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The EU's Changing Discourse in the EU Documents on Civil Society in Turkey

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Since its beginning in the late 50's, the relations between Turkey and the European Union has always have ups and downs. After having candidacy status, this process has gained new dimensions and high politics such as refugee crises or foreign policy choices has become more important besides the technical aspects of integration. The European Commission (Commission hereafter) has published eighteen progress reports after 1998 with Turkey's candidacy status. And also European Parliament (EP) published different resolutions with regard to these reports. In these reports and resolutions the EU's wording has changed depending on the conditions of that period. It is a known fact that some of the civil society organizations can reach the EU bodies directly to affect decision-making process. Besides, they could be funded via the EU programmes like their counterparts in Europe. Considering democratic changes of Turkey, the position of civil society and their ability to self-expression, it is crucial to determine their situation. In this regard this study will focus on the EU's changing discourse about the civil society in Turkey in the progress by analysing the Commission reports and the EP resolutions. By doing so, it has been aimed to show changes of the EU's perception on Turkey's accession process.

Keywords: Turkey, civil society, Commission, European Parliament, enlargement

Introduction

Turkey's EU membership process has been continuing for years. It is possible to focus on different aspects of this process. One of the important indicators for the candidate countries is the development of their public involvement processes. As a precondition of the deliberative democracy, governments need to listen their publics. This also makes the civil society organizations' role inevitable. Within the EU, involvement of the civil society to the decision making mechanism has been developed. Civil society can accredited the EU transparency register system and then contribute to the decision that taken by the EU's official institutions. Moreover, Commission is also waiting from the candidates to create a system like the EU.

So in every progress reports, the Commission mentioned to the position of the civil society to push the candidate countries. By doing so, they expected them to enact with the EU's system. Their position helps the development of the civil society in candidate countries that have change to gain experiences with EU funds. Within this study it has aimed to find how the EU looks to civil society in Turkey in their official documents. Therefore, to analyse the change of their wording over the years.

In the first part of the study, as a theoretical background, the changing structure of the civil society will be analysed and the methodology will be explained. Then, the usage of civil society in the Commission reports will be examined via hand-coding method. After that, the EP resolutions will be examined with the same method. The study concludes with the comparison of the Commission's and EP's reports with the situation in Turkey.

Theoretical Background

Candidacy of the EU membership has two sides. One is about changing formal documents regarding the EU's *acquis*. The other side is about adapting the way of thinking of Europe to the candidate's mentality. Adaptation of formal documents is a kind of technical issue. But it has many effects on the society which reflects the society's absorption capacity. From this point of view integration studies are really important in order to understand the changes within the candidate country. There are different determinants that affect this process. The position of the civil society is one of the important determinant that urges the governments to enact with the EU values rather than *acquis*.

In general terms the EU's mission for the enlargement depends on transformation to the liberal economy and political adaptation which may cause some serious problems within the candidate countries.¹ Here the main motivation is economic and political transformation. Especially for the Central and Eastern European Countries (CEECs) and Turkey as a pre-condition of the membership, development of civil society has gained importance.² There are debates on Turkey's membership from human rights perspective and this situation affects civil society. Some researches has been made researches on the transformation of civil society with the EU membership perspective.³

Membership of the EU requires enactment with the EU values, rules and administrative style as a top down process. On the other hand member countries have to understand the newcomers' understanding and develop their style with the new members. This situation is mostly explained with the concept of Europeanisation. Most of the works on Turkey's EU membership has Europeanisation perspective. But some scholars claim that Turkey's new situation can be called as de-Europeanization for the period after 2007. It means in Turkey, there are some problems with the harmonization of the European values and norms and this position negatively affects the attitudes of the civil society. They start to "avoid" to use EU discourse.⁴

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Actually, after 1999 Helsinki Summit there were really positive atmosphere in Turkey about the EU. This motivation has affected increase of the numbers of the civil society organizations. These organisations tried to take EU funds and they started to use EU terminology to push the Government and Turkish Grand National Assembly (TBMM) for continuing the reform process. Normally it is expected from the civil society to change their traditional presence and democratize their administration. But in Turkey, Alemdar and Çorbacıoğlu found that Turkish civil society's characteristic does not reflect these assumptions.⁵

It is mostly related with the development of the civil society. In the Ottoman era, there was not an organised civil society like their counterparts. There were foundations like charity that focused on providing society's needs. This situation has continued in the first decades of the new Republic. The civil society in modern terms has been aroused after the liberalization movement in 1980s. Before that period civil society has been understood as a supporter of the new Republic. The State has also supported civil society which has similar understanding with her. Similarly, the society did not prefer to trust the NGOs in order not be on the opposite side of the State. This situation has also changed after 1998 Earthquake with the rescue organizations.⁶ This was a new phenomenon for Turkey, from the point of the approaches which consider the civil society as an actor that try to create an effect on decision makers.

