

Reviewing Turkey's Legal Reforms and the Factor of the United States on Turkey's Accession to the EU

Chi Wang *

Zuzana Budiská *

DOI: <https://doi.org/10.24040/sap.2021.8.1.61-67>

Abstract:

WANG, Chi – BUDISKÁ, Zuzana: *Reviewing Turkey's Legal Reforms and the Factor of the United States on Turkey's Accession to the EU*. Turkey's Legal reform and relations with the United States are important factors on Turkey's accession to the EU. Looking back at the history of Turkey's accession to the EU, finding the lag of Turkey's own system and legal system limits its accession to the EU and how Turkey-USA relations influenced Turkey's accession to the EU. In order to cater to the EU's laws, human rights, society, culture and other standards, Turkey has undergone a high degree of reform in history.

Key words:

Turkey, legal reform, USA, modernization process, legal system

Introduction

In 1963, Turkey prepared to join the European Communities. After several decades, there have many differences between Turkey and the EU in areas of politics, economy, religion and culture. Also, due to the Cyprus issues in the 70s, Turkey's accession delayed again and again. In the early 90s, the EU quickened its expansion without Turkey that led to Turkey stopped the political dialogue with the EU. Turkey was selected as a candidate in the summit of the EU in Helsinki on December, 1999. However, the EU refused to initiate the negotiation of Turkey's accession for reasons that Turkey did not meet the European standards in areas of politics, human rights, legal reform and ethnic rights. Through many efforts, the EU agreed to initiate the negotiation with Turkey on October, 2005, eventually

With the process of global integration and the development of the Turkish economy, the economic and political benefits that regional unions bring to member states have enabled each country to work for regional or global political or economic alliances. Turkey is located in Europe and Asia, the unification of the EU currency, the establishment of tariff unions, the mutual cooperation between the customs union members and the mutual reciprocal policies given by each other. The rapid growth of

* Chi Wang, PhD. student, Faculty of Political Science and International Relations, Matej Bel University in Banská Bystrica.

* Chi Wang, PhD. student, Faculty of Political Science and International Relations, Matej Bel University in Banská Bystrica.

the EU economy has strengthened Turkey's participation. The determination of the EU. No matter from its own geographical, economic, cultural, tourism, employment and technology perspectives. Turkey deeply understands that joining the EU means Turkey's rapid modernization in the fields of economy, science and technology and culture. This paper analyzes the obstacles to Turkey's accession to the EU and the development of the rule of law by reviewing the legal reforms of Turkey's accession to the European Union. Therefore, the assumption of the relationship between Turkey and the EU is proposed. In 1957, the European Economic Union (EEC) was signed in Belgium by Belgium, France, Germany, Italy, Luxembourg and the Netherlands. Turkey applied to join on July 31, 1959. In the course of consultations with these member states, Greece signed in Athena in 1961 and became a member of this agreement. After four years of hard work, Turkey also signed an agreement with Angola and the European Union on September 12, 1963. The agreement was called the Ankara Agreement because it was signed in Ankara.

Turkey's relations with the US is an important factor on Turkish accession to EU. Xiao Xian (2006) argued that "The US supported Turkey to join Customer Union and NATO, in order to achieve the EU's standard, the US also helped Turkey's economic reforms in the past."¹ However, the US has its own interests under Turkey's accession to the EU. So it may bring the disadvantage on Turkey's accession. Indeed, America supports Turkey with its "New Europe" policy which is America uses new EU members to influence Germany and France' power in the EU. It makes the dislike to EU. Perhaps, America's factor has 'side-effect' on Turkey's accession. Chinese scholar Zhao huan pu (2003) who indicated "Turkey's pro-America foreign policy can help Turkey's accession to the EU and without America's support that is more hard for Turkey achieve its goals."² It's right in the past but he ignored that Turkey and America's relations are not always good, especially after Iraq war. For instance, "when, against this background, the Sulaymaniyya incident broke out on July 4, 2003, Turkish-America relations collapsed."³ According to the Turkish foreign policy in the new era, Mustafa (2007) stated "Since the EU's acceptance of the Turkish candidacy in 1999, TFP have profoundly altered. For instance, it would have been difficult to imagine Turkey opening the doors to internal debate on the 'Armenian issue' or the shift in the dialogue on Cyprus from a confrontational line to a 'win-win' discourse."⁴ Thus, America's factor is important but there have other factors are more urgent that need Turkey to solve. Meanwhile, Turkey's American foreign policy experienced a transformation after 2003 Iraq war. Turkmen (2009) argued "With the US invasion of Iraq in 2003, Turkish-American relations seem to have taken a turn for the worse Iraqi

1 XIAO XIAN. The relationship of Turkey and U.S. In *Current Affairs*. 2006, p. 241.

2 ZHAO HUAN PU. The New Europe strategy of America. In *European research*, Vol. 4, Feb 2, 2003, p.14.

3 "And what a collapse it has been!" exclaimed Robert L. Pollock in his *Wall Street Journal* article entitled "The Sick Man of Europe—Again," describing Turkish anti-Americanism in very harsh terms that sent shockwaves through the Turkish intelligentsia and media. See *Wall Street Journal*, February 16, 2005.

