

# THE END OF TURKEY'S EUROPEANIZATION?

*Turkey's Europeanization process has lost its dynamism since late 2005 at least partly because of the EU's ambiguous attitude toward Turkish membership, which damaged the EU's credibility and therefore the legitimacy underpinning its policy of democracy promotion. This article critically examines the evolution of Turkey's accession to the EU, and the latter's performance in democracy promotion. After a brief review of EU formal reports and declarations, the article analyzes the main shortcomings in Turkey's democratization-cum-Europeanization process. It argues that the evolving nature of EU expectations, its perceived double standards, and growing opposition of some Western European countries to Turkey's accession contributed to the weakening of EU's democracy promotion in Turkey.*

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**G**iven the importance of the ideational and strategic value Turkey attached to the West, the recognition of Turkey's EU membership bid at the Helsinki Summit of December 1999 was the most significant development in transforming Turkey's opportunity structure for political change. The Helsinki decision dramatically increased the credibility of the EU's demands and, as a result, consecutive Turkish parliaments enacted multiple laws to harmonize Turkey's institutional framework with that of EU best practices as part of the negotiation process for accession.

Putting related events in historical perspective, however, it is impossible to miss the differences between the periods before and after December 2005. The EU's ambiguous attitude toward Turkish membership in recent years damaged the EU's credibility and thus its policy of democracy promotion in Turkey. Before the loss of EU's credibility, Turkey's EU bid provided the context for domestic reform. Constitutional and legal changes approved between 1999 and 2005 saw the emergence of broad coalitions that supported EU-driven reforms, including the opposition parties.

Civil society groups were also significantly involved in the process, exerting pressure on political elites and providing a bridge between them and the Turkish public, while the military remained compliant. Since late-2005, however, Turkey's Europeanization and democratization have lost their momentum, with very little progress made toward either of these end-goals. Turkey-EU relations are currently at one of the lowest points in years as evidenced not only by the sluggish pace of negotiations but also, and perhaps more critically, by the growing mutual estrangement felt by both political elites and the public between EU member states and Turkey. As a point of comparison, Croatia, which began the accession process for full membership at the same time as Turkey –on 3 October 2005– will achieve this membership on 1 July 2013. By that time Turkey, however, will only have been able to open 13 of the 35 accession chapters.

It seems that three interrelated but distinct factors worked to reduce the credibility and legitimacy of EU conditionality in Turkey. These included: i) the “open-ended” nature of Turkey's accession, ii) the evolving nature of EU expectations, and iii) the growing opposition of some Western European countries to Turkey's accession. As Thomas Franck<sup>1</sup> and Frank Schimmelfennig<sup>2</sup> argue, if conditionality is based on clearly defined and coherently applied rules shared among EU member states, the “compliance pull” of this conditionality is high.<sup>3</sup> By contrast, “double-standards”

1 Thomas M. Franck, *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1990).

2 Frank Schimmelfennig, *The EU, NATO and the Integration of Europe: Rules and Rhetoric* (Cambridge: Cambridge University Press, 2003); Frank Schimmelfennig, “European Regional Organizations, Political Conditionality, and Democratic Transformation in Eastern Europe,” *East European Politics and Societies*, Vol.21, No.1 (2007), pp. 126-141.

3 Compliance pull refers to an inherent pull power of a legal rule and obligation. See for instance, Thomas M. Franck (1990).

fail to exert the same compliance pull. Undoubtedly in the Turkish case, the open-ended nature of accession negotiations and the lack of a firm date for Turkey's accession to the EU were perceived as strong evidence of European double-standards against Turkey. The membership of Cyprus in the EU – despite the Greek Cypriot rejection of the UN-sponsored unification plan in 2004– and the one-sided EU conditionality imposed on Turkey aggravated these negative perceptions. When the EU Council decided not to open eight chapters in 2006 and to close any chapters until Turkey opened its harbors and airports to Southern Cyprus (the Republic of Cyprus), Turkey's accession process was effectively frozen.

