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The Likelihood of Turkey's Accession into the European Union: A Controversial Inquiry

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I. Introduction

The European Union is an unparalleled economic and political partnership composed of twenty-seven European countries. It was originally implemented to create an economic community, whereby states would become interdependent on one another. The hope was that this interdependence would discourage conflict, as war would become catastrophic. Over time, this community evolved into a supranational organization with not only economic objectives, but social, cultural, political, and international objectives as well. Because of the enduring success and unity the organization has achieved, the European Union has experienced continuous growth. It began with only six members in 1952 and expanded to twenty-seven members in 2012; this number excludes one acceding country, five candidate countries, and three potential candidate countries.

In order to become a member of the European Union, a state must go through a rigorous screening process. To begin, "[a]ny European country which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law may" submit

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2 Id.
3 Id.
4 See id.
an application to the Council of the European Union.\textsuperscript{10} If the application is accepted, the country will become a candidate country, and accession negotiations will begin.\textsuperscript{11} However, acceptance is not automatic; for the Council to approve the application, the candidate country must have "stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy . . . ; the ability to assume the obligations of membership . . . ; and be able to put the EU rules and procedures into effect."\textsuperscript{12} If the Council unanimously agrees that these conditions (the "Copenhagen criteria") have been met, accession negotiations will begin.\textsuperscript{13}

To conclude the next stage, negotiations have to be conducted in thirty-five chapters.\textsuperscript{14} Each chapter is geared towards a particular subject matter with the goal of aligning the candidate country's laws with those of the acquis communautaire: the legislation, regulations, and cases that embody European Union law.\textsuperscript{15} A few examples of these chapters include the free movement of goods, the free movement of workers, intellectual property law, agriculture, taxation, social policy and employment, external relations, education and culture, and the environment.\textsuperscript{16} The European Commission examines each chapter and recommends whether negotiations should be opened.\textsuperscript{17} Once a chapter is opened, negotiations will be conducted with the candidate country, and the completion time will depend on how quickly the country is able to reform its laws.\textsuperscript{18} Once all chapter negotiations are concluded and both sides are satisfied with

\textsuperscript{10} Id.
\textsuperscript{11} Id.
\textsuperscript{12} Id.
\textsuperscript{14} Id.
\textsuperscript{15} Id.
\textsuperscript{16} Id.
\textsuperscript{18} Id.
the candidate country's progress, a Draft Accession Treaty will be created, and it must be signed by all members of the European Union. After all member states and the acceding country ratify the treaty, the treaty will enter into force, and the acceding country will become a member state.

Turkey is one of the five countries currently engaged in accession negotiations. Although Turkey and the European Union have experienced close relations since the Ankara Agreement was signed in 1963 to bring Turkey into the customs union, Turkey's accession is immensely controversial. The contentious nature of Turkey's accession largely stems from its Islamic heritage, which has caused the county to struggle with the separation of church and state. Although the Republic of Turkey was founded in 1923 on the notion that the state would be secular, the country has difficulty upholding this principle because ninety-nine percent of the population is Muslim. Furthermore, there has been increasing public support for political parties that support theocratic governance, or alternatively, a plurality of legal systems categorizing individuals based on their religious beliefs. Thus, many individuals are concerned that Turkey will not fit in with the predominantly Christian Europe. Furthermore, many feel

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20 Id.
21 Candidate Countries, supra note 7.
24 Id. ¶ 30; THE CONSTITUTION OF THE REPUBLIC OF TURKEY, Nov. 7, 1982, art. 2.
that Turkey should not be admitted into the Union because it is not part of Europe, given its location as the "geographical and cultural bridge between Europe and the Middle East."\(^\text{29}\)

Unfortunately, due to this religious ambience, it is unlikely that Turkey will gain admission to the European Union in the near future. Because of Turkey's struggle to lessen religious influence, the country has a history of suppressing individual civil and political rights in order to preserve the principles of secularism and democracy, particularly when it comes to freedom of association and freedom of religion.\(^\text{30}\) For example, Turkey has dissolved political parties in favor of theocratic governance and has prohibited women from wearing headscarves on university campuses.\(^\text{31}\) Although the European Court of Human Rights has occasionally upheld the Constitutional Court of the Republic of Turkey's decisions,\(^\text{32}\) leading one to believe that Turkey's suppression of rights in favor of secularism and democracy is in conformity with European standards, the court has consistently condoned Turkey for violations of freedom of association and freedom of religion.\(^\text{33}\) Furthermore, the European Commission likewise denounces Turkey's law regarding the closure of political parties and its failure to ensure religious freedom.\(^\text{34}\) Because of the importance of political parties "in view of their essential role in ensuring pluralism and the proper functioning of democracy"\(^\text{35}\) and the consensus among

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\(^{29}\) Hirschl, supra note 26, at 1848.


\(^{32}\) Id.


\(^{35}\) United Communist Party of Turkey, Eur. Ct. H.R., ¶ 43.
democratic societies of the utmost importance of freedom of religion,\textsuperscript{36} it is unlikely that the European Commission will open, let alone close negotiations on the "judiciary and fundamental rights" chapter until Turkey protects these fundamental rights.\textsuperscript{37} In addition, even if this chapter is eventually closed, achieving a unanimous vote in favor of accession will become increasingly difficult as enlargement of the European Union continues.\textsuperscript{38} Moreover, several member states adamantly oppose Turkey's accession; this resistance includes two of the original members: France and Germany.\textsuperscript{39}

II. Political Parties in Turkey

A. The Law

In order to become a member of the European Union, it is imperative that Turkey amends its law regarding the closure of political parties. Turkey's constitution indicates that "[p]olitical parties are indispensable elements of democratic political life."\textsuperscript{40} However, the constitution goes on to renounce this premise by indicating that:

The statutes and programmes, as well as the activities of political parties shall not be in conflict with the independence of the state, its indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular republic; they shall not aim to protect or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime.

