

Current Trends in the Negotiation Process of Turkey to the EU

Bachelor Thesis

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Abstract

This Bachelor thesis is focused on the negotiation process of Turkey's accession to the European Union. The preface contains basic information about Turkey's geographical location and current political situation. The thesis continues with the analyses of the history of negotiations dated from 1959 till nowadays. In more details, there is put emphasis on the current trends in the negotiations in the terms of discussing the alignment of five chapters of the European Acquis communautaire that are anticipated to be opened for negotiations. The aim of the thesis is to prove or disprove three hypotheses related to the findings in the Report on Turkey 2015 written by the European Commission and the results of my own survey conducted for Czech and Turkish respondents.

Keywords: Turkey, EU, Enlargement criteria, Negotiation process, Acquis chapters, Survey

Abstrakt

Tato bakalářská práce je zaměřena na proces vyjednávání o přístupu Turecka do Evropské Unie. Na začátku jsou uvedeny základní informace o zeměpisné poloze Turecka a jeho současné politické situaci. Práce posléze pokračuje s analýzou historie přístupových vyjednávání započatá roku 1959. Důraz je kladen na současný trend ve vyjednávání, konkrétně na sladění pěti kapitol s právním řádem Evropské unie, které čekají na to být otevřeny k vyjednávání. Cílem této bakalářské práce je prokázat nebo vyvrátit tři hypotézy vázající se k zjištěním na základě analýzy závěrečné zprávy o Turecku z roku 2015, zpracovanou Evropskou komisí, a vázající se k vlastnímu dotazníku vytvořenému pro české a turecké respondenty.

Klíčová slova: Turecko, EU, kritéria rozšíření, proces vyjednávání, kapitoly acquis, anketa

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List of Abbreviation

- AKP Justice and Development Party
Turkish language original name: Adalet ve Kalkınma Partisi
- ECHR European Convention on Human Rights
- ECtHR European Court of Human Rights
- ECU European Currency Unit
- EEC European Economic Community
- EU The European Union
- HSYK High Council of Judges and Prosecutors
Turkish language original name: Hâkimler ve Savcılar Yüksek Kurulunun
- IMF International Monetary Fund
- MHP Nationalist Action Party
Turkish language original name: Milliyetçi Hareket Partisi
- OECD Organization of Economic Cooperation and Development
- WWI World War I

1. INTRODUCTION

1.1. Introduction to the Issue

The Republic of Turkey (hereinafter referred to as “Turkey”) is located in strategic position between Europe and the Middle East. It has been interfering on European soil since an early history and as a neighbour country it is an indispensable European Union’s partner. Although close relations justifies Turkey’s wish to enter the EU, due to its geographical location, history and political culture the accession is not simple and it is a source of political disputes among the EU members since there is no united opinion for all 28 members. The plurality of opinions and attitudes and moreover political changes in the EU as well as turbulences in Turkish democracy and violation of human rights caused that Turkey is waiting for the membership more than fifty years.

As any candidate country Turkey is obligated to meet the accession criteria introduced in 1993 in Copenhagen, Denmark. The key obligation lies in adopting the common legislation of the Union called “*acquis communautaire*” (hereinafter referred to as “*acquis*”) which is divided into 35 chapters. In accordance to the defined criteria, the European Commission annually publishes a progress report for Turkey which is reflecting the opinions of the Commission based on findings and records on every accession criteria (Tuček, 2012). First “screening” of the chapters was done in 2005 and it is considered as the trigger which finally opened the negotiation process with Turkey. It determined how far Turkey is in completing the membership criteria and what further efforts should be made in the upcoming years. The newest published version of this report is a key document for this thesis.

Last ten years has proved, that progress on fulfilling the criteria is not the only matter that controls the pace of further integration. While only one chapter had been provisionally closed, half of the chapters had been blocked from negotiating in spite of political turbulences and disputes on both sides. Political spitefulness is implicated in slowed-down talks and in preventing deeper integration leading to the actual membership. At the point of this time, only one chapter has been closed, twelve opened,

two opened after blockage, five remains not opened at all and still fifteen chapters are being blocked based on political reasons.

In spite of chain of events in 2015 in the terms of so-called migration crisis, Turkey has become more powerful player on the European field. It posses now more leverage when negotiating and therefore I believe a new era of our relationships has been launched, since the cooperation of both parties is needed and crucial. It is expected the process to be speeded up for opening five key chapters of the acquis, namely 15 Energy, 23 Judiciary and fundamental rights, 24 Justice, freedom and security, 26 Education and culture and last 31 Foreign, security and defence policy (European Commission, 2016).

Not only for the sudden change of events have I chosen this topic, but also for the lack of research focusing on the current trends in 2016. This thesis examines on what level of fulfilment of the five upper-mentioned political fields Turkey is right now and what should be done in order to open them for negotiations.

1.2. The Aim of the Thesis

The aim of the thesis is either to prove or to disproved three following hypotheses:

- 1. When considering the five currently-discussed chapters of acquis (Judiciary and fundamental rights, Justice, freedom and security, Education and culture and last Foreign, security and defence policy) Turkey lacks essential laws to be adopted and well implemented in order for the chapters to be well-advanced and ready to be provisionally closed.**
- 2. More than three quarters of Turks want to join the European, but significantly less Turks believe that it will happen.**
- 3. The Turks do not know the accession criteria and more than half of them do not believe in fulfilling them.**

I have chosen to verify these three hypotheses because I believe that these hypotheses are part of an important influence on the public opinion in general and also on the pace of the accession that is being analyzed. In order to prove them right or wrong I have taken two different steps. At first, I will have a look at the current state of the

compliance of the 5 chapters and I will examine the recommendations of the European Commission. Based on the information from the most actual report on Turkey of the European Commission from the fall 2015, I will be able to conclude, whether Turkey lacks important laws to be adopted and implemented or not. At second, I have conducted an online survey called “Turkey joining the EU” that was distributed in two languages, Czech and Turkish, in order to find answers to the hypotheses number two and three.

1.3. Methodology

The thesis is logically divided into two main sections. The first section is theoretical part, where literature and Internet sources are being used in order to assess Turkey as a European political player, to track the milestones of the negotiation process and to analyze the compliance of the Turkish legislative with the *acquis*. To make the thesis actual and following the current trends in negotiation, I have decided to draw the information from actual books and internet articles that are reflecting the nowadays situation. Among the most important authors that inspired me belong Aylin Güney and Ali Tekin and their book *The Europeanization of Turkish Public Policies* issued in 2015 and Abdullah Bozkurt and his book *Turkey Interrupted Derailing Democracy*, issued in 2015 as well. However, I have tried to achieve objectivity of the analyzed information by verifying them with other internet sources; the key document for this thesis is the European Commission’s *Turkey Report 2015*. This document provided me a guideline according to which I have structured this thesis. I find this document objective and credible because it was issued by an authority of the European Union which is commonly found trustworthy.

The second section of the thesis is based on the results of quantitative research on the form of the online survey I have conducted at the turn of April and May 2016. For online publishing I have used the internet domain www.surveymonkey.com which I have found suitable for this type of research. The survey consists of 4 main questions and five subquestions ensuing from the main ones. Two versions of the survey were published; in Czech and Turkish language in order to ease the responders to participate in the

survey and therefore to increase the number of participants. The final results are demonstrated on graphical charts.

It is essential to mention, that the negotiations between the EU and Turkey are very fragile and can change. Due to the limitation of the date of thesis submission, the thesis is dated till the 30th April 2016.

1.4. Executive Summary of the Chapters

1.4.1. The First Chapter

The first short chapter introduces Turkey to readers and gives them a complete picture. There is described Turkey's geographical location, which proves its geopolitical importance for Europe. In addition, mapping Turkish colourful history of this country, that has shaped international relations between Turkey and the countries on the Balkan Peninsula, explains the complexity of this accession and provides an informational background for long duration of the process of entry. There is demonstrated the current political situation in Turkey. The figure dealing with the election in 2015 is clearly showing the political influence of the ruling political party, that is shaping the current negotiations. At last, I have found important to mention Turkey's geopolitical importance in the matter of natural resources in spite of its role in the acquis chapter 31 Foreign, Security and Defence.

1.4.2. The Second Chapter

The second chapter is analyzing the 50-year-lasting negotiations. It is divided by important turns of events into four eras: The First Attempts, Temporary Freeze of European Economic Community – Turkey Relations, Re-establishment of Cooperation and The New Era.

At first, Turkey has applied for a membership in the European Economic Community (hereinafter referred to as "EEC") in 1959. It had sought for an association agreement called The Ankara Agreement. Unlike Greece, Turkey had to wait 5 year for this

agreement to come on force. It is deemed the first one that started and envisaged a process of Turkey's accession to the EEC in the form of three-step customs union.

At second, in spite of the established dictator regime in Greece and following putsch had created an environment for Turkey to occupy the Northern Cyprus. For the EEC it meant violation of the basic values in terms of human rights, which was the reason for suspension from the negotiation talks. Not regarding the fact, that the negotiations were opened again, the events of this era are one of the most important issues considered in the wide context of the accession.

At third, the cooperation between the EEC and Turkey was re-established thanks to the democratic elections in 1983 which meant for the EEC a positive change in the terms of democracy. Despite this change, Turkey was not recommended to apply for full membership. Instead of that, it was encouraged only in deeper economic cooperation. Turkey did not follow this recommendation and has applied for the full membership in April 1987.

At fourth, in December 1999 in the European Council Summit Meeting in Helsinki Turkey was granted an official status of a candidate country. The EU envisaged a clear plan for becoming a member under the condition of fulfilling the Copenhagen criteria. According to Usul (2010) Turkey had become not-yet-negotiating-candidate and the EU had got a great influence on Turkish reforms. In 2005 the negotiations were opened and only one chapter of the *acquis* was found suitable for provisional closing. In 2006 the European Commission has frozen some of the chapters of entry talks related to customs, external relations, financial services, agriculture and fisheries and recommended not to open them until Turkey resolves the relations with Cyprus. Later on, the French anti-Turkey campaign under the baton of Nicholas Sarkozy initiated additional freezing of three chapters. In 2009 on the General Affairs Council Meeting more 6 chapters were frozen because of Turkish refusal to open their ports to Cyprus. The new French President Francois Hollande elected in 2012 is a man of different politics towards Turkey comparing to his forerunner Sarkozy. Two of the three chapters were

unblocked. Nowadays a new era of negotiations has begun due to the migration crisis that is pushing the negotiations to be rushed in order to solve the issue.

1.4.3. The Third Chapter

In the third chapter I examine the current stage fulfilling of the 35 chapters in general. Only four chapters are interpreted as well advanced. Most of the chapters are on moderate level of preparation. More deeply I will analyze 5 frozen chapters that Turkey demands to open for negotiation talks. Chapter 15 Energy is moderately prepared. The law on acceding to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management must be adopted (International Atomic Energy Agency, 2015) and also a new gas market law that would reduce the monopoly on this particular market (European Commission, 2015).

Chapter 23 Judiciary and Fundamental Rights is the worst in the terms of level of preparation among the five analyzed chapters. Many significant gaps are remaining in aligning the field with the *acquis*. The biggest challenge in Turkish legislation is to adopt the law on protection of personal data harmonised with the *acquis*. In addition, tools for ensuring the political independency of High Council of Judges and Prosecutors (hereinafter referred to as “HSYK”) are needed as well as tools for eradicating child labour. Laws on Internet and Media and on online journalism remain to be an issue of concern (European Commission, 2015).

Chapter 24 Justice, Freedom and Security lacks significant efforts to implement the readmission agreement towards Greece. Improving the e-visa system is essential for border-controls and fighting human trafficking (European Commission, 2015).

Chapter 26 Education and Culture is challenging in the terms of lacking a national strategy on absenteeism and inclusion. Freedom of expression and artistic rights are endangered (European Commission, 2015).

At last, the chapter 31 Foreign, Security and Defence Policy should be aligned more closely with the acquis according to the Council decisions the EU declarations related to Crimea, Libya and Armenia (European Commission, 2015).

1.4.4. The Fourth Chapter

In the fourth chapter I will come with the findings from the survey I have conducted at the turn of April and May 2016. It means a quantitative research carried out by sampling from questionnaire published on the internet. During the research I will try to prove or disprove hypotheses number two and three mentioned in the aim of the thesis. 200 Czech and 200 Turkish respondents took part in the survey in order to achieve good informative value. The respondents were chosen on the grounds of their falling within the group of people with a status of a student or academic worker. They possess the prerequisite of basic knowledge. This takes the survey to more interesting level.

