

Department
of Political Science

Major in Politics, Philosophy and Economics

Chair of European Union Law

*The European Union and Turkey:
how migration, human rights and
the economy of Turkey have
affected its integration*

Prof. Robert Schütze

SUPERVISOR

Costanza Panti - 090322

CANDIDATE

Academic Year 2020/2021

Table of contents

1. <i>Introduction</i>	3
2. <i>Geographic and historical framework of Turkey</i>	4
2.1. Hints about the geographic context of Turkey.....	4
2.2. Overview on the history of Turkey.....	4
2.3. Key milestones in Turkey-EU relations	6
2.4. The accession process of Turkey into the EU.....	11
3. <i>Impact of human rights in Turkey's integration into the EU</i>	17
3.1. From the birth of the Republic of Turkey to the '80s.....	17
3.2. From the '80s to 1999.....	18
3.3. From 1999 to 2005	20
3.4. Since 2005 to the present day: open points.....	21
4. <i>Migration's impact on the integration of Turkey into the EU</i>	25
4.1. Turkey as a country of emigration.....	25
4.2. Turkey as a destination country for immigration.....	26
4.3. Migration and the EU accession process	26
4.4. The 2016's Cooperation Agreement.....	29
5. <i>Economy's impact on the integration of Turkey into the EU</i>	32
5.1. from Association to Custom Union	32
5.2. From the 2000's until today	33
6. <i>State of political, economic and trade relations between the EU and Turkey</i>	36
7. <i>Conclusion</i>	40
8. <i>Abstract</i>	42
9. <i>Appendix</i>	47
10. <i>Bibliography and Sitography</i>	49
10.1. Academic sources	49
10.2. Journalistic sources.....	50
10.3. Official sources and statements	51

1. Introduction

The following work aims at analysing through different subject matters how the integration process of Turkey into the EU has developed over the years and for which reasons it has met a period of stalemate.

The different point of views under which the integration process is examined are the human rights, migration and economy.

After a short description of the geographic and historical framework of Turkey, the work continues with the examination of the different mentioned arguments, each one deepened from the beginning of the relationship to recent days.

Then, the work proceeds with the examination of the open questions on the negotiations status considering the Joint Communication to the European Council of 20 March 2021.

Finally, the work attempts a personal evaluation of the argued question and of the opportunity of the integration of Turkey into the EU.

2. Geographic and historical framework of Turkey

2.1. Hints about the geographic context of Turkey

Turkey occupies a unique geographical position as it is located in Asia as well as in Europe. For this reason, throughout its history it has served both as a barrier or a bridge between the two continents. Indeed, Turkey is located at the point where the Balkans, the Caucasus, the Middle East and the Eastern Mediterranean converge. In particular, Turkey (Figure 1) is almost entirely located in Asia (97%) , or better in Asia Minor, also known as Anatolia. The remaining European part, which is called the Turkish Thrace, is located at the south-eastern end of Europe. The separation between the two parts of Turkey is marked by the strait of Bosphorus. Turkey is one of the largest countries in the region, surpassing in terms of territory (785'347 km²)¹ and population (82'003'882 habitants)² any other European country.

2.2. Overview on the history of Turkey

The detachment from the old Ottoman Empire and the Westernization revolution of modern Turkey, with which the country approached itself to universal values, begun with the proclamation of the Republic of Turkey in 1923, which was made possible thanks to the military victory of the resistance and liberation movement that emerged under the leadership of Mustafa Kemal in response to the occupation of Turkey's territory by the Allied Powers following WWII. This military victory was followed by the Lausanne Peace Treaty on 24 July 1923, which established the current international borders of Turkey and guaranteed its complete independence. Once achieved the independence, Turkey was led by its first president Mustafa Kemal, afterwards called Atatürk, namely the Father of Turks. Under his presidency, which lasted 15 years until his death in 1938, a broad range of political, social, legal, economic and cultural reforms was introduced.

Among the main reforms introduced under the leadership of Atatürk there are a new political and legal system based on the fundamentals of parliamentary democracy, human rights and the division of powers. Further, the private ownership and the separation between religion and state affairs were introduced. In this regards, it was established a new, secular education system and the Arabic alphabet was changed into the Latin one. More, new civil and criminal codes were adapted on the base of European models, whereby women received equal rights under the law, for instance the right to vote and be elected to public office in 1930, surpassing in this regard even several Western European countries. Also, Western dress was adopted and the Fez³ was abolished. So, it begun a first part of the Westernization revolution of Turkey, which approached itself to universal values.

¹ Euroydice (2021) Turkey: Population: Demographic Situation, Languages and Religions [Online]. Available in: [Population: Demographic Situation, Languages and Religions | Eurydice \(europa.eu\)](#) [Last access: 19/09/2021].

² *ibidem*

³ The Fez is a symbol originating from the Ottoman Empire in the early 19th century.

At the death of Atatürk, the Grand National Assembly appoints as successor his principal lieutenant Mustafa İsmet İnönü, demonstrating a strong stability of the institutions. During the Second World War Turkey decided to maintain a position of strict neutrality, which resulted in the signing of a treaty of non-aggression with Germany (18 June 1941). In 1944, when it was clear that Germany would have been defeated, Turkey interrupted the diplomatic relations with Nazi Germany and soon after it declared war on it, a symbolic gesture to participate to the S. Francisco Conference (25 April-26 June 1945), where the United Nations were created and of which Turkey is the 50th signatory member.

The end of the Second World War also meant Turkey's choice where to array itself. In particular, faced with the Soviet Union demanding for two Turkish provinces and for the joint control of the straits, Ankara took the strategic decision to join the American block. Under Truman's promise of protection for Greece and Turkey, the two countries joined the NATO in 1952.

The post-war period also marks the beginning of Turkey's true multi-party life. In particular, the first elections in 1946 saw the elections of the kemalist Republican People's Party⁴. On the contrary, the election of 1950 saw the first crushing victory of the Democrat Party⁵, the opposition party founded in 1945 in continuity of the extinguished National Development Party, representing private interests and the industry. The two leaders, founders of this new party, Bayar and Menderes, became reciprocally until 1960 the President of the Grand National Assembly, replacing İnönü, and the Prime Minister. As planned, the Menderes government implemented an economic policy aimed at reducing the role of the state and encouraging private initiatives and foreign investments in industrial development. Its economic policies made it popular also among the poor population. Nevertheless, Menderes led the country in bankruptcy because of the huge increase in imports, luxury goods and technology.

Although being pro-Western, Menderes was more tolerant than Atatürk and his party towards Islam and Turkey's traditional culture. For instance, immediately after his appointment he overturned the ban of using the Arabic language *adhan*, in particular to pray, which was prohibited by Atatürk in 1932 to cut any ties with Turkey's Ottoman past and to secularise the country. More, Menderes strengthened the relations with Muslim states.

With the passing of time Menderes becomes unpopular among intellectuals, youngs and the military, and entered into conflict with the oppositions to which he reacted intolerantly, even imposing censorship, arresting journalists and keeping under his control institutions, like universities. In this context, Menderes was deposed through a coup d'état in 1960 by a group of military led by the general Cemal Gürsel, that wanted to restore

⁴ The Republican People's Party was founded by Mustafa Kemal Atatürk, the founder of modern Turkey. It's six arrows are republicanism, nationalism, statism, populism, laicism and reformism.

⁵ The Democrat Party was a Turkish moderately right-wing political party. It was the first of the opposition parties to rise to power de-seating the Republican People's Party ending so Turkey's one party era.

the ideals of Atatürk. The country returned to a civilian government in 1961 after a reform of the constitutional and electoral law.

Afterwards and up today, Turkey experienced other four coups d'état, which took place almost every ten years that have as their main theme the defence of secularization:

- March 1971: The armed forces, led by General Faruk Gürler between 1970-1972, formally called in a memorandum to the President Sunay to establish a stronger and credible government “than the conservative regime that was leading the state into anarchy and disorder” (New York Times 1996), otherwise they would have taken control of the country. Consequently, the Prime Minister Suleyman resigned on the same day and President Sunay assigned to a university professor (Nihat Erim) the charge of forming a new government of *national unity, above the parties*. In this case, the coup d'état was resolved without violence, therefore is remembered as the *coup d'état of the memorandum*.
- September 1980: This coup d'état was led by the general Kenan Evren (in office between 1978-1983) during a period of great instability and economic crisis. Under his action the government was dissolved, the martial law imposed, the Constitution suspended and all parties abolished. Nonetheless, Evren's government, lasted for 7 years, implemented a series of profound economic and development reforms, including a new presidential Constitution approved in 1982 that settled more stability.
- February 1997: More moderate than a real coup d'état, the military intimidated and convinced the Prime Minister Necmettin Erbakan (from 1996 to 1997) to resign, as his political view was considered in conflict with the core principle of secularism in Turkey.
- July 2016: The military attempted a *coup d'état* to overthrow the current President Recep Tayyip Erdogan. However, after a night of chaos and clashes, the President declared the coup as failed and confirmed that the legitimate government has full control of the country. Following the coup d'état, Erdogan has implemented a strong repression with numerous arrests and life sentences.

2.3. Key milestones in Turkey-EU relations

Since its birth as independent state, Turkey has pursued a policy of political and cultural approach with the West, and more specifically with Europe (Figure 2).

In 1959, barely one year later the establishment of the European Economic Community (EEC) or *common market*⁶, Turkey applied for association to this body (Figure 3).

⁶ The European Economic Community (EEC) was a regional organization with the aim of integrating the economies of its member states. It was created by the Treaty of Rome in 1957, which was signed by Belgium, France, Italy, Luxembourg, the Netherlands and West Germany.

European Parliament. *The Treaty of Rome* [Online]. Available in: <https://www.europarl.europa.eu/about-parliament/it/in-the-past/the-parliament-and-the-treaties/treaty-of-rome> [Last access: 16/08/2021].

The acceptance of the application on the part of the six founding members of the Community took place on the 29 September 1959, date from which starts the official negotiation between the two parties. The negotiation ended on 12 September 1963 with the signing of the *Association Agreement*⁷ between Turkey and the EEC, better known as the *Ankara Agreement*, which represents the first contractual relation between the two sides providing for the framework for their cooperation and with the ultimate goal of Turkey's full membership to the Community (Art.28)⁸.

In this regard it should be noted that at the same time of Turkey, Greece also applied for association to the ECC, but in this last case the negotiation between this country and the Community took only two years, finding a conclusion already in 1961 with the *Athens Agreement*, while talks with Turkey lasted for four years.

As stated in Art.2⁹, the main aim of the *Ankara Agreement* was to improve the living conditions in Turkey and in the EEC and to reduce the disparity between them through an accelerated economic progress and harmonious expansion of trade. The outcome of the agreement was the establishment of a *Custom Union*¹⁰ between the two areas so that Turkey could trade goods and agricultural products with ECC countries without restrictions. At the same time the agreement envisaged the possibility of a full membership in the future on the condition that Turkey would comply the obligations arising out of the Treaty of Rome.

In particular, the creation of the *Customs Union* envisaged three different steps, which are the preparatory stage, the transition and the final stage. However, the process lasted longer than as it was originally planned. So, the full entry of Turkey into the Custom Union took place only in 1996 after the end of the end of the preparatory phase marked by the signature of the Additional Protocol in November 1970. With the Additional Protocol the EEC abolished tariff and quantitative barriers to its imports from Turkey and, in return, it was foreseen that Turkey would also gradually abolish tariff for industrial products of the EEC (Directorate for EU Affairs of Turkey 2020).

In this regards, the delay of Turkey's entry in the Custom Union is due to several political and economic reasons on both sides that deteriorated the relation.

⁷ The *Association Agreement* is a bilateral agreement between the EU and a third country which serves as basis for the implementation of the accession process.

European Commission. *Enlargement-Association Agreement* [Online]. Available in: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/association-agreement_en [Last access: 19/08/2021].

⁸ "As soon as the operation of this Agreement has advanced far enough to justify full acceptance by Turkey of the obligations [...], the Contracting Parties shall examine the possibility of the accession of Turkey to the Community".

Republic of Turkey. Ministry of Foreign Affairs. Directorate for EU Affairs (2020) *History of Turkey-EU Relations* [Online]. Available in: https://www.ab.gov.tr/111_en.html [Last access: 19/08/2021].

⁹ "The aim [...] is to promote the continuous and balanced strengthening of trade and economic relations between the Parties, while taking full account of the need to ensure an accelerated development of the Turkish economy and to improve the level of employment and living conditions of the Turkish people".

ibidem

¹⁰ In general, the *Custom Union* is a trade bloc composed of a free trade area with common external tariffs.

European Commission. EU Custom Union- unique in the world [Online]. Available in: https://ec.europa.eu/taxation_customs/eu-customs-union-unique-world_en [Last access: 19/08/2021].

Under the economic point of view, in the general context of the oil crisis (1973), the Community signed free trade agreements with south European countries, that according to Turkey eroded its trade privileges granted with the *Addittional Protocol*. Therefore, Turkey started asking a revision of the agreement to obtain new concessions in the trade of agricultural and textile products.

Another point of contention was represented by the free movement of Turkish workers, which was provided by the *Additional Protocol* between 1976 and 1986, whereof Germany asked for the annulment.

As regards the political issues, the main one is that referable to the Cyprus crisis and the following Turkey's intervention in July 1974, which complicated the relations with the EU.

• • •

The Cyprus question (Figure 4) arose out of the coexistence on the island of a community of Greek and Turkish origin, the first in majority and of Orthodox religion, while the second one in minority and of Islamic religion, which arrived on the island in the period of the Ottoman occupation (1571-1878). Then, during the British domination of the island, the British Crown applied the strategy of *divide et impera*. By the beginning of the decolonization processes after the Second World War, while the community of Greek origin asked for annexation to Greece, England and Turkey were instead inclined towards an independence of the island. On the verge of a civil war, after a period of talks between representatives of Greece and Turkey, the Zürich and London Agreements were achieved in 1959, through which Cyprus was proclaimed independent and its constitution was drafted. However, two other treaties were signed, representing an ingringment of the independence of the Republic of Cyprus. Indeed, the Treaty of Guarantee gave Greece, Britain and Turkey the right of joint or even unilateral action to re-establish the state of affairs created by the Treaties. Also, the Treaty of Alliance gave them the right to station contingents of their own forces on the island (Kypros 1996).