\textit{Id.}

If the Constitutional Court decides that a political party "has become a centre for the execution


\textsuperscript{37} See The Mandate and the Framework, supra note 13.


\textsuperscript{40} THE CONSTITUTION OF THE REPUBLIC OF TURKEY, Nov. 7, 1982, art. 68.
of" the activities listed in article 68, it may dissolve the party.\(^{41}\) A political party is determined to have become a centre for the execution of such activities when members of the party carry out the actions intensively, the activities or views are shared by the decision-making or administrative organ of the party, or the activities are carried out directly by the decision-making or administrative organ.\(^{42}\) Because of the numerous closure grounds listed in article 68, the Constitutional Court has successfully banned twenty-seven political parties.\(^{43}\)

**B. The Dissolution of Pro-Kurdish Political Parties**

  **i. The Communist Party of Turkey**

  The Constitutional Court dissolved the United Communist Party on July 16, 1991.\(^{44}\) The court held that the mere mention of the word "communist" in the name of a political party was enough to dissolve the party under section 96(3) of law number 2820.\(^{45}\) Moreover, because the party's program referred to two nations, the Kurdish nation and the Turkish nation, the party could be dissolved for violating article 68 of the constitution by encouraging separatism and seeking to dismantle the unity of the nation.\(^{46}\) This latter conclusion is ironic considering several passages in the party's program, including:

  The [United Communist Party] will strive for a peaceful, democratic and fair solution of the Kurdish problem, so that the Kurdish and Turkish Peoples may live together of their free will within the borders of the Turkish Republic, on the basis of equal rights and with a view to democratic restructuring founded on their common interests.

  *Id.* ¶ 9.

Based on the above passage, it appears that the program seeks a society where the Kurdish and

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\(^{41}\) *The Constitution of the Republic of Turkey*, Nov. 7, 1982, art. 69.

\(^{42}\) *Id.*

\(^{43}\) Ohri, *supra* note 30. Around half of these closures will be mentioned throughout this paper.


\(^{45}\) *Id.*

\(^{46}\) *Id.*
Turkish people live together in peaceful coexistence. Thus, the inquiry becomes
whether Turkey sought to ban the party solely because of its pro-Kurdish program.

The European Commission on Human Rights was asked whether the dissolution
constituted a violation of article 11 of the European Convention on Human Rights, which
protects freedom of association.\(^47\) It began with the premise that dissolution constituted a
violation of the parties' rights under article 11.\(^48\) However, article 11 also provides that "[n]o
restrictions shall be placed on the exercise of these rights other than such as are prescribed by
law and are necessary in a democratic society in the interests of national security or public
safety, for the prevention of disorder or crime, for the protection of health or morals or the
protection of the rights and freedoms of others."\(^49\) The court thus indicated that the interference
was prescribed by law under the constitution and several sections of law number 2820 on the
regulation of political parties.\(^50\) Next, the court decided that the interference sought to pursue a
legitimate aim: "the protection of national security."\(^51\) It reasoned that the program "could be
regarded as openly pursuing the creation of a separate Kurdish nation and consequently a
redistribution of the territory of the Turkish State."\(^52\) However, the court concluded that the
interference was not necessary in a democratic society as required by article 11.\(^53\) It indicated,"there can be no democracy without pluralism;" furthermore, freedom of expression is enshrined
in the convention not only to favorably received ideas, but also those that "offend, shock, or

\(^{47}\) Id. ¶ 17. Note that the European Commission on Human Rights has since become obsolete; the European Court of Human Rights was restructured so claims no longer have to go through the Commission before the European Court of Human Rights will hear the case- this institution will not appear elsewhere in this paper. Council of Europe: European Commission on Human Rights, UNHCR, http://www.unhcr.org/refworld/publisher/COECOMMHR.html (last updated Apr. 12, 2012). The European Commission, on the other hand, is the executive body of the European Union and is active. About the European Commission, THE EUROPEAN UNION, http://ec.europa.eu/about/index_en.htm (last updated Jan. 31, 2012).


\(^{49}\) Id. ¶ 18 (emphasis added).

\(^{50}\) Id. ¶ 38.

\(^{51}\) Id. ¶ 41.

\(^{52}\) Id. ¶ 40.

\(^{53}\) Id. ¶ 61.
Thus, government opposition to a solution to the Kurdish problem is insufficient to prevent society from debating the issue in public forum.

The European Court of Human Rights came to the same conclusion, but took a more direct route. The court noted that dissolution based on a political party's name was too drastic a measure absent other considerations. Next, the court considered whether the party sought to promote separatism and division of the Turkish nation. It held that the party merely sought recognition of the Kurds and peaceful coexistence between the Kurdish and Turkish peoples. It emphasized that an inherent characteristic of democratic society is the ability to resolve the nation's problems through dialogue; thus, there is no justification for disallowing a discussion on the Kurdish problem. With these considerations in mind, the court concluded that the Constitutional Court of Turkey violated article 11 of the convention when it dissolved the United Communist Party.

ii. The Dissolution of the Democratic Society Party

The Democratic Society Party, another pro-Kurdish political party, was banned on December 11, 2009. The Constitutional Court accused the party of having connections with the Kurdistan Workers' Party, a terrorist group in the eyes of the Turkish government. Because the Kurdistan Workers' Party has been fighting for Kurdish autonomy for several decades, the court held that the Democratic Society Party could be dissolved for undermining national unity in