2. GENERAL FACTS ABOUT TURKEY

2.1. Geographical Location



*Image 1 Geographical location of Turkey
(Maps of the World, 2015)*

According to CIA, The World Fact Book (2015), Turkey is the 37th biggest country in the world. Its total area is 783,562 km², of which almost 2% is water. It is bigger than any of the EU member state. For imagination, the area is approximately the same like area of Germany and Sweden together.

Turkey's territory is situated

mostly in the Asian part called Anatolia. The European part “Thrace“ makes only 3% of the total area (Maps of the world, 2015). As you can see on the map, Turkey shares borders with 8 countries. Again, this is more neighbours than any EU member state has to deal with. The longest border is with Syria, Iran and Iraq, then Armenia, Georgia, Bulgaria and Greece. The shortest border is shared with Azerbaijan; only 9km (Ergener, 2002).

2.2. History and Secularization of Turkey

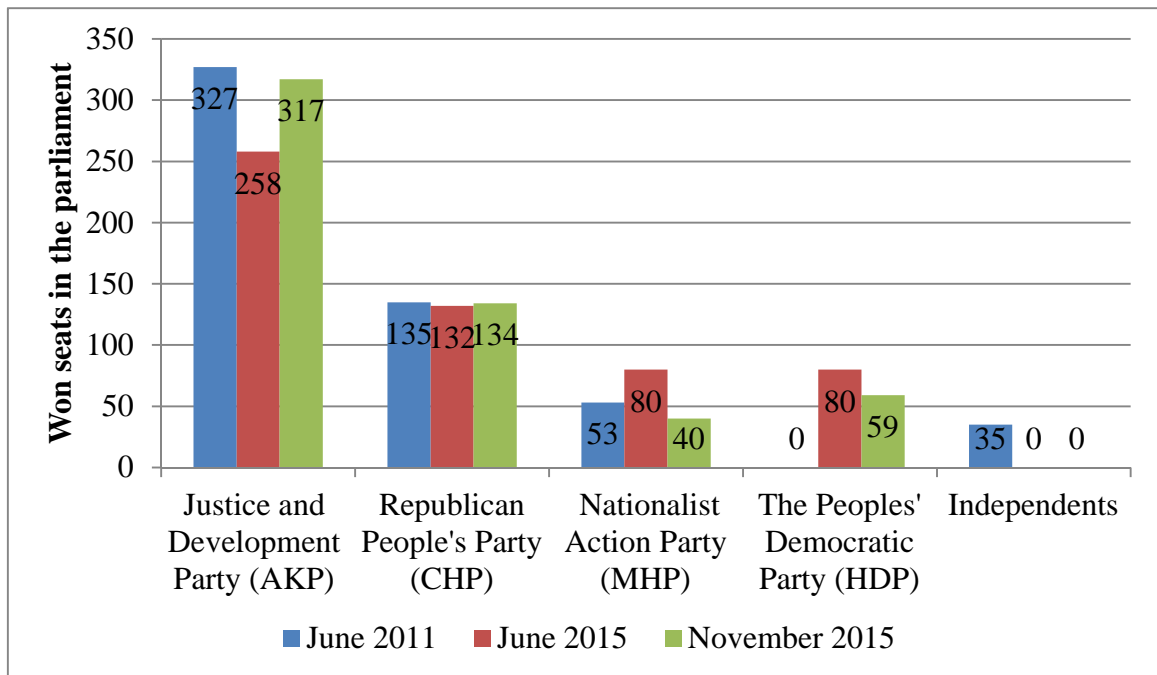
Turkey was established from the ashes of the legendary Ottoman Empire. The history of this empire is complicated; after all, it lasted few centuries and conquered many today's countries who are actually members of the EU. Characterized by keywords, it can be said, that Ottoman Empire was powerful, successful, conquest and predatory Muslim country. Stanford Shaw in his book History of Ottoman Empire and Modern Turkey (1976) points out, that Ottoman rule influenced relations between three religions: Islam, Christianity and Judaism, and play its key role in the relationships between Turkey and its neighbours in Europe and Asia. Undoubtedly, the upper indicated colourful history is a source of actual disputes and feelings of injustice lasting to this day.

When loosing the World War I (hereinafter referred to as "WWI"), the crisis struck the empire. A nationalistic revolutionary Mustafa Kemal Atatürk took the power in his hands and started a modernization and secularization of Turkey. He banished the sultan family to exile, established a single party regime lasting until 1945 with government headquartered in Ankara, abandoned the Arabic script and derived Turkish alphabet from Latin. He freed Turkish women from male domination, disabled polygamy and enabled women to vote. Atatürk desisted from Islam as a state religion and publicly reproved it. Although his methods and reforms were merciless and sometimes even bloody, he and his rule are admired since nowadays by all Turks – except the Islamic fundamentalists, of course (BBC, 2014).

2.3. Current Political Situation

In June 2015 the leading political party Justice and Development Party (hereinafter referred to as "AKP") did not defend their parliamentary majority. Making a coalition agreement with opposition was not in favour of the AKP. The founder of this party, former prime minister (2003 – 2014) and current president of Turkey Recep Tayyip Erdoğan has very quickly arranged new elections on November 1st 2015 which ensured AKP's majority and possible "autocracy" of this party in Turkey (The Economist, 2015).

Chart 1: Elections to the Turkish Grand National Assembly (2011 and 2015)



Source: *Election Sources, 2015*

Previous chart clearly illustrates, that second elections held in 2015 saved AKP from losing its political influence in the country. AKP won 317 seats out of 550 and can change and implement laws by their own without a struggle. Unfortunately for Erdoğan, they are 13 parliamentary votes short to be able to call the referendum about a planned constitutional change in order to create an executive presidency. According to The Guardian (2016), it is possible to get these votes from the Nationalist Action Party (hereinafter referred to as “MHP”), which was ready to make a coalition with AKP after the first elections in June 2015. This alliance would not mean two thirds of the parliament though, that could change the constitution without a referendum.

2.4. Natural Resources

Very closely related to economy is “the world driver of everything” – oil. However, there are located proven reserves of oil and natural gas, Turkey is not sufficient because its demand is exceeding their own supply. Turkey consumes more than 705 thousand of barrels of oil every day. For instance, it is approximately 3times less than demand of

Germany or 2times less than consumption of France. The production of oil is on the other hand markedly lower. For comparison, Turkey produces as much oil as Germany, but 3times more than France (OPEC, 2015). Even less sufficient is Turkey in consumption of natural gas, which exceeds the production more than 100times (EIA, 2014).

The EU needs to diversify its energy supplies, mainly because of the Ukrainian crisis. Turkey is a keen country in this matter. A planned pipeline called Nabucco would bring gas from Azerbaijan's territorial waters of the Caspian Sea through Turkey to Austria (Gotev, 2015). This project then significantly increases Turkey's geopolitical importance for the EU. It would mean a reduced dependence of the EU on Russia, thus strengthened power when negotiating.

3. THE HISTORY OF ACCESSION NEGOTIATIONS

3.1. The First Attempts

As mentioned in the previous chapter; after WWI Turkey began its path towards the Western values and principles. Turkey wanted to engage in European affairs even before the EU existence itself. Their motives were different. It could be an effort to take a new place in the world, to seek a strong economic alliance or to control position of Greece in the community; of their neighbour with whom they have never-ending disputes about the Aegean territorial waters and history of wars they faced each other in (EU Centre of North Carolina, 2008). Verity of the last mentioned motive supports the fact that Greece has applied for membership in the EEC on 8th June 1959 (Hellenic Republic - Ministry of Foreign Affairs, 2011) and right on 31st July 1959, not even two months later, Turkey has applied as well. The EEC offered negotiations documented in the association agreements for both of the countries. The one with Greece was signed just in two years but Turkey had to wait for their association agreement called The Ankara Agreement to come on force 5 years. This document became the first one that started and envisaged a process of Turkey's accession to the EEC in the form of three-step customs union that would bring both parties closer together on the grounds of trade without restrictions. In the open-ended period of time before the future joining the EEC, Turkey was provided with EEC's loans as financial assistance worth 175 million ECU¹, on the grounds of The First Financial Protocol (Ministry for EU Affairs Republic of Turkey, 2015). The Greek application was at the end suspended for some time, due to establishment of a non-democratic regime in 1967 (Hellenic Republic - Ministry of Foreign Affairs, 2011).

¹ European Currency Unit

In 1970 the Additional Protocol was signed in Brussels as a next step and launched the “Transitional period”. It provided abolition of the customs duties and quantity barriers for imports to the EEC of industrial products. Later on, this abolition extended also to most of the agriculture products (Ministry of Finance Republic of Turkey, 2012).

3.2. Temporary Freeze of EEC-TR Relations

After restoring the democracy in Greece in 1974, the re-activation of the upper mentioned association agreement from 1961 had followed. Paradoxically, the Greek putsch created an opportunity for Turkey to interfere in Cyprus and occupy the north part of the island, and built an environment that enabled the third coup d'état, where the military government had overthrown the civilian one in 1980 (EU Center of North Carolina, 2008). It meant violation of human rights in Turkey which is not compatible with the values of the EEC. Because of that, Turkey got suspended in 1982 from the accession talks. Turkish economy was not going well at that time and the new government was forced by the International Monetary Fund (hereinafter referred to as “IMF”) and the Organization of Economic Cooperation and Development (hereinafter referred to as “OECD”) to liberalize the economic sector. State involvement in basic industry, banking, transport, and communication was reduced by a massive privatization. The major program, started in the 1980's, was tasked to lower taxation, reduce government spending, deregulate financial system and go to monetarism (Aksu, 2010).

3.3. Re-establishment of Cooperation

Democratic elections to Turkish National Assembly held in 1983 again re-established damaged links with the EEC. Despite releasing the Turkish economy, former German Chancellor Helmut Kohl recommended Turkey not to apply for the full membership but to deepen their relations instead. According to him, neither Turkey nor the EEC was ready for this enlargement. As a reason he pointed at then-going Single European Act (signed 1986) establishing the Single Market (Paul, 2015). Nowadays, after revelation of British documents, it came out, that he planned to restrict the immigration policy,

meaning to reduce number of Turks living in the country to 50%. His discouragement could be then based on cultural grounds (Spiegel, 2013). Germany played a key role in the EEC, no doubt, and although, the official “Opinion” of the Commission has acknowledged Turkey’s eligibility to become a member, it has confirmed Chancellor’s statement that the EEC is not capable of this complicated enlargement before completing their own process of establishing the internal market (Ministry of Finance Republic of Turkey, 2012).

Ignoring the recommendations of Kohl, Turkey has surprisingly applied for the full membership in April 1987. It was an answer to Mediterranean enlargement of Spain and Portugal in 1986 and previous enlargement of Greece in 1981. These three countries gained then an advantage over Turkish products of the resembling typology and nature (EU Center of North Carolina, 2008).

Another stop sign was given to Turkey by their old rival, Greece. When the Community has postponed the accession of Turkey, it has at least promised a so called “Cooperation package”, where further deepening of economic relations of both parties should have been continued. After submitting this package, Greece has raised an objection and it was not adopted (Ministry for EU Affairs Republic of Turkey, 2015).

Meanwhile in 1992, The Treaty on the EU (The Maastricht Treaty) created today’s European Union (EUR-Lex, 2010). One year later the membership criteria were introduced in Copenhagen in Denmark - then called the Copenhagen criteria (European Commission, 2012).

The second part of the three-step Customs Union called the “Transition Period” lasting 22 years got finally completed in 1996 and enabled Turkey to enter the third and last part called the “Final Period”. Turkey thus actually became a member of the Customs Union and it is still very successful functional body (Ministry of Finance Republic of Turkey, 2012). It is the first country participating in the Customs Union without being an actual full member of the Community (Paul, 2015).

The Luxembourg European Council held in December 1997 has brought a big disappointment for Turkey, because it was not listed among the countries with an official candidate status, unlike e.g. Cyprus, which *was* granted a membership. According to statement of the Council, although the political and economic criteria were not met by Turkey yet, it is crucial to bring it closer to the EU in every field. Based on that announcement, the Council introduced a “European strategy for Turkey” consisting of approximation of adopting the EU legislative (European Parliament, 1998). Turkey did not take it smoothly. The former Turkish Prime Minister Mesut Yilmaz declared, that his country perceives this situation as a “very clear religious discrimination” and doubted, then even after meeting all criteria, Turkey could be a member of the EU (Paul, 2015). These assumptions were then fed up by Kohl’s political leading party Christlich Demokratische Union Deutschlands by their affirmation that “*the EU is in the process of building a civilization in which Turkey has no place*” (EU Center of North Carolina, 2008). Diplomatic canals were then frozen between both parties.