Makarios III (1913-1977), already a leading exponent for the Greek reunification, became the President of the Republic of Cyprus in 1960, who attempted to rule over the parties. To the difficult internal situation, following the military coup d'état in 1967 in Greece, the Greek military dictatorship claimed to annex Cyprus and tried to destabilise Makarios regime, which was opposed to the annexation. When Makarios III was forced to leave the island, Turkey suddenly intervened, invoking its rights of military intervention on the basis of the Treaty of Guarantee (July 1974). As a consequence of the military occupation of Turkey, the island was divided into two parts, with the self-proclaimed Turkish Republic of Northern Cyprus in the north, not recognised by the international community, and in the south, the Republic of Cyprus.

At the present, the Cyprus question is further complicated by the discovery of hydrocarbon deposits off the island, the exploitation of which has given rise to a new conflict of interests.

• • •

Although the European Community says it has no influence, the slowing down of the dialogue between Turkey and the European Union is partly linked to the fact that in the mean time both Greece (in January 1981, after the application for full membership in 1975 at the end of the dictatorship) and Cyprus (2004, after the signature of the *Association Agreement* in 1972) have joined the European Community.

Moreover, last but not least, the integration dialogue between Turkey and the European Union was freezed by the mentioned internal instability of Turkey with the continuous coups d'état, in particular that one in 1980.

Nonetheless, meanwhile, the different international framework following the exacerbation of the Cold War, the Soviet invasion of Afghanistan and the Iranian revolution induced the Western powers to reassess Turkey's strategic importance and for that reason they decided to provide Turkey economic assistance (see the third Financial protocol, 1977, between Turkey and the EEC).

With the gradual political re-establishment and economic liberalization after the 1980's military coup, under the Prime Minister Turgut Özal, Turkey submitted in April 1987a formal request for full membership. The application was driven both by economic and political needs. From an economic point of view, the application, supported by the business community, was motivated by the need to enter into new markets and to attract new foreign investments. Instead, politically, the request was motivated by the desire to compensate the strategic disadvantage vis-à-vis Greece within the European Community.

In 1989, the EEC rejected Turkey's application though a door was left open for Turkey confirming its eligibility for membership, while it also recommended the conclusion of the *Custom Union* with Turkey.

In the following years, during the 1990's, the relation between Turkey and the EEC continued to be problematic: on the one hand, the involvement of Turkey in the Gulf War (1990-1991) made Europe fear its indirect embroil in the Middle East crisis through Turkey; on the other hand there was the obstruction made by Greece inside the European Community against Turkey, in particular with the sponsorship of the annexion of the Republic of Cyprus, whose accession's negotiations were opened in 1998.

Nevertheless, in that years, Turkey continued to lobby for the inclusion in the European Customs Union, what met the support of the United States (Bill Clinton's administration), which also pressed on single EU member states to strenghten the ties with Turkey and in fact, on the 1 January 1996, the EU-Turkey Customs Union enters into force. The Customs Union agreement, which went beyond the abolition of tariffs and quantitative barriers to trade, was interpreted as a positive signal towards the full membership into the EU.

Nevertheless, in 1997 the European Council underlined that Turkey did not meet the standards for candidacy and it excluded Turkey from the list of prospective members, in which instead were included all countries of Central and Eastern Europe (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia), as well as the Mediterranean islands of Cyprus and Malta.

Unlike the first refusal in 1989, Turkey perceived this rejection as a clear case of discrimination grounded on *cultural* and *religious* factors and although Turkey never abandoned the goal of full membership into the EU, it froze the dialogue with it.

Afterwards, however, some events changed the political climate towards Turkey. In particular, Europe appreciated Turkey's efforts in the stabilization of the Balkans region. More, in Germany the Social-Democrat-Green coalition, favourable to Turkish's accession, replaced the Christian democrats, largely against Turkish membership. Further, Greece changed its attitude towards Turkey, driven by various interests, but also by the earthquake which struck both countries in August-September 1999, for which both countries gave each other mutual support.

Consequently, in November 2000 Turkey received its first *Accession Partnership*¹¹ from the European Commission and in March 2001 it responded with its *National Action Plan for the EU Accession* for the adoption of the *acquis communautaire* at which followed 34 amendments to the Turkish constitution, in addition to three harmonization packages, to which succeeded other four ones introduced by the first AKP government, founded in 2001 and led by Erdogan.

Turkey's progress in reforms determined the statement from the European Commission and the European Council that Turkey was sufficiently fulfilling the political criteria and that accession's talks could begin in October 2005.

In this period the Greece-Turkish rapprochement continued with the offer by Greece of its know-how in the harmonization with the EU's *acquis*.¹²

Nevertheless, since the opening of accession negotiations in 2005, the progress achieved between 2001-2005 was not repeated anymore. In comparison, Croatia, which started accession negotiations on the same day as Turkey, closed all the chapters of the accession negotiations in June 2011 and joined the EU in July 2013, while the approval of Turkey's chapters stopped at the 14th one, out of 35 .

¹¹ Accession partnerships define the framework of the accession process. That means they set out key priority areas in which candidate countries need to make progress and pre-accession assistance. European Commission. European Neighbourhood Policy and Enlargement Negotiations. *Accession partnership* [Online] Available in: https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-partnership_it [Last access: 15/08/2021].

¹² The EU's *acquis* is the body of common rights and obligations that are binding on all EU member states. Applicant countries are required to accept the *acquis* and incorporate it into their national legal order before they can join the EU, date from which they are obliged to apply it. Derogations from the *acquis* are granted only in exceptional circumstances and in limited scope.

EUR-Lex. *Acquis* [Online] Available in: <https://eur-lex.europa.eu/summary/glossary/acquis.html?locale=en> [Last access: 15/08/2021].

2.4. The accession process of Turkey into the EU

Before examining the evolution of Turkey's accession process, it is given a summary of the technical steps provided in the accession process, some of which were already described in the previous paragraph:

Within an EU enlargement process the Commission first evaluates the application of the European country that aims at the EU membership. In particular, it expresses its *opinion* (avis) specifying whether it deems the applying country eligible for membership and whether the Council should recognize it as a candidate. In the case of Turkey, in its opinion in 1989 the Commission considered it as eligible, but still not ready for candidacy due to domestic shortcomings. This last was granted only a decade later (1999).

Next, after having approved the candidacy, the applying country must fulfil the 1993 Copenhagen criteria¹³, of which the political one is *conditio sine qua non*¹⁴. Based on a recommendation of the Commission, the Council evaluates if the candidate has fulfilled the criteria. In case of a positive evaluation, from that moment, the accession negotiations can begin on the base of the *Negotiations Framework*, which establishes the guidelines and principles for the accession negotiations to which the two parties agree. The accession negotiations is the process during which the Union analyses the adoption and implementation of the conditions for membership, that are detailed in each chapters (35 for Turkey) of the *acquis*.

The negotiations start with a *screening process*, in which the candidate and the Commission review the single chapters of the *acquis communautaire* in comparison with the domestic laws and practices of the candidate to determine the necessary reforms to implement by the applying country. After having finished the *screening process*, the Council unanimously decides whether to *open* or to *close provisionally* each negotiation chapter on the basis of agreed benchmarks. Throughout the negotiations, the Commission publishes annual *Progress Reports* that monitor the country's progresses.

Once all chapters have been *provisionally closed*, the Commission delivers its final opinion, the European Parliament gives its consent and the European Council (upon its unanimity) accepts the candidate's application by signing a *Treaty of Accession*. Finally, the Treaty enters into force when signed by all member states and the new acceding country.

As mentioned, the candidature of Turkey was presented in 1997 together with Central and Eastern European countries, Cyprus and Malta. However, while the accession negotiation has been opened for that countries, the

¹³¹³ The Copenhagen criteria were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995. These criteria must be met by the member state for accession. The criteria are three: political (the stability of the institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities), economic (a functioning market economy, able to cope within the EU) and legislative (the compliance with the *acquis communautaire*). EUR-Lex. Accession criteria (Copenhagen criteria) [Online] Available in: https://eur-lex.europa.eu/summary/glossary/accession_criteria_copenhagen.html [Last access: 21/08/2021].

¹⁴ In English: a necessary condition without which something is not possible Cambridge Dictionary. *sine qua non* [Online] Available in: <https://dictionary.cambridge.org/dictionary/english/sine-qua-non> [Last access: 21/08/2021].

same did not happen for Turkey, because the European Council evaluated that Turkey did not fulfill the Copenhagen political criteria.

As emerged subsequently in the progress reports and accession partnership documents of the European Commission, the stressed aspects have been the need to guarantee non-discrimination and the freedoms of thought, expression, association, peaceful assembly and religion together with the abolition of death penalty, the eradication of torture and the respect for rights and standards in trials and detention periods. Moreover, the Commission made specific demands as regards the governance, cultural and minority rights, in specific the Kurdish broadcasting and education.

Moreover the opening of the accession process has been accompanied by a great number of self-protecting clauses, never experienced before. Among these clauses there were the facts that negotiations would be *opened* and that it didn't necessarily guarantee full membership, as well as, full membership could suffer limitations like the derogations to the liberalization of the four freedoms (in particular to the freedom of mobility). Furthermore, it was introduced a budgetary capacity constraint to absorb a new member.

It was in particular Austria, and Germany, that, short before the opening of the accession process, declared that this one could lead to a "privileged partnership" instead of a "full membership", as France asked for the recognition of Cyprus as a new condition to fulfill before the opening of the process. Moreover, for the first time in the EU's enlargement history it was asked for the secret vote.

In this climate of caution and mistrust, the process was opened in October 2005. From the beginning, the process progressed very slowly until it entered a stalemate since 2010.

At present there are 16 opened chapters (the last one in 2016), of which one is provisionally closed, that is science and research (Figure 5). Then, eight are suspended due to a question regarding the *Additional Protocol* and six are unilaterally blocked. The last five chapters are without political blockages. In particular, following Turkey's non-implementation of the Additional Protocol extending the EU's *Customs Union* to the Republic of Cyprus (entered in the EU in 2004 and therefore should have had access to Turkish ports and airports), in 2006 the European Council has frozen eight chapters: the free movement of goods (1), right of establishment and freedom to provide services (3), financial services (9), agriculture and rural development (11), fisheries (13), transport policy (14), customs union (29) and external relations (30).

In 2007 France has added a veto on further four chapters: economic and monetary policy, unblocked in 2015 (17); regional policy and coordination of structural instruments, lifted in 2012 (22); financial and budgetary provisions, unblocked in 2016 (33); institutions (34).

In 2009, in the persistence of the non-implementation to the Republic of Cyprus of the *Additional Protocol* to the *Custom's Union Agreement*, Cyprus blocked six other chapters: freedom of movement for workers (2); energy (15); judiciary and fundamental rights (23); justice, freedom and security (24); education and culture

(26) and foreign, security and defence policy (31). In particular, Ankara has subordinated the extension of the *Additional Protocol* to the progress in the Cyprus's peace process or at least to the lifting of Northern Cyprus isolation.

The particular slowdown experienced by the enlargement process of Turkey is partly attributable to the debate which was opened in those years, from the EU side (since Turkey has instead always maintained its interest for the project), on the question of *whether*, rather than *how*, Turkey's accession should take place.

On the one hand, the themes put forward by the supporters of enlargement were especially:

- the contribution that Turkey could make to the European economy thanks to its own economic growth, its increased productivity and young workforce;
- the role that Turkey could play as an energy transit country or energy hub, a topic related to the agreement on the Trans Anatolian Pipeline (TANAP) and the Trans Adriatic Pipeline (TAP) to bring Azeri gas through Turkey to Europe (Southern Gas Corridor);
- the possible strategic role of Turkey in the context of a Common Foreign and Security policy;
- the contribution that Europe could bring to Turkey in terms of democratization.

On the other hand, the aspects highlighted by the sceptics about the integration of Turkey into the EU were:

- the malfunctioning of the EU as a result of a further increase in the number of EU countries, worsened by the large size of Turkey, which would have more representation within the institutions than the EU's founding countries, such as France and Germany;
- the fear of losing the European's *identity* in terms of culture, religion and history, accentuated by the loss of the *secularism* on which was originally founded the Republic of Turkey;
- the general perception that Europe's borders stop before Turkey, which is not considered a European country, together with the worry of finding EU borders next to Iran, Iraq and Syria;
- the fear of an invasion of Turkish migrant workers, which would have eroded the welfare state of European countries;
- the upheaval in the distribution of the European funds that would have been caused by the accession of Turkey, considering its large demographic size and low level of economic development
- the burden of the open questions with Greece and Cyprus.

Actually, the stalling of the accession process has generated mistrust and unmet expectations from both sides determining a closing approach in the dialogue.

In this regard, in June 2015, the European Parliament admitted the stalemate in the resolution on the 2014's Progress Report of the European Commission for Enlargement.

Nonetheless, a brief resumption of the relationship was registered during the migration crisis of 2015-2016. In particular, in March 2016 the EU and Turkey signed a migration deal under which Turkey agreed to take back

migrants, who reach Greece illegally and/or whose asylum's application was considered ineligible. In exchange, the EU would take in some refugees from Turkey directly, pledging to accept one refugee for each person returned from Greece to Turkey. The EU also agreed to provide Ankara with € 6 billion to come to the aid of Turkey, that hosts millions of Syrian seeking there refuge. Moreover, the agreement, in the attempt to revitalise the access negotiations, envisaged the upgrade of the EU-Turkey *Custom Union* and visa-free travels for Turkish citizens to the EU.

However, it is the deterioration of the internal situation in Turkey, which determined in 2018 the decision of the Council of freezing totally the negotiation process with Turkey, followed by the decision in 2019 not to convocate new sessions of the Association Council EU-Turkey. In particular, these decisions have been taken in response to the repeated and significant episodes which took place in consequence of the 2016's coup d'état and which have moved Turkey away from the EU's fundamental principles and values.

Indeed, following the failed coup d'état against Erdogan, this last launched an intensive repression against political oppositions, including his rival Fethullah Gülen¹⁵ and his affiliates, considered as a terrorist organization, which was accused of having organized the golpe. In addition to the military leaders and thousands of military members, a great number of magistrates, teachers and civil servants, believed to be accomplices or close to this movement, were removed from their posts.

In this climate of repression also the bilateral dialogue between Turkey and several EU member states (in particular The Netherlands and Germany) deteriorated due to some disputes, as those linked to the apprehensions of European citizens accused of supporting terrorist organizations. These contrasts cooled initially down the will to implement the migration agreement of 2016.