54 Id. ¶ 43.
55 Id. ¶ 54.
56 Id. ¶ 55.
57 Id. ¶ 56.
58 Id. ¶ 57.
59 Id. ¶ 61.
60 Ohri, supra note 30.
violation of article 68 of the constitution.\textsuperscript{62} This decision caused thousands of protestors to take the streets because the Democratic Society Party was the only pro-Kurdish party recognized in the country at the time of dissolution.\textsuperscript{63}

iii. Drawing Conclusions

Based on these cases and the Kurdish population's long-standing struggle to achieve equality, it appears that the Turkish government will resist all efforts to debate the Kurdish situation in public forum. It is noteworthy that a large portion of the Kurdish population seeks a separate state through the exercise of the right of self-determination.\textsuperscript{64} Therefore, because the language in article 68 of the constitution allows the Constitutional Court to dissolve a political party if its program, statutes, or activities are in conflict with the indivisible integrity of the nation, the government has a defendable position when it seeks to dissolve any pro-Kurdish political party. Thus, by grouping all Kurdish Turks into this category, the government can effectively prevent pro-Kurdish parties from taking part in the political process. This conclusion is strengthened in light of numerous other cases where the government dissolved a pro-Kurdish political party solely because of the party's desire to seek a solution to the Kurdish problem.\textsuperscript{65} This pattern is both incomprehensible and demoralizing because "[w]ithout well-functioning parties, governments and legislatures have little chance of representing wider society in a meaningful way."\textsuperscript{66} Furthermore, Turkish Kurds constitute nearly twenty percent of the


\textsuperscript{63} Ohri, supra note 30.


population;\textsuperscript{67} thus, by depriving one-fifth of the population of a voice, democracy is rendered meaningless. Therefore, in light of the government's oppression of the Kurdish population, it appears the size of this minority has caused the Turkish government to consider the group to be a significant threat to the unity of the nation.\textsuperscript{68}

The dissolution of the United Communist Party of Turkey further supports the conclusion that the Turkish government will continue to dissolve parties that are sympathetic to the Kurdish minority. The United Communist Party was formed on June 4, 1990; ten days later, the Chief Prosecutor applied to the Constitutional Court for an order of dissolution.\textsuperscript{69} By ordering the termination of a political party that had yet to participate in general elections, the government deprived society of the ability to debate the party's platform. The European Court of Human Rights agreed with this view, calling this action "disproportionate to the aim pursued and consequently unnecessary in a democratic society."\textsuperscript{70} It is difficult to fathom how a party that has yet to have any political activity could constitute a legitimate threat to democratic governance. Thus, this outcome demonstrates the government's determination to prevent all public discussion regarding the Kurdish situation in light of its belief that this minority constitutes a significant threat to the unity of the nation. Because this pattern has continued for several decades, it is likely that parties that favor a solution to the Kurdish problem will continue to face dissolution until the constitution is amended.

C. Near Dissolution of the Justice and Development Party, the Ruling Party of Turkey

The Justice and Development Party currently has a majority of the 550 seats in

\begin{thebibliography}{99}
    \bibitem{67} Ohri, \textit{supra} note 30.
    \bibitem{68} \textit{Kurds}, \textit{supra} note 64.
\end{thebibliography}
In the 2011 election, the party won 327 seats with 49.83% of the vote. Similarly, in the 2007 election, the party won 341 seats with 46.58% of the vote. Because of the popular support this party has garnered over the years, it is remarkable that the party was nearly dissolved in 2008. When this case was brought before the Constitutional Court, the court was composed of eleven judges; political parties could be dissolved if three-fifths of the court voted in favor of dissolution. On May 7, 2010, Turkey took one step in the right direction by amending its constitution to make it more difficult to close political parties. Article 146 now indicates that the Constitutional Court will be composed of seventeen members, and article 149 requires an affirmative vote of two-thirds to dissolve a political party. Unfortunately for the Justice and Development Party, its case was brought before these amendments were effective. Thus, if seven out of the eleven judges voted in favor of dissolution, the ruling party of Turkey would be prevented from taking further political action. Luckily, the party was spared by one vote: six judges voted in favor of dissolution. The court concluded that neither the party's program nor statutes supported an anti-secular nation. Moreover, it could not be established that the party's objective was to destroy democracy or secularism "or to damage the fundamental principles of the constitutional order through the use of violence and intolerance." It will be interesting to see if these amendments decrease the number of parties banned in Turkey.

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75 The Constitution of the Republic of Turkey, Nov. 7, 1982, arts. 146, 149.
76 Id.
78 Akbulut, supra note 69, at 71-72.
79 Justice and Development Party, supra note 77.
80 Id.
However, because there are still numerous dissolution grounds in article 68, it is likely that these amendments will spare few, if any, political parties.

D. Refah Partisi

Refah Partisi was founded on July 19, 1983 and dissolved on January 16, 1998, fifteen years later. Refah Partisi was founded on July 19, 1983 and dissolved on January 16, 1998, fifteen years later. The Constitutional Court dissolved the party because it became a centre of activities contrary to secularism, an indispensable attribute of democracy. In support of this conclusion, the court looked to the conduct of several party members. To start, it indicated that Refah's chairman had advocated a plurality of legal systems categorizing individuals based on their religious beliefs, indicating, "[t]here must be several legal systems. The citizen must be able to choose . . . which legal system is most appropriate for him. . . . In our history there have been various religious movements. Everyone lived according to the legal rules of his own organization, and so everyone lived in peace." The court further noted that the chairman advocated a theocratic regime, instituted by force, if necessary. He made a speech declaring, "[w]e must ask ourselves . . . whether this change will be violent or peaceful . . . . Will it be achieved harmoniously or by bloodshed? The sixty million [citizens] must make up their minds on that point." The court went on to analyze the conduct of several members of parliament. Mr. Sevki Yilmaz called for the country to wage a jihad. In a public speech, he indicated, "[o]ur mission is not to talk, but to apply the war plan, as soldiers in the army." Finally, several other members called for a regime based on sharia, advocating violence if necessary.