3.4. The New Era

The Summit in Luxembourg clearly encouraged Turkey to think about a solution with Cyprus and also warm up their relations with Greece, but not much effort has happened. In August 1999 Turkey and Greece went through a tragedy. Both states were struck by terrible earthquakes that cost thousands lives on each side. This loss have brought up sympathy and melted frozen relations between these two nations and their governments (Kinzer, 1999). The resistance of Greece against Turkey has weakened and the Greek government hoped that problems could be easier solved within the EU framework, if Turkey would be part of the Union (EU Center of North Carolina, 2008).

The EU has changed its mind during the last two years from the last summit for many reasons. First, the existence of Turkish army would mean a great contribution to the EU's security. Second, there was a political change in the direction in Germany that is still the most important driver of the Union. Third, thanks to the lobbying of the US President Bill Clinton, the EU realized that they disadvantaged Turkey and did not act very fairly this crucial transatlantic ally of the United States (Paul 2015). Fourth, Greece had change of heart. In December 1999 in the European Council Summit Meeting in Helsinki Turkey was granted an official status of a candidate country. The EU envisaged a clear plan for becoming a member under the condition of fulfilling the Copenhagen criteria. Ali Resul Usul (2010) used in his book *Democracy in Turkey: the Impact of EU Political Conditionality* a good terminology, where he calls Turkey a "not-yet-negotiating-candidate" and points out that the EU reached its goal to have a big influence on Turkish reforms, but still keeping its negotiating leverage on their side.

In order to receive a financial support called Instrument of Pre-accession Assistance, Turkish constitution has gone through a crucial review in 2001 and substantial part of it was amended in the reflection of fundamental human rights and democracy requirements. In 2002 in the elections to the Turkish Parliament the AKP won the majority. As it has been mentioned in the first chapter of this thesis in the *Current Political Situation* paragraph, it was not a last devastating victory of this particular political party. The AKP ruled the country on its own and did not face any troubles

when amending the constitution (Paul, 2015) In 2002 at the Copenhagen summit it was decided, that if Turkey meets the political chapter of the Copenhagen criteria by 2004, the negotiations will be opened the year after (Grabbe, 2002).

The AKP government was encouraged by promises of the Copenhagen summit and has also respected a plan of United Nations to reunite Cyprus as a two-part federation with rotating presidency (EurActiv, 2015) and enabled a referendum. This referendum has not changed anything though, because Greek Cypriots voted against unification of the island. One week later the Republic of Cyprus joined the EU along with another 9 countries with its territorial questions unsolved (Paul, 2015).

Before opening negotiations in 2005, Austria stepped out and declared that it is inappropriate to open negotiations with Turkey while ignoring a European and catholic country Croatia, who also desired to join the Union. Cyprus complicated the situation as well, the Cypriot government demanded Turkey to assure them, that they will recognize them (The Guardian, 2005). The last minute deal was made and negotiations were opened with Turkey but also with Croatia and Austria has backed down. Despite the demands of Cyprus, Turkey did not recognize Cypriot government and refuses to pay €90 million ordered by the European Court of Human Rights (ECtHR) to Cyprus as a compensation for occupation (EurActiv, 2014). It has neither agreed to open their ports and airports to Cyprus. In 2006 the European Commission has frozen some of the chapters of entry talks related to customs, external relations, financial services, agriculture and fisheries and recommended not to open them until Turkey resolve the relations with Cyprus. The UK did not find this precaution right and criticized the Commission for it (The Telegraph, 2006).

France opposed Turkey's accession even stronger after Nicholas Sarkozy became a president in May 2007. It was an anti-Turkey campaign which contributed to the election victory. He declared Turkey as part of Asia, not Europe. France blocked 5 more chapters to be opened. Angela Merkel's Germany did not follow Sarkozy's opinions and actions. Unlike France, Germany could not turn down Turkey completely, three

millions of Turks still lived in Germany and the relations between these two countries could not freeze as well (Paul, 2015).

In 2009 more chapters were blocked again because of the Turkish refusal to open their ports to Cyprus and the non-recognition of the country in general (Euobserver, 2015)

The year 2012 shifted France's course and when Francois Hollande became a new president, he stopped blocking chapter about regional policy. In the next chapter of this thesis, the report on a current situation of fulfilling the Copenhagen criteria will be analyzed. Understanding the all the political circumstances mentioned above is a keen prerequisite in order to objectively recap Turkey's effort and achievements in an attempt to become a full member of the European Union as it was many times promised of and encouraged in (BBC, 2012).

4. ENLARGEMENT PROCESS AND FULFILLMENT OF THE CRITERIA

4.1. The Enlargement Policy of the EU

The criteria for membership in the EU were designed by the European Council in 1993 in Copenhagen and two years later strengthened in Madrid. There are three packages of criteria that need to be met by an applicant country in order to join the EU:

1. Political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
2. Economic criteria: a functioning market economy and the capacity to cope with competition and market forces;
3. Institutional criteria: Administrative and institutional capacity to effectively implement the *acquis*² and ability to take on the obligations of membership (European Commission, 2014).

The Brussels Presidency Council in December 2004 agreed on that Turkey fulfils the Copenhagen political criteria sufficiently enough to make a proposal of for a framework of negotiations and set of standards required to be met in order to initiate intensive talks. The set of standards refers to legislative alignment with the *acquis* and its practical implementation. The substance of negotiations is divided into 35 chapters (Presidency Conclusions, 2005).

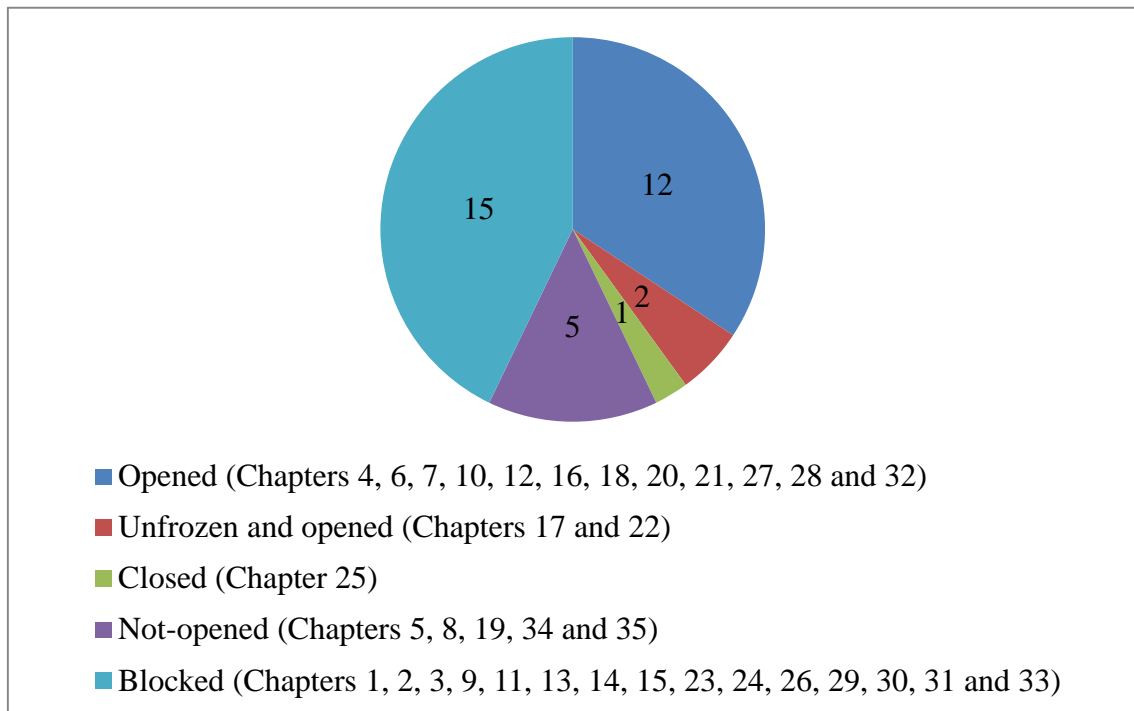
The chapters are following:

² The *acquis* is the body of common rights and obligations that is binding on all the EU member states (European Commission, 2012).

- | | |
|---|--|
| 1) Free Movement of Goods | 19) Social Policy and Employment |
| 2) Free Movement of Workers | 20) Enterprise and Industrial Policy |
| 3) Right of Establishment and Freedom to Provide Services | 21) Trans-European Networks |
| 4) Free Movement of Capital | 22) Regional Policy and Coordination of Structural Instruments |
| 5) Public Procurement | 23) Judiciary and Fundamental Rights |
| 6) Company Law | 24) Justice, Freedom and Security |
| 7) Intellectual Property Law | 25) Science and Research |
| 8) Competition Policy | 26) Education and Culture |
| 9) Financial Services | 27) Environment |
| 10) Information Society and Media | 28) Consumer and Health Protection |
| 11) Agriculture and Rural Development | 29) Customs Union |
| 12) Food Safety, Veterinary and Phytosanitary Policy | 30) External Relations |
| 13) Fisheries | 31) Foreign, Security and Defence Policy |
| 14) Transport Policy | 32) Financial Control |
| 15) Energy | 33) Financial and Budgetary Provisions |
| 16) Taxation | 34) Institutions |
| 17) Economic and Monetary Policy | 35) Other Issues |
| 18) Statistics | (European Commission, 2012). |

Negotiation is conducted chapter by chapter and decision about opening or making a provisional closure must be made by the Member States unanimously. The European Commission is allowed to recommend a postponement of negotiations in case of serious contravention of the political principles defined in the Copenhagen criteria. If this situation occurs, the European Council hears the particular candidate state and decides by qualified majority about the next steps (Presidency Conclusions, 2005). Current status of the single chapters is depicted on the following pie chart:

Chart 2: Current Status of the Accession Chapters

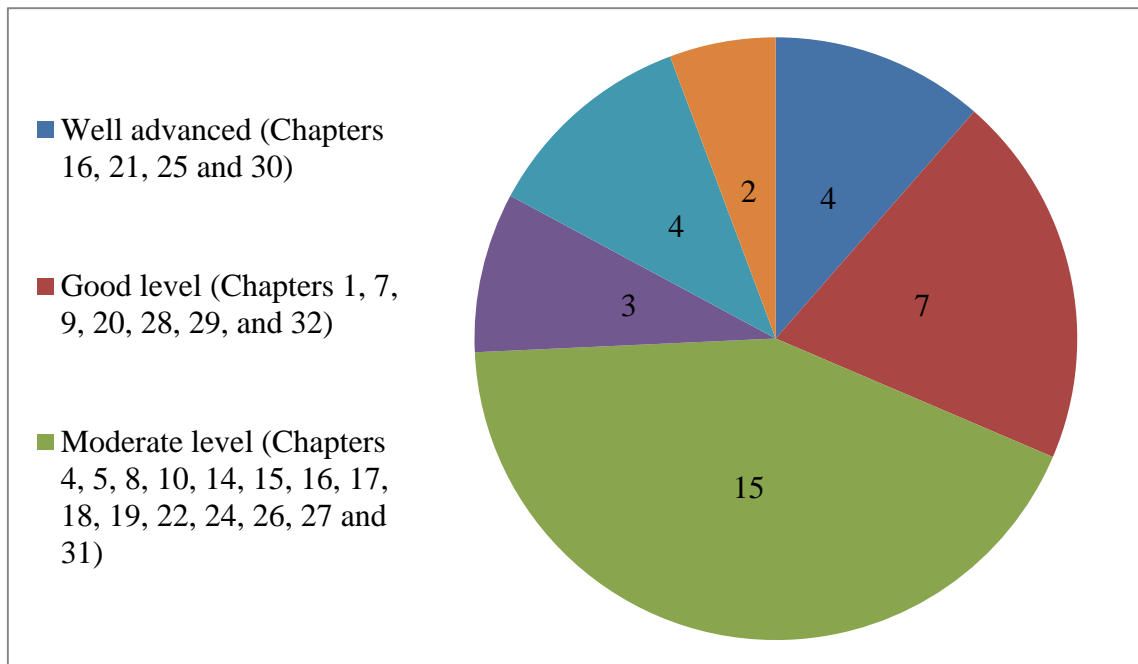


Source: Ministry of Foreign Affairs Republic of Turkey, 2015

All of those chapters have been screened and their initial condition of fulfilment was marked in 2005. On the pie chart there is clearly described the progress that has been made since the first screening till now. 15 chapters had been opened for negotiations, when only one was provisionally closed and two of them were opened after political blockage of former French President Sarkozy and his anti-Turkey campaign back in 2007. In the contrary 15 chapters remain blocked from being part of any negotiations, based on events stated in previous part of the thesis. Five chapters were neither opened nor blocked due to the lack of preparation in given fields.