Another reason for the progressive deterioration of the EU-Turkey relationship is linked to the gas exploration in the Eastern Meditterean. Since the early 2010's the discovery of substantial hydrocarbon deposits in that region seemed to be a valuable element for fostering regional co-operation and facilitating Cypriot reunification. Instead, the deposit became a source of confrontation, because Turkey, which is strongly dependent on the imports of oil (93%) and gas (99%), claimed to have legitimacy on the region's resources, including those off the southern coast of the Republic of Cyprus. In particular, Turkey argued that the exploitation of the resources had to be subordinated to a revenue sharing agreement with Turkish Cypriot or at least to an overall solution of the Cyprus question. To strengthen its claims Turkey used to send its navy or to harass the exploration. The intensification of these actions is one of the reason that brought to the freeze of the negotiations in July 2019.

¹⁵ Gülen is a political scientist and preacher, accused by the Prime Minister Erdogan of being at the head of a "parallel state" operating within Turkish institutions with the aim of removing him from office. Treccani. *Gülen, Muhammad Fethullah* [Online] Available in: <https://www.treccani.it/enciclopedia/muhammad-fethullah-gulen> [Last access: 22/08/2021].

In 2020 tensions increased further due to the continuation of the drilling's activities from Turkey, the disregard of the migration agreement encouraging the refugees to make their way to the Greek border and the sending of its ships to an area south of the Greek island of Kastellorizo that both Greece and Turkey claimed as part of their maritime zones. To boost its claims Turkey also carried out military flights over Greek islands bringing tensions to such a level that even NATO had to intervene.

Another object of the rising confrontation between the EU and Turkey is Turkey's foreign policy in the Middle East and in Libya. As regards the first region, in October 2019 Turkey launched an operation against the Kurdish People's Protection Units (YPG) in Syria, going at odds with the US and many European countries, which have supported the YPG in the fight against the Islamic State (IS). Turkey indeed sees the YPG as the Syrian branch of the Kurdistan Worker's Party (PKK), which it considers as a terroristic organization. On this occasion it was highlighted the lack of coordination with the NATO allies.

A similar situation of a non-coordinated and isolated foreign policy was developed in Libya, where in late 2019 Turkey intervened in the civil war. In particular, the UN-backed Government of National Accord (GNA) has asked for European and US help to fight the warlord Khalifa Haftar, who was trying to take over Tripoli. Once the GNA realised that the US and Europe would not help it (France was in particular a supporter of Haftar) it turned to Turkey, which in exchange for assistance, given in the form of Syrian mercenaries and drones, the two parts signed a maritime delimitation agreement, with which they divided up much of the Eastern Mediterranean, without taking into account the maritime zones of Crete and other Greek islands.

Greece did not agree with the agreement and also the EU rejected it, underlining that it did not comply with the UN Convention on the Law of the Sea. However, the intervention of Turkey consented the victory of the GNA over Haftar and the creation of a Libyan unity government in March 2021.

Another critical situation was determined by Turkey's policy in the Western Balkans where, although there is no direct involvement of the EU members, the strengthening of the relations with these countries is not seen favourably.

In the face of all these situations Europe has repeatedly condemned Turkey's actions, in particular for the Eastern mediterranean questions. In February 2020 it also imposed symbolic sanctions on Turkey, even if some member states (in particular France) requested some tougher sanctions, which however did not meet the approval of all member states for several reasons. First, for economic grounds, because Turkey is the EU's fifth largest market. Secondly, because not all countries has seen the Turkish policy in the same threatening terms (for instance, in Libya, Italy supported the GNA against Haftar, and not viceversa). Third, the dovish member states feared that sanctions would increase tensions with Turkey without necessarily succeeding in changing its policy. Finally, many member states were concerned that Turkey could respond to sanctions by pushing migrants toward the EU, leading to another migration crisis.

As reflected in the documents of the European Council in March¹⁶ and May 2021¹⁷, the EU condemns Turkey's illegal activity vis-à-vis Greece and Cyprus, but, if Turkey acts in a more constructive manner, the EU is ready to launch a positive agenda centred on modernising the EU Custom Union and on facilitating people to people contacts, dialogue and cooperation on migration. In particular, the current custom union should be modified as regards the circulation of trade in services, public procurement and most agricultural products, not included in the current Custom Union. Moreover, it should provide the lift of border's checks and restrictions on trade and the inclusion of Turkey in other trade agreement between the EU and third countries.

In early 2021 Turkey halted its energy exploration activities and said it wanted better relations with Europe and the US. Erdogan also signalled that he wanted to change course in the domestic affairs. To stabilize Turkish economy he also replaced Turkey's finance minister and central bank governor. In this regard it may have been right the weakness of Turkish economy that prompted him to change politics, in addition to the election of Joe Biden as US President, much more rigid in his positions.

This new attitude of Turkey brought the EU in 2021 to relaunch the dialogue with Turkey if this last demonstrates in the future a new constant constructive approach, although the European leaders still remain cautious before reopening the accession negotiation.

¹⁶ European Commission (2021) *Joint Communication to the European Council. State of play of EU-Turkey political, economic and trade relations*. Bruxelles.

¹⁷ European Parliament. (2021) *Relazioni 2019 e 2020 sulla Turchia. Risoluzione del Parlamento europeo del 19 maggio 2021 sulle relazioni 2019-2020 della Commissione concernenti la Turchia (2019/2176 (INI)) (P9_TA(2021)0243)*.

3. *Impact of human rights in Turkey's integration into the EU*

As seen in the previous chapter, democracy and human rights have a particularly relevant weight in the fluctuating relationship between the EU and Turkey, weight never known in other integration processes. In this regard it is useful to retrace the Turkey history to analyze the path to democratization of the country.

3.1. From the birth of the Republic of Turkey to the '80s

Since the birth of the Turkish Republic in 1923, Turkey has embraced democracy as established by the Article 2¹⁸ of its Constitution. In this regard, the right to vote was immediately exercised, and took on further meaning in 1946 when Ismet Inonu, the leader of the Republican People's Party (CHP) after the founder Atatürk, opened the political system to a multi-party competition, recording, in the particular case, a resounding defeat against the Democrat Party (DP), which marked the end of the CHP government, which lasted 27 years.

In the following years, according to the democracy rules, the CHP made a strong opposition to the DP, which, in the decade 1950-1960, took sufficient votes to form single-party governments, becoming, by the end of Menderes's era, an authoritarian party, then removed by the 1960 coup d'état.

Under the leadership of the military, headed by General Cemal Gürsel, significant progress was made in democratization and respect of human rights, following the enactment of a new Constitution which accelerated democratic reforms by creating a system of checks and balances. In particular, electoral reforms introduced proportional representation, giving more voice to minor political groups such as Marxist, right-wing and Islamic movements. Furthermore, rights and freedoms were strengthened through the growth of business and labor associations, as well as with the increasing of the autonomy of public agencies like universities and media. Alternative sources of information became available along with a greater freedom of expression. Civilian governments turned to power in 1961, after the dissolution of the DP from which came the new Justice Party, led by Suleyman Demirel.

However, throughout this period, political shortcomings, inherited from Ottoman rule, persist. In particular, the political system continues to be centered on a small elite, while masses follow the leadership of the center without resistance.

Despite this, progress is so significant that in 1963 the Association Agreement is signed with the EU. The Agreement lays the foundation for gradual economic integration and foresees the establishment of a Custom Union. Moreover, the Agreement set out the possibility of Turkey's full accession to the Community.

¹⁸ Art.2 of the Constitution of the Republic of Turkey: "The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk [...]."

The Grand National Assembly of Turkey. *Constitution of the Republic of Turkey* [Online]. Available in: https://global.tbmm.gov.tr/docs/constitution_en.pdf [Last Access: 18/08/2021].

In the two following decades (70s and 80s), however, the path towards democratization is interrupted by an increasingly conflictual and even violent political climate. In the late 60s and early 70s, far left and right-wing groups faced each other on the streets. These clashes culminate in the intervention of the military with the Memorandum of March 1971 (Memorandum Coup). After some governments under the military control, civilian rules come back with March 1973 election. However, instability continues until it leads to a new coup d'état in September 1980.

In particular, following the military memorandum, left-wing parties are banned, while moderates turn towards right-wings extremist parties such as Altarslan Turkey's Nationalist Action Party (MHP) and Necmettin Erbakan's Islamic National Salvation Party (MSP). Furthermore, violence begins to take on a distinctive sectarian and religious character: Kurds against Turks, Turks against Armenians, Sunnis against Alevis¹⁹.

Martial law is declared in several provinces after the December 1978 massacre at Kahramanmaras²⁰, but it doesn't succeed in containing the violence that results in thousands of deaths because of armed attacks, murders, sabotage, kidnappings, robberies and bombings.

In this context, complicated by the military interventions in Cyprus in 1974, the relations between the EU and Turkey fade into the background, revitalized only by the signing in 1970 of the Additional Protocol to the Association Agreement, which foresaw Turkey's move from the preparatory to the transitional phase of the association, and by the entry into force of the Custom Union.

3.2. From the '80s to 1999

As said, the political instability of the 1970s ended with the coup d'état of 12 September 1980, led by General Kenan Evren. The military junta, which replaced the civil government, suppressed all forms of political instability through restrictive laws and a new, considerably less liberal, Constitution (1982).

In order to reduce the party system fragmentation, it was deliberate the dismantling of the Senate and the adoption of a d'Hondt²¹ version of proportional representation, together with a 10% vote threshold to seat in Parliament. A new Political Party Law (1983) banned all the old parties and the political activity of former politicians, extremist group and activist formations based on class, religion, race or language distinctions.

¹⁹ The Alevis represent a religious group composed in Turkey by around 10 millions members. They are considered a religious sect of Islam. They are categorized under the Shia denomination of Islam, therefore are in opposition to the Turkish Sunni majority. Minority Rights Group International (2018) *Alevis* [Online] Available in: <https://minorityrights.org/minorities/alevis/> [Last access: 10/09/2021].

²⁰ Kahramanmaras is a city in southern Turkey, where between 19-25 December in 1978 were murdered several Alevis and their homes and stores were destroyed.

Kahramanmaras.tr. *Kahramanmaras* [Online] Available in: <https://kahramanmaras.bel.tr/> [Last access: 10/09/2021].

²¹ The word *d'Hondt* comes from Victor D'Hondt, a belgian mathematician, who described a method for proportional representation.

Britannica.com *D'Hondt formula* [Online] Available in: <https://www.britannica.com/topic/dHondt-formula> [Last access: 10/09/2021]

These restrictions meant the return to a mono-party system and in particular facilitated the ascent and victory of the Motherland Party (ANAP), led by Turgut Özal, First Minister and then President of the Republic of Turkey between 1983 and 1993.

Alongside this, some articles of the new Constitution made individual and group rights conditional on respecting what was ambiguously defined *indivisible integrity of state*, what resulted in censorship of the media, prohibition of any political activities by unions, professional associations and universities and restrictions on the exercise of religion and to minority rights.

Moreover, martial law persisted, throughout the 1980s, in more than half of Turkey's provinces.

In light of these restrictive measures, applied during the military regime (1980-1983) and in the first years of Özal's Government, when this latter presented in 1987 formal request for full EC membership, the answer from European Institutions has been obviously negative due to the Turkish problematic state of democracy.

At the end of the 1980s, finally, the bans on political parties and leaders were gradually lifted reopening the way to a multi-party system but also to the consequent fragmentation, which forced to coalition of Government. In that period, for example, marriage occurs between Tansu Ciller's True Past Party (DYP) and Necmettin Erbakan Islamist Welfare Party (RP), alliance that was removed by the new coup d'état that took place on 28 February 1997, as accused of wanting re-establish Islamism against the secularization of the country.

The 1980s and the 1990s were also marked by the emergence of the Kurdish question. In fact, in 1978, the Kurdistan Workers Party (PKK) appears on the scene, led by Abdullah Öcalan, with the aim to create, through violent means, a pan-Kurdish state. The PKK officially enters war with Turkey on 1984 and progressively intensified the struggle with all the instruments at its disposal, including terrorism. By the mid-1990s the PKK counted on approximately 8000 militants operating inside Turkey, and, thanks to its foreign connection, it could dispose of training bases in Syria and Lebanon, and after the Gulf-War, also in Iraq, from which it also launched attacks against Turkish targets. On this regard, the PKK is considered by Turkey, as well as by the US and since 2002, also by the EU, a terrorist organization in all respects.

Turkey responds to the attacks by sending in the south-east of the country great numbers of troops and using extreme methods of war such as evacuation of villages, displacement of persons, extra-judicial killings and disappearances, detentions, intimidation and tortures. After the 1991 Gulf War, Turkey sent its man also to Iraq where the PKK was linked to the Democratic Union Party (PYD), and its armed wing People's Protection Unit (YPG), active in the North of Syria, which also aim to the creation of a Kurdish federal State. In 1987, emergency rules was imposed in ten provinces and powers were given to the provincial governors to restrict civilian rights and freedoms. Moreover, the new Anti-Terrorism Law, enacted in 1991, provided an extremely broad definition of terrorism, legalizing for this verse a wide set of measures to combat it.

Although the consequences of the 1980 coup d'état lasted for a long time, in the 1990's, some effort toward liberalization were made. In particular, in 1995, a new constitutional reform is launched, as well as amendments to the Political Parties Law liberalize political party activity and amendments to the Anti-Terrorism Law allow greater freedom of expression and association. Furthermore, a revision of the Penal Code also reduces police custody for suspected crimes, while in 1999 military judges are removed from State Security Courts.

In light of these progress, albeit timid, in 1999, the EU agreed in recognizing Turkey as a candidate for full membership, although the beginning of the accession negotiations would depend on the fulfillment of the Copenhagen political criteria. On this regard, with the recognition of EU candidacy, in addition to the annual Progress Reports by the Commission, Turkey also received its first Accession Partnership document, containing the priority measures to be realized to meet the political criteria. In response, Turkey adopted a National Program, in which it established the modalities with which in intended to comply with EU requests.

3.3. From 1999 to 2005

After 1999, and particularly after 2001, Turkey in fact experienced a period of reform that has never known before, such that those years are referred as a *quiet revolution*.

In particular, in October 2001, under the government coalition composed by the centre-left Democratic Left Party, the centre-right ANAP and the nationalist MHP, led by Bülent Ecevit, the Turkish Grand National Assembly approved 34 constitutional amendments, most of them in the area of human rights. Subsequently, in the years 2001-2003, and mainly under the first post-Islamist Justice and Development Party (AKP) government, seven harmonization packages were passed.