From the formal documents of the EU, it is a known fact that the presence of the civil society has gained importance especially after the White Paper on Governance. In 2005 European Transparency Initiative, in 2011 Transparency Register and in 2015 Better Regulation practices has adopted. In parallel to this, their motivation on the development of civil society has been continuing even for the accession process of the candidate countries. This situation bring importance of transformation of the sphere of civil society.

In Turkey's progress reports until 1998, the Commission has always been mentioning the importance of the civil society. But their wording, the number of references and the place they allocate has been changing. It is difficult to understand how the EU evaluates its position on the civil society in Turkey without in-depth analysis. In order to analysis the texts of these progress reports there are two ways. One of them is manual coding. It means that the researcher reads all the texts, compare and classify them. Second way is using code programmes in order to find the frequencies of the words that the researcher intended to find.

There are some disadvantages for the second method. In this method if the researcher does not read all the text, he/she can miss the general meaning of the text. On the other side it is not possible to classify the usage of the words. For this reason in this paper it has been preferred to use manual coding method. All the texts were read by the authors and the usage of civil society classified as negative, Neutral/irrelevant and positive. The progress reports are also classified for the periods that reflect their characteristic.

On the grounds that "civil society" and "NGO" terms is been separately used in the documents. This study has been realised by searching both of them as keywords.

Turkish Civil Society in the Commission Reports

The progress reports, as one of the fundamental instruments of the EU Enlargement Policy, incorporate the points of reference necessary for the assessment of the progress in candidate countries by the European Commission.⁷

In 1997 Luxembourg Summit, it was declared that membership negotiations will begin with six countries. Even though Turkey was not one of them, in June 1998, at Cardiff Summit the European Council was declared that the Commission will submit the first regular reports on each candidate's progress towards accession. In the case of Turkey, reports will be based on the Association Agreement and the conclusions of the Luxembourg Summit in 1997.⁸ As a matter of fact, after the first regular report, in Helsinki Summit the European Council declared that negotiations will begin also with the *second wave* countries including Turkey.

Even though content, scope and format of the reports might change year by year, most of the reports have four section: They starts with an introduction which contains the content and the summary of the report. Political criteria and enhanced political dialogue follows the introduction. In this section, the Commission refers to developments on the areas of democracy, rule of law, human rights and the protection of minorities as well as other important political issues of the candidate country. Due to the membership to the EU is not possible without fulfil these *Copenhagen Criteria*, this section can be considered as the most important part of the report. As the third section of the reports, economic criteria includes developments on the existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the EU. Finally, the last section of the reports is "ability to assume the obligations of membership". In this section, the Commission refers to developments on each EU policy areas by their own chapters.

The Commission's Approach to State - Civil Society Relations in Turkey

From 1998 to 2015, the scope of Turkey Regular Reports has continuously been enlarged. Even though the exception of some exceptional years that have less refer to civil society than previous year, in parallel the scope of the reports, number of references also has increased year by year.

In the reports, regarding to civil society, channels of participation to decision-making process is one of the most important aspect that taken into consideration by the Commission. Turkey was frequently criticized due to

insufficiency of the channels of participation to decision-making process for NGO's. Furthermore, trials of NGO members, restrictions on the freedom of association, closure cases for NGO's and restrictions on acceptance of financial supports from abroad can be considered as other main problems about the State - civil society relations in Turkey.

As it can be seen in Table 1, during the first years of the reports, the Commission has not referred to civil society frequently. Nevertheless, the main critics of the Commission which take place in all reports can be also observed in the early years. The above mentioned critics are taken place in the reports submitted between 1998 and 2001.