82 Id. ¶ 23, 25.  
83 Id. ¶ 28.  
84 Id. ¶ 31.  
85 Id.  
86 Id. ¶ 33.  
87 Id.  
88 Id. ¶ 35-37.
After analyzing the evidence, the court concluded that Refah’s leaders and members were using their democratic rights and freedoms in an attempt to replace democratic governance with a system based on sharia.\textsuperscript{89} It went on to state that "[d]emocracy is the antithesis of sharia;"\textsuperscript{90} the rules of sharia are incompatible with the notion of democracy, where secularism prevents the state from manifesting a preference for a particular religious belief.\textsuperscript{91} Consequently, the party was banned, the five members who caused dissolution were stripped of their parliamentary status, and the banned members were prohibited from becoming a member of another political party for five years.\textsuperscript{92}

The European Court of Human Rights was asked to decide whether the dissolution violated the applicants’ rights to freedom of association, as guaranteed by article 11 of the Convention.\textsuperscript{93} It first indicated that dissolution constituted an interference with the applicants’ rights.\textsuperscript{94} The court further concluded that dissolution was prescribed by law;\textsuperscript{95} although anti-secular activities ceased to be punishable under criminal law, the constitution provides that parties can be dissolved for engaging in anti-secular conduct.\textsuperscript{96}

The next part of the analysis required the court to determine whether the interference sought to pursue a legitimate aim and whether it was necessary in a democratic society.\textsuperscript{97} Without explanation, the court indicated that dissolution sought to protect national security and public safety, prevent disorder and crime, and protect the rights and freedoms of others.\textsuperscript{98} Next,

\begin{footnotes}
\item[89] Id. ¶ 40.
\item[90] Id.
\item[92] Refah Partisi (Grand Chamber), Eur. Ct. H.R., ¶ 42.
\item[93] Id. ¶ 49.
\item[94] Id. ¶ 50.
\item[95] Id. ¶ 64.
\item[96] Id. ¶ 63.
\item[97] Id. ¶¶ 50-51.
\item[98] Id. ¶ 67.
\end{footnotes}
in considering whether the interference was necessary, the court noted that it must concentrate on three points: whether the risk to democracy was sufficiently imminent; whether the acts and speeches of the party's members could be imputed to the party as a whole; and whether the imputable acts gave a clear picture of the type of anti-democratic society the party advocated.99

To begin, the court indicated that the risk to democracy was sufficiently imminent in this case; there had been a considerable rise in the party's influence and a strong probability that it would become the ruling party.100 In the 1995 general election, for example, Refah Partisi obtained 22% of the votes and received 158 seats in parliament.101 In the 1996 local elections, the party obtained 35% of the votes; moreover, an opinion poll indicated that this percentage could rise to 67% within a few years.102 As for the second part of the necessary interference analysis, the court concluded that the views and speeches of Refah's members could be imputed to the organization as a whole.103 The statements and acts of the chairman "could incontestably be attributed to Refah" because he was the leader of his party and never indicated that the party had opposing views.104 The same conclusion is reached in regard to the acts and speeches of party members: their views taken as a whole demonstrate the type of society the party wished to implement, and Refah never criticized their remarks.105 Finally, the acts and speeches of the party members set up a clear picture of the type of anti-democratic society the party pursued.106 The members advocated a plurality of legal systems that would categorize individuals based on their religious beliefs.107 This system is incompatible with the Convention because such governance would

99 Id. ¶ 104.
100 Id. ¶¶ 107-110.
101 Id. ¶ 107.
102 Id.
103 Id. ¶ 115.
104 Id. ¶ 113.
105 Id. ¶ 115.
106 Id.
107 Id. ¶ 119.
infringe the principle of nondiscrimination, one of the fundamental principles of democracy, by treating individuals differently based on their religion.\textsuperscript{108} Moreover, a regime based on sharia is likewise incompatible with the notion of democracy because it creates a system where religion intervenes in all spheres of public and private life and provides for a system where women are treated unequally.\textsuperscript{109}

In solidifying its conclusion, the court indicated that the need to dissolve Refah Partisi is particularly urgent because "Refah did not exclude recourse to force in order to implement its policy . . . ."\textsuperscript{110} In addition, the sanction was proportionate to the constitutional violation because only five members lost their seats in parliament; the remaining 152 members continued to pursue their careers.\textsuperscript{111} Consequently, the dissolution of Refah Partisi and the forfeiture of certain political rights did not violate article 11 of the Convention.\textsuperscript{112}

E. Refah Partisi: An Inconsistent and Unprecedented Outcome

Although the European Court of Human Rights supported Turkey's decision to ban Refah Partisi, this is the only closure case (with Turkey as the respondent state) where the court did not find a violation of article 11 of the Convention.\textsuperscript{113} Thus, this unprecedented decision does not indicate that Turkey's law on political parties is aligned with European standards, and consequently, the ease at which political parties can be banned will continue to inhibit Turkey's accession into the European Union. However, it then becomes a matter of distinguishing this

\begin{footnotesize}
\textsuperscript{108} Id. \\
\textsuperscript{109} Id. ¶ 123. \\
\textsuperscript{110} Id. ¶ 132. \\
\textsuperscript{111} Id. ¶ 133. \\
\textsuperscript{112} Id. ¶ 136. \\
\end{footnotesize}
case from other closure cases. From an outsider's prospective, it appears that the court was alarmed by the willingness to use force to achieve a new form of governance incompatible with democracy.\textsuperscript{114} The court stressed that a system of governance based on sharia would be contrary to the principles of democracy;\textsuperscript{115} in addition, it condemned the use of force to achieve a political objective.\textsuperscript{116} Although the court strongly believes that democracy is incompatible with governance based on sharia, it cannot be said that the holding would be the same had the party's members stressed a transition through peaceful means. After all, the court has stressed that "freedom of expression as enshrined in Article 10 is applicable . . . not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb . . . ."\textsuperscript{117} Thus, although sharia law may appear to be utterly incompatible with the notion of democratic governance in the court's perspective, political parties have a right to debate the preferred form of governance. Moreover, the court has previously stressed that in considering whether to ban a party, an important factor to take into consideration is the party's willingness to resort to violence to achieve its political objectives.\textsuperscript{118} It has indicated, "the Court finds nothing in [the party's program] that can be considered a call for the use of violence, an uprising or any other form of rejection of democratic principles. That, in the Court’s view is an essential factor to be taken into consideration."\textsuperscript{119} Consequently, it appears that the advocacy of a system of governance incompatible with democracy, \textit{coupled} with the threat of violence to achieve that objective, is reprehensible enough to uphold the Constitutional Court's decision to ban Refah Partisi.