In more detail, the first two packages were concentrated on freedom of expression and association. The third one abolished the death penalty and lifted the ban on broadcasting and on education in languages other than Turkish. The fourth and fifth amended the Law on Political Parties, increased penalties for tortures, expanded the freedom of the press and allowed the retrial of cases where judgement were contrary to those of the European Court of Human Rights. Finally, the last two packages extended the freedom of speech and association, increased the civilianization of the National Security Council, before dominated by the military, and extended cultural, religious, and linguistic rights.

In the end, in May 2004, a further set of constitutional amendments passed establishing the abolition of capital punishment, the strengthening of gender equality, the civilianization of the Higher Education Board and the abolishment of the State Security Courts. This last, was followed, in June 2004, by eight other harmonization packages which implemented a second set of constitutional amendments.

Furthermore, always in 2004, Turkey passed a new Law of Associations, a legislative package reforming Public Administration, a Law on Compensation of Losses Resulting from Terrorist Acts and a new Penal Code which, among other provisions, strengthened women's rights.

In conclusion it can be said that the prospect of the opening of the integration process played an important role in Turkey's adoption of measures in the direction of democratization and human rights recognition.

Nevertheless, it is not to be underestimated that the AKP, after its large electoral victory in 2002, was also trying to be legitimized in the eyes of the international community but also, within the country, in those of the staunch supporters of the secularization. Therefore, in order to cover its religious inspiration and its conservative position, the AKP assume the role of reformer in line with the founding principles of the country.

3.4. Since 2005 to the present day: open points

As is known, the launch of the accession negotiations in 2005, was immediately accompanied by a growing Turco-scepticism on the part of some EU member countries which never failed in highlighting the state of democracy and human rights in Turkey and that have repeatedly reinforced the subordination of the integration to their progress.

This has also influenced the climate of the negotiations which, over time, have been characterized, on both side, by increasingly scepticism and mistrust, as well as, on Turkey side, by disdain for the critics and recommendations received from the EU.

In reality, even after 2005, reforms have continued but detached from the EU accession process.

On this regard, one of the major areas of progress has been the rebalance of the civil-military relations. As known, Turkey history has been marked by the military interventions in the government of the country as defensor of its secularization. Therefore, although their interference has always been short-term, in a democratic country the circumstance represents a violation.

Starting from 2009, a certain number of reforms were pursued to ensure civilian control over the military. In June 2009, a law was passed allowing civilian courts to try military members in peacetime, as well as lifting the remaining powers of military courts to try civilian in peacetime. In January 2010, the Parliament abolished the Protocol on Cooperation for Security and Public Order, which allowed the military to carry out operations for internal security reasons, without the prior civilian consent. In September 2010, constitutional amendments strengthened judicial oversight over the decisions of the Supreme Military Council, lifted restrictions on the trial of the 1980 coup d'état authors, allowed for the trial of top military officials for any offences committed during official duties, and restricted the jurisdiction of military courts to crimes related to military service. Moreover, in December 2010, the Law of the Court of Auditors strengthened civilian control on military

budget while in 2013, an amendment to the Internal Service Law of the Armed Forces explicitly forbids an engagement of military members in political activities.

Although the rebalancing of civil-military relations is still incomplete (an open theme is the autonomy of the intelligence whose powers have been strengthened and that reports directly to the President of which it has become a real operational arm), the set of rules introduced brings Turkey very close to the Western standard regarding civilian control over the military. On the other hand, it can also be concluded that the failure of the last coup d'état in 2016 is partly attributable to the lesser power now recognized to the military.

On the contrary, in the case of human rights and fundamental freedoms, progress has been less and marked by ups and downs.

One of the most significant has been the ratification of the Optional Protocol to the UN Convention against Torture (2004).

In other areas, such as the rights of non-Muslim minorities, in 2011, an Amendment to the Law on Foundations, allowed the return of confiscated properties to religious foundations or allowed to receive compensation in case the properties have been sold.

While, in the case of the Alevi community, despite the opening in 2009 of an official talk on their requests (the recognition of their places of worship, the inclusion of their doctrine in religious education classes and formal representation in the Directorate-General for Religious Affairs), little concrete actions followed.

Always in the area of freedom of expression, in recent years it has been witnessed a deterioration of the more specific freedom of communication. In fact, in addition to the arrest of numerous journalists, in February 2014, the Turkish Parliament passed a law allowing the Telecommunications Authority to block any website within 24 hours and requiring all Internet providers to store data on users' activities.

The severe limitations on freedom of expression and of media, in many cases are attributable to shortcomings in Turkey's Constitution and Penal Code, alongside the 2006 Anti-terror Law. In particular, the broadly construed notions of national security, public order and national unity is continuously misused by prosecutors and judges to limit the right of expression.

A critical area related to the human rights is the judiciary, the shortcomings of which are known and date back to distant years. First of all judiciary has always be a bastion of the secular establishment acting as a political and politicized force against non-establishment actors. Secondly, problems linked to the structure and functioning of the legal system are added to the lack of independence. In particular, Turkish law has allowed for abnormally long pre-trial detention period (until 2013, up to 3 years for normal cases, and 10 years for State security cases). Moreover, indictments have often been made on the basis of feeble evidence, as well as on evidence obtained by opaque or illegal means. Obviously, serious violation of the fundamental rights derived from all these situations.

In order to correct the situation, in 2009 the government announced a Judicial Reform Strategy, whose main provisions have been subjected to a referendum in September 2010, which approved the reform with 58% of the votes.

In particular, the reform introduced the possibility of an individual application to the Constitutional Court and reformed the High Council of Judges and Prosecutors, responsible for judicial career, and the Constitutional Court. Subsequently to the Constitutional Reform, four judicial reform packages which aimed at reducing the workload of the judiciary, enhancing freedom of expression, reducing the long period of pre-trial detention and narrowing the scope of terror related crimes.

This measures, even if important, did not bring the desired effect in terms of freedom of expression and reduction of the pre-trial detention through narrowing of the concept of terror-related crimes.

Another theme, with reference to which, progress has been low and with continuous ups and downs, is the Kurdish question. In 2009, the Turkish government announced a Kurdish Opening, later redefined as a Democratic Opening. The main objectives of the understatement were cultural and language rights, criminal justice and amnesty, political participation. Unfortunately, the Opening ended abruptly following the failure of an operation to return a group of Kurdish refugees and the banning of the pro-Kurdish Democratic Society Party (DTP) in December 2009. Afterwards, an intensification of arrests and deaths, together with the enlargement of the conflict to a Syrian border area, is the context in which, in 2013, Prime Minister Erdogan launched a peace process with PKK leader Öcalan, in prison since 1999. Öcalan called for a ceasefire and for the PKK to retreat from Turkish area to Syria. The ceasefire of course should have been only the first step in a normalization process that should have brought to the implementation of Kurdish individual and collective rights and the reintegration of former PKK combatants into civilian life. In response to this demand, the government announced a democratization package mainly focused on children education and fundamental rights. Otherwise, the package did not include the revision of the Anti-Terror Law, that would have allowed the liberation of many politicians and fighters.

To all mentioned open points, must be added the internal situation particularly polarized. A symptom of such polarization was provided by the demonstrations spread in 2013 following the Gezi Park question. In fact, the government announcement of the demolition of the small Gezi Park in order to build a shopping mall in Istanbul's city center, gave the opportunity to the most varied groups (secularists, youth, environmentalists, religious minorities, etc.) to express their dissent on government decisions carrying out their own position. However, the demonstrations spread throughout the country following the police's forceful intervention, using tear gas to disperse the crowd, have been even more significant, as they highlighted the growing frustration resulting from the increasingly authoritarian government. The conclusion to which the event in question lead is that in Turkey there is a sincere democracy, demonstrated by the presence of a lively civil society capable of expressing its opinion peacefully but also capable of mobilizing to protest against authoritarianism.

More recently new internal situations testify against Turkey, such as the withdrawal from the Istanbul Convention (July 2021), on preventing and combating violence on women and domestic violence, as well as the hypothesized dissolution of the People's Democratic Party (HDP), an opposition progressive party.

To confirm the relevance in the eyes of EC of all the issues raised regarding Turkey's democracy and human rights, it is useful to refer to the latest Relation on Turkey of the European Commission as regards to the rule of law and fundamental rights (paragraphs 10-54).

4. Migration's impact on the integration of Turkey into the EU

A particularly important issue in the relationship between Turkey and EC and more specifically on the integration process of the first is migration.

Also in this case it is useful to retrace the evolution of migration in Turkey under an historical point of view and then to see how migration has affected the accession process.

4.1. Turkey as a country of emigration

At the beginning of the Turkey and EU relations, migration and mobility did not represent a problem as they were substantially inexistent. Therefore, in Article 12 of the 1963 Association Agreement, Turkey and the EC undertook to insure a progressive *freedom of movements for workers between the Community and Turkey*. On the same line, Article 41/1 of the 1973 Additional Protocol introduced a *standstill clause*²², according to which the EU and Turkey could not introduce new restrictions on the freedom of establishment and the freedom to provide services between the two sides. Moreover, at that time, EU member states were not applying any Visas to Turkish citizens. Actually, it was as if migration was considered as an aspect of the economic relationship rather than a socio-political issue.

In reverse, migration as a socio-political issue began to emerge first in bilateral relations with individual member states rather than with the Community as a whole. In this regard, reference is made to the agreement between Germany and Turkey as part of the program called *Gastarbeiter*²³ (guest workers). Through this agreement, interrupted in 1973 following the oil crisis, Turkish guest workers have answered to the labor demand of Germany's post-war reconstruction, while Turkey solved concomitantly its problem of excessive labor, in addition to the benefits of receiving remittances from emigrants and obtaining know-how from the returns of the migrant workers. Although the agreement foresaw only temporary migration, it has translated in permanent migration mainly as a result of family reunification and asylum, a phenomenon which also occurred in other European countries, such as France, Belgium and Holland.

Given that migration should have been temporary, host countries did not implement integration policies to facilitate migrant's inclusion into the society. Nevertheless, also Turkey did not set up policies to promote the return of its own migrants.

²² The term *standstill agreement* refers to various forms of agreement in which opposite parts may enter into in order to delay actions which might otherwise take place. It is then an agreement that preserves the status quo. Practical law.com *Standstill agreement* [Online] Available in: [https://uk.practicallaw.thomsonreuters.com/4-200-4971?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/4-200-4971?transitionType=Default&contextData=(sc.Default)&firstPage=true) [Last access: 15/09/2021].

²³ The project, which covered the period 1950-1970, aimed to procure manpower to be employed in low skilled jobs, such as in the mining, automotive and construction industries. The first workers to be called were from Italy, Spain, Yugoslavia, followed by Greece, Turkey and Portugal. Kesselman, M. (2016) *Introduction to Comparative Politics: Political Challenges and Changing Agendas*. p. 145. Cengage edition. Seventh edition

In this regard, Turkey begins to show an interest towards migrants only after the 1980's coup d'état, partly as a response to the vibrancy of the migrant community itself and partly as a mean to control political opposition both at home and abroad.

In conjunction with the mentioned coup d'état and the rise of the Kurdish question (1984), migratory flows from Turkey to Europe start to intensify under the impact of asylum seekers. It is at this time that EU member states, for fear of the arrival of numerous immigrants, decided to introduce Visa for Turkish citizens.

The Visa application had the effect of distancing Turkey from Europe. In this regard, on the legal basis of the *Standstill Agreement*, Turkish authorities tried to ask for the abolition of the Visa requirement, also supported by favorable judgements of the European Court of Justice on cases brought to its attention.

Actually, following the 1993 Maastricht Treaty and the creation of the Schengen Area (2005), implementing more protective border measures, migration has become a more political and politicized question.

4.2. Turkey as a destination country for immigration

With the end of the Cold War, as a result of growing globalization, and in particular following upheavals such as the Soviet occupation of Afghanistan (1979-1989), the Iran-Iraq war (1980-1988), the break-up of the Soviet Union (1990-1991) and the civil war in Yugoslavia (1991-2001), and even more following the Arab Spring (2011), Turkey became a country of immigration mainly for asylum seekers coming from Soviet Republics, the Middle East and the Balkans.

However, also internal factors under development, such as Turkey's liberalizing economy in the 1990's, its high rates of economic growth in the 2000's, and policies of the AKP government such as the introduction of a liberal Visa regime, brought Turkey from an emigration to an immigration country, although in most cases it has to do with transit migration, in the sense that migrants cross Turkey in order to reach EU countries

Consequently, Turkey also became a country of destination full of human traffickers, which operate in the area of the Black Sea, whose victims are from Russia, Ukraine, Moldova, Kyrgyzstan and Uzbekistan.

In this context it was inevitable that the four freedoms (goods, services, capital and persons) that EC integration would have entail, ends up having a significant impact on the accession process.

4.3. Migration and the EU accession process

In the first years of 2000's, in order to harmonize its legislation and policies with those of the EC, Turkey undertook many reforms in the fields of migration, and more specifically as regards refugees and asylum. Reforms, however, have also been undertaken following domestic factors such as the urgent need to legislate on the subject in consideration of the growing number of migrants and asylum seekers, as well as for the pressure exerted by civil society engaged in this field.

In detail, a first package of reforms was passed between 2002 and 2005, that is in the *golden years* of Europeanization. In this period Turkey adopted the *Law on Work Permits for Foreign Nationals*, which facilitated the work permit for foreigners, ratified the additional protocols against migrant and human smuggling of the United Nations Convention against Transnational Organized Crime (2003) and amended the Law on Citizenship (2003-04). Finally, in March 2005, the *National Action Plan on Asylum and Migration* set up the future reforms in this field.

With reference to the Visa policy, it was also in this period that Turkey aligned the list of countries requiring the Visa with that of Europe, even if in the following years Turkey began to diverge from the European line.

A second wave of reforms began in 2008 with the establishment of a task force on migration and asylum. In particular, in 2013, under the growing phenomenon of the Syrian refugee crisis, a new *Law on Foreigners and International Protection* introduced major reforms in the management of asylum and migration, bringing it in line with the EU and international standards. The law aimed at regulating the entry, the stay and the exit of migrants and asylum seekers. It also established the creation of a General Directorate of Migration Management, a new body within the Ministry of Interior responsible for implementing the law itself.

Despite the convergence between the Turkish and EU legislation on migrants, the two sides remained distant on various issues.

The major of them was represented by the transit migration through Turkey, which, for its geographical position, constitutes the EU's sea and land border in the south-east, and therefore the main route for migrants to reach Europe when coming from the Middle East, in particular from Syria. In this regard the EU thought to manage this issue negotiating a *readmission agreement* with Turkey, which would commit this latter to take back irregular immigrants, who arrived in the EU through Turkey.