Naturally, in the reports, the Commission does not only emphasize problems but also mentions positive developments. Since the beginning of the reform process in Turkey in the early 2000's, the Commission underlined positive changes in Turkey. This process launched by the coalition government, includes the constitutional amendments in 2001, and continued with a new Civil Code and three harmonization packages in 2002. Reforms have touched upon several areas, such as human rights, freedom of association and freedom of expression.⁹ In 2002, Justice and Development Party (AKP) won the elections and after long time of coalition government, single-party government came into power in Turkey. The new government continued the reforms by accepting two packages in July 2003 extended freedom of speech and association, cultural, religious and linguistic rights. Following that, a further set of constitutional amendments (amending ten articles) was accepted by TBMM in May 2004.¹⁰

During this reform process the Commission appreciated all these amendments in the reports. Particularly in 2003 report, after referring these amendments, the Commission declared that "The adoption of these reforms is an important signal of the determination of the majority of Turkey's political leaders to move towards further alignment with the values and standards of the European Union."¹¹ Following year, this relatively positive atmosphere has been kept and the Commission continued to appreciate the reform process and also attached appropriateness of juristically abolishment of death penalty in Turkey. In this report, Commission recommended that in view of "sufficiency" of the Copenhagen political criteria in Turkey, accession negotiation should be opened.¹²

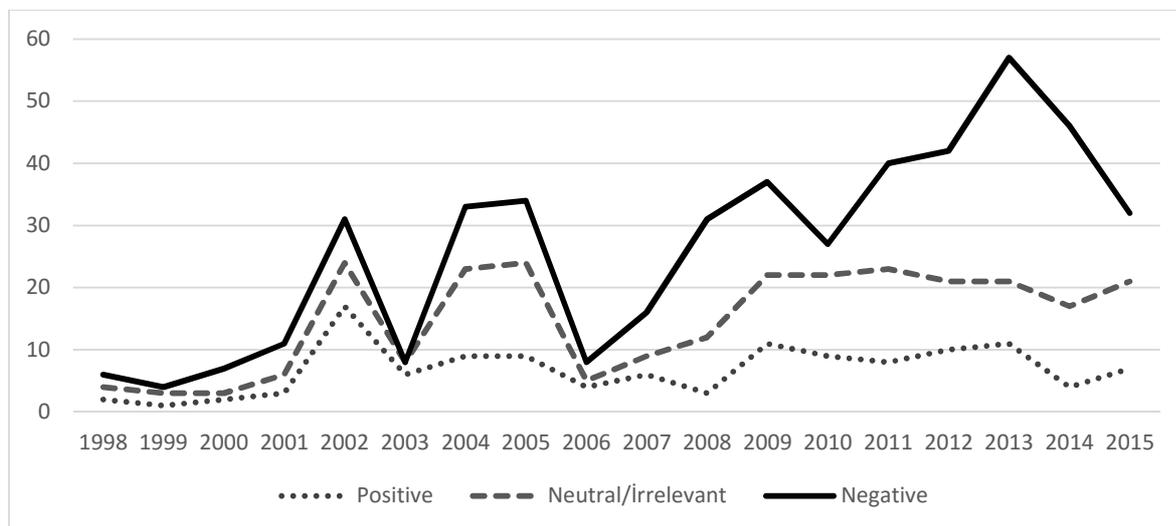


Table 1: The number of references to «civil society» and «NGO» words in the Regular Progress Reports for Turkey Prepared by the European Commission

In many aspects, 2005 was an important turning point on Turkey's membership process. It's generally accepted as the beginning of withdrawal on the relationships between Turkey and the EU. There are two main reasons underlie this acceptance. The first reason depends on the EU's changing discourse on Turkey. According to this approach, due to the challenges arising from Turkey's accession, the Commission emphasized the *open-ended* and long-term nature of the accession process, the possibility of halting the negotiations, and, perhaps most problematic of all, the prospect of permanent restrictions on the free movement of persons from Turkey into the rest of the EU.¹³ These statements which were unique to Turkey and not include any other candidate countries, was discouraged Turkey's efforts for membership. The second reason depends on AKP's changing preferences. In this conjuncture, changes in the AKP's position was considered primarily due to the weakened credibility of EU conditionality, and the rise of Eurosceptic and nationalist views in the domestic arena.¹⁴

The results of this shift on relations started to arise on civil society discourse of the Commission by 2007 report. After this year, references to negative aspects on the relationship between the State and civil society were rapidly increased by the Commission. On this period, lack of a legal framework on the cooperation between NGO's and public institutions, video recording of NGO's activities (particularly in the east and south-east regions of Turkey) by State officials, legal and bureaucratic obstacles on NGO activities were the main critics in the reports. Apart from these, the government frequently criticized because of discriminations among NGO's on behalf of the pro-government and conservative ones.

As Kaliber emphasizes, after 2007, de-Europeanization process manifests itself not only the significant slowdown on the reform process but also in some legal amendments.¹⁵ Analyse of critics on civil society in the reports with regard to this perspective shows that increasing number of negative critics almost perfectly overlaps with de-Europeanization process.