The level of preparation is stated in the Commission's report and is varying for every chapter. Despite the fact, that the progress cannot be exactly well quantified, it can be distinguished between 5 categories in descending order: Well advanced chapters, chapters at good level of preparation, chapters on moderate level of preparation, chapters at some level of preparation and chapters in early stage of preparation. The level of preparation of Turkey in single chapters is depicted on the following pie chart:

Chart 3: Level of Preparation in Single Chapters



Source: European Commission, 2015

Most of the chapters are on moderate level of preparation, because there needs to be implemented the legal framework, in order to reduce important gaps in aligning of the legislation with the acquis. Only four chapters are interpreted as well advanced, where the alignment of legislation needs to be just finalized. In addition, seven chapters are at a good level of preparation. The further aligning is needed, but a lot of progress and effort is being made. Three chapters are still missing many components of the legal framework that need to be adopted and implemented; therefore they are only at some level of preparation. The other four chapters lack bigger progress and the pace of aligning is very slow. Important laws remain to be adopted and implemented.

4.2. The Reactivation Process

On November 29 2015 the European Council held a meeting with Turkey. The Chairman of the summit was a politician Donald Tusk and Turkey was represented by the Prime Minister Ahmet Davutoğlu. Both parties came to conclusion that the negotiations should be speeded up (European Council, 2015). In order to honour their determination they committed each other to hold more frequent meetings and to open

blocked chapter 17: Economic and Monetary Policy. The 17th chapter was actually opened on 14th December 2015. Turkey's EU Affairs Minister and Chief Negotiator Volkan Bozkır expressed Turkish deep interest in opening of the five more chapters 15: Energy, 23: Judiciary and fundamental rights, 24: Justice, freedom and security, 26: Education and culture and 31: Foreign, security and defence policy (European Commission, 2016).

All of the five chapters are blocked from political dialogue based on unilateral veto of Cyprus in December 2009 after European Council meeting (Ministry of Foreign Affairs, The Republic of Turkey, 2015). There are still on-going disputes between Turkey and Cyprus on claiming the gas reserves in the Mediterranean Sea which are the main cause of the veto. Furthermore, Turkey refused to apply regulations of the Customs Union on Cyprus (Güney and Tekin, 2015).

In the following part I will analyze what steps are needed to be taken in order to align the Turkish legislative more closely with the *acquis* which is necessary in order to achieve the reactivation of the negotiation process.

It is important to mention, that not only the compliance with the *acquis* is a key to reactivation of the process. The prerequisite for taking the negotiations to the higher level is the solution of the disputes between Turkey and Cyprus. Turkey's recognition of the Republic of Cyprus is necessary in order to remove the political blockage in opening the *acquis* chapters for negotiation and thus bring Turkey closer to become a member of the EU as it was promised in 1999. Otherwise, it can be concluded, that without solving this dispute, that would satisfy both parties, the functioning of the EU would be undermined which is not in favor of the current 28 member states and the acceptance of Turkey as a member state would be unlikely even though it has fulfilled all the membership criteria.

4.3. Chapter 15 Energy

This chapter is considered to be on moderate level of preparation. In the Report on Compliance with the Energy Community *Acquis* done by Energy Community

Secretariat, the Turkish legal system compliance with the *acquis* has approached a very high degree (Energy Community Secretariat, 2015).

The EU and candidate countries are firmly committed the Energy policy for Europe, last updated in 2007, has several important objectives divided into three major packages: Sustainability, Competitiveness and Security of supply. Beneath the sustainability package lays developing competitive renewable resources (Commission of the European Communities, 2006). A good progress can be reported in this field. The Ministry of Energy and Natural Resources has taken an action and formed a new national renewable energy action plan. The aim is to support solar, wind and hydro energy sources (European Commission, 2015). The first solar license was granted by the Energy Market Regulatory Authority of Turkey, established by electricity law from 2001. With the law, another encouragement came in the form of privatization of generation assets under state ownership (Togan, 2005).

The goal of competitiveness brings the effort of opening the market in order to bring benefits to the consumers and the whole economy. To achieve competitiveness, an internal energy market must be established (Commission of the European Communities, 2006). Important progress was made in this matter thanks to organising a wholesale electricity market in Turkey by establishing Energy Markets Operation Joint Stock Company, which will ease creation of liberalised market for electricity (European Commission, 2015).

Good progress was made on security of supply, referring to diversification of sources and holding storages of oil and gas. The 90-day stockpile, described in the *acquis* is largely equivalent to storages of Turkey (Güney and Tekin, 2015). Turkey has been also working on the diversification of energy supply. In April, the Turkish Electricity Transmission Company and the European Network of Transmission System Operators for Electricity signed a long-term agreement on commercial energy exchanges (European Commission, 2015).

4.3.1. Steps Towards Opening of the Chapter 15

In the context of this chapter, Turkey should apply the cost-based tariffs especially on retail prices that are taking into account the regional diversity (Organisation for Economic Co-operation and Development, 2013). The law on acceding to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management must be adopted and in coherence, it should be established a body, that ensures that such legislative and regulatory framework is implemented (International Atomic Energy Agency, 2015).

The monopoly prevailing in the gas market should be removed by adopting a new gas market law. Adopting a new law on nuclear energy and radiation is needed as well as establishing a regulatory authority (European Commission, 2015).

4.4. Chapter 23 Judiciary and Fundamental Rights

Chapter 23 Judiciary and Fundamental Rights is prioritized chapter since 2012, but considered without any recent progress and on the lower level of preparation comparing to the other four chapters analyzed in the thesis (Müftüler-Baç, 2015). The current state of the legislative framework of the Republic of Turkey is highly incompatible with the *acquis*. The Commission found big amount of deficiencies in all areas covered in this chapter i.e. functioning of the judiciary, anti-corruption policy and Fundamental rights. This demonstrative list describes the major issues of concern among the European Commission and their recommendations in order to achieve further progress.

4.4.1. Functioning of the Judiciary

However, there was adopted a 4-year-old strategy pointing out the main deficiency, it is very vague and does not provide any detailed plan how to eliminate particular flaws of the Turkish judiciary system. The HSYK is still not fully independent and transparent as it is meant to be. The Minister of Justice has the same right of veto as the President of HSYK, therefore a political independency is not ensured in this institution. Political independency is critical in this body, because among its competences belongs the right

to issue an arrest warrant for judges and public prosecutors suspected from corruption and other suspected criminals. As next, candidates to become judges and public prosecutors are selected by the Ministry, which implicates high political pressure on the candidates (European Commission, 2015). Seriousness of this situation underlines a statement of Cemil Çiçek, the Speaker for the Turkish Parliament, in which he admits that the law on the independence of the judiciary is not functioning (Müftüler-Baç, 2016).

4.4.2. Anti-corruption Policy

The anti-corruption strategy for the period 2010-2014 and action plan have expired, but the main objectives were not met. It has brought some essential areas to be revised, but Turkey has not amended such legislation yet. Public tenders are still likely to become an opportunity for corruption behaviour, on the lower regional level in particular. The Constitutional Court has neither published its financial audit decisions on the ruling political party AKP's financial accounts. Its supervision on undeclared financing of the parties must be largely improved, because Turkey did not align in full extent with the recommendations on transparency of political party financing (European Commission, 2015). As a tool of encouragement for reporting crimes of such nature, whistleblowers³ protection can become conducive. Absence of this comprehensive law seriously undermines bringing the cases to surface (Wolfe and Worth, 2014).

As regards the public's right to free access to information, there is a thin line between confidentiality and transparency of the work of public institutions due to not adopting legislation on state and trade secrets. Another issue is on-existence of annual reports from courts and lack of database of judicial cases in general. In addition, there is insufficient judicial statistics on corruption missing proper corruption perception surveys (European Commission, 2015).

³ A person who informs on a person or organization regarded as engaging in an unlawful or immoral activity (Transparency, 2016)

4.4.3. Fundamental rights

Several violations of the European Convention on Human Rights (hereinafter referred to as “ECHR”) have been reported. Despite this situation, the action plan for prevention of such violations is not implemented. In addition, victims of serious human rights abuses by law enforcement officials are not fully granted of gaining justice. Turkey has not succeeded in implementing law on mistreatment, conditions in prisons and protection of the right to life and to vote. Relevant judges and prosecutors should undergo relevant judicial training on the ECHR (European Commission, 2015).

The role of the media in controlling the government activities was weakened. Media are often under strong political pressure and are not giving objective reports on current events (Özbudun, 2014). In case of criticism of the authorities, the number of censorship cases, prosecutions and inquisitions has grown (European Commission, 2015). The bill amending laws on Internet and Media are not in favour of European standards, because it is raising challenges in protecting the freedom of expression. The bill on Online Journalism seriously undermines such critical media landscape (Bozkurt, 2015). The UN Human Rights Committee has observed often cases when charges were pressed against human rights defenders, journalist and also minors due to their opinions related to the Kurdish issue (de Londras and Doody, 2015). The power of Turkish government to block websites without court order became nearly unlimited. The government has not published any official statistics of the blocked websites, but it is approximately 80 thousands websites, when only 5% of them were approved by a court (European Commission, 2015).

Particular law on protection on personal data is yet to be adopted, because currently it is inadequately covered in Turkish Constitution and several Codes (Practical Law, 2015). According to the Commission, this is the main obstacle for the visa liberalisation, as well as the failure to strengthen judicial and police cooperation with the EU. The National Human Rights Institution should be politically fully independent and its capacity extended (European Commission, 2015).

Regarding the freedom of thought, conscience and religion, there are still significant gaps present between the Turkish political norms and the EU and ECtHR standard. The right to conscientious objection is not recognized, which seriously concerns the Commission. Despite some introduced reforms, rights of religious minorities remain oppressed (Çınar and Yıldırım, 2014). Ethnic groups and religious groups, especially Roma groups, Christians and Jews, are still facing discrimination, social and economic exclusion and hate crimes caused by society's racism, xenophobia and anti-Semites (European Commission, 2015). Turkey needs to strengthen their policies in promoting tolerance, security and social and economic inclusion of minorities. Going for respect of the minorities' culture, language and rights should be prioritised and implemented to reality by establishing a body introducing a mechanism of combating racism, social inequalities, xenophobia and anti-Semitism (Arcuri, 2013).

Regardless of this situation, Turkey has not yet instituted any particular body dealing with projects combating this behaviour of Turkish society. The legislation must get fully aligned with the *acquis*. Furthermore, country lacks an action plan to prevent violence against children and women and domestic violence in general (European Commission, 2015).

4.4.4. Steps Towards the Opening of the Chapter 23

Many significant gaps are remaining in aligning the field with the *acquis*. As priority, the political independency of HSYK is required. To achieve that, the Minister of Justice should not have the right of veto of the decision of HSYK and other activities towards functioning of the law on independence of judiciary are in place. Certain recommendations regarding the political party's financing that have been given by the EU should be followed, forcing the parties to publish their bank accounts online in particular. At least 60 regulations need to be implemented in order to ensure transparency. Turkey should focus on keeping judicial statistics and making corruption perception surveys. In addition, adopting a law on protection of whistleblowers is necessary to effectively combat corruption. Turkey should again try to more effectively implement law on mistreatment, conditions in prisons and protection of the right to life

and to vote. In order to meet this goal, relevant judges are required to undergo a certain professional training (European Commission, 2015).

The biggest challenge in Turkish legislation is to adopt the law on protection of personal data harmonised with the *acquis*. Protecting the privacy of individuals is seen as one of the priorities of the EU. Absence of this law in Turkish legislative system is hampering further cooperation of the parties by the means of visa liberalisation and Eurojust (Tekin, 2014).

Turkey is invited to revise the bill amending the laws on Internet and Media and on online journalism, because they seem to be towards suppressing the freedom of expression (Bozkurt, 2015). The same concern comes with government's blocking of the websites. These actions must not be motivated by political interests and should be preceded only with the approval of a court.

Furthermore, child labour is needed to be put an end to as soon as possible. The Optional Protocol to the Convention on the Rights of the Child needs to be ratified. Simultaneously, a body combating racism, social inequalities, xenophobia and anti-Semitism is needed to be established.

