism legislation and extended human rights and cultural liberties, these modifications do not touch

the essence of Turkey's counter terrorism strategy. The EU proposals to find a peaceful solution to PKK activities were rejected. Integrity of the state and national homogeneity had been considered as core values of the state to be protected against external and internal threats. Therefore, domestic demands for the extension of Kurdish cultural rights were considered as separatist propaganda and linked with the PKK in the period between 1999 and 2005.

The resumption of PKK attacks since the end of 2004 and increase in the number of casualties among Turkish security forces again lead to an increase in the adoption costs for countering terrorism in Turkey. The problematic negotiation process has also diminished domestic support for EU conditionality. Ultrationalist alliances started to criticize the EU and domestic opposition against conditionality grew.

The findings of the study show that variation in adaptation costs and veto players do not solely mediate the impact of the EU in the field of JHA. Despite modest adoption costs and high domestic optimism in the period from 1999 to 2005 on the conclusion of PKK activity, Turkey did not comply with the EU requirements on countering terrorism.

7.3. Final remarks

In brief, the comparison of the three case studies reveals that influence of the EU on the internal security of applicant states is high when the EU puts forth determinate conditions to be implemented by applicant countries in the enlargement process. Besides, conformation to the conditionality on JHA is more likely in applicant countries when domestic threat perceptions converge with the EU approach.

It also emerges that credibility of conditionality and low adjustment costs do not guarantee alignment with JHA in applicant countries. These latter factors function as complementary mediating factors for compliance with JHA rather than being a driving force.

However, further research is needed for confirmation of the findings of this study in different sub-domains of JHA and in other applicant countries. Since, the EU conditionality may come across different domestic responses from one applicant country to another. Therefore, future researchers could test the findings of this study by looking at similar cases in different countries or through an analysis of different sub-fields of JHA in Turkey.

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Interview#3 (2009). Researcher, International Strategic Research Organisation , Ankara/Turkey.

Interview#4 (2010). Senior official, Secretariat General for EU Affairs (ABGS), Prime Ministry, Ankara/Turkey.

Interview#5 (2010). Senior official, Kamu Duzeni ve Guvenligi Mustesarligi (Undersecretariat of Public Order and Security), Prime Ministry of Turkey.

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Appendix 1: Geographical Map of Turkey



Appendix 2: Map of the European Union