In 2013, negative critics to the government on the issues related to civil society reached the pick point. In this year, critics of the Commission increased not only numerically but also the tone of the messages turned to more tough. Gezi Park protests occurred in June 2013 strongly effected to the report. The Commission strictly criticized of taken into police custody and detention of people (including NGO members) during Gezi Park protests. In this context, Commission declared that civil society in Turkey needs to overcome a number of challenges. According to the Commission, Gezi Park events showed that it is still not widely considered by those traditionally involved in politics as a legitimate stakeholder in democracy. Government-civil society and parliament-civil society relations should be improved through systematic, permanent and structured consultation mechanisms at policy level, as part of the legislative process and with regard to non-legislative acts at all levels of administration.¹⁶

On the other hand, as can be seen in Table 2, refers to civil society and NGO's in the reports mostly take places in the political criteria section. This facts shows that the Commission takes into consideration the State – civil society relations as a political issue rather than technical.

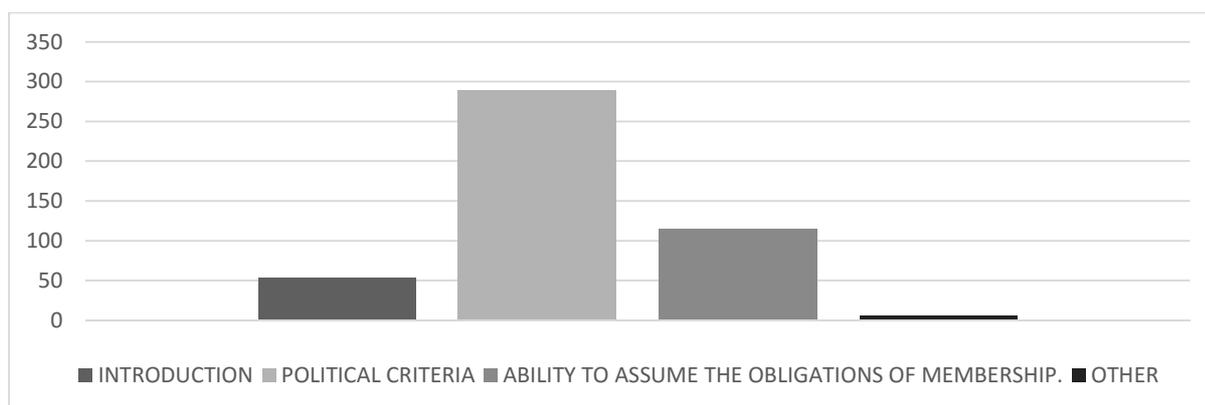


Table 2: The numbers of references to «civil society» and «NGO» words in the Regular Progress Reports for Turkey by Section

Turkish Civil Society in the EP Resolutions

The European Parliament prepares resolutions on Turkey so as to reflect different opinions of political groups and MEP's about the Commission reports. These documents are much shorter than the Commission reports. After the Commission submits the report in fall, the EP accepts the resolutions on this report, mostly in the following year. Even though there are some resolutions on Turkey before 2003, the EP regularly accepts resolutions for each Commission report since 2003.

The Parliament's Approach to State - Civil Society Relations in Turkey

In some aspects, the EP resolutions varies with the Commission reports. First, because of the nature of the Parliament, resolution's wording is more political than reports. Second, the extent of the documents are significantly different. While the reports are 100 pages in average, the resolutions are approximately 10 pages. Thus, references to civil society and NGO are prominently less frequent than the Commission reports, as can be seen in the table 3. However, the critics of the resolutions are in accord with the Commission reports. Even though the difference between negative and positive references is not as significant as the reports, main critics are in the same line. In resolutions, the EP frequently stresses insufficiency of the channels of participation for civil society to decision-making process. In the same line with the Commission, the Parliament also underlines the importance of freedom of association and expresses concerns on State practices which infringes this freedom such as the closure cases for NGO's and legal obstacles on NGO activities.