4.5. Chapter 24 Justice, Freedom and Security

However, the previous chapter 23 and this chapter have a lot of in common and are interdependent; the Justice, Freedom and Security chapter is on higher stage of compliance with the *acquis*. It is moderately prepared mainly because of the Turkish effort to deal with the "refugee crisis" by introducing the Joint EU-Turkey Action Plan for migration management (European Commission, 2015). In spring 2014, the Law on Foreigners and International Protection came into operation (European Commission, 2014). Needless to say, this law remains to be better implemented. Later in fall, Turkey, struggling with an increasing Syrian population on their territory, has adopted a regulation that is temporarily protecting the refugees from Syria and is enabling them to use health, social and education services except from applying for asylum in the country when only under temporary protection (European Commission, 2015). Unfortunately,

the measures taken by Turkish government are not covering all the needs of the refugees and significant gaps are remaining in the matter of allowing the refugees under temporary protection to legally work in Turkey. However, the Syrians were granted a work permits in January 2016; very few people can actually meet the requirements in order to get them (Kingsley, 2016).

The visa between the EU and Turkey are not liberalised yet. In December 2013 there was set a so-called roadmap consisting of preconditions needed to complete the liberalisation. Turkey and the EU has signed the readmission agreement but has not succeeded in the implementation of this agreement towards Greece. The visa to Turkey can be now obtained online, but it is unsuccessfully harmonised with the system (European Commission, 2014). The whole system should be adjusted because of the necessity to hamper the third-countries citizen's intention to get to the EU using Turkey as transfer country (European Commission, 2016). In addition, the EU finds discriminating a fact, that citizen of Cyprus are forced to choose "Greek Cypriot Administration of Southern Cyprus" as their country of origin since there is no "The Republic of Cyprus" option available. This, theoretically, can make the e-visa invalid for the citizens from Cyprus and therefore they are not treated equally as other EU member states (Evrpidou, 2014).

Turkey should better manage border control, especially by checking the passports with regard and sharing the information with particular EU authorities (European Commission, 2015). It is advised to establish an authority dealing with detecting false documents, keeping statistical data and managing the implementation of cooperation plan for the period 2014 to 2016 signed by Turkey and Frontex⁴ (European Commission, 2014). As for the sea borders, Turkey has started some operations in the Aegean and Mediterranean Sea, but they have not been proven effective (European Commission, 2015).

⁴ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

4.5.1. Judicial Cooperation in Civil and Criminal Matters

Judicial cooperation in criminal matters remains weak due to plenty of unsigned or unimplemented legal documents. The draft law on international judicial cooperation in criminal matters has not yet been adopted, additional protocols to European Conventions on Mutual Assistance in Criminal Matters, on Extradition and on Transfer of Sentenced Persons needs to be either signed or ratified (European Commission, 2015). Almost seventy laws on human trafficking are waiting to be aligned with the *acquis*. Again, the absence of Personal Data Protection law makes it very difficult to open up the negotiations for a cooperation agreement with Eurojust⁵ (European Commission, 2014).

Judicial cooperation in civil matters can be supported by Turkey becoming a party to the 1996 Hague Convention on Parental Responsibility and Measures for the Protection of Children as well as by ratifying the European Convention on the Compensation of Victims (European Commission, 2015).

4.5.2. Fight Against Organised Crime and Terrorism

Turkish effort in fighting with organised crime is considered successful. In spite of the adoption of a national strategy against drugs for the period 2013-2018, Turkey is continuing to report successful detection of drug smuggling activities and it is now participating in the European Monitoring Centre for Drugs and Drug Addiction.

As for combating the terrorism, Turkey has remarked some improvements. The dialogue with the EU about fighting against terrorism is being active, but understanding the threat of terrorism sometimes differs from the point of view of the EU (European Commission, 2015). Nevertheless, Turkey has signed the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism in 2007, but the ratification and implementation of this Convention has not taken place yet (Council of Europe, 2016). Again, the absence of the law on Personal

⁵ The European Union's Judicial Cooperation Unit

data protection is narrowing the cooperation between Turkey and the EU authorities (European Commission, 2015).

4.5.3. Step Towards the Opening of the Chapter 24

Although Turkey has adopted the Law on Foreigners and International Protection, additional efforts in implementation are needed. Significant efforts are required to implement the readmission agreement towards Greece. Improving the e-visa system is in place to enable Cypriots to choose Cyprus as their country of origin. This is connected to the disputes between Turkey and Cyprus on a general level.

Nevertheless, several laws remain to be fully adopted and aligned with the *acquis*:

- Law on international judicial cooperation in criminal matters,
- Additional protocols to European Conventions on Mutual Assistance in Criminal Matters,
- Additional protocols to European Conventions on Extradition and on Transfer of Sentenced Persons.
- Laws on human trafficking aligned with the *acquis*.

Turkey is invited to become a party to 1996 Hague Convention on Parental Responsibility and Measures for the Protection of Children as well to ratify the European Convention on the Compensation of Victims (European Commission, 2015).

Essential is to ratify and well implement the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism; however, understanding of terrorism remains to be an issue of different points of view, e.g. Turkish non-recognition of Hamas⁶ as a terrorist organization.

⁶ Hamas was by Israel, Egypt, the USA, the EU and Japan labelled as a terrorist organization which is striving for an Islamic fundamentalist Palestinian state (CNN, 2012).

4.6. Chapter 26 Education and Culture

A negotiation position paper was already submitted to the EU (Ministry for EU Affairs Republic of Turkey, 2015). According to a report from 2015, Turkey is moderately prepared and has made some progress in the field Education and culture. Nowadays, Turkish students are enabled to participate in education exchange program Erasmus+, which is a great instrument how to improve their skills and knowledge, which is leading to better default position on a job market for graduates (European Commission, 2015).

Important benchmark is the Bologna Process consisting of several meetings oriented at European higher education to make it more attractive (European Higher Education Area, 2014). There are particular fields like European Credit Transfer and Accumulation System (ECTS) or Qualifications Framework (QF) composed of defined learning outcomes (The Council of Higher Education, 2010). Both of these lines of action were finalized and adopted by Turkey. Notwithstanding such progress, important gaps in the Turkish education system are still remaining. Country lacks an effective national strategy combating absenteeism that keeps being high. In addition, gender imbalance resulting from children leaving school is notable. Furthermore, the inclusion of disabled children and Roma children needs to be enhanced.

Turkey's expenditures on education are approximately on the level 3.19% of GDP, while the EU spends 5.3% (Eurostat, 2016). As for government financing, legislation on funding filmmaking industry and theatre scene should be implemented (European Commission, 2015).

4.6.1. Steps Towards the Opening of the Chapter 26

In the context of education, many challenges lie ahead of Turkey. Country lacks a national strategy on absenteeism and inclusion. Rising government's spending on Education is welcomed. Adopting legislation on funding filmmaking industry and theatre is at place. Ratifying the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is necessary as well as reconsideration of the

obligatory certificate for screening films, which may cause violation of freedom of expression and artistic rights (European Commission, 2015).

4.7. Chapter 31 Foreign, Security and Defence Policy

This chapter is considered to be moderately prepared mainly thanks to ongoing political dialogue between Turkey and the EU when Turkey has respected 16 out of 40 EU's declarations (European Commission, 2015). Therefore it can be concluded, that Turkish foreign policy has gone through Europeanization process that has been contributing to positive change in Turkish relations with ambient countries; however, strengthening the international relations is not just resulting from this process. The policies towards the Middle East have changed under the rule of AKP (Terzi, 2016). Relations with Iran and Iraq have developed notwithstanding their alliance with the Houthis⁷, which is in the opposition of Saudi-Arabia-led intervention⁸ in Yemen that Turkey is supporting. Cooperation with Pakistan and Afghanistan had been worked on. On the other hand, the situation with Israel and Egypt has not been brightened up as Turkey continues to communicate with Hamas which Turkey has not classified as a terrorist organization. In addition, relations with Libya's internationally recognized government remain strained (European Commission, 2015). The Prime Minister Abdullah al-Thinni said: *"Turkey is a state that is not dealing honestly with us. It's exporting weapons to us so the Libyan people kill each other"* (Reuters, 2015).

⁷ The term Houthis refer to rebel group participating in the still on-going 2015 Yemen Civil War that have overthrown the Yemen President Abdrabbuh Mansour Hadi (BBC, 2015).

⁸ This intervention was done in order to influence the still on-going 2015 Yemen Civil War towards assisting the government of the Yemen President Abdrabbuh Mansour Hadi (US News, 2015).

On the contrary, Turkey keeps to maintaining good relations with Ukraine. It is in favour of Ukraine - EU Association agreement⁹. Despite this fact, Turkey did not follow the EU's decision on imposing restrictions on Crimea (European Commission, 2015). As a result from several events in 2015, the relations with Russia have become intense. Unfortunately, solving the issue between these two countries remain not in sight (Hacıoğlu, 2016).

4.7.1. Steps Towards the Opening of the Chapter 31

Turkey should in general to align itself more deeply with the Council decisions the EU declarations (24 are currently remaining). Unfortunately, Turkey did not follow the EU's embargo imposed on Crimea and neither has signed the statute of International Criminal Court. Turkey should bring into practice their official support of the UN's efforts in Libya. As for Armenia, the protocols aiming for normalization of relations issued in 2009 needs to be ratified (European Commission, 2015).

4.8. Feasible Development in the Future

What needs to be repeated, there should be significant effort from both sides in order to speed up the negotiations. At first, Turkey has applied in 1987 for the full membership and it has not backed down when getting to know the Copenhagen criteria issued in 1993. Therefore it can be concluded, Turkey should continue in its effort in meeting the criteria, i.e. aligning its legal system with the *acquis*. At second, during the Summit of the Council of the EU in 2002, Turkey is granted a membership on the condition of fulfilling the criteria (Council of the EU, 2003). Furthermore, it was explicitly encouraging Turkey to take action towards aligning with *acquis*, as it is the crucial matter. In spite of these conclusions of this particular presidency, the EU should put these verbal recommendations into practice by opening the negotiations of all chapters when their level of preparation is sufficient.

⁹ The Association Agreement is an official document based on association of political and economic cooperation between the EU and Ukraine (European External Action Service, 2015).

5. SURVEY – TURKEY JOINING THE EU

The purpose for conducting the survey called “Turkey joining the EU” was to answer hypotheses number two and three; namely:

2. More than three quarters of Turks want to join the European, but significantly less Turks believe that it will happen.
3. The Turks do not know the accession criteria and more than half of them do not believe in fulfilling them.

5.1. Methodology

In my way of thinking, the public opinion in Turkey and the Czech Republic is important and can influence the pace of the accession negotiations because of my following presumptions:

- According to V. O. Key, Jr., the public opinion has a link with the government system and that the vote is choosing according to a rational thinking (Britannica, 2016). Regarding this statement I believe that Turkish AKP’s government will act in order to satisfy the citizens of Turkey in order to ensure their vote in the next parliamentary elections.
- More than a half of the EU member states had joined the EU after they held a referendum (Euroskop, 2016). Based on this experience it is possible that Turkey will hold a public referendum before the accession to the EU, where the citizens will decide about the accession.
- When it will come to voting about Turkish enlargement, the accession treaty must be signed and ratified by the acceding country and by each of the EU countries, including the Czech Republic (Eur-Lex, 2015). Again regarding the statement of V. O. Key, Jr., it can be assumed that the Czech government will act in order to satisfy the citizens of the Czech Republic in order to ensure their vote in the next parliamentary elections.

At the turn of April and May 2016 I have published the survey by using the internet domain www.surveymonkey.com which I have found suitable for this type of research. The survey was conducted in three languages, English, Czech and Turkish. The English version is only a working version used for the purpose of this thesis and as a document meant for translation to Czech and Turkish language. The Czech version was aimed at Czech citizens; the Turkish version was aimed at the Turkish ones. It was distributed on the grounds of social media Facebook via Groups and sharing among my contacts. The contacts I have gained during my studies on the Faculty of Regional Development and International Studies and during my Erasmus+ Exchange study period spent on the Adnan Menderes Üniversitesi in Aydın, Turkey.

5.2. Characteristics of the Sample

The respondents were chosen on the grounds of their falling within the group of people with a status of a student or academic worker. They possess the prerequisite of basic knowledge. In addition, they were chosen by their nationality, Czech and Turkish. From the total amount of respondents, 200 respondents are Czech nationality and 200 respondents are Turkish nationality.

Apart from the questions related to the Turkey joining the EU, the respondents were asked questions about their personal data; Sex, Age and Occupation. All these three are the independent variables.