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The credibility and sincerity of the EU's commitment was further weakened in Turks' eyes by the growing number of anti-Turkish politicians and parties in Europe. German Chancellor Angela Merkel and French President Nicholas Sarkozy espoused the idea that Turkey was not European; according to the views propagated in their election campaigns Turkey should therefore be offered not full membership but a privileged partnership. The questioning by eminent EU leaders about the very possibility of a “European future” for Turkey not only further undermined the credibility of the EU among the Turkish public but also made it highly difficult for any Turkish political party to campaign on a platform that explicitly linked reforms in Turkey to demands coming from Brussels.

This continual decline in the credibility of the EU as a sincere actor not only resulted in ruling Justice and Development Party's (*Adalet ve Kalkınma Partisi* in Turkish, or AKP) loss of enthusiasm in its pursuit of Europeanization and democratization reforms, but also raised new and important questions about Turkey's role in the Western security community. AKP's leader and Turkish Prime Minister Recep Tayyip Erdoğan has, in fact, mentioned quitting the EU talks and instead becoming a member of the Shanghai Cooperation Organization (SCO), which seeks to develop regional cooperation mechanisms in defense and security in Eurasia. SCO was formed by China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan in 1996 as the Shanghai Five, and was renamed the SCO in 2001 along with the inclusion of Uzbekistan in 2001. Afghanistan, Mongolia, Iran, India, and Pakistan participate

in the organization as “observer nations”, while Turkey along with Belarus and Sri Lanka are currently “dialogue partners”.

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Erdoğan’s recent statements about upgrading Turkey’s status to full SCO membership imply a shift from Turkey’s traditional Western-aligned foreign and security policy to a Eurasian-focused one. Criticizing the EU’s resistance towards Turkey, Erdoğan told Russian Prime Minister Vladimir Putin in July 2012 that if Turkey is accepted as a full member to the SCO “Turkey will give up on the EU.”<sup>4</sup> A few months later, on a talk-show program on *Kanal24*, Erdoğan reiterated Turkey’s intention to join the organization.<sup>5</sup> Foreign

Minister Ahmet Davutoğlu, speaking recently at an AKP meeting in Manisa, stated that: “If our path towards the EU clears, we will continue forward with our strategic goals; if not, they will go their way and we ours. We will then see in which direction everyone has gone.”<sup>6</sup>

The mutual estrangement characterizing the EU-accession process poses important questions not only about Turkey’s relationship with the transatlantic security community, but also regarding the loss of Turkey’s democratization-cum-Europe-ization momentum. In September 2006, the European Parliament’s (EP) Progress Report on Turkey’s accession criticized the Turkish government for this slowdown in reforms and urged Turkey to move forward, especially in the areas of freedom of expression, protection of religious and minority rights, law enforcement, and independence of the judiciary.<sup>7</sup> In March 2009, the EP adopted a resolution on Turkey based on an enlargement report issued by special *rapporteurs*. In its resolution, the EP noted with concern the “continuous slowdown of the reform process” and called on Turkey “to prove its political will to continue the reform process”.<sup>8</sup>

On 23 November 2009 the EP, after concluding debate on the European Commission (EC) 2009 Enlargement Report, adopted its own resolution regarding enlargement.

4 “Turkey ‘Would Abandon’ EU for Shanghai Five,” *Hürriyet Daily News*, 27 July 2012.

5 Sedat Ergin, “Our New Foreign Policy Target: The ‘Shanghai Five’,” *Hürriyet Daily News*, 30 January 2013.

6 Abdülhamit Bilici, “Has Turkey’s Need for the EU Ended?,” *Today’s Zaman*, 5 April 2013.

7 “Turkey’s Progress Towards Accession,” *Committee on Foreign Affairs, European Parliament*, September 2006.

8 “2008 Progress Reports on Croatia, Turkey, and FYROM: EP Sets Out its Views on Enlargement,” *European Parliament Press Release*, 12 March 2009.