4 MUSTAFA AYDIN. Europeanization through EU conditionality: understanding the new era in Turkish foreign policy. In *Journal of Southern Europe and the Balkans*, Vol. 9, Number 3, December 2007.

crisis caused serious damage to Turkish-American relations.”⁵ In some ways, America’s supports promoted Turkey’s accession to the EU in the past. But after Iraq war, Turkey’s relations with America can not compare with before. Therefore, this paper seeks to find whether Turkey’s relations with America are still relevant to help Turkey’s accession to the EU in the future and answer the reasons why the U.S. supported Turkey’s accession. After Cold War, because of the strategic readjustment of Turkish foreign policy, Turkish foreign policy has more its own characteristics without America’s role. For instance, Turkey proposed ‘zero problems’ with neighbors and Turkey assuaged the tension with Greece. Indeed, Turkey as an important geographical position in the Middle East, has become a strategic partner to the U.S. naturally. Also, due to America’s support on Turkey’s accession to the EU. The relations of Turkey and America have become one of the most important bilateral relations to Turkey. However, because the readjustment of Turkish foreign policy. Also, there have other factors can be the main obstacles on Turkey’s accession to the EU. Such like Cyprus issue, Turkey’s relations with Greece, cultural difference and immigrant issue. Thus, America could not help Turkey to solve these obstacles, because some factors are not in interests of the U.S. Furthermore, as the EU’s rising, the EU and the U.S. have divergence on Middle East issues. Turkey’s relations with America may bring the misgivings and dislike to the EU.

History of Turkey’s legal reform on Turkey’s accession to the EU

The Ankara agreement has important significance on Turkey’s accession to the EU. The most important principles of the Ankara agreement are:

- 1) rapid economic growth and rapid growth of appropriate forms of trade, economic opening between members of the Turkish Economic and Economic Association;
- 2) the close relationship between the Turkish people and the nationals of the Commonwealth countries;
- 3) Help improve the living standards of the Turkish people and make Turkey a member of the European Economic Union in the future;
- 4) Strengthen the peace, freedom and security provisions of all members of the Rome Agreement.

The Ankara Agreement emphasizes that the European Economic Union needs to set a clear deadline for helping Turkey's economic development.

From a legal point of view, according to Article 238 of the Rome Agreement: the Ankara Agreement clarifies the links between the various Contracting States, and further provisions will be confirmed in the supplementary agreement signed later. According to Article 30 of the Ankara Agreement, the supplementary agreement to be signed in the future is an inseparable part of the Ankara Agreement.⁶

The sixth revision of the 1982 Constitution of Turkey in 2001 was of great significance. Although the 1982 Constitution was revised in 2002 and 2004 respectively, it

5 FÜSUN TÜRKMEN. Turkish-American Relations: A Challenging Transition. In *Turkish Studies* 10, 1 (March 2009).

6 FENG JIAN. The challenge of Turkey’s accession [DB/OL]. <http://news.sina.com.cn/2/2004-12-19/18014568021s sh tn1>.

can be said that the 2001 revision is the most profound. Among the many amendments made in the past, such as the three clauses and one provisional clause of 1987; one clause of 1993; the preamble and 15 clauses of 1995; the previous clause of 1999 and the following three clauses, fundamentally Changed. However, in the announcement of October 3, 2001, the Law on the Amendment of the Constitution of the Republic of Turkey was promulgated in law and an action to amend the Constitution was initiated. Therefore, nearly 60 amendments were made to the 2001 amendment.

The 1982 Constitution was the product of political influence before September 12, 1980. In the Constitution, there are many restrictions on the theory of freedom, participation in democracy, and the provisions of democracy and law, but this was the case in the current political situation. time. Before the 1993 and 1995 revisions, many terms and boundaries were eventually defined. The 1995 amendment to the Constitution abolished restrictions on social and political participation (removing restrictions on the political participation of associations, trade unions and professional bodies, and prescribing political parties between political groups). There is no doubt that this is a small step towards the process of democratization.

The constitutional amendments made in 2001 are the largest and most inclusive amendments of all amendments. This is because in this revision, the Turkish government first formulated measures to resolve disputes between political groups and political parties, and imposed measures on civilized laws. Therefore, this event has historical significance. Many of the revisions made in the past have never changed radically like today. A more detailed and versatile language was used in the revision.