The negotiation of this agreement lasted more than a decade with various interruptions. In fact, on the one hand, there was a general lack of trust of Turkey towards the EU and, on the other hand, the package for full membership in offer from EU appeared less and less credible. On the first front, Turkey feared that EU would not have respected the pact, rejecting even migrants who had not entered in the EU via Turkey, thus becoming a *dumping ground* for the EU. On the other side, the counterpart offered in exchange by the EU on the Visa theme did not seem sufficient compared to the growing concern of Turkey about its borders control. At first, in fact, the EU considered to grant only Visa facilities instead of liberalization. That meant that the issuing procedure for short-stay Visa, would have been easier and less expensive and, in the case of special category such as lorry drivers, students, businessmen and journalists, simplified. However, as said, the Turkey government, but also the public opinion, did not consider the EU proposal as a sufficient incentive, in addition to the fact that generally Visa liberalization was granted already during accession negotiations, and not only after membership. Therefore, the public judged that this was the concrete proof that EU was not sincere about Turkey's integration prospects.

In response to the EU proposal, Turkey insisted on Visa liberalization in particular on the grounds of the *Association Agreement* and the *Additional Protocol*, and supported by a decision of the European Council of Justice (2009) establishing, in the case of a lorry driver travelling to Germany, that as a *service provider* he would not have been subject to a Visa restriction, since the latter was new with respect to the situation at the date of the Additional Protocol (article 41/1).

The dispute over readmission against Visa was finally resolved on December 2013, when the two parts signed the *Readmission Agreement* and the *Protocol on the Initiation of the Visa Liberalization Dialogue*, with which it was expected that Turkey would have begun to take back irregular migrants three years after the *Readmission Agreement* entered into force, whereas the EU would have approved (through qualified majority) the abolition of the Visa for Turkish citizens once Turkey had completed the EU's Visa liberalization roadmap and start to implement the readmission agreement.

In this regard, it should be noted that the Visa-free travel provided in the agreement was more limited compared to the freedom of movement and establishment foreseen in case of membership. Moreover, the roadmap that Turkey should have followed, involved improvements in terms of borders controls, asylum systems and human rights.

In detail, the agreement was reached for various factors. First of all, the European Commission insisted for granting free Visa in order to raise its credibility in the eyes of Turkey. Secondly, the EU agreed to issue to Turkey some concessions such as the temporary maintenance of the geographical limitations to the 1951 Geneva Convention on the Status of Refugees, which meant that Turkey did not grant *refugee status*²⁴ to asylum seekers coming from outside Europe, but only *temporary protection*, as well as, with regard to the roadmap for Visa liberalization, the postponement, until accession, of Turkey's harmonization with the Schengen Visa.

Another question which has created concern in the EU's member countries about migration in case of Turkey's full membership, is the impact of a possible mobility of Turkish citizens to EU's countries. In particular, the major concern was about the large number of its population, with reference to which Turkey would come immediately after Germany with the difference that Turkish population was young and growing, while the German population was older and estimated to decrease. This consideration, together with the different standards of living between the EU countries and Turkey, were elements for which an important migratory flow was feared in the EU, fear that is reflected in the 2005 *Negotiating Framework* in which they were hypothesized *long transitional periods, derogations, specific arrangements and safeguard clauses* to limit the freedom of movement of persons.

²⁴ Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. UNHCR. *Refugee status determination* [Online] Available in: <https://www.unhcr.org/refugee-status-determination.html> [Last access: 15/09/2021].

The large and growing Turkish population was a cause of apprehension also for the impact on the EU institutions and decision-making structures. In fact, since Turkish population would have surpassed that of Germany, Turkey would have had the largest group of members in the European Parliament as well as, following the introduction of the Lisbon Treaty of the *double majority* rule²⁵ (December 2007), a decisive role in the decision making of the European Council.

Another reason of concern related to migration that has weighed on the Turkish accession process, was the already high presence of Turkish migrants in the EU countries and the circumspection toward it. In fact, it is counted ²⁶ that Turks outside Turkey are 6.5 million, of which 5.5 in the Western Europe countries and approximately 3.7 in Germany (the others distributed in France, Belgium, Austria and the Netherlands). Furthermore, Turkish migrants are generally perceived as *Muslim migrants* and for this reason they fall within the wider debate on Muslim emigration. Actually, in the EU, public opinion toward Muslims has never been favorable, in view of the fact that Muslims were deemed to be non-integrated by their own choice. This feeling of distrust was further strengthened after the 11 September attacks (2001) and the terrorist episodes that took place in numerous European cities in the following years. As a matter of fact, such fear has crucially influenced EU public opinion on the Turkey's accession and this attitude was more hostile the greater the presence of Turks in the member state.

4.4. The 2016's Cooperation Agreement

In the midst of the Syrian migration crisis which saw flows of Syrian reaching Europe via the Aegean Sea and along the Balkan route (850.000 in 2015), the *Cooperation Agreement* in the field of migration, defined in its principles on the 7 March 2016, after a series of contacts and negotiations that took place since 2015, and confirmed by the European Council of the 17-18 March 2016, aimed at implementing a migration management system and avoiding a humanitarian crisis. The agreement in question, which represents the reference framework for cooperation between the two parts on the migration theme, with however many controversial aspects, both from a point of view of compliance with the European and International legal framework, and for its practicability and effectiveness, established:

- from 20 March 2016, the return to Turkey of all new irregular migrants and asylum seekers, whose application will be found unfounded or inadmissible, given that they made the crossing from Turkey to Greece in compliance with the EU and International Law,

²⁵ The *double-majority rule* is a rule applied when the European Council vote on a decision of the European Commission or of the High Representative for Foreign Affairs and Security Policy, which foresees the satisfaction of two conditions: vote in favour of the 55% of the member State (that means of 15 countries out of 27), which in turn must represent at least 65% of the total EU population. European Council. Voting system by qualified majority [Online] Available in: <https://www.consilium.europa.eu/it/council-eu/voting-system/qualified-majority/> [Last access: 11/09/2021].

²⁶ Limes (2020) *In Germania è emigrata anche la Turchia*.

- for every Syrian being returned to Turkey from Greece, another Syrian will be resettled from Turkey to the EU, taking into account the UN Vulnerability Criteria,
- Turkey's commitment to counter the opening of new maritime or land routes of irregular migrations
- the activation of a Voluntary Humanitarian Admission Scheme, once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced,
- the commitment on the part of EU to give financial support for the implementation of the agreement through the Facility for Refugees instrument, which was given a budget of 6 billion, to be disbursed in two tranches.
- the acceleration of the Visa liberalization roadmap with a view to lifting the Visa requirements for Turkish citizens at the latest by the end of June 2016, provided that all benchmarks have been met,
- the appreciation for the ongoing work on the upgrading of the Customs Union,
- the joint commitment to re-energize the accession process as set out in their joint statement of 29 November 2015, with the intention of opening shortly Chapter 33.

Actually, the Agreement introduced two new principles that, until then, neither in the preparatory works to the Agreement nor in the previous Bilateral Protocol between Greece and Turkey and the EU Readmission Agreement (operational since June 2016), have never been foreseen, namely:

- the extension of the repatriation to the asylum seekers, when their application is considered unfounded or inadmissible, and not only to the irregular migrants,
- the application of the *one-to-one program* to Syrian migrants only.

About the first point, it was immediately pointed out that behind the statement included in the Agreement there was the risk of collective expulsion, prohibited by art.4 of the European Convention on Human Rights (HREC), and art.19, par.1, of the Charter of Fundamental Rights (FRC), as well as the risk of infringement of the principle of *non-refoulement*, enshrined by art. 33 of the Geneva Convention and reaffirmed by HREC and ERC. Now, the jurisprudence on collective expulsion, has established that expulsion is admitted after a reasonable and objective assessment of the individual case of each member of the group. Instead, the non-refoulement principle foresees that nobody can be expelled to a State where they risk being persecuted or subjected to torture or inhuman and degrading treatment or punishment. Therefore, European countries are obliged to verify, on a case-by-case basis, that the expulsion to Turkey takes place in compliance with the principle.

It is for that reason that the Declaration, in the Council version of 17-18 March 2016, makes specific mention of the respect of these two principles.

With reference to the second point, the one-to-one program appears in contrast with the fundamental principles of the right of asylum and the protection of human rights, as well as discriminatory. Moreover, it is also morally

questionable as it involves a sort of "trade" in human beings. In particular, the right of asylum cannot be denied depending on whether the refugee has entered in Greece legally or not. Furthermore, migrants cannot be excluded from the resettlement in Europe on the bases of its origin, if Syrian or not, since many migrants en route to Europe were also Afghans or Iraqis. Further, the possibility of returning asylum seekers to Turkey is subject to the Greek recognition of Turkey as *safe* third country, which is in contradiction with the objections raised to Turkey on the theme of human rights when dealing with the accession process.

In this regard, Turkey has ratified the Geneva Convention of 1951 and its Protocol of 1967, but still maintains a geographical limitation for non-European applicants, namely it recognizes refugee status only to those coming from a member country of the Council of Europe. However, this limitation has been partially overcome by Turkey through the *Law on Foreigners and International Protection* of 2013, which recognized the status of *conditional refugee* to those coming from a non-European country, on the basis of which they can temporarily reside in Turkey, with a limited set of rights. In this context, however, the Syrians represented a special case in the sense that, previously, they were regarded as *guests* and, since October 2014, they have access to a special temporary protection regime that prevents them from going through the regular procedure. Nevertheless, also Syrians can only temporarily reside and with limited rights, even if, in recent times, they have been admitted to the right to work and school education.

Another objection raised to the agreement concerned the ratio of the one-to-one program and the number of planned resettlements. The one-to-one program in fact is in evident contradiction with the declared objective of the agreement, which is to stop irregular immigration. However, if irregular immigration and the consequent repatriation decrease, resettlement in Europe also decreases. Furthermore, the agreement, not providing for new commitments by the Member States regarding resettlement, was forcibly limited to a few places available.

Finally, the procedure by which the March 2016 agreement was adopted also raised many doubts. It is in fact an *atypical* agreement which, as such, does not represent a novelty in international law. However, the fact of its name, Declaration instead of Agreement, constitutes a clear ploy to escape to the rules of approval of an international agreement within the EU, which, providing the involvement of the European Parliament and National Parliaments, would have entailed much longer approval times incompatible with the urgency of the migration crisis. The fact is that the parliament has been deprived of one of its prerogatives that would have seen it committed to an agreement for the substantial outsourcing of the management of migratory flows.

5. Economy's impact on the integration of Turkey into the EU

Turkey's economy is another aspect that has strongly affected the relations between the EU and Turkey itself, especially because of its high volatility, despite of its undoubted potential growth. Volatility has been the cornerstone of the debate between those in favor or against a greater integration of Turkey into the EU, in the sense that the EU, with its rules, could be a stimulus to the stabilization of the Turkish economy, but also a ballast on the EU budget. This debate covered in particular the period between 1963 and 1996, the year of the introduction of the Customs Union between the EU and Turkey.

However, in the following two decades, at least until 2018, the Turkish economy, unlike Europe, has experienced a significant development, partly achieved thanks to new relations with non-EU neighboring countries as well as with emerging countries, thus re-sparking Europe's interest in it, as an interesting export market. Then, it follows a description of the two period.

5.1. from Association to Custom Union

With the establishment of the Turkish Republic, Turkey developed to a market economy, characterized by liberalized prices and property rights. Besides, the state engaged in the ownership and management of the economy. This modernization process led by the state let Turkey enjoy remarkable average growth rates. Beyond the agriculture, the growth of Turkey was sustained by new industrial and service sectors. In particular, private investment let flourish the housing, transport, tourism and communication services.

The liberalization of the Turkish economy was strengthened in the 1980s under the leadership of the Prime Minister Turgut Özal (from 1983 to 1989), who introduced measures which incentivized the export in place of imports, attracted foreign direct investment (FDI) and opened the Turkish capital account, thus making Turkey a more open and integrated country into the global economy. Also, other structural reforms of Özal reduced the public expenditure and state subsidies, introduced flexible exchange rates and reformed the tax regime.

Nevertheless, rapid industrial-led expansion periods like this were often interrupted year to year by huge variations and severe crisis because of the high volatility of Turkish economy, letting failing its financial markets, banks and without attracting foreign investments due to the rising nominal interest rates. In response to such economic crises intervened generally the International Monetary Fund (IMF) with bailouts and structural reform programmes.

Actually, in relation to the European Union, these continuous chronic economic instabilities, which affected generally the development of Turkey, delayed over three decades (originally promised in 1963) the entry of Turkey into the EU customs union. Moreover, even if the development of the Turkish economy and the liberalization reforms driven by Özal in the 1980s deepened the economic integration between Turkey and the

Customs Union, the entry of Turkey into the EU customs union did not incentivize structural reforms to prevent further economic collapses of the Turkish economy as expected.

At the same time, the 1996 customs union agreement between Turkey and the Union demonstrated the flexibility of the Turkish economy and its ability to compete with the EU member states. In particular, Turkey strengthened its ties with the custom union satisfying the conditions of the customs union and adopting the Community acquis. For instance, as required, Turkey successfully implemented several measures necessary to ensure the free movement of industrial goods and to process agricultural goods.

Of course, Turkey also benefitted from these arrangements, in particular the customs union offered Turkey the opportunity to recover fastly from the recent currency crisis in 1994. The custom union agreement revealed itself a fundamental instrument to speed up the process of trade liberalization and to make the industrial sector in Turkey more competitive at international level. More, Turkey solved main divergencies with the EU as regards competition law and commercial policy. Also, it introduced constitutional amendments to allow international arbitration and encourage privatization and FDI. Further, it brought patent protection on pharmaceuticals, intellectual, industrial and commercial properties and implemented EU directive on the food and motor vehicles market.

However, there were also tensions, since Turkey did not integrate in its national legislation all the directives of some areas (ex. conformity assessment, market surveillance, chemicals, cosmetics, textiles ecc.) as required from the customs union. More, Turkey did not agree with the asymmetry of its obligations and of the EU as regards third countries. Indeed, while Turkey is obliged to do business with countries involved in free trade agreements of the EU, this last does not oblige third countries to enter into free trade deal with Turkey. This trade diversion, especially in respect to the Transatlantic Trade and Investment Partnership (TTIP) between the EU-US disadvantaged Turkey with further costs, namely GDP losses. Nonetheless, Turkey hoped that would be only a temporary situation until it would have become a full member of the EU. This illusion divided Turkey with some willing to abandon the custom union and others insisting to deepen its integration into it.