This resolution was even more negative in its assessment of Turkey's lack of progress on freedom of expression and freedom of the press. In its 2010 resolution, the EP further criticized the Turkish government for a lack of dialogue among political parties and a lack of press freedom. The tone of the resolution and debate in the EP provoked anger in Erdoğan, who stated that "there was no balance in this report" and suggested that the resolution was written by people who did not know Turkey.<sup>9</sup> In May 2011, Erdoğan complained that France and Germany (among others) "are determined to have Turkey give up its interest in joining the EU".<sup>10</sup>

In its progress reports of 2006-12, the EC similarly repeated concerns over a number of issues in which it was felt that not enough progress had been made including in the areas of freedom of expression, freedom of the media, women's rights, and freedom of religion.<sup>11</sup> The 2009 report also raised "concerns" about the alleged involvement of military personnel in anti-government activities that were disclosed during the Ergenekon investigation,<sup>12</sup> but also underlined the need for "effective judicial guarantees for all the suspects." Concerning alleged *coup* investigations of Ergenekon<sup>13</sup> and Sledgehammer,<sup>14</sup> the EC's 2011 Progress Report noted these processes are "an opportunity for Turkey to shed light on alleged criminal activities against democracy and to strengthen confidence in the proper functioning of its democratic institutions and the rule of law"; on the critical side, it raised concerns over "the handling of investigations, judicial proceedings and the application of criminal procedures putting at risk the rights of the defense."<sup>15</sup>

Throughout 2011-12, Turkey's accession negotiations with the EU remained in a "virtual political and technical stalemate".<sup>16</sup> No new chapters of the *acquis communautaire* were opened and very little progress was achieved within the chapters already under negotiation. The EC in its 2011 Resolution invited Turkey "to further

9 "PM slams European Parliament Report as 'Unbalanced'," *Hürriyet Daily News*, 11 March 2011.

10 "France and Germany Accused of 'Black Campaign' Against Turkey's EU Bid," *Hürriyet Daily News*, 12 May 2011.

11 *Hürriyet Daily News* (12 May 2011).

12 "Turkey 2009 Progress Report," *European Commission*, 2009, p. 11.

13 Ergenekon case refers to a controversial judicial case concerning an alleged clandestine, Kemalist ultra-nationalist organization in Turkey, which prosecutor refers as Ergenekon terrorist organization. As part of the Ergenekon investigation began in June 2007, more than 350 people, including journalists, scholars, lawyers, leaders of civil society organizations, politicians, and retired and active duty military officers from various ranks have been implicated in the *coup* plans and have been put on trial since October 2008. Although no solid evidence emerged to suggest that crimes had been committed by many, if not most, of the suspects, some of whom have by mid-2013 spent close to five years in detention without being formally charged with any crime. In January 2012, İlker Başbuğ, the chief of general staff (between August 2008-August 2010), was detained with the charge of leading Ergenekon terrorist organization.

14 The parallel Sledgehammer investigation initiated in January 2010 charged more than 250 active and retired members of the Turkish military in an alleged *coup* plot codenamed Sledgehammer (*Balyoz* in Turkish), whose implementation had been planned for early 2003.

15 "Turkey 2011 Progress Report," *European Commission*, 2011, p. 7.

16 Vincent Morelli, "European Union Enlargement: A Status Report on Turkey's Accession Negotiations," *CRS Report for Congress*, 8 January 2013, p. 7.

improve the observance of fundamental rights and freedoms in law and in practice, in particular in the area of freedom of expression.”<sup>17</sup> It also underlined that:

The restrictions in practice on the freedom of the media, the large number of legal cases launched against writers, journalists, academics and human rights defenders, and frequent website bans all raise serious concerns that need to be addressed. Further efforts towards fully meeting the Copenhagen criteria are also required, inter alia, as regards freedom of religion, property rights, trade union rights, rights of persons belonging to minorities, women’s and children’s rights, anti-discrimination and gender equality, and the fight against torture and ill-treatment.<sup>18</sup>

Not surprisingly, the Turkish government responded quite negatively to these criticisms. Erdoğan in turn criticized the EU for “slinging mud”, claiming “the progress reports had once again shown the serious eclipse of reason at the EU” and added that the EU itself was “crumbling”.<sup>19</sup> The CHP, on the other hand, praised the Commission’s report and stated that the “report shows democracy is not moving forward as the government claims.”<sup>20</sup>