5.2.1. Czech Nationality

From the total amount of respondents from 64.5% of them were women. The average age of the respondents is 23 years and median average age is 22. 160 of the respondents are students. Regarding the way of reaching the respondents, it can be said, that the students are mainly focused on international relations, regional development and business administration.

5.2.2. Turkish Nationality

From the total amount of respondents from 36% of them were men. The average age of the respondents is 25 years and median average age is 23. 76% of the respondents are students. Regarding the way of reaching the respondents, it can be said, that the students are mainly focused on international relations or business administration.

5.3. The Survey

Turkey joining the European Union

Nationality

Czech Turkish Other

Sex

Female Male

Age

Occupation

Student Academic worker Other

1. Are you in favour of Turkey joining the EU?

Yes No I don't know

2. Do you believe that Turkey will join the EU?

Yes No I don't know

2.1 IF YES: In what time horizon you believe so?

Less than 5 years 5-10 years 10-20 years More than 20 years

2.2 IF NO: Why?

Turkey will not fulfil the membership criteria

Turkey will not further want to be the member of the EU

The current member states will not accept Turkey

Other (please specify) _____

3. Do you know the conditions for membership in the EU?

Yes No Only some of them

3.1 IF YES: From where did you learn about these conditions?

School Internet Family or friends TV, radio or newspapers

3.2 IF NO: Are you planning to get to know them in future?

Yes No, I am not interested

4. If Turkey joins the EU, who would get the benefit from it according to you?

Turkey EU Both parties None of the parties

4.1 IF TURKEY: What will be the most significant advantages of this accession according to your opinion? (Please choose maximum of 2 answers.)

Decrease of unemployment due to new job openings at international firms that will enter Turkish market

Inflow of EU's subsidies to Turkish budget due to the right to access to the EU funds

More opportunities for Turkish students in the terms of education (more opportunities in the Erasmus+ program, etc.)

Stabilization of democracy in Turkey because of harmonization of the legal system with the EU

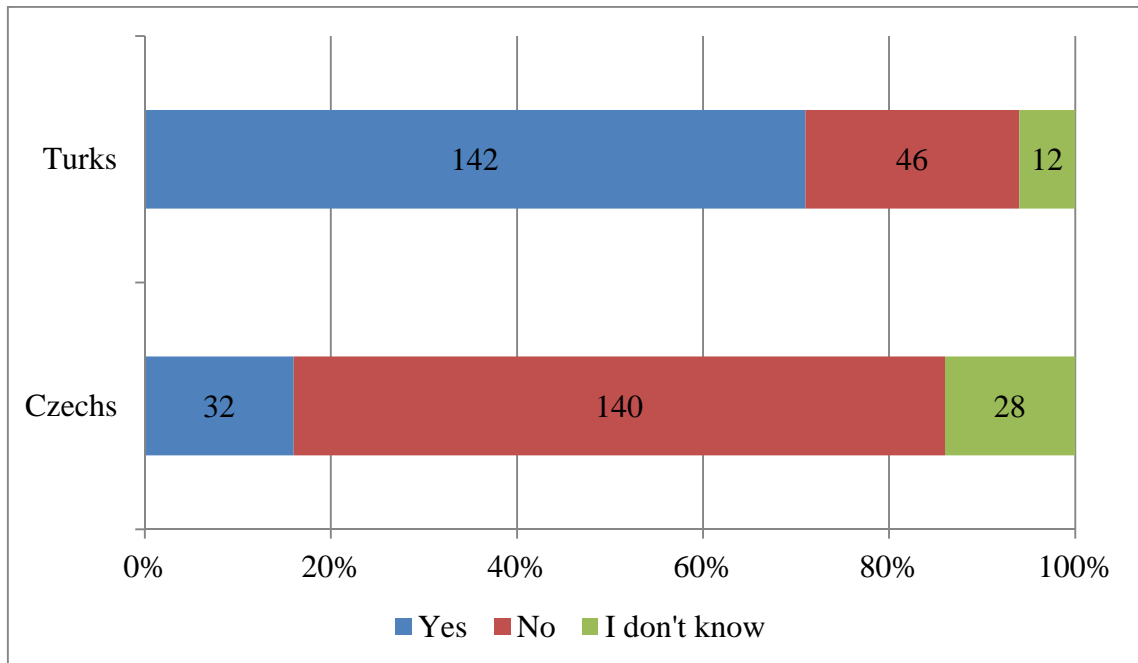
Increased competition in all sectors of economy (wider range of goods with better quality)

Other (please specify) _____

5.4. Partial Results

5.4.1. Question 1 Are you in favour of Turkey joining the EU?

Chart 4: Question 1 – Survey Results

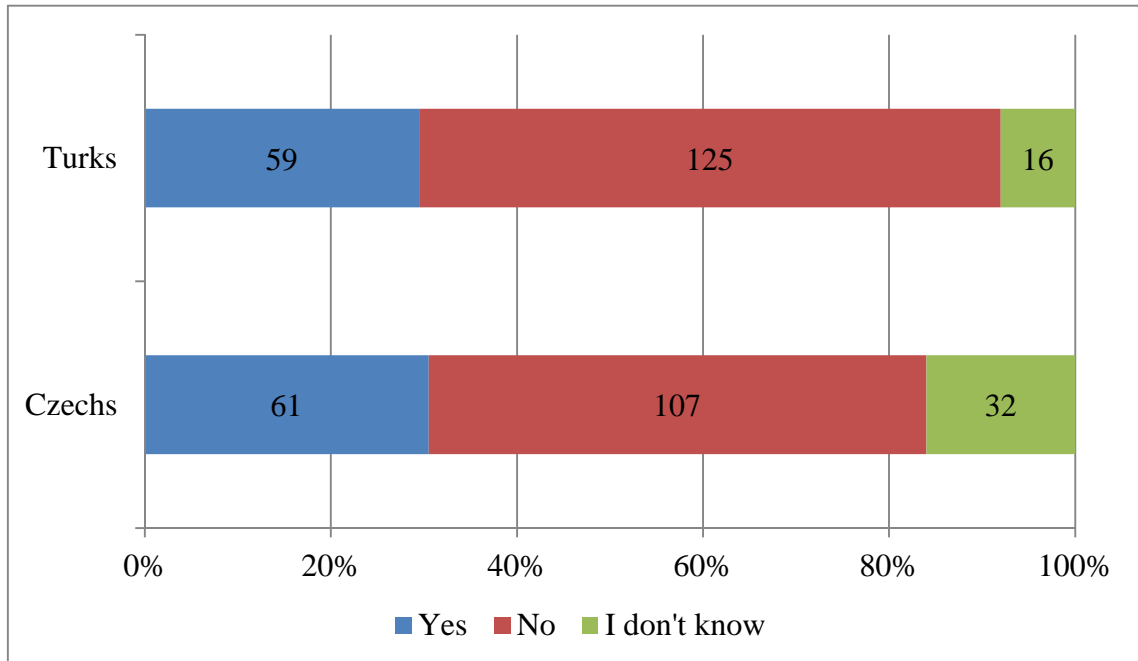


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

The first question was concentrating on the main idea whether the respondents are in favor of the enlargement or not. According to the Chart 4, we are able to conclude, that 70% of the Czech respondents are against Turkey joining the EU. Only 14% of the Czech respondents said yes to the accession. On the other hand, 71% of Turkish respondents are in favor of the accession and just 23% of the Turkish respondents are against.

5.4.2. Question 2 Do you believe that Turkey will join the EU?

Chart 5: Question 2 - Survey Results



Source: Author, data collected from the survey conducted 27th April – 10th May 2016

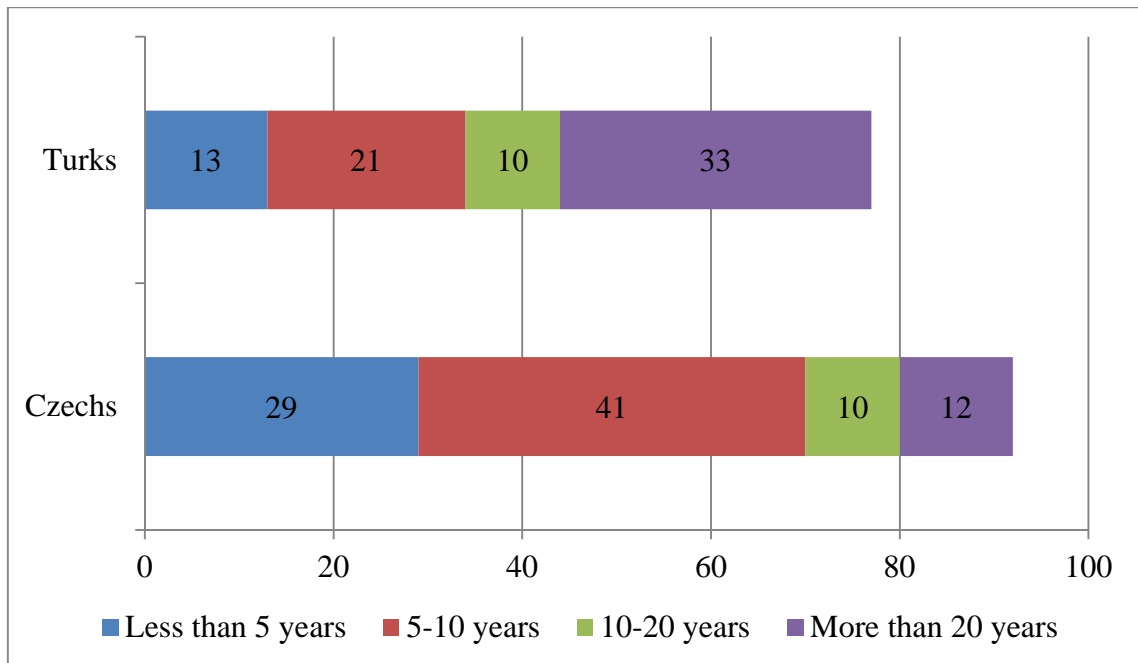
According to the Chart 5, only 30.5% of the Czech respondents believe that Turkey will join the EU. On the contrary, it is twice more Czech respondents who are in favour of the accession (Chart 4). It can be argued, that reason for higher number of the Czech respondents is that they believe that Turkey will meet the accession criteria eventually and regardless their personal disinclination they believe Turkey will become a member.

According to the Chart 5 **Chyba! Nenalezen zdroj odkazů.**, 36% of Turkish respondents believe, that Turkey will become a member of the EU. Even though it is more than in the case of the Czech respondents, it is a serious decline comparing to the amount of Turkish respondents who are in favour of the accession (Chart 4). It can be argued, that this decline originates from disbelief of meeting the accession criteria or it can originate from the assumption, that the EU member states are not in favour if this enlargement. Such assumption might be based on the negative experience from the history of the negotiations described in the third chapter of this thesis.

5.4.3. Question 2.1: IF YES: In what time horizon you believe so?

5.4.3. Question 2.1: IF YES: In what time horizon you believe so?

Chart 6: Question 2.1 - Survey Results

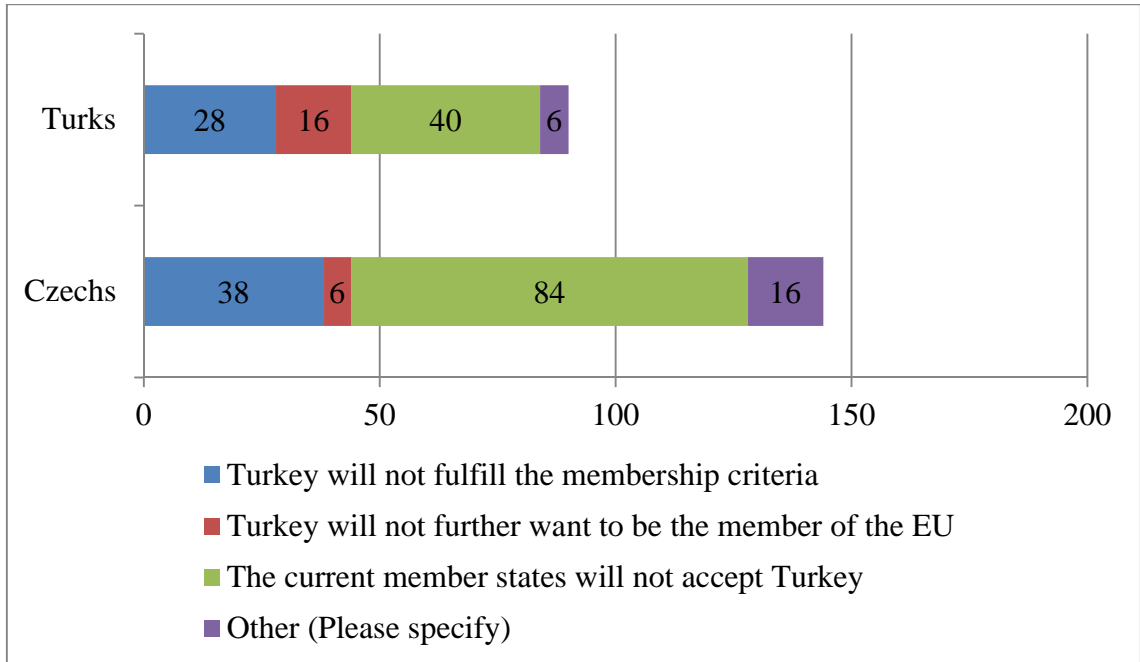


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

Respondents, who have positively answered the Question 2, were enabled to express their opinion about in what time horizon they believe that Turkey will become a member. On the Chart 6 there is depicted, that most of the Turks believe, that Turkey will not become a member earlier than in 20 years. It corresponds to the result of previous question about their belief whether they will become members or not when the answers were also mostly negative. Due to the fact that more Czechs believe in the enlargement (Chart 5), they remained again more positive and 31.5 % of them believe in a quick accession within 5 years. 44.6% of them believe that Turkey will join the EU in the horizon 5-10 years.