5.2. From the 2000's until today

At the beginning of the years 2000 Turkey entered in its worst recession since the 1940's. Consequently, Turkey had to adjust important structural weaknesses leading a new long-term reform with regulatory reforms, budget cuts and privatization at the core. The political consensus on economic reforms also demonstrated a strong political change and a renewed commitment to the political reform agenda promoted by the EU. Thus, this last financial crisis crucially led Turkey, which strongly engaged itself with these reforms in the economic recovery and stabilization, more to adjust its domestic reforms to the EU accession process.

Afterwards, also always thanks the IMF programme, the economy of Turkey followed a sustained growth and progressed economy, balancing towards the industry and services sectors while moving away from agriculture. These economic successes let grow the economic interdependence of Turkey with the EU, becoming one of

the 20 largest economies worldwide and Europe's sixth largest economy, namely an economic potential in favour to Turkey's European integration. In particular, the strong and sustained economic growth of Turkey strengthened trade between Turkey and the EU. More, Turkey became increasingly integrated in EU production cycles, experiencing also an increase in DFI from the EU. Also, Turkey became consolidated its energy economy with the EU, guaranteeing the EU energy security and the diversification of energy sources and routes.

Nevertheless, the negative economic trend following the global financial crisis in 2008 accentuated the stalling of Turkey's accession process. However, in comparison with Europe, Turkey could tackle well the financial and economic crisis thanks to its banking system with few toxic assets, economic stimulus measures and a limited mortgage exposure.

In those years, Turkish economy knows a great development of its trade, notably with its eastern and southern neighbours, as well as China, and contemporarily, as a result of the eurozone economic crisis, a deceleration of its trade with European countries. This particular circumstance, in front of the reluctance of countries like France and Germany to accept Turkey's entry into the EU, lets assume Turkey that it would be the EU disadvantaged by the stall of the accession process.

Actually, however, Turkish economy is still marked by critical deficiencies and remains closely intertwined with that of the EU. In particular, Turkey's economy remains dependent on the foreign capital. Indeed, the increasing of the domestic consumption demand, driven by the consumer's credit, determines an increment of imports unbalanced by the exports. Therefore, the necessity to finance the current account deficit entails that Turkey continues to depend on the foreign capital, which missed during the Eurozone crisis, implicating the depreciation of its currency.

In those years, the vulnerability of the Turkey's economy was accentuated by the reverse of key points of the precedent Dervis regulatory reforms and by the more and more governmental interferences on the markets. In particular, most independent regulatory agencies were re-attached to the appropriate ministries and changes in the public procurement law made procurement processes less transparent.

Moreover, another aspect of the vulnerability is that one typical of emerging economies, namely to enter into a long-term slow growth after having experienced several years of strong economic growth, in particular because the growth is not sustained by the rise of savings and by high added value production.

The proof of this vulnerability is the crisis that occurred in 2018 which, due to the pandemic that has followed in 2020, cannot yet be said to be overcome. Encouraged by the low dollar interest rates, maintained such to enable recovery from the 2008 financial crisis, Turkey has made extensive use of foreign financing, particularly to finance major works and construction projects, but also, as said, in private sector, to finance Turkish enterprises and consumer demand. The sharp devaluation of the domestic currency, achieved by the

worsening of the current account deficit, has generated a high rise of inflation due to the increase in imports costs, and a growing difficulty to repay debts following the rise in rates. In fact the foreign investor response to devaluation has been the demand for higher yields of government securities and bonds to compensate for high inflation and for the risk associated with the non-repayment of debts. The situation was further aggravated by the dependence on oil imports, to be paid for in dollars, which has drained Turkey's foreign exchange reserves.

The orthodox measure to be taken in response to devaluation and inflation should have been to raise interest rates, instrument through which central banks can limit the amount of money in circulation and thus increase its value. On the contrary, President Erdogan, under whom the appointment of the Governor of the Central Bank is now centralized, has always opposed this policy, believing that low rates would favour the recovery. Rates would be raised only later during 2019 and 2020.

In 2018, the ongoing crisis was also worsened by the deterioration of diplomatic relations with the United States, which resulted in episodes of collapse of the Turkish lira against the dollar. In particular, this happened on the occasion of the arrest by Turkey of an American evangelical pastor, Andrew Brunson, believed to be close to the network of Fethullah Gulen, the creator of the 2016 coup d'état, and especially on the occasion of Donald Trump's announcement of the doubling of the duties applied on steel and aluminum imported from Turkey to neutralize the advantage deriving from the devaluation of the Turkish lira.

The crisis in Turkey did not remain without consequences also for other emerging economies, such as Argentina and South Africa, whose currencies have devalued, as well as for European countries whose banks were heavily exposed to Turkey (the Spanish BBVA, the Italian UniCredit, the French BNPP).

To overcome the crisis, Turkey could also have resorted to aid from the IMF, but this would have meant to place itself in a position of subordination and indebtedness that Erdogan's Turkey did not want to accept.

Leaving aside the periods of economic crisis that may have distanced the two counterparts, it is undoubtful that the relations with the European Union, namely the Accession Process and the custom union, in spite of their vicissitudes, have been fundamental for Turkey. In general, they brought to a higher competitiveness of the Turkish economy and transformed the country in an attracting country for financial direct investments. While, with reference to the customs union, despite of the minor benefits during time, it remains a fundamental part of Turkey's trade, characterized by the highest added value, compared to the total trade, and which can be reformed foreseeing, for example, new fields like services and public procurement as well as agricultural goods.

Linked to economy, there is also the question of energy and in this sense Turkey has acquired a fundamental interest in the eyes of Europe in relation to the passage on its territory of the oil pipeline coming from Azerbaydzan which represents an alternative source of supply on respect of Russia.

6. State of political, economic and trade relations between the EU and Turkey

After having examined the evolution over time of the relation between EU and Turkey under different point of view, it is considered useful to take stock of the situation regarding the relation in question through the examination of the latest documents²⁷ submitted to the European Council in March and June 2021.

In this respect it is noted that, although the EU confirm the will to relaunch a constructive dialogue with Turkey, proposing initiatives to strengthen EU-Turkey ties, but also possible countermeasures in case Turkey takes actions to the detriment of the EU and its members, many points of divergence remain open in various areas.

In particular, in the field of political relations, it is highlighted the centrality of the problems linked to the Eastern Mediterranean, the Cyprus question and the surrounding regional conflicts on which Turkey has taken a stand contrary to that of the EU.

With regard to the Eastern Mediterranean, in respect of which the interest in a stable and secure environment is stressed, the EU condemns the events of February 2020 when Turkey invited migrants to cross the border with Greece, resulting in clashes with greek military, as well as the unauthorised dispatch of drilling vessels in the maritime areas of the Republic of Cyprus. Moreover, it denounces the tense climate between Greece and Turkey because of the outstanding maritime controversies, as the maritime sovereignty over the waters that divide Greece and Turkey, the signature of a bilateral memorandum between Turkey and Libya excluding Greece about jurisdiction over the water between the two countries.

As regards the Cyprus question, the hard core of the disagreement between the EU and Turkey, the EU reiterates its invitation to find a solution under the UN aegis. In particular; the EU confirms its support for the solution proposed by the UN (UN Security Council Resolution 2561 of 29/01/2021) which provides Cyprus re-organisation into a bi-community and bi-zonal federation with political equality. Unfortunately, the informal talks of the representatives of the 5+1 format, the last one held in April 2021, did not yield concrete results. Meanwhile, Turkey has expressed the will to re-open a tourist village currently abandoned, in the north of the island, fact that contravenes the 550 and 789 UN Security Council Resolutions.

As regards the regional conflicts where Turkey plays an active role, the EU has highlighted as Turkey, although it participates to the Common Foreign and Security Policy (CFSP), has pursued a foreign policy without taking into account the EU interests, in particular for what concerns Libya. On this subject, the EU condemns Turkey's military support to Libya, which invalidates the UN arms embargo implementation and invites rather Turkey, in light of its influence in Libya, to cooperate with the UN in the transition to democracy of the

²⁷ European Commission (2021) *Joint Communication to the European Council. State of play of EU-Turkey political, economic and trade relations*. Bruxelles.

country. For what concerns Sirya, instead, the EU acknowledges the efforts of Turkey to maintain the cease-fire, to facilitate the distribution of humanitarian aids to that country and to host refugees, asking Turkey also in this case to cooperate with the UN's peacebuilding operation of the country and in particular to stop military actions in the northern Sirya, where many displacements occurred, and to resettle refugees in territories that were previously Kurdish.

With regard to the bilateral relations between the EU and Turkey, regulated by the Association Agreement of 1963, after a recapitulation on the status of them, the EU denounces the backsliding on reforms in the key areas of the accession process. In particular, especially following the attempted coup d'état in 2016, the rule of law, the respect of human rights and the independence of the judiciary have continuously deteriorated, amidst a growing centralisation of power. This trend has further accelerated following the entry into force of a new presidential system in 2018, which significantly affected the democratic system, since state and public institutions have been reshaped, undermining their independence, and the role of the parliament was weakened. Furthermore, most legislation was adopted through an urgent procedure, therefore without a proper involvement and consultation of stakeholders, and the independence of regulatory authorities has been compromised because brought back to the relevant ministries. Political pressure on judges and prosecutors has a negative effect on the independence of the judiciary which often put on trial on the base of broad accusations of terrorism. In addition, many mayors belonging to the pro-Kurdish Peoples' Democratic Party (HDP) have been removed and the dissolution of that party has been formally requested. Consequently, already from 2017, the allocation, foreseen in the context of the Pre-accession Assistance, continues to be reduced, given their low absorption by side of Turkey and the mentioned serious backsliding in the areas of rule of law, fundamental rights and public administration reform.

Another important issue addressed in the European Council report is migration. As well known, EU-Turkey relations on migration are governed by the March 2016 EU-Turkey Statement 4, built on the 29 November 2015 EU-Turkey Joint Action Plan, through which the EU aimed to put in place a system of effective migration management and avoid a humanitarian crisis. In more detail, the goal was to restore a legal and orderly admission system, put an end to irregular migration from Turkey to the EU, prevent the loss of life, take action against migrant smuggling networks, and improve living conditions for Syrian refugees in Turkey through comprehensive cooperation between the EU and Turkey. In this regard the report to the European Council points out to the decrease of the number of irregular crossings compared to the period prior of the Declaration²⁸, although in 2020 this was also a consequence of the COVID restrictions. Reaffirming that Turkey must fully implement the Statement and must not use migratory pressure for political purposes, as happened in February 2020, the EU denounces the slowness of the returns to Turkey, in March 2020 also

²⁸ In 2019, 165 per day compare to 3.262 of the months prior to the entry into force of the declaration.
ibidem

stopped by Turkish authorities, and the fact that they are far fewer than resettlements²⁹. Moreover, the EU acknowledges the effort made by Turkey to host 4 million refugees, and, in line with the 2016 declaration, confirms the commitment to fund the assistance programme and host communities in Turkey. In this regard, it underlines the importance of this programme to guarantee to the refugees basic needs, protection, access to health care and education, and socio-economic support.

Another chapter of considerable interest in the relation between the EU and Turkey is the economic one. EU-Turkey trade relations are governed by three preferential trade agreements: the EU-Turkey Customs Union (CU), created in 1995, that covers trade in industrial goods and in some processed agricultural goods; a free trade agreement for agricultural products signed in 1998 and a separate free trade agreement on coal, iron and steel products concluded in 1996 between the European Coal and Steel Community (ECSC) and Turkey. However, the Customs Union involves much deeper integration than a free trade agreement. In particular, it obliges Turkey to follow the EU's Common Customs Tariff and rules for imports from third countries, to align domestic legislation with the EU *acquis* on goods, and to adapt EU rules on commercial policy, competition policy and intellectual property rights. In this regard in the communication to the European Council it is highlighted that after an initial positive period during which Turkey has aligned itself with the rules of the Customs Union, in recent years it has deviated systematically, especially with regard to additional customs duties levied on third country imports (even when imported from the EU). In addition, Turkey has concluded trade agreements not in line with those of the EU, despite its obligation under the Customs Union to do so. Already in 2016 the EU had started work for the enlargement of the Customs Union in order to include agriculture, services and public procurements, and stronger commitments on competition, intellectual property rights and sustainable development. In this regard the impact assessment prepared by the Commission concluded that the modernisation would have a substantial positive impact both on Turkey and the UE. Unfortunately commission proposals were suspended in 2017 because of the backsliding of the relations. However, in the light of the interesting levels of bilateral exchange³⁰, the resumption of dialogue with Turkey must first and foremost be based on strengthening economic ties.

With regard to interpersonal contacts, the report address the question of the visa, with reference to which on December 2013 EU and Turkey started a dialogue on their liberalization, parallel with the signing of the EU-Turkey Readmission Agreement. The Visa Liberalisation Dialogue is based on the Roadmap towards a visa free regime with Turkey, which sets out 72 benchmarks that Turkey needs to meet. The EU-Turkey Statement envisages the acceleration of the fulfilment of the Roadmap with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016, provided of course that all benchmarks have been met

²⁹ 2.140 returns in comparison to 28.300 resettlements.

ibidem

³⁰ In 2020 the bilateral exchange amounted to euro 132,5 billion. up on 2019. Moreover 41% of turkish export is directed to the EU, and 33% of its importation comes from Europe. The EU also represents the main source of direct investment with a stock of euro 58,5 billion in 2018.

ibidem

by Turkey. However, six benchmarks remain outstanding, on which , the European Council offer to Turkey its technical assistance to meet the remaining conditions.

In summary, in consideration of a calmer and more constructive attitude on many issues by Turkey, in order to build on the current momentum and strengthen ties with Turkey, the EU intends to identify possible areas of cooperation to allow for a progressive, proportionate and reversible approach. The areas in question could be:

- a more effective implementation of the 2016 Declaration on migration, in particular, from the Turkey side, through the resumption of repatriation and, from member countries side, through an intensification of resettlements,
- the strengthening of economic relations, in particular through the modernization of the Custom union,
- the resumption of dialogues at a high level, concerning economy, energy, security, transport, but also Green Deal and climate,
- intensification of personal contacts, mainly through European exchange programs (Erasmus, ecc.) and Visa liberalization.