In its 2012 report, while offering a few positive conclusions, the EC expressed its overall disappointment with Turkey’s progress on a number of issues, leading the Turkish government to express its own disappointment with the “biased” and “unbalanced” report. The report raised concerns over “limited dialogue and frequent tensions” in the political realm and particularly over “insufficient preparation and consultation prior to the adoption of key legislation. This included the new education law, a law on caesarean section deliveries, a law granting immunity from judicial scrutiny to intelligence officers and public officials assigned specific tasks by the Prime Minister and the abolition of the Serious Crimes Courts.”<sup>21</sup> Concerning the Ergenekon and Sledgehammer cases, the report adopted an even more critical tone:

Concerns persisted over the rights of the defense, lengthy pre-trial detention and excessively long and catch-all indictments, leading to significantly enhanced public scrutiny of the legitimacy of these trials. Offering a chance to strengthen confidence in the proper functioning of Turkey’s

17 “Press Release, 3132nd Council Meeting General Affairs Brussels, Article 17,” *Council of the European Union*, 5 December 2011, p. 14, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/EN/genaff/126578.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/EN/genaff/126578.pdf)

18 *Council of the European Union* (2011).

19 “Prime Minister Erdoğan Lashes out at EU Over the Latest Progress Report, Cyprus,” *Hürriyet Daily News*, 16 October 2011.

20 “Turkey’s Main Opposition Says Gov’t Needs EU Report’s Advices,” *Hürriyet Daily News*, 14 October 2011.

21 “Turkey 2012 Progress Report,” *European Commission*, 2012, p. 9.

democratic institutions and the rule of law, these cases have been overshadowed by real concerns about their wide scope and the shortcomings in judicial proceedings.<sup>22</sup>

On 11 December 2012, the EC went even further in noting that it was following Turkey's "lack of substantial progress toward fully meeting the political criteria (...) with growing concern."<sup>23</sup> It also underlined that the "broad application of legislation on terrorism and organized crime" raises "serious concerns" and that "ensuring the independence, impartiality, and efficiency of the judiciary remains of particular importance."<sup>24</sup>

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Turkey, often presented as a model country for the region, by the end of 2012 had in fact been dubbed "the world's biggest prison for journalists", cited as jailing even more journalists than China or Iran.<sup>25</sup> During a press conference with Turkish President Abdullah Gül on 13 March 2013, Swedish Prime Minister Fredrik Reinfeldt urged Turkey to overhaul terrorism laws used to jail journalists, adding that "part of the constitution needs to clearly address the issue of freedom of the media."<sup>26</sup> As of spring 2013, several prominent columnists and journalists, including Mustafa Balbay –Ankara bureau chief and columnist of the center-left daily *Cumhuriyet*– and a TV station owner Tuncay Özkan, have been in prison for more than four years without a conviction. The Global Press Freedom Rankings of 2011 ranks Turkey as 112th among 192 countries, within a cluster of countries preceded by Bangladesh, the Congo, Kenya, and Senegal and followed by Uganda.<sup>27</sup>

As of spring 2013, the EU's mechanisms of conditionality and normative pressure remain inefficient to foster Turkey's democratization. Although the EU was

22 *European Commission* (2012), p. 7.

23 "Press Release, 3210th Council meeting General Affairs, Article 18," *Council of the European Union*, Brussels, 11 December 2012, p. 16, [http://europa.eu/rapid/press-release\\_PRES-12-517\\_en.htm](http://europa.eu/rapid/press-release_PRES-12-517_en.htm)

24 *Council of the European Union* (2012).

25 "News Providers Decimated in 2012," *Reporters Without Borders*, 19 December 2012. Also see: "Number of Jailed Journalists Sets Global Record," *The Committee to Protect Journalists*, Special Reports, 11 December 2012; "Turkey's Press Freedom Crisis: The Dark Days of Jailing Journalists and Criminalizing Dissent," *The Committee to Protect Journalists*, Special reports, 22 October 2012.

26 "Terrorists 'Exploit' EU Rights Standards: President Gül," *Hürriyet Daily News*, 13 March 2013.