In the fifth preface paragraph of the Constitution: “No thoughts or ideas can be contrary to the interests of the Turkish nation, and must not be inseparable from the indivisible principles of the nation and the nation, the principles of the nation. The national history and spiritual values of Turkey. The principles of Atatürk nationalism and “any thoughts and ideas in the revolution and violations of civilization” were changed to read: “Any act”. Looking back at Turkish legal reforms, we can study the development of the rule of law in Turkey today and the relationship between Turkey and the EU.

Turkey's relations with the US on Turkey's accession to EU in the past

“Turkey got full support from U.S. on the issue of Turkey's accession to the EU. In the 1990s, there have two significant milestones between Turkey and the EU in efforts from the United State. Firstly, in 1995, Turkey and the EU made an agreement of Customs Union. Secondly, in 1999, Turkey became a candidate in the EU.”⁷ Thus, in the past time, Turkey's relations with America were necessary and relevant for helping the first step of Turkey's accession, because the main obstacles had not considered by the EU on that period. Also, the EU can get benefits from that period such like economy and security. After Cold War, successive government of the U.S. supported Turkey's accession with actions. The former president of the United State, Clinton said “As a democratic, stable, secular country. Turkey will have a brighter future if Turkey can become a member of the EU. However, our European allies should

7 XIAO XIAN. The relationship of Turkey and U.S. In *Current Affairs*, 2006, p241.

stretch their hands to admit Turkey friendly.”⁸ Actually, it helps Turkey to remind the EU that multi-culture, multi-race and multi-religions made today’s EU. Thus, the EU had to think about the U.S. role and rethink Turkey’s efforts on that period. America’s supports gave a positive image in international environment on Turkey’s accession process. After 9/11, President Bush took power, the America’s attitude of supporting Turkey which is getting more firm and aggressive. The direction of America’s efforts turns from Clinton’s era that U.S. required Turkey should improve itself to meet the EU’s standard to Bush’ era that U.S. put pressure on the EU to accept Turkey. On December 2002, before the EU summit in Copenhagen, Bush met the Turkey’s ruling party leader, Erdoğan in the White House and said the U.S. support Turkey’s accession completely. Meanwhile, Bush sent a telegram to the rotating the EU presidency, Prime Minister of Denmark and French president, Chirac respectively and expected EU can initiate the negotiation with Turkey as soon as possible. In some ways, America’s pressure on the EU and let the EU agreed to initiate the negotiation with Turkey eventually, on October 2005. Meanwhile, “America gives strong supports on Turkey’s economic and political reforms and helps Turkey through the economic crisis.”⁹ In Bush’s government, not only America supports Turkey with speaking, also America helps Turkey with actions to reach the standard of the EU. In 2009, when Obama visited Turkey, he also declared Turkey should belong to Europe and America will support Turkey firmly. “America mentioned the importance of Turkey’s contribution in respect of regional security. If Turkey can be a full membership in the EU, Turkey can work well for the EU’s security.”¹⁰ Fan stated that

“It’s in America’s interests to support Turkey’s accession actively. The U.S. seeks to use its support to strengthen U.S and Turkey’s relations. Viewed from America, European system is an effective way to segregate Turkey from Islamist forces.”¹¹

In addition, Turkey can keep its westernization. Thus, America and Turkey’s relations can be more firm. However, “the EU’s rejection may stop Turkey’s reform even it will lead to civil unrest in Turkey.”¹² According to the historical background of the relations between Turkey and America, indeed, the good relationship with America that helps Turkey’s accession to the EU in a way. Also, America’s factor was relevant on Turkey’s accession process.

Conclusion

Looking back at Turkey's legal reforms, we can see Turkey's efforts to join the EU. However, due to Turkish domestic politics and complex geopolitics, there are also factors related to Turkey and the United States. Turkey has always had many obstacles to joining the EU. Through this analysis, we can understand the history of

8 STROBE TALBOTT. U.S.-Turkey Relations in an Age of Interdependence. In *Turgut Ozal Memorial Lecture delivered at Washington Insititute for Near East Policy*, October 14, 1998. <http://www.Washingtoninstitute.org/media/talbott.htm>.

9 ZHOU GANG. Turkey’s motivation and challenge to EU. In *Reform and Open*, August, 2011. p24.

10 FAN YI. *Turkey and U.S. in the Post Cold War Era*. West Normal University, May 2006, p15.

11 FAN YI. *Turkey and U.S. in the Post Cold War Era*. West Normal University, May 2006, p25.

12 F. STEPHEN LARRABEE. American Perspectives on Turkey and Turkish-EU Relations. AICGS Working Paper Series In *Turkey and the European Union*. p.27.