7. Conclusion

At the end of the presentation of the development of the relations between the EU and Turkey, seen from various points of view, drawing one's own conclusions is certainly a very ambitious exercise, especially for the breadth of the topic and its several facets.

The Joint Communication adopted by the European Council in March 2021 and the summit meetings that took place in the following days (April 2021) show that, despite the freezing of Turkey's accession process, relations are still intense, even if often tense. In particular, economic exchanges, migration management and visa liberalisation are the issues that have been identified to keep open the dialogue in a mutual interest. As regards human rights, democracy and minorities, on the contrary, Turkey has recorded only worsenings, obliging the EU to continuous condemnations and recommendations, mostly of them unheeded.

In fact, in recent years, Turkey has often shown to go ahead on its own, and to establish itself as an autonomous economic, military and political power, even to the point of undermining its relations with old allies. In particular, reference is made to new commercial relations outside the EU, participation to wars in contrast to the orientation of the EU, the resolution of the recent economic crisis without recourse to international aid, etc.

For this reason, if there is not a strong change of course in the leadership of the country, as expected in the next elections of 2023, it is difficult to imagine current Turkey accepting the constraints deriving from the common European interest.

Further, it is not even said that the Turkish population, after having experienced constant disillusionments on subject of annexation, still agrees with the europeanisation project.

On the other hand, on the European side, if the annexation chapter would be opened again, internal disputes between Member States would resurface with refusals based on arguments such as:

- the general perception that Europe's border stop before Turkey,
- the fear of losing the Europeans' identity in terms of culture, religion and history,
- the fear of an invasion of turkish migrants worker, and migrants in general, that would erode the european welfare state,
- the upheaval in the distribution of the european funds considering the large demographic size and lower economic development of Turkey,
- the malfunctioning of the EU bodies.

Therefore, in my opinion, it would be fairer on the part of the EU to set aside the project of full membership for Turkey, characterized by an ongoing carrot-and-stick policy, and pursue the strengthening of privileged partnership arrangements on issues of mutual interest. This in order to establish good and fruitful neighbourly

relations, in particular once the outstanding issues concerning Cyprus and the maritime disputes of the eastern Mediterranean have been resolved in the appropriate fora. On this regard, also the agreement on migration should be reconsidered as it puts Europe in a situation of potential blackmail, as evidenced in the course of 2020.

8. Abstract

Il lavoro si propone di esaminare, sotto diversi punti di vista, come il processo di integrazione della Turchia nell'Unione Europea (UE) si sia sviluppato negli anni e per quali motivi ha conosciuto un arresto.

Dopo brevi cenni geografici e storici sulla Turchia, utili a inquadrare il paese e a contestualizzare meglio i fatti relativi al processo di annessione, si passa a descrivere quest'ultimo dal lontano 1959 ai giorni attuali.

Nello specifico si sottolinea la scelta politica della Turchia del secondo dopoguerra di schieramento con il blocco occidentale attraverso la sua adesione alla NATO nel 1952, e di avvicinamento all'Europa attraverso la sua domanda di associazione alla Comunità Economica Europea del 1959.

La domanda in questione venne accettata nel settembre del 1963, segnando nello specifico un forte ritardo rispetto alla contemporanea domanda fatta dalla Grecia accolta in due anni, con il c.d. Accordo di Ankara che rimane il quadro giuridico generale che regola le relazioni tra l'UE e la Turchia.

Lo scopo di detto accordo era prevalentemente quello di accelerare lo sviluppo economico di entrambe le parti, mirando più specificatamente a ridurre la distanza tra le condizioni economiche della Turchia rispetto ai paesi dell'Europa, attraverso un'armoniosa espansione delle relazioni commerciali, obiettivo da realizzarsi attraverso un'Unione doganale che avrebbe permesso il libero scambio di merci. L'accordo di Ankara, tuttavia, prospettava anche una possibile adesione della Turchia alla Comunità Europea se avesse adempiuto agli obblighi derivanti dal Trattato di Roma.

Il raggiungimento della menzionata Unione doganale, la cui implementazione prevedeva tre diverse fasi, richiese tempi molto più lunghi del previsto già dalla fase preparatoria terminatasi nel novembre 1970 con la firma del Protocollo Addizionale, entrando in vigore solo nel 1996. Infatti, oltre a specifiche questioni economiche che ne hanno rallentato l'iter, la stessa ha risentito anche delle tensioni politiche che hanno contemporaneamente frenato il dialogo per il processo di adesione.

Principale motivo del detto rallentamento è da individuarsi nella questione cipriota, nonché nel fatto che nel 1981, la Grecia entra a far parte dell'Unione Europea, nell'ambito della quale fa valere i suoi interessi in contrasto con la Turchia.

Dopo anni di crisi economica e politica, la Turchia presenta formale domanda di adesione nell'aprile 1987. La stessa, tuttavia, viene respinta nel 1989, in relazione allo stato problematico della democrazia nel paese, anche se viene confermata l'eligibilità della Turchia a paese membro. Nel 1997, l'UE, nell'ambito della valutazione anche di altri paesi (paesi del Centro e Est Europa, oltre a Cipro e Malta), conferma, in relazione alla dubbia situazione dei diritti civili e rispetto delle minoranze, la non candidabilità della Turchia, orientamento che si modificherà solo nel 1999 (Helsinki Summit), e al quale seguirà l'invio del primo accordo di partenariato nel 2001. A seguito della sottoscrizione di detto accordo la Turchia prende l'impegno di adeguarsi agli "acquis

communautaire”, ovvero di mettere in atto le riforme necessarie per avvicinarsi ai criteri richiesti dall’UE che vertevano principalmente sui c.d criteri di Copenhagen. Nel 2005, l’UE valuta positivamente i progressi riformatori raggiunti dalla Turchia, che pertanto decide l’apertura ufficiale dei negoziati di adesione.

L’apertura in questione non avviene senza sensibili contrasti all’interno dell’UE che vede alcuni paesi membri schierarsi nettamente contro, o altri che vorrebbero prevedere accordi “privilegiati” piuttosto che la piena adesione, circostanza per la quale vengono inserite nel documento di annessione molte clausole limitative dell’esito finale atteso.

Il processo di annessione, pertanto, parte già in un clima di reciproca sfiducia che lo porterà velocemente ad entrare in stallo per tutti i motivi che si trovano più ampiamente descritti nell’ambito del capitolo 2. In dettaglio, dei 35 capitoli previsti dagli accordi di annessione molti di essi risultano bloccati, in alcuni casi unilateralmente, in altri casi a causa del fatto che la Turchia non ha mai esteso alla Repubblica di Cipro il Protocollo addizionale alla base dell’Unione doganale.

Questo contesto di stallo, riconosciuto ufficialmente dall’UE nel 2015 e accentuatosi dopo i fatti seguiti al colpo di Stato del 2016, ha visto brevi rilanci di dialogo solo in occasione della crisi migratoria siriana, che ha portato alla firma nel marzo 2016 della Dichiarazione di Cooperazione in campo migratorio, e nel corso del 2021 con gli incontri al vertice dell’aprile scorso.

E’ in considerazione della rilevanza sull’andamento delle relazioni tra l’UE e la Turchia dello stato della democrazia e del rispetto dei diritti umani, che quest’ultimi aspetti vengono approfonditi nell’ambito del 3° capitolo, in particolare ripercorrendo i principali eventi politici del paese. A questo riguardo si sottolinea come la Repubblica di Turchia fosse nata all’insegna della democrazia, come stabilito dalla sua Costituzione e come gli eventi successivi alla morte di Atatürk hanno evidenziato attraverso l’iniziale riconferma da parte del Parlamento della guida del Partito Popolare Repubblicano (PPR) fondato da Atatürk e la sua successiva sconfitta da parte del Partito Democratico (PD, 1950), nato dall’apertura del sistema politico alla multi partiticità introdotta dallo stesso PPR. Nel tempo, tuttavia, il Partito Democratico, in grado di governare senza alleanze considerata il largo suffragio elettorale ricevuto, sotto la guida del suo leader Mendere, diventò un partito autoritario, poi rimosso dal colpo di stato del 1960. Dopo un breve periodo di guida militare, durante il quale tuttavia furono apportati significativi miglioramenti in termini di democrazia e diritti umani, e dopo lo scioglimento del PD, dalle cui ceneri nacque il Partito della Giustizia (AKP), il governo tornò a guida civile. E’ in questo periodo che viene firmato l’Accordo di Associazione tra l’UE e la Turchia (1963).

La fine degli anni ’60, ma anche tutti gli anni ’70, sono segnati da una forte instabilità politica scaturita non solo dai conflitti partitici, ma anche da quelli etnici, che determinano due successivi interventi militari a distanza di dieci anni (1971, con ritorno alla guida civile nel 1973, e 1980), contesto ulteriormente complicato dall’intervento militare turco a Cipro nel 1974. Per quanto concerne l’integrazione con l’Europa, questi anni conoscono solo la firma del Protocollo addizionale (1970).

Sotto l'iniziale guida militare (1980-1983), gli anni '80 conoscono il ritorno ad una maggiore stabilità politica attraverso l'introduzione di forti restrizioni alla democrazia e alla libertà di espressione (abolizione dei partiti, introduzione della legge marziale, costituzione presidenzialista, ecc.), fattori che determineranno il respingimento da parte dell'UE della domanda ufficiale di adesione presentata nel 1987. E' di quegli anni inoltre l'accendersi della questione curda, che vede il Partito dei Lavoratori del Kurdistan (PKK) lottare per la costituzione di uno stato pan-curdo attraverso mezzi terroristici.

Nel corso degli anni '90, il progressivo allentamento delle misure restrittive introdotte nella decade precedente determinò infine la decisione dell'UE di riconoscere la sua candidabilità all'adesione.

Gli anni che seguirono (2001-2005), corrispondenti peraltro all'inizio del governo del Partito della Giustizia sotto la leadership di Erdogan, si identificano con il periodo definito della "rivoluzione silenziosa", ovvero quello in cui furono introdotte, come più ampiamente descritto nel capitolo, le maggiori riforme al fine di andare incontro agli "acquis" dell'UE. Tuttavia, come già accennato, lo slancio riformatore si arrestò nel momento stesso in cui si aprì ufficialmente il negoziato di adesione a seguito delle riserve espresse da molti paesi dell'UE e dalle crescenti critiche e raccomandazioni, per lo più disattese dalla Turchia, che l'UE sottolinea metodicamente con riferimento allo stato della democrazia e dei diritti umani. In particolare quest'ultimi continueranno a subire forti limitazioni in virtù soprattutto della Legge anti-terrorismo introdotta nel 2006, che sulla base di una definizione molto ampia di "sicurezza nazionale, ordine pubblico e unità nazionale", oltre che a causa di un sistema giudiziario lento e fortemente politicizzato, consentirà una forte limitazione della libertà di espressione.

Nel 4° capitolo si affronta la questione migratoria, ripercorrendo anche in questo caso il periodo dal dopoguerra ad oggi. Nello specifico, si evidenzia come l'accordo di Associazione del 1963 prevedeva la "libertà di movimento dei lavoratori tra la Comunità Europea e la Turchia", libertà che, in base al successivo Protocollo addizionale, non avrebbe dovuto subire limitazioni. Di fatto si sanciva la libertà di movimento dei lavoratori alla stregua del movimento dei beni e servizi. Inoltre non era imposto alcun visto. A riguardo tra il 1950 e il 1970 la Turchia fu paese di emigrazione nell'ambito del programma detto Gastarbeiter ovvero il programma con il quale la Germania si procurò la manodopera per la ricostruzione del paese nel secondo dopoguerra. Nonostante la prevista temporaneità di detta migrazione di fatto diventò permanente a seguito del fenomeno di ricongiungimento familiare ma anche delle richieste di asilo politico che pervenivano a seguito dei continui colpi di stato e della questione curda. Da qui la trasformazione della migrazione per l'Europa in un problema socio-politico, sia per gli aspetti dell'integrazione che per quelli di limitazione dei flussi migratori (motivo per il quale viene anche introdotto il visa verso la Turchia). La paura che l'adesione della Turchia all'Europa avrebbe comportato un nuovo flusso migratorio è uno degli argomenti che influenza maggiormente l'opinione pubblica in senso negativo verso l'integrazione.

Nel tempo tuttavia la Turchia, per la sua particolare posizione geografica, si trasforma in paese di immigrazione in particolare per effetto dei richiedenti asilo in provenienza dall'Afghanistan, l'Iran e l'Iraq, la Jugoslavia, ecc. che vedono la Turchia come paese di transito verso l'Europa.

Nel "periodo d'oro" delle riforme, questo fenomeno porterà la Turchia ad apportare numerose riforme in campo migratorio allineandosi molto alla normativa europea sul tema dei rifugiati e richiedenti asilo. Ciò nonostante, il tentativo dell'UE di negoziare con la Turchia un accordo di riammissione per i migranti entrati in Europa in modo irregolare richiederà molto tempo a causa delle forti diffidenze turche nei confronti dell'Europa. L'accordo in questione, sarà firmato solo nel 2013 in cambio dell'auspicata liberalizzazione del visto. Infine nel 2016, in piena crisi migratoria siriana, l'UE e la Turchia firmano un Accordo di Cooperazione interna migratorio finalizzato a gestire l'emergenza del periodo. L'accordo in questione, come descritto nel capitolo, non ha mancato di sollevare numerosi dubbi di diritto sul modo in cui è stato adottato e sulla sua equità ed efficacia.

Altro tema affrontato è quello economico mettendo in evidenza come la volatilità che ha sempre caratterizzato l'economia turca, e la paura che avrebbe assorbito ingenti risorse dell'UE, è stato uno degli argomenti più dibattuti ai fini dell'integrazione. A questo riguardo si evidenzia come l'economia turca è stata impostata sia dall'origine come un'economia di mercato nella quale era anche tutelata la proprietà privata, anche se una maggiore liberalizzazione della stessa interviene solo nel corso delle importanti riforme economiche intervenute negli anni '80, durante i quali misure di incentivazione dell'economia si accompagnano a riduzioni della spesa pubblica, riforme fiscali, ecc.. Tuttavia, come per la maggior parte delle economie in rapido sviluppo, la Turchia alternava periodi di forte espansione a periodi di crisi, durante i quali era ricorrente l'intervento del Fondo Monetario Internazionale con la conseguente imposizione di importanti riforme strutturali all'economia. Questa cronica instabilità fu tra l'altro uno dei motivi del forte ritardo dell'entrata in vigore dell'Unione doganale. Tuttavia, una volta decollata, la Turchia dimostrò una importante flessibilità e capacità di competere con i paesi dell'UE.