\textsuperscript{114} Refah Partisi, Eur. Ct. H.R., ¶¶ 123,129.
\textsuperscript{115} Id. ¶ 123.
\textsuperscript{116} Id. ¶ 132.
\textsuperscript{117} United Communist Party of Turkey, Eur. Ct. H.R., ¶ 43.
\textsuperscript{118} See Freedom and Democracy Party, Eur. Ct. H.R., ¶ 40
\textsuperscript{119} Id.; Bulent Algan, Dissolution of Political Parties by the Constitutional Court in Turkey: An Everlasting Conflict Between the Court and the Parliament?, 60 ANKARA ÜNİVERSİTESİ HÜKÜM FAKÜLTESİ DERGISİ 809, 821 (2011), available at dergiler.ankara.edu.tr/dergiler/38/1643/17565.pdf.
F. European Standards Regarding the Closure of Political Parties

Although Turkey has implemented several reforms to make it more difficult to dissolve political parties, it has a long way to go before its law will be in conformity with European standards. The Venice Commission indicated that although there is wide diversity among European countries with regard to provisions governing political party activity, there are a number of common features.\(^{120}\) To begin, the authority to initiate a prohibition procedure is rarely entrusted with the prosecuting authorities.\(^{121}\) Because initiating the procedure itself may have grave consequences (due to the sensitivity of cases restricting fundamental rights), the decision should be discretionary.\(^{122}\) Thus, in the countries with rules on party dissolution, the decision to initiate a proceeding is largely political.\(^{123}\) In Germany, for example, the decision lies with the Federal Government, the Federal Parliament, or the Federal Council.\(^{124}\) Because Turkey is unique in that competence lies with the Chief Public Prosecutor,\(^{125}\) the Commission believes that the procedural aspect of dissolution is not in line with European standards.\(^{126}\) By providing one individual with this authority, the entire procedure is left up to one man or woman's unfettered discretion, without a democratic check or balance.\(^{127}\)

The Commission also examined European standards regarding the criteria for prohibiting and dissolving political parties.\(^{128}\) It concluded that there are several national requirements, including, but not limited to: "threatening the existence or sovereignty of the state;" "threatening

\(^{121}\) Id. ¶ 33.
\(^{122}\) Id.
\(^{123}\) Id. ¶ 34.
\(^{124}\) Id.
\(^{125}\) The Constitution of the Republic of Turkey, Nov. 7, 1982, art. 69.
\(^{126}\) See Opinion, supra note 120, ¶ 35.
\(^{127}\) Id. ¶¶ 35, 86.
\(^{128}\) Id. ¶¶ 23-30.
the basic democratic order;" "fostering social, ethnic, or religious hatred;" "fostering ethnic
discrimination;" "use or threat or violence;" "nazism or fascism;" and "criminal associations." 129
Although the national requirements vary depending on historical experience, the Commission
indicated that no European system includes all of these criteria, and the majority include only
one or two. 130 Turkey, however, lists eight criteria in article 68 of the constitution, some of which
are listed in broad terms, leaving room for manipulation. 131

Another broad distinction the Commission draws is the frequency in which dissolution is
sought. It indicated, "in Turkey a high number of political parties have been prohibited over the
years. This [is in stark] contrast with the prevailing European approach, under which political
parties are prohibited or dissolved only in exceptional cases." 132 In Europe, there have been few
dissolutions, and each concerned marginal and extremist parties in Germany and Spain. 133 Thus,
outside Turkey, this remedy is utilized only in exceptional circumstances. In the Commission's
view, a remedy as extreme as dissolution should be used only when there is a threat or use of
violence. 134 Although this standard is somewhat stricter than that in most European countries, the
European Court of Human Rights seems to support this view, upholding dissolution in Refah
Partisi because of the threat of violence to instill an undemocratic regime. 135

G. Conclusions on Political Party Closure in Turkey

It is unlikely that Turkey will become a member of the European Union in the
foreseeable future because of the dissimilarities that exist between its political party closure law
and that of other European nations. In order for accession negotiations to be completed, Turkey

129 Id. ¶ 23.
130 Id. ¶ 25.
131 Id. ¶¶ 73-74; THE CONSTITUTION OF THE REPUBLIC OF TURKEY, Nov. 7, 1982, art. 68.
132 Opinion, supra note 120, ¶ 3.
133 Id. ¶ 27.
134 Id. ¶ 58.
135 Id. ¶ 59; see Refah Partisi, Eur. Ct. H.R.
will need to align its laws with those of the European Union in thirty-five subject-related
chapters. Because political parties are essential to effective democratic governance, Turkey
will likely experience difficulty in completing the "judiciary and fundamental rights" chapter. Although there seems to be a permitted margin of appreciation because of the diversity among European nations, Turkey's law appears to be too distinct, and thus, incapable of being reconciled with the European standard. Therefore, it is unlikely that the European Commission will open, let alone close these chapters until Turkey's law is reformed.

The European decision-making bodies unanimously agree that Turkey needs to reform its law. The European Commission has stressed that Turkey needs to bring its political party closure law in line with European standards. The Venice Commission has similarly concluded that Turkey's political party "reforms have not been sufficient to fully bridge the gap between the Turkish rules and the standards of the [European Court of Human Rights] and the Venice Commission." Because of the consensus of opinion among the international community, Turkey will need to narrow the gap between its law and those of other European countries before it will be admitted into the European Union.