5.4.4. Question 2.2: IF NO: Why?

Chart 7: Question 2.2 - Survey Results

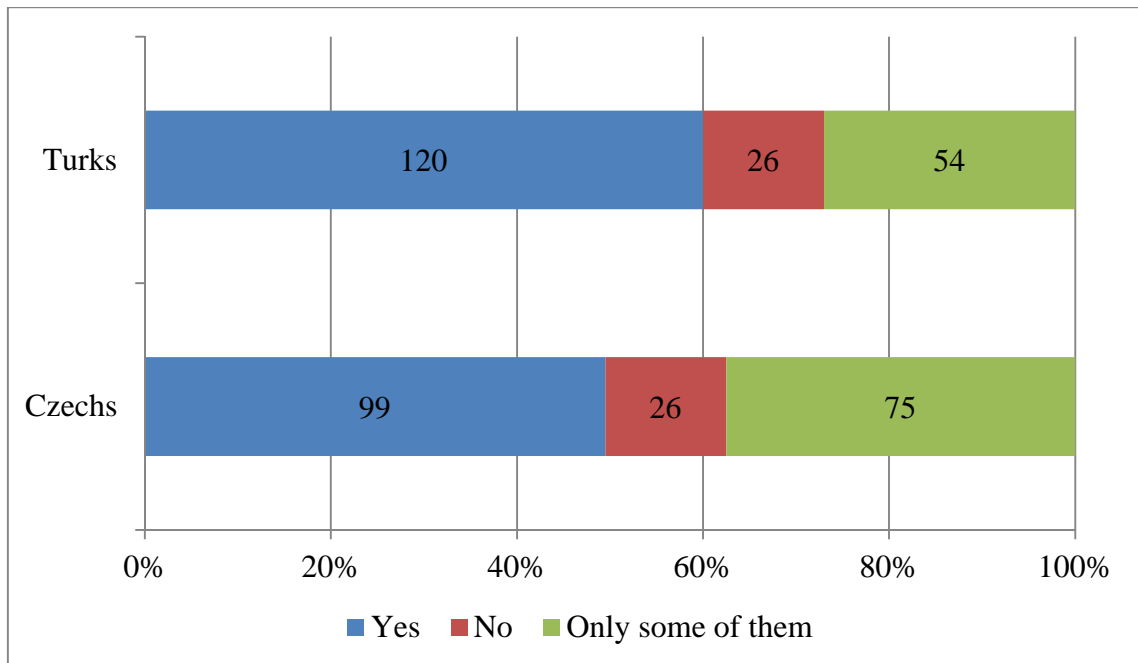


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

The Question 2.2 was meant for respondents who answered the Question 2 negatively. According to the results depicted on the Chart 7 we are able to find out what is hiding behind their negative position. 59.2% of Czech respondents say that Turkey will not join the EU because of the current member states will not accept Turkey, i.e. the accession treaty will not be signed and ratified by all of the EU countries. It is more respondents than those who see the failure in the enlargement in unfulfilled membership criteria. 44,4% of Turks have chosen the answer “The current member states will not accept Turkey” as well. Only six Turkish respondents and 16 Czech respondents decided to answer by typing their own comment. Verbal responses written by Turkish participants could be generalized as “unwillingness of Turkish society to be dependent on the EU”. Verbal responses of Czechs could be summarized as “Islamization of Turkey and suppression of democracy and human rights”.

5.4.5. Question 3: Do you know the conditions for membership in the EU?

Chart 8: Question 3 - Survey Results

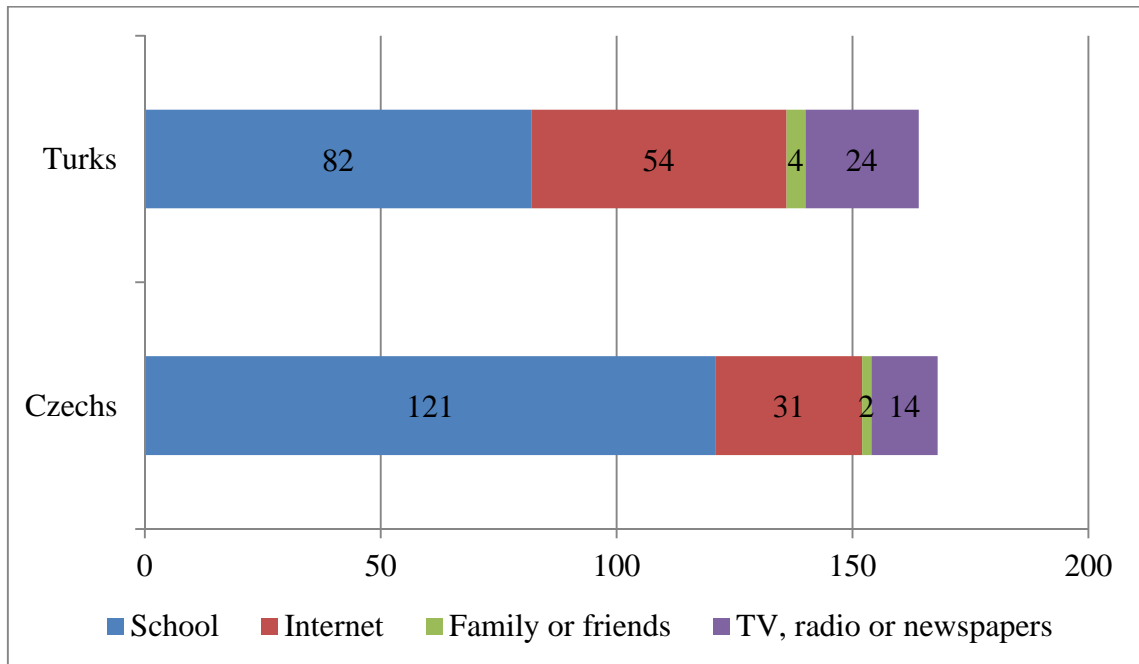


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

The next question was concentrating on the awareness of the membership criteria. According to the results of Question 3 depicted on the Chart 8, more Turkish respondents believe they know the conditions for membership than Czech respondents do. It is important to mention, that there can be detected only a thin line between the answer “Yes” and the answer “Only some of them”. When comparing the respondents according to their nationality, we can conclude, that both of the nationalities are aware of the membership criteria. Only 13% of total respondents have admitted that they do not know the conditions.

5.4.6. Question 3.1: IF YES: From where did you learn about these conditions?

Chart 9: Question 3.1 - Survey Results

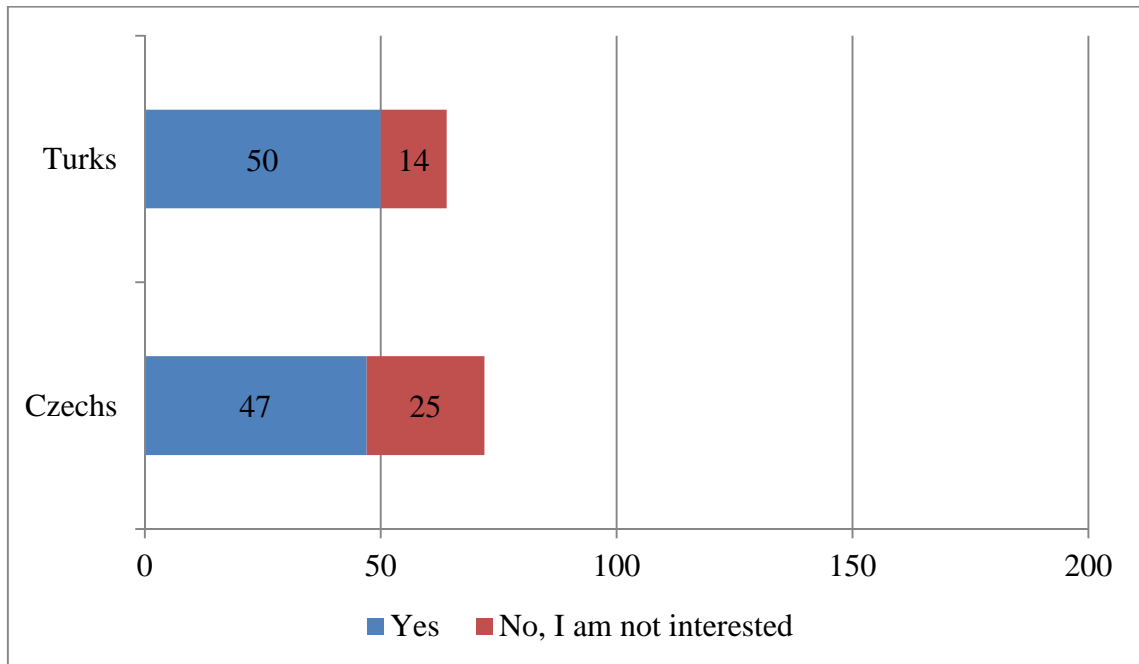


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

Participants, who have answered previous question positively, were enabled to say from where they have learned about the membership criteria. Chart 9 is clearly showing that school has provided the knowledge about the criteria to the most of the participants, specifically to 72% of Czechs and 50% of Turks. The Internet plays a secondary role in providing the information. It has been found out, that only very few people are taking the information from the media (TV, radio or newspapers).

5.4.7. Question 3.2.: IF NO: Are you planning to get to know them in future?

Chart 10: Question 3.2 - Survey Results

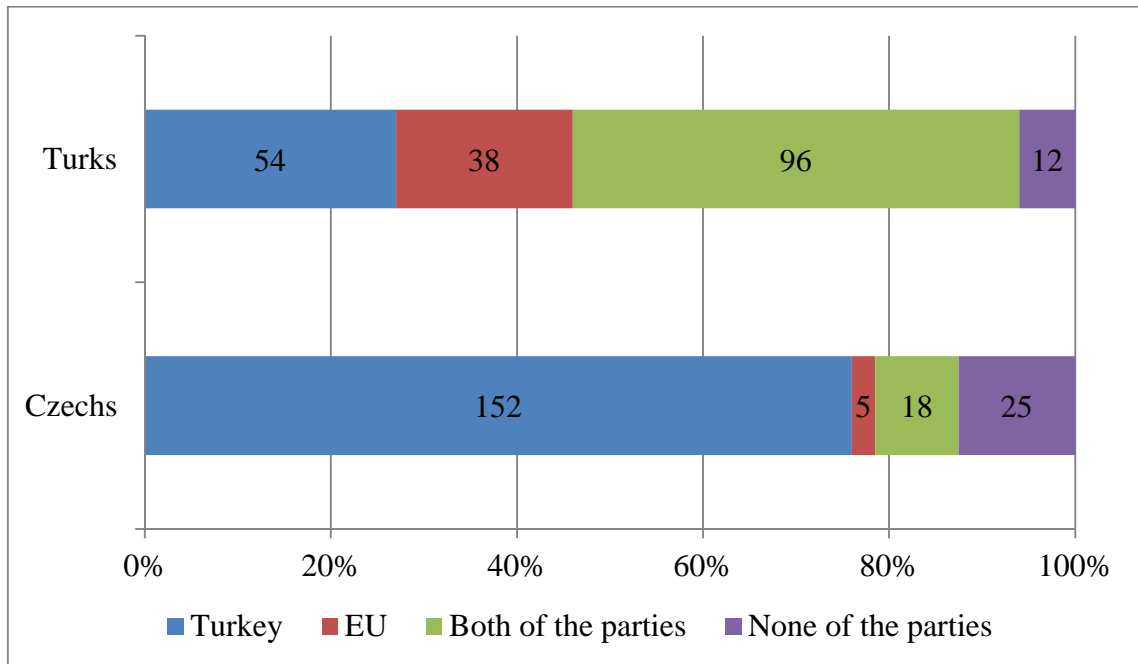


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

Chart 10 is depicting results from a complementary question, whether those respondents who are not aware of the membership criteria are planning to get to know them in future. Czech and Turks are showing the same positive interest. It can be argued, that the Turkish accession is not a fading topic and it still attracts people's attention. In addition, it can be argued, that it is demonstrating a positive trend in focusing on the membership criteria rather than on the political point of view.