27 "Global Press Freedom Rankings," *Freedom House*, 2011,

[http://www.freedomhouse.org/sites/default/files/FOTP%202011%20Tables%20and%20Graphs\\_0.pdf](http://www.freedomhouse.org/sites/default/files/FOTP%202011%20Tables%20and%20Graphs_0.pdf)

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effective in triggering reform in the key area of civil-military relations, its success in democracy promotion overall is at best mixed. Electoral law in Turkey remains unrepresentative, parliamentary immunity that prevents MPs from any legal investigation continues, legislative procedures are often ignored, and there are serious debates concerning judicial independence. The legislature is generally quite weak, unable to hold the executive accountable and shape

policy-making due to strong parliamentary majority of the leading party. The 10 percent electoral threshold required for representation in parliament, which is the highest threshold in any Council of Europe member state, hinders effective translation of public preferences into the political arena. Civic and political rights, such as protection of privacy and the freedoms of expression and association, are weakly enforced. In addition to the journalists cited above, an unprecedented number of Turkish academics, publishers, politicians, students, and military officers face prosecution under the questionable anti-terror law. In 2002, more than 300 individuals stood on trial for charges related to freedom of expression, receiving sentences totaling a sum of 908 years 2 months 8 days. 1088 individuals faced prosecution under this law by the end of 2012.<sup>28</sup> Despite these detainments and prosecutions of those deemed threatening by the government, there has been no effective political or legal action to hold accountable the perpetrators of Uludere incident of December 2011, during which a Turkish air strike on Kurdish civilians left 34 people dead, 19 of them being children.

Further exemplifying Turkey’s democratic weaknesses, although the law provides for freedom of assembly, association, and demonstration, in 2012 police detained a total of 6529 demonstrators and arrested 1831 of them. Four demonstrators lost their lives and 555 of them were wounded because of tear gas and police brutality.<sup>29</sup> According to human rights organizations the Turkish government’s “zero tolerance of torture” policy is merely rhetorical, as in the first 10 months of 2012 alone, 397 torture and ill treatment cases were reported to Turkey’s Human Rights Foundation (HRF), while 506 others were submitted to Turkey’s Human Rights Association (*İnsan Hakları Derneği* in Turkish or IHD). Between 1 January and 30 November

28 See the joint statement made by the Human Rights Association and Human Rights Foundation of Turkey on the occasion of World Human Rights Week. Available at: “Turkey’s Human Rights Record ‘12,” *BIA News Desk*, 10 December 2012.

29 *BIA News Desk* (2012).

2012, 35 people lost their lives in Turkey in police violence involving shooting sprees, random killings, and police pursuit.<sup>30</sup>

Additionally, the media has lost its independence and function as a critical watchdog. The government manipulates the independent media, using the selective allocation of state advertising; the manipulation of debts and taxes owed by media outlets, and restrictive press laws that facilitate the prosecution of independent and opposition journalists. Several large holding companies that

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owned news agencies in the country are concerned over losing business opportunities, if their journalists write articles that are critical of the government. While some TV anchors, journalists, and editors employ self-censorship to not harm the parent company’s business interests, the AKP government also uses tax authorities for repressing opposition media. Turkey, therefore, continues to be the only country in the Western European region that fails to rank as free by the Freedom House.

In addition to the restrictive press laws that facilitate the prosecution of independent and opposition journalists as noted above, visual and electronic/social media are also subject to similar censorship policies. Frequent website bans led the OSCE to report that approximately 3,700 websites were blocked between 2006 and 2008, including the popular video-sharing *YouTube* and *Blogger* sites. On 11 March 2010, Turkey was added to the list of “countries under surveillance” by Reporters Without Borders because of its Internet policies. According to IHD, in 2012 a total of 22,536 internet sites were blocked by Turkey’s cyber police.<sup>31</sup>

Women’s organizations report deterioration in their interaction with relevant public institutions at both central and local levels. Honor killings, early and forced marriages, and domestic violence against women remain serious problems in Turkey; a 2007 study from Sabancı University found that one in three women in Turkey was a victim of violence.<sup>32</sup> Another study conducted in 2009 by Hacettepe University showed that approximately 42 percent of Turkish women experience physical or sexual violence inflicted by a relative at some point in their lives.<sup>33</sup> The number of

30 *BIA News Desk* (2012).