All'inizio del 2000, tuttavia, la Turchia conobbe un nuovo periodo di crisi che richiese l'adozione di importanti riforme a lungo termine, che tuttavia sotto la spinta dell'auspicata integrazione all'UE, trovò un generale consenso politico. Negli anni successivi, mentre l'Europa fronteggiava la crisi finanziaria del 2008, la Turchia conobbe un nuovo periodo di espansione trainato in particolar modo dalle nuove relazioni commerciali intrattenute con i paesi vicini del Medio Oriente, con la Cina e altre economie emergenti. Tuttavia, come dimostrato dalla crisi economica traversata dalla Turchia a partire dal 2018, la sua vulnerabilità continua ad essere alta e pertanto è vivo l'interesse in una modernizzazione dell'Unione doganale che consenta un ulteriore slancio all'interscambio commerciale con l'UE e l'attrazione di nuovi capitali esteri.

Per ultimo si passa all'esame dell'ultimo documento sottoposto al Consiglio Europeo nel marzo 2021, che riassume i punti critici nelle relazioni con la Turchia ma che allo stesso tempo esprime la volontà di riaprire il dialogo su specifici temi di interesse comune.

In conclusione, dopo un riepilogo dei principali temi sollevati nell'ambito del dibattito sull'integrazione o meno della Turchia, si esprime una personale valutazione della questione nel senso di vedere più opportuna una stretta partnership con la stessa piuttosto che l'adesione come paese membro.

9. Appendix

Figure 1: Geographical map of Turkey (Anatolia and the Thrace)

Source: Atlas of Turkey (Wikimedia)



Figure 2: The EU and Turkey

Source: Accession of Turkey to the EU (Wikimedia)



Figure 3: Key milestones in the EU-Turkey relations

Source: Delegation of the European Union to Turkey – EU and Turkey’s history

1959 - Turkey applies for the EEC for Association
1963 - Turkey and the EEC sign the <i>Ankara Agreement</i> (Association agreement).
1970 Signature of the Additional Protocol annexed to the Association Agreement
1973 The Additional Protocol enters into force
14 1987 - Turkey submits application for full membership
1982-1986 Following the coup d'état of 1980, formal relations between Turkey and the EEC are suspended
1989 - The European Commission rejects Turkey’s application for membership
1993 - The EU and Turkey Customs Union negotiations start
1996 - The Customs Union between Turkey and the EU takes effect
1997 - The European Council does not include Turkey as a candidate for EU membership
1999 - At the Helsinki Summit, the European Council gives Turkey the status of candidate country for EU membership, following the Commission's recommendation in its second Regular Report on Turkey
8 March 2001 - The European Council adopts the EU-Turkey Accession Partnership, providing a road map for Turkey's EU accession proces
19 March 2001 - The Turkish Government adopts the NPAA, the National Programme for the Adoption of the Acquis (acquis means EU law), reflecting the Accession Partnership
17 December 2004 - The European Council decides to open membership talks with Turkey
3 October 2005 - Accession Negotiations open


Figure 4: Cyprus map

Source: EURACTIV (Turkey says it could annex northern Cyprus -2012)



Figure 5: Current situation in accession negotiations

Source : Directorate for EU Affairs (Ministry of Foreign Affairs – Republic of Turkey)

 REPUBLIC OF TURKEY MINISTRY OF FOREIGN AFFAIRS DIRECTORATE FOR EU AFFAIRS CURRENT SITUATION IN ACCESSION NEGOTIATIONS (30 June 2016)			
OPENED CHAPTERS		CHAPTERS SUSPENDED DUE TO THE ADDITIONAL PROTOCOL	
25	SCIENCE AND RESEARCH (Provisionally closed) (Austria, 12.6.2006)	1	FREE MOVEMENT OF GOODS
20	ENTERPRISE AND INDUSTRIAL POLICY (Germany, 29.3.2007)	3	RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES
18	STATISTICS (Germany, 26.6.2007)	9	FINANCIAL SERVICES
32	FINANCIAL CONTROL (Germany, 26.6.2007)	11	AGRICULTURE AND RURAL DEVELOPMENT
21	TRANS-EUROPEAN NETWORKS (Portugal, 19.12.2007)	13	FISHERIES
28	CONSUMER AND HEALTH PROTECTION (Portugal, 19.12.2007)	14	TRANSPORT POLICY
6	COMPANY LAW (Slovenia, 17.6.2008)	29	CUSTOMS UNION
7	INTELLECTUAL PROPERTY LAW (Slovenia, 17.6.2008)	30	EXTERNAL RELATIONS
10	INFORMATION SOCIETY AND MEDIA (France, 19.12.2008)	CHAPTERS UNILATERALLY BLOCKED BY GREEK CYPRIOTS	
4	FREE MOVEMENT OF CAPITAL (France, 19.12.2008)		
16	TAXATION (Czech Rep., 30.6.2009)	2	FREEDOM OF MOVEMENT FOR WORKERS
27	ENVIRONMENT (Sweden, 21.12.2009)	15	ENERGY
12	FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY (Spain, 30.6.2010)	23	JUDICIARY AND FUNDAMENTAL RIGHTS
22	REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS (Lithuania, 5.11.2013)	24	JUSTICE, FREEDOM AND SECURITY
17	ECONOMIC AND MONETARY POLICY (Luxembourg, 14.12.2015)	26	EDUCATION AND CULTURE
33	FINANCIAL AND BUDGETARY PROVISIONS (Netherlands, 30.06.2016)	31	FOREIGN, SECURITY AND DEFENCE POLICY
CHAPTERS WITHOUT POLITICAL BLOCKAGES			
5	PUBLIC PROCUREMENT	34	INSTITUTIONS
8	COMPETITION POLICY	35	OTHER ISSUES
19	SOCIAL POLICY AND EMPLOYMENT		

July 2019

10. *Bibliography and Sitography*

10.1. Academic sources

- BAUDELLE, G. and MONTABONE, B. (2019) *La Turquie et l'Union européenne. Scénarios géopolitiques*. EchoGèò. [Online] Sur le Vif. Available in: <https://journals.openedition.org/echogeo/2314> [Last access: 03/09/2021].
- BONINO, E. (2004) *Turchia in Europa: più che una promessa?* Rapporto della Commissione Indipendente sulla Turchia. [Online] Available in: <http://www.emmabonino.it/campagne/turchia/italian.pdf> [Last access: 13/08/2021].
- Coty, N. (2021) *History of Turkey: The Origin of Turkey: Turkey*. MacMillan Publishers.
- Düzgüt, S. A. and Tocci, N. (2015) *Turkey and the European Union*. The European Union series. London: MacMillan Education. Palgrave.
- Düzgüt, S. A., Huber, D., Müftüler-Bac, M., Fuat Keyman, E., Schwarz, M., Tocci, N. (2015) *Global Turkey in Europe. Democracy, Trade and the Kurdish question in Turkey-EU relations*. Istituto Affari Internazionali Research papers. Volume III. Roma: Edizioni Nuova Cultura.
- Fracchiolla, D. (2016) *La democrazia in Turchia tra oriente musulmano e occidente europeo*. Soveria Mannelli: Rubbettino Università.
- GIANNOTTA, V. (2021) *Turchia-Unione Europea: l'inizio di una nuova era?*. CESPI- Osservatorio Turchia. [Online] Available in: https://www.cespi.it/sites/default/files/osservatori/allegati/brief_24_turchia-ue_giannotta.pdf [Last access: 01/09/2021]
- GIANNOTTA, V. (2021) *Opzioni per una strategia dell'Unione Europea verso la Turchia*. CESPI. Approfondimenti (174) [Online] Available in: <https://www.cespi.it/it/ricerche/osservatori/osservatorio-turchia/focus/opzioni-una-strategia-dellunione-europea-verso-la> [Last access: 18/08/2021].
- MÜFTÜLER-BAC, M. (2019) *Turkey and the European Union: External Differentiated Integration or a Transactional Relationship?* [Online]. European Studies. Available in: <https://www.eustudies.org/conference/papers/download/633> [Last access: 02/09/2021].
- PITRONE, A. (2014) *La condizione giuridica dei cittadini turchi nell'Unione Europea dell'accordo di Ankara alla sentenza Demikran*. [Online] Ordine internazionale e diritti umani. Available in: http://www.rivistaoidu.net/sites/default/files/8_Pitrone_0.pdf [Last access: 15/08/2021].
- Saatcioglu, B. and Tekin, F. (2021) *Turkey and the European Union: Key dynamics and future scenarios*. Turkey and European Union Studies. Nomos.
- SCAZZIERI, L. (2021) *From partners to rival? The future of EU-Turkey relations*. Centre for European Reform. [Online] Available in: https://www.cer.eu/sites/default/files/pbrief_turkey_LS_23.6.21.pdf [Last access: 17/09/2021].
- THEOPHANOUS, A. and IANNOU, C. *EU Integration and the Prospect of further Enlargement: The case of Turkey*. TGAE. [Online] Available in: <https://institutdelors.eu/wp-content/uploads/2018/01/tgae20115btheophanousioannou.pdf>. [Last access: 15/09/2021].
- KRAMER, H. (2006) *Turkey and the EU: The EU's Perspective*. SWP-Berlin [Online] Insight Turkey. Available in: https://www.swp-berlin.org/publications/products/fachpublikationen/Heinz_Kramer_ks.pdf [Last access: 05/09/2021].

VIRGI, C. (2011) *La politica economica della Turchia*. Aspeni. [Online] Available in: <https://www.aspeniaonline.it/wp-content/uploads/2011/06/virgi-52.pdf>. [Last access: 02/09/2021].

YALCIN, E., AICHELE, R. and FELBERMAYRS, G. (2016) *Turkey's EU integration at a crossroads*. Bertelsmann Stiftung. [Online] Global Economics Dynamics. Available in: https://www.bertelsmann-stiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/NW_Turkey_s_EU_integration.pdf. [Last access: 18/08/2021].

10.2. Journalistic sources

Barana, L. (2021) *UE-Turchia 5 anni dopo: un bilancio controverso sul dossier migranti*. Affari Internazionali [Online]. 17 March. Available in: <https://www.affarinternazionali.it/2021/03/ue-turchia-5-anni-dopo-migranti/> [Last access: 20/08/2021].

Chriatti, A. (2021) *Prove di negoziato tra Unione europea e Turchia* [Online]. 7 April. Available in: <https://www.affarinternazionali.it/2021/04/prove-di-negoziato-tra-unione-europea-e-turchia/> [Last access: 26/08/2021].

European Commission (2021) *Trade policies – Turkey*. [Online]. Available in: <https://ec.europa.eu/trade/policy/countries-and-regions/countries/turkey/> [Last access: 10/09/2021].

Gasparetto, A. (2018) *Crisi della Lira turca: nuove equazioni geopolitiche in Medio oriente?*. ISPI-Istituto per gli studi di politica internazionale [Online]. 28 August. Available in: <https://www.ispionline.it/it/pubblicazione/crisi-della-lira-turca-nuove-equazioni-geopolitiche-medio-oriente-21152>. [Last access: 15/09/2021].

Le Monde (2020) *Erdogan s'attaque à Macron, Paris dénonce la « propagande haineuse » de la Turquie*. [Online]. 25 October. Available in: https://www.lemonde.fr/international/article/2020/10/25/paris-denonce-une-propagande-haineuse-et-calmnieuse-de-la-turquie-visant-la-france_6057308_3210.html . [Last access: 01/09/2021].

Talbot, V. (2021) *Turchia: investitori esteri in crisi di fiducia*. ISPI-Istituto per gli studi di politica internazionale [Online] 15 April. Available in: <https://www.ispionline.it/it/pubblicazione/turchia-investitori-esteri-crisi-di-fiducia-30041>. [Last access: 02/01/2021].

Talbot, V. (2021) *Turchia: l'economia riparte ma Erdogan è debole*. ISPI-Istituto per gli studi di politica internazionale [Online] 17 June. Available in: <https://www.ispionline.it/it/pubblicazione/turchia-leconomia-riparte-ma-erdogan-e-debole-30870>. [Last access: 29/08/2021].

Venturi, J. (2020) *Turchia-UE: una via d'uscita dalla crisi nel Mediterraneo orientale*. Euractiv [Online] 9 December. Available in: <https://euractiv.it/section/europea-parlano-i-fatti/news/turchia-ue-una-via-duscita-dalla-crisi-nel-mediterraneo-orientale/>. [Last access: 03/09/2021].

Özel, S. (2021) *Turchia: l'anno della verità?*. ISPI-Istituto per gli studi di politica internazionale [Online]. 24 January. Available in: [Turchia: l'anno della verità? | ISPI \(ispionline.it\)](https://www.ispionline.it/it/pubblicazione/turchia-l-anno-della-verita/). [Last access: 15/08/2021].

Internazionale (2016) *Cosa prevede l'accordo sui migranti tra Europa e Turchia*. [Online] 18 March. Available in: <https://www.internazionale.it/notizie/2016/03/18/cosa-prevede-l-accordo-sui-migranti-tra-europa-e-turchia>. [Last access: 16/08/2021].

Zacharia, G. (1996) *The Cyprus Problem. Historical review and the latest developments* [Online] 8 February. Available in: http://www.kypros.org/Cyprus_Problem/p_periexomeva.html. [Last access: 05/09/2021].

10.3. Official sources and statements

European Council. (2016) *Declaration UE-Turkey*.

European Parliament. (2021) *Relazioni 2019 e 2020 sulla Turchia. Risoluzione del Parlamento europeo del 19 maggio 2021 sulle relazioni 2019-2020 della Commissione concernenti la Turchia (2019/2176 (INI))* (P9_TA(2021)0243).

European Commission (2021) *Joint Communication to the European Council. State of play of EU-Turkey political, economic and trade relations*. Bruxelles.

Italy. Chamber of deputies. Office for relations with the EU. (2021) *Stato delle relazioni politiche, economiche e commerciali tra UE e Turchia*. Comunicazione congiunta della Commissione europea e dell'Alto rappresentante dell'Unione per gli affari esteri e la politica di sicurezza JOIN (2021) Documentazione per le Commissioni. Documentazione per le Commissioni- Esame di atti e documenti dell'UE (Dossier n°53).

Republic of Turkey. Ministry of Foreign Affairs. Directorate for EU Affairs (2020) *History of Turkey-EU Relations* [Online] Available in: https://www.ab.gov.tr/111_en.html [Last access: 19/08/2021].