5.4.8. Question 4: If Turkey joins the EU, who would get the benefit from it according to you?

Chart 11: Question 4 - Survey Results

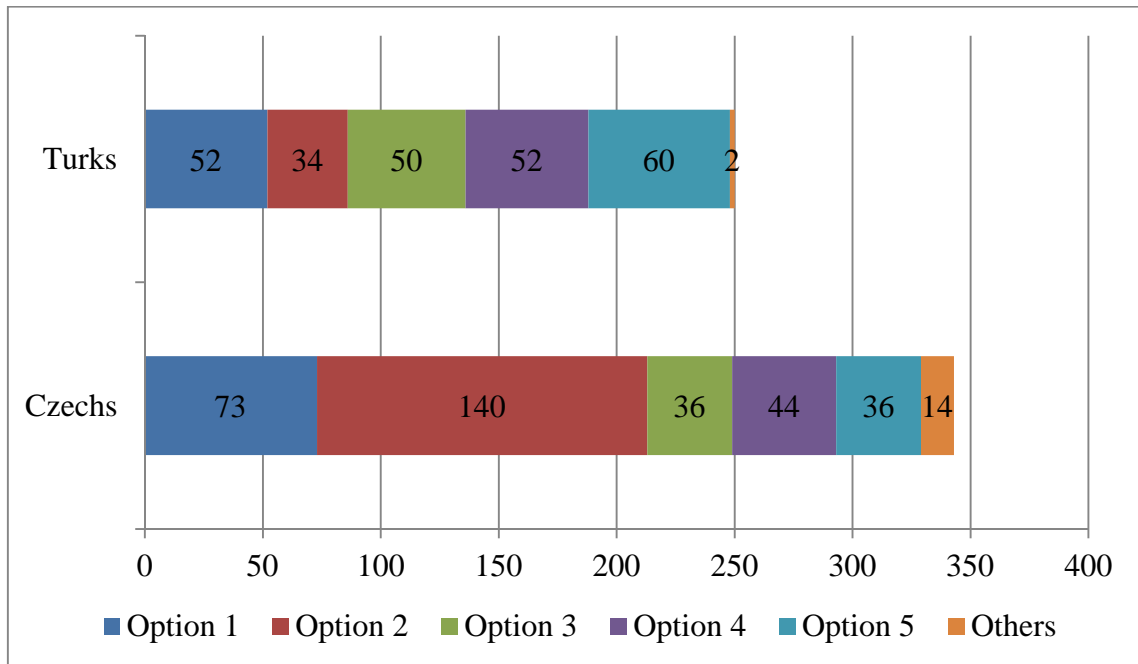


Source: Author, data collected from the survey conducted 27th April – 10th May 2016

Question 4 was asked in order to find out for whom the enlargement would be most beneficial. Only 6% of Turks and 12.5% of Czechs think that the element would not benefit anybody. According to the Chart 10 we are able to conclude that the opinion of Czechs and Turks are varying. 76% of Czechs are saying that Turkey is the party who will get the most benefit from the accession. The overwhelming minority, only of 2,5% of Czechs believe that the EU would profit the most. Looking at the data gained from Turkish respondents, almost half of the participants believe, that the accession would benefit both of the parties. On the other hand, 27% of them are admitting, that this enlargement would benefit only Turkey. On the contrary to the Czech participants, significantly more people believe that Turkey joining the EU would benefit only the EU.

5.4.9. Question 4.1: IF TURKEY: What will be the most significant advantages of this accession according to your opinion?

Chart 12: Question 4.1 - Survey Results



Source: Author, data collected from the survey conducted 27th April – 10th May 2016

Question 4.1 is complementary to the previous question and was meant for participants, who answered “Turkey” in the Question 4. On the Chart 12 there are depicted results for Option 1-5, which are namely:

Option 1 - Decrease of unemployment due to new job openings at international firms that will enter Turkish market

Option 2 - Inflow of EU's subsidies to Turkish budget due to the right to access to the EU funds

Option 3 - More opportunities for Turkish students in the terms of education (more opportunities in the Erasmus+ program, etc.)

Option 4 - Stabilization of democracy in Turkey because of harmonization of the legal system with the EU

Option 5 - Increased competition in all sectors of economy (wider range of goods with better quality)

72% of Czechs assume that the biggest advantage for Turkey would be an inflow of EU's subsidies to Turkish budget due to the right to access to the EU funds (Option 2). Turks are not that much convinced about this advantage; only 27.4% of them have chosen this option. Turkish participants are mostly in favour of the Option 5, because 48.4% of them believe that entrance to the EU will bring them wider range of goods with better quality.

Second most popular answer of the Czech participants was Option 1. 37.8% of Czechs think that the enlargement would have positive effect on the unemployment in Turkey. When focusing on the Turkish respondents, Option 1 was equally represented as Option 4. 18.7% of Turks assume that the accession will have a positive effect on the unemployment as well as on the stabilization on democracy. This confirms the fact, that Turkey is obligated to align the Chapters 23 Judiciary and Fundamental Rights and 24 Justice, Freedom and Security with the *acquis*, which is based on the democracy and rule of law.

Regarding the Option 3, only one quarter of Turkish respondents see the advantage in the terms of education. It can be argued, that based on the fact, that the chapter 26 Education and Culture is already on the moderate level of alignment, as described in the chapter 4.6 of this thesis, the Turkish respondents are already using the benefits in the terms of education and do not expect any further significant improvements or changes.

6. CONCLUSION

6.1. Summary of the Thesis

This Bachelor thesis is concentrating on the negotiation process of Turkey joining the EU. Due to the Turkey's geographical location, history and political culture the accession is not simple and requires a lot of effort. Turkey is obligated to meet the accession criteria. In order to meet them, Turkey must align their legal system with the legal system of the EU called *acquis communautaire*, divided into 35 chapters. This thesis is focusing on the current trends in the negotiations and therefore the five specific chapters of the *acquis* were analyzed in details. These five chapters are nowadays being blocked from negotiating on the grounds of political disputes and Turkey is demanding to open them in order to speed up the 50-year-lasting accession process. The five chapters are namely: 15: Energy, 23: Judiciary and fundamental rights, 24: Justice, freedom and security, 26: Education and culture and 31: Foreign, security and defence policy (European Commission, 2016).

In the first chapter, Turkey is described in the terms of its geography, history, geopolitical importance and current political situation. The second chapter deals with the history of the negotiation process started in 1959. The first attempts of Turkey to be a member of the EU are described as well as the history of relations with the EU and lastly the current state. In the third chapter there is the general enlargement process of the EU described. More importantly, the current state of fulfilment of the membership criteria in the case of Turkish accession is summarized. All of the five upper mentioned chapters are examined in details, regarding their level of preparation in aligning with the *acquis*. The key document in assessing the level of preparation is the Report on Turkey 2015 written by the European Commission. In the last chapter the results from the survey "Turkey joining the EU" conducted 27th April – 10th May were analyzed.

6.2. Hypotheses Verification

The aim of the thesis was to answer three hypotheses made before elaboration of this thesis. In order to answer the hypothesis one, the analyses of the compliance of 5 chapters with the acquis was used. Hypotheses two and three were verified based on the results of the Survey analyzed in the last chapter of the thesis.

Hypothesis one was successfully confirmed, hypothesis two was confirmed only partially and hypothesis three could not be confirmed.

6.2.1. Hypotheses One

1. When considering the five currently-discussed chapters of acquis (Judiciary and fundamental rights, Justice, freedom and security, Education and culture and last Foreign, security and defence policy) Turkey lacks essential laws to be adopted and well implemented in order for the chapters to be well-advanced and ready to be provisionally closed.

Based on the analyses of the compliance of the 5 chapters based mainly on the information from the Report on Turkey 2015 I have found out that each chapter lacks essential laws and conventions to be adopted, ratified or implemented.

Chapter 15 Energy lacks new gas market law and a new law on nuclear energy and radiation. The law on acceding to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management must be adopted as well.

Chapter 23 Judiciary and Fundamental Rights is subject of serious concerns due to independency of HSYK and political pressure ensuing from corruption and unclear financing of the political parties. At least 60 regulations need to be implemented in order to ensure transparency. In association with that, law on protection of whistleblowers is need as well. A severe shortage is not adopting the law on protection of personal data. In addition, the laws on Internet and Media and on online journalism

need to be revised because they can endanger freedom of expression. Turkey lacks ratification of the Optional Protocol to the Convention on the Rights of the Child.

Chapter 24 Justice, Freedom and Security needs to be further aligned in the terms of Law on international judicial cooperation in criminal matters, Additional protocols to European Conventions on Mutual Assistance in Criminal Matters, Additional protocols to European Conventions on Extradition and on Transfer of Sentenced Persons and Laws on human trafficking aligned with the acquis.

Chapter 26 Education and Culture lacks national strategy on absenteeism and inclusion. Ratifying the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is necessary.

Chapter 31 Foreign, Security and Defence Policy lies in questions mainly because of not signing the statute of International Criminal Court or not ratifying the protocols aiming for normalization of relations with Armenia. Furthermore, Turkey is not bring into practice their official support of the UN's efforts in Libya.

In conclusion, hypotheses one can be confirmed, because of upper-listed shortages in each chapters.

6.2.2. Hypotheses Two

More than three quarters of Turks want to join the European, but significantly less Turks believe that it will happen.

According to the Chart 4 71% of Turkish respondents answered that they are in favor of the accession. The percentage is not equal to three quarters, therefore this part of hypotheses two is cannot be confirmed; even though the estimation was not that different from the actual result.

Results depicted on the Chart 5 are showing, that only 36% of Turks actually believe, that Turkey will become a member of the EU. In spite of the fact, that it is almost half people less than who are in favor of the accession, it can be concluded, that the

difference between the results of Question 1 and Question 2 is significant and this part of hypothesis two can be confirmed.

In conclusion, the hypotheses two can be confirmed only partially.

6.2.3. Hypothesis Three

The Turks do not know the accession criteria and more than half of them do not believe in fulfilling them.

According to the results showed on Chart 8 based on answers of Question 3 we were able to find out, that 60% of Turks think that they know the accession criteria. In addition, 27% of them have answered that they believe they know at least some of them. Regarding these results, it can be concluded, that Turks know the accession criteria and this part of hypotheses three cannot be confirmed.

Question 2 was concentrating whether the participants believe that Turkey will join the EU or not. 62.5% of Turkish respondents do not believe so and they were enabled to answer Question 2.2 IF NO: Why?; and the results are demonstrated on the Chart7. Only 31.1% of Turkish respondents assume that Turkey will not become a member due to unfulfilling the member ship criteria. In spite of the fact, that 31.1% is not more than half of the respondents, this part of hypothesis three cannot be confirmed as well.

In conclusion, hypothesis three cannot be confirmed.

6.3. Recommendations

Regarding the assignment of this Bachelor thesis, the document has several limitations. At first, the topic was reduced to detail analyses of only 5 of the 35 chapters of the acquis that are reflecting the current trends of the negotiations. As depicted on the Chart 2, twelve chapters are still waiting to be opened for negotiations and their detailed analyses should be done in order to assess the level of preparation as a whole. At second, due to the limitation of the date of thesis submission, the thesis is dated till the 30th April 2016. Next year at the same time the process can be already on higher level

and new circumstances can occur. It is appropriate to actualize the research from now on. At third, in the terms of conducting survey, broader spectrum of respondents can be addressed to participate in order to further increase the informational value.

Despite the mentioned limitations, the purpose of this bachelor thesis was to put the base for the further research in the terms of Turkey joining the EU. It is important to not only follow the relations between the parties but also the legal aspects regarding the fulfilment of the given membership criteria that are at the end crucial matters when evaluating the state based on their level of preparation to join the Union.

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