III. Freedom of Religion in Turkey
A. The Law

Although Turkey's law regarding freedom of religion is more in line with European standards than its law regarding the dissolution of political parties, the European Commission continues to pressure Turkey to uphold its constitutional protections. The Turkish

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137 Id.
139 Opinion, supra note 120, ¶ 110.
140 See Commission Staff Working Paper: Turkey 2011 Progress Report, supra note 34, at 89 ("[F]urther significant efforts are needed in most areas, in particular . . . freedom of religion.").
constitution provides that "[e]veryone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14." Article 14 further provides that the rights and freedoms provided for in the constitution shall not "be exercised with the aim of violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights." Although article 14 seems to diminish freedom of religion, this limitation is consistent with European standards because its objective is to impose limitations on individual rights and freedoms when necessary to protect the interests of society as a whole.

B. Case of Hasan and Eylem Zengin v. Turkey

Turkey's law on freedom of religion is inconsistent with European standards in regards to compulsory religious education in primary and secondary schools. Turkey's constitution provides that "instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives." Because of this law, Hasan Zengin and his daughter Eylem Zengin submitted a request to the Provincial Directorate of National Education seeking an exemption from the religious culture and ethics courses. The Zengins were adherents to Alevism, a branch of Islam that differs from Sunni Islam in many aspects (for example, adherents to Alevism reject the sharia, defend women's rights, and do not attend mosques - they express their devotion through

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142 Id. art. 14.
song and dance), and felt that their family should be exempt from religious courses because the compulsory nature of the education was contrary to secularism.\(^{147}\) Moreover, the Universal Declaration of Human Rights allows parents to choose the type of education their children will receive.\(^{148}\) Their exemption request was denied because the Turkish constitution expressly provides for compulsory religious education in primary and secondary schools.\(^{149}\)

Following this denial, the applicants brought their claims to the European Court of Human Rights, alleging a violation of article 2 of protocol 1 of the European Convention on Human Rights.\(^{150}\) Similar to the Universal Declaration, article 2 provides that a state must respect parents' rights to ensure their children receive education in accordance with their religious beliefs.\(^{151}\) In response to this allegation, the court noted that its case law indicates that the objective of article 2 is to ensure pluralism in education, a characteristic essential for democratic governance.\(^{152}\) Thus, although the court acknowledged that educational curricula falls within the competence of state parties, a state may not "pursue an aim of indoctrination" that could be perceived as disregarding parents' religious beliefs.\(^{153}\) It explained that a democratic society has an obligation to be impartial and neutral towards various religious beliefs to ensure pluralism.\(^{154}\)

In order to decide whether the curriculum is taught objectively, the court looked to the religious course syllabus and textbooks. According to the syllabus, the subject matter is to be taught in accordance with the principles of secularism and in a way that will 'foster a culture of

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\(^{147}\) Id. ¶¶ 8-10.

\(^{148}\) Id. ¶ 10.

\(^{149}\) Id. ¶¶ 11-13.

\(^{150}\) Id. ¶ 1, 35.

\(^{151}\) Id. ¶ 35.

\(^{152}\) Id. ¶ 48.

\(^{153}\) Id. ¶¶ 51-52.

\(^{154}\) Id. ¶ 54.
peace and a context of tolerance."\textsuperscript{155} Thus, these objectives are compatible with the principles incorporated in article 2 through the court's case law.\textsuperscript{156} However, the court went on to note that the syllabus provides for instruction on the Koran and Mohamed; likewise, the seventh grade syllabus provides for instruction on several fundamental aspects of Islam.\textsuperscript{157} The issue became more problematic after the court examined the textbooks used by the Turkish government in primary and secondary education. These textbooks do not provide a general overview of the world religions; they "provide instruction in the major principles of the Muslim faith . . . such as the profession of faith, the five daily prayers, Ramadan, pilgrimage . . . etc."\textsuperscript{158} In addition, students must take exams on the Koran and the daily prayers.\textsuperscript{159} The court went on to conclude that although Turkey gives priority to the Islamic faith, it is the majority religion in the country, and thus, Islam-focused religious instruction alone cannot be viewed as indoctrination.\textsuperscript{160}

This, however, was not the end of the analysis: the court considered the allegation that no instruction was provided on the Alevi faith.\textsuperscript{161} The court noted that a large portion of the Turkish population adheres to Alevism.\textsuperscript{162} Thus, because Alevism was not taught and religious instruction was heavily focused on Sunni Islam,\textsuperscript{163} Turkey's curriculum did not meet article 2's requirement of objectivity as required by the case law.\textsuperscript{164} Finally, the court had to decide whether Turkey's law respects parents' religious views.\textsuperscript{165} If the law allows children to be exempted from religious courses, the Sunni Islam-heavy curriculum would be permitted (in light

\begin{flushright}
\textsuperscript{155} \textit{Id. ¶ 58.} \\
\textsuperscript{156} \textit{Id. ¶ 59.} \\
\textsuperscript{157} \textit{Id. ¶ 60.} \\
\textsuperscript{158} \textit{Id. ¶ 61.} \\
\textsuperscript{159} \textit{Id. ¶ 62.} \\
\textsuperscript{160} \textit{Id. ¶ 63.} \\
\textsuperscript{161} \textit{Id. ¶ 65.} \\
\textsuperscript{162} \textit{Id. ¶ 67.} \\
\textsuperscript{163} The court noted "the life and philosophy of two individuals who had a major impact on [Allevism's] emergency are taught in the 9th grade is insufficient to compensate for the shortcomings of this teachings." \textit{Id. ¶ 67.} \\
\textsuperscript{164} \textit{Id. ¶ 70.} \\
\textsuperscript{165} \textit{Id. ¶ 71.}
\end{flushright}
of the fact that 99% of the Turkish population adheres to the Muslim faith) as long as it became more objective.\textsuperscript{166} In 1990, Turkey’s Supreme Council for Education indicated that children who adhere to the Jewish or Christian faith could apply for an exemption.\textsuperscript{167} The court concluded that this exemption procedure did not provide sufficient guarantees to concerned parents.\textsuperscript{168} Requiring students to reveal their religious affiliation to apply for an exemption poses a problem under both the Turkish constitution and article 9 of the Convention.\textsuperscript{169} Moreover, by disallowing the possibility of exemption to the Muslim faith, the government was indirectly acknowledging that Islam heavily influenced the curriculum.\textsuperscript{170} Lastly, because the decision to exempt is discretionary, there are no obligatory safeguards for parents who have religious beliefs different from those taught.\textsuperscript{171}