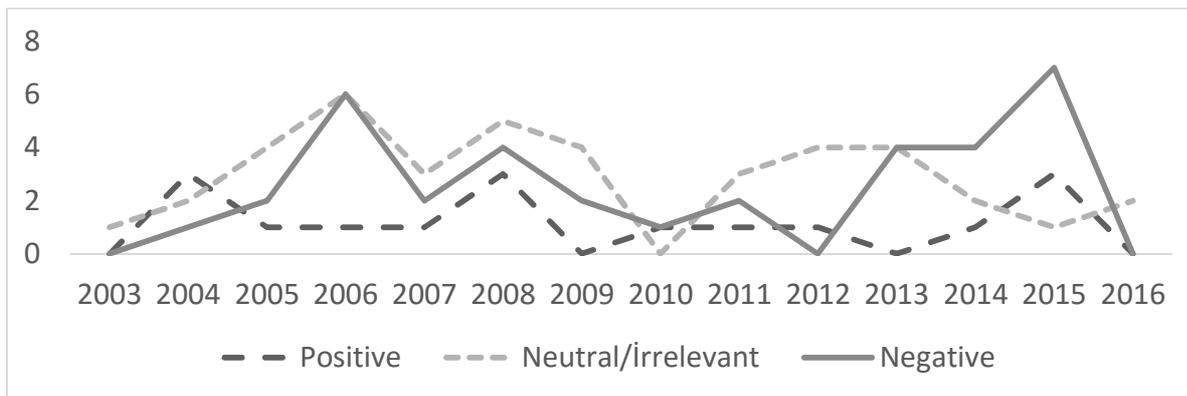


Table 3: The number of references to «civil society» and «NGO» words in the EP Resolutions on Turkey

As can be seen in the table 3, in 2006 and 2015 resolutions have significantly more negative critics than other years. 2006 resolutions is accepted on the 2005 Commission report. As mention above, in 2005 the EU actors expressed concerns on the membership of Turkey and the 2006 resolutions reflects these concerns. In 2006 resolution, regarding to civil society, the EP underlines the problems on the diversity and independency of Turkish NGO's.¹⁷ When analysing 2015 resolution, the EP stresses lack of structured consultation mechanisms with civil society as well as restrictions on NGO activities.¹⁸ In addition, similarly to the Commission the EP has given particular importance to Gezi Park protests in 2014 resolutions and underlined the vitality of dialogue with civil society.¹⁹

In sum, the EP's approach is in the similar way with the Commission regarding to civil society in Turkey. Both institutions have more negative remarks that positive and both of them increases their concerns in the last years' reports and resolutions.

Conclusion

In this study as an important condition of the membership the changing structure of the civil society in Turkey has analysed via Commission reports and Parliament resolutions on these reports. In parallel to the Commission reports' enlargement, the number of the references to the "civil society" and "NGO" has increased. But this increase does not reflect positive approach. As seen from the table 1 and table 3 the negative usage of the words is more than positive and neutral/irrelevant usages.

According to the Commission documents, this increase is mostly related with the changes of the Government's attitudes, insufficiency of the channels of participation and mostly trials of the NGOs. The momentum of the relations at the beginning of the 2000's has not continued after 2005 which can be seen as the withdrawal of the relations. This process is also monitored increasing studies which claim this withdrawal process as de-Europeanization. These situations push Eurosceptic views in Turkey that creates a vicious circle of the EU- Turkey relations.

In the Commission reports the pick point for the negative usage is seen as 2013 which is related with the Gezi Park protests. However, the decrease after 2013 does not mean that the EU has more positive opinions to the situation in Turkey. Similarly, the EP resolution's tone was so harsh for Gezi Park protests. But in general, the usage of words are limited. Hence, the changing usage of civil society in EP's resolutions does not reflect the real meaning of the resolutions.

From this perspective, while the usage of civil society in the Commission reports is reflecting the opinion of the Commission, the usage of the same words in the EP resolutions does not reflect it in the same line. On the other side, the EU membership process of Turkey was not enough on developing State - civil society relations in Turkey.

As Tocci suggests, explanation of domestic change in Turkey would be the linear relationship, driven by EU conditionality, between externally demanded conditions that are accepted domestically by adopting policy reforms does not and probably could not in itself drive an extensive reform process in Turkey.²⁰ A general overview to the Commission reports from 1998 to 2015 and the Parliament resolutions from 2003 to 2016 with regard to the State – civil society relations clearly shows that Tocci's suggestion on relations between the EU and Turkey, is also applicable to the State - civil society relations.

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¹³ Nathalie Tocci, “Europeanization in Turkey: Trigger or Anchor for Reform?”, 77.

¹⁴ Gözde Yılmaz, *EU Conditionality Is Not the Only Game in Town! Domestic Drivers of Turkey’s Europeanization*, 92.

¹⁵ Alper Kaliber, “De-Europeanisation of Civil Society and Public Debates in Turkey: The Kurdish Question Revisited”, 60

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