Turkish legal reform and the influence of factors of USA on Turkey's accession to the EU. The worth of Turkey's relations with America is far more than its role to help Turkey contain Soviet Union during the Cold War period. However, because of Iraq war, Turkey-America relations experienced a transition. After Cold War, European Union successfully was reassembled to be a one of the biggest economic system in a super power international situation. The situation of multi-great power led to America had to use relations with Turkey to maintain its super power status in the world. Obviously, Turkey and America have common interests and America helped Turkey a lot in the past. Turkey and America's relationship is important for both. However, there have many barriers need Turkey to solve and improve. Turkey can not rely on the relations with today's America to beat a bargain with the EU. The EU believes that there are many reasons to refuse to join Turkey. The development of the rule of law in Turkey and the motives of the United States are likely to be important reasons. Turkey's own uncertain development of the rule of law is also the difficulty for Turkey's accession to the European Union. Therefore, Turkey's efforts in law reform in history and Turkey's relationship with the United States have indeed helped Turkey's accession process in the past. However, there are many other factors that influence Turkey's accession to the EU, such as Turkey's democratic process, economic development, culture, immigration issues, and Cyprus issues. Turkey cannot use the role of the United States to solve these current problems. No matter how Turkey deals with the EU in the future, Turkey's rule of law development is of great significance to Turkey's image in the international community and the Turkish economy.

Bibliography:

- CHEN DE CHENG. 2000. *Turkey's multi-party system and semi-president system* Peking University, October 2000, p. 46.
- FÜSUN TÜRKMEN. 2009. Turkish-American Relations: A Challenging Transition. In *Turkish Studies* 10, 1 (March 2009).
- FENG JIAN. 2004. *The challenge of Turkey's accession*. [DB/OL]. <http://news.sina.com.cn/2/2004-12-19/18014568021s sh tn1>.
- F. STEPHEN LARRABEE. 2006. American Perspectives on Turkey and Turkish-EU Relations. In *Turkey and the European Union*, AICGS Working Paper Series p.27.
- FANYI. 2006. *Turkey and U.S. in the Post Cold War Era*. West Normal University, May 2006, p. 25.
- JOSEF JANNING. 2002. Das zukuenftige Gesicht Europas Chancen und Risiken der grossen Europaeischen. In *Deutschland* , 6/2002.
- MAREK A CRCHOCKI. 2003. *An Old or a New Europe?* Speech on the Philosophy Underlying Polish in Europe, Center for International Relations, Warsaw, Mar. 12, 2003, p.18.
- Rumsfeld, the dialogue with national news conference in Washington , January 22, 2003.
- STROBE TALBOTT. 1998. U.S.-Turkey Relations in an Age of Interdependence. *Turgut Ozal Memorial Lecture delivered at Washington Insititute for Near East Policy*, October 14, 1998. <http://www.Washingtoninstitute.org/media/talbott.htm>.

- The ‘New Europe’ and America: Is Poland American’s Donkey or Could It Become NATO’s Horse In *The Economists*, May 8th, 2003.
- XIAO XIAN. 2006. The relationship of Turkey and U.S. In *Current Affairs*, 2006, p. 241.
- YAO QIN HUA, DAI YI CHENG. 2004. From Weimar Triangle to Poland’s phenomenon. In *Modern International Relations*, Vol 5, 2004, p.5.
- YAN WEI JIAN. 2004. The process of Turkey’s accession to EU may need 15 years. [DB/OL]. http://news.xinhuanet.com/world/2004-10/08/content/_2062402.htm.
- ZHANG SHA. 2013. *The impact of United States ‘Return to the Asia-Pacific’ on the Relationship between China and ASEAN Countries and China’s Countermeasures*, Huazhong Normal University, 15 May 2013.
- ZHAO HUAN PU. 2003. The New Europe strategy of America. *European research*, Vol 4, Feb 2, 2003, p.14.

Summary: Reviewing Turkey’s Legal Reforms and the Factor of the United States on Turkey’s Accession to the EU

This article reviews Turkey's legal reform during the period of Turkey’s accession to the EU and Turkey's relationship with the United States on Turkey's accession to the EU. In the end, it is concluded that the lack of development of Turkey's own rule of law and the unstable Turkey-US relationship are obstacles influencing Turkey's accession to the EU.

Mgr. Zuzana Budiská
Nanjing Normal University
Law School
No.1 Wenyuan Rd. Xingmin Building
Nanjing
China
e-mail: zuzanabudiska@qq.com
University of Matej Bel
Faculty of Political Science and International Relations
Kuzmányho 1
974 01 Banská Bystrica
Slovak Republic
e-mail: zuzana.budiska@umb.sk

M.A. Chi Wang
University of Matej Bel
Faculty of Political Science and International Relations
Kuzmányho 1
974 01 Banská Bystrica
Slovak Republic
e-mail: chi.wang@umb.sk