B. Conclusions on Compulsory Religious Education in Turkey

Turkey's failure to change its practice regarding compulsory religious education will likely hamper the country's accession into the European Union. Unlike Turkey, almost all European states allow students to opt out of compulsory religious courses or make attendance optional.\textsuperscript{172} Thus, Turkey will have difficulty concluding negotiations on chapter twenty-three ("[j]udiciary and fundamental rights") until it can adequately protect religious freedom, a hallmark of modern-day democracies.\textsuperscript{173} Moreover, negotiations on this chapter have yet to be opened–thirteen out of thirty-five chapters have been opened (one has been closed), but chapter

\textsuperscript{166} Id.
\textsuperscript{167} Id. ¶ 72.
\textsuperscript{168} Id. ¶ 76.
\textsuperscript{169} Id. ¶ 73.
\textsuperscript{170} Id. ¶ 74.
\textsuperscript{171} Id. ¶ 75.
\textsuperscript{172} Id. ¶ 71.
\textsuperscript{173} The Mandate and the Framework, supra note 13; see, e.g., Sahin, Eur. Ct. H.R., ¶ 104; ZHOU, supra note 36; Freedom of Religion: Essential Principles, supra note 36.
twenty-three remains untouched. In addition to the lack of progress over the last six and a half years, the European Commission continues to criticize Turkey for its failure to implement the Zengin decision. In its 2010 report, the Commission indicated that "[t]he [Zengin] judgment – which found that these classes did not . . . give a general overview of religions but . . . provided specific instruction in the guiding principles of the Muslim faith and requested Turkey . . . bring its education system and domestic legislation in[] line with Article 2 . . . – has [yet to be] implemented." This disfavor carried over to the 2011 progress report; the court indicated that although the Ministry of National Education prepared new textbooks that will include information on Alevism, religious courses remain compulsory under Turkish law.

Furthermore, the Commission pointed out that the Zengin decision remains unimplemented, exemptions are rare, alternative classes are not provided for exempted students, and there have been reports that students who do not attend religious courses receive lower grades.

C. Sahin v. Turkey: the Headscarf Case

As with Refah Partisi, Sahin demonstrates the European Court of Human Rights’ willingness to take into consideration Turkey's unique religious atmosphere when determining how far to allow it to stray from European standards. The circumstances of the case are as follows. Leyla Sahin was a fifth-year medical student studying at the Cerrahpasa Faculty of Medicine at Istanbul University. She completed her first four years at the Faculty of Medicine at Bursa University and wore the Islamic headscarf daily. However, during her time at Istanbul University, the university issued a circular that required faculty to prohibit students wearing the

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175 Accession negotiations with Turkey began in October 2005. EU-Turkey Relations, supra note 22.
178 Id.
180 Id.
Islamic headscarf from attending lectures, tutorials, and courses.\textsuperscript{181} In accordance with this circular, Ms. Sahin was denied access to an examination and lecture and was also prohibited from enrolling in classes for the following semester.\textsuperscript{182} Despite warnings, Ms. Sahin continued to wear her headscarf and was consequently suspended for a semester after taking part in a protest against the school dress code.\textsuperscript{183} She tried unsuccessfully to get the administration to annul the circular;\textsuperscript{184} she then left the school to continue her studies at Vienna University.\textsuperscript{185}

Ms. Sahin took her case to the European Court of Human Rights, arguing "that the ban on wearing the Islamic headscarf in institutions of higher education constituted an unjustified interference with her right to freedom of religion, in particular, her right to manifest her religion."\textsuperscript{186} The court began with the premise that the circular interfered with the applicant's right to manifest her religion in a particular place, a university.\textsuperscript{187} In deciding whether the interference was prescribed by law, the court reiterated its case-law, indicating that the term "prescribed by law" means a basis in domestic law that is both accessible and understandable in a way that would allow the individual to foresee the consequences of a given action.\textsuperscript{188} Thus, in contending that the restriction was not prescribed by law, Ms. Sahin argued that the law was inconsistent (and thus, the consequences of an action were unforeseeable) because the circular was incompatible with section 17 of law number 2547, which provides, '[c]hoice of dress shall be free in institutions of higher education, provided that it does not contravene the laws in

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{181} \textit{Id.} ¶ 16.
  \item \textsuperscript{182} \textit{Id.} ¶ 17.
  \item \textsuperscript{183} \textit{Id.} ¶¶ 22-24.
  \item \textsuperscript{184} \textit{Id.} ¶¶ 18-20.
  \item \textsuperscript{185} \textit{Id.} ¶ 28. Her suspension was annulled when law number 4584 was passed ("which provided for students to be given an amnesty in respect of penalties imposed for disciplinary offenses and for any resulting disability to be annulled"), but she decided to pursue her studies elsewhere, nevertheless. \textit{Id.} ¶ 26.
  \item \textsuperscript{186} \textit{Id.} ¶ 70.
  \item \textsuperscript{187} \textit{Id.} ¶ 78.
  \item \textsuperscript{188} \textit{Id.} ¶ 84.
\end{itemize}
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force.' The court held that "law" includes statutory law and case law, and a year after section 17 of law number 2547 was enacted, the Constitutional Court of Turkey indicated that authorizing women to wear headscarves in universities is contrary to the notion of secularism. This decision was binding and published in the Official Gazette. Moreover, memorandums and resolutions had been adopted by the school well before the applicant enrolled there; these documents indicated that the Constitutional Court ruled that religious attire may not be worn in universities. Thus, it should have been clear to Ms. Sahin that she would be refused access to classes and examinations if she did not remove her headscarf.