31 *BIA News Desk* (2012).

32 “Freedom in the World: Turkey, 2010,” *Freedom House*, 2010.

33 The report entitled: “Türkiye’de Kadına Yönelik Aile İçi Şiddet,” [Domestic Violence Against Women in Turkey], can be found at: <http://www.hips.hacettepe.edu.tr/TKAA2008-AnaRapor.pdf>

shelters for women and other preventive and protective services remains limited.<sup>34</sup> According to IHD statistics, in 2012 alone at least 216 women were reported killed, 96 wounded and another 519 were raped or the subject of other forms of violence.<sup>35</sup> In addition to the high rates of domestic violence in Turkey, other statistics speak to broader gender inequality in the country. Illiteracy figures released by the government show great disparities between men and women: 3.8 million of the 4.7 million people who are illiterate are women.<sup>36</sup> The gender gap in secondary education has also widened.<sup>37</sup>

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Despite all of these persistent and even increasing problems, however, in 2011 the government transformed the “Ministry of State responsible for Women and Family Affairs” into a “Ministry of Family and Social Policies”, effectively ending a much-needed explicit focus on women’s rights. The new and arguably bloated ministry deals with issues of concern relating to children, the aged, the disabled, and the families of soldiers who die during active service, as well as family and women’s rights. The existing Directorate for the Status of Women

has been reduced to a department within the ministry. All of these moves suggest that EU has not fared well to promote gender equality and women rights during 11 years of moderately Islamist AKP government.

A review of the scholarly literature on Turkish politics as well as reports by international organizations indicates growing concern over the creeping autocratic tendencies of the ruling AKP.<sup>38</sup> The AKP’s lack of willingness to engage the opposition in a genuine dialog regarding important matters of constitutional change, especially those related to individual rights and identity issues, is an important

34 “‘He Loves You, He Beats You’ Family Violence in Turkey and Access to Protection,” *Human Rights Watch*, 4 May 2011.

35 *BIA News Desk* (2012).

36 “Turkey: Backward Step for Women’s Rights,” *Human Rights Watch*, 9 June 2011.

37 “Turkey 2010 Progress Report,” *European Commission*, 2010, pp. 32-3.

38 Kristin Fabbe, “Doing More with Less: the Justice and Development Party (AKP), Turkish Elections, and the Uncertain Future of Turkish Politics,” *Nationalities Papers*, Vol.39, No.5 (2013), pp. 657-66; Şebnem Gümüşçü and Deniz Sert, “The March 2009 Local Elections and the Inconsistent Democratic Transformation of the AKP Party in Turkey,” *Middle East Critique*, Vol.19, No.1 (2010), pp. 55-70; Meltem Müftüler-Baç and E. Fuat Keyman, “The Era of Dominant-Party Politics,” *Journal of Democracy*, Vol.23, No.1 (2012), p. 85-99.

barrier for democratic consolidation. Even optimists admit that “under the AKP, Turkey is still not a liberal democracy, despite the pattern of multiparty elections.”<sup>39</sup>

Against this backdrop of the AKP's growing authoritarian tendencies, the 2014 presidential elections and Prime Minister Erdoğan's determination to transform Turkey's parliamentary regime into a presidential one without strong checks and balances clearly pose problems for Turkey's democratic regime and political stability. If the EU truly wants to foster democracy and peace in the region, it should engage more sincerely in the promotion of liberal democratic norms and practices in general, including but not limited to ensuring judicial independence and protecting freedom of expression, association, and demonstration. Strict and even-applied conditionality regarding reform in these areas, tied to a position of credible membership could help prevent Turkey from falling into the trap of “competitive authoritarianism” in the midst of turmoil and uncertainty in the broader Middle East.<sup>40</sup>

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39 Ömer Taşpınar, “Turkey: The New Model?,” *Brookings Research Paper* (April 2012).

40 Steven Levitsky and Lucan Way, “The Rise of Competitive Authoritarianism,” *Journal of Democracy*, Vol.13, No.2 (2002), p. 51-65.



# ***Turkey and its Neighborhood: Trending East or West?***

**Interview with Mikheil Saakashvili:** Georgia's Westward March

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