In deciding whether the restrictions sought to pursue a legitimate aim, the court stated that the restriction was implemented to protect the rights and freedoms of others and to protect public order. The court did not elaborate on this point but appears to agree with Turkey's proposition that prohibiting the headscarf prevents the state from favoring one religion over another. Finally, the court was left to decide whether this restriction was necessary in a democratic society. It stated, "[i]n democratic societies . . . it may be necessary to place restrictions on freedom to manifest one's religion or belief in order to reconcile the interests of the various groups and ensure that everyone's beliefs are respected." It is important that the state demonstrates mutual tolerance for all religious beliefs, and thus, remains impartial. In addition, because there is currently no uniform standard in Europe regarding the significance of

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189 Id. ¶ 40.
190 Id. ¶¶ 41, 88.
191 Id. ¶ 93. Legislation in Turkey is published in the Official Gazette before it goes into effect.
192 Id. ¶ 97.
193 Id. ¶ 45.
194 Id. ¶ 98.
195 Id. ¶ 99.
196 Id. ¶¶ 39, 99.
197 Id. ¶ 99.
198 Id. ¶ 106.
199 Id. ¶ 107.
religion in society or the proper relationship between religion and the state, permitted limitations will be decided on a case-by-case basis.\textsuperscript{200} Thus, states are allowed a margin of appreciation in deciding what measures to implement.\textsuperscript{201} Through this reasoning, the limitations were upheld in this case. The court emphasizes that the majority of the population is Muslim, and because the headscarf is seen as a compulsory religious obligation, students who choose not to wear it may be deprived of their free will upon seeing others who comply with this religious duty.\textsuperscript{202} Similarly, prohibiting the headscarf prevents the state from manifesting a preference for a particular religious belief—an important notion in Turkey because of its long-standing struggle to separate religion from the political discourse.\textsuperscript{203}

Lastly, the court had to decide whether the means pursued to achieve the objective were proportional.\textsuperscript{204} It held this condition was satisfied because practicing Muslims are free to manifest their religion outside the university environment.\textsuperscript{205} In addition, headscarves are not the only religious symbol prohibited in universities; other religious attire is similarly banned.\textsuperscript{206} Consequently, there was no breach of article 9 of the Convention, which protects an individual's right to manifest his or her religious beliefs.\textsuperscript{207}

\textbf{D. Sahin v. Turkey: Another Refah Partisi?}

Because of the utmost importance of freedom of religion in democratic societies, it is surprising that the European Court of Human Rights upheld Turkey's decision to ban the headscarf on university campuses. The distinguishing factor in this case appears to be the
permitted margin of appreciation when it comes to limiting freedom of religion. In Europe, there is no consensus on the proper relationship between the church and the state, and there is wide diversity in the degree to which headscarves are regulated. In France, for example, the notion of secularism is incorporated into the constitution, and French law prohibits students in state primary and secondary schools from wearing religious attire that "overly manifest[s] a religious affiliation." In countries such as Austria, Germany, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom, on the other hand, students are permitted to wear the headscarf. The Netherlands goes a step further and permits teachers to wear the headscarf.

Based on this diversity, the willingness of the court to restrict freedom to manifest one's religious beliefs is fathomable. The European Court of Human Rights is not merely a state court that upholds state notions of religious freedom; it is a supranational court that must look to the standards in various countries when creating its case law. When there isn't a uniform view on a particular issue, it appears the court is willing to give the respondent state a margin of appreciation in deciding what policies are appropriate to protect the rights of society as a whole. The court also appears to respect the notion of state sovereignty until there is a clear consensus on the ability of states to regulate religious attire.

E. Arslan v. Turkey: Imposing Limits on Sahin v. Turkey

210 Sahin, Eur. Ct. H.R., ¶ 56; see also Nieuwenhuis, supra note 208, at 495.
212 Nieuwenhuis, supra note 208, at 495.
Arslan v. Turkey demonstrates that the European Court of Human Rights is unwilling to permit states to stray too far from the rights guaranteed in article 9 of the Convention. In this case, Mr. Ahmet Arslan and 126 Turkish nationals belonged to Aczimendi tarikaty, a religious group. In October 1996, they met for a religious ceremony; afterwards, they toured the Ankara streets "while wearing the distinctive dress of their group, which . . . was made up of a turban, 'salvar' (baggy 'harem' trousers), a tunic and a stick." They were arrested and convicted of violations of the law prohibiting headgear and the law prohibiting religious attire from being worn in public (other than for religious ceremonies). Because of these convictions, Mr. Ahmet Arslan and the other Turkish nationals petitioned the European Court of Human Rights for violations of article 9 of the Convention.

In determining whether there was a violation of article 9, the court indicated that there was an interference with the right to manifest one's religion. It also held that the interference was prescribed by law and "pursued the legitimate aims of protection of public safety, prevention of disorder and protection of the rights and freedoms of others." However, Turkey was unable to establish the necessity of this interference in a democratic society. The applicants were punished solely for wearing religious attire in a public place. Moreover, there was no evidence that the group constituted a threat to public order or sought to exert their religious views on

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214 Id.
215 Id.
216 Id. at 2.
217 Id.
218 Id.
219 Id. at 2-3.
220 Id. at 2.
others. In addition, the applicants did not hold an official status, and thus, laws concerning civil servants were inapplicable. Finally, as opposed to other cases where freedom to manifest one's religion were subject to restrictions, these individuals were not convicted of wearing religious attire in a public establishment where religious neutrality might prosper over the freedoms laid out in article 9. For these reasons, six of the seven judges voted that the convictions violated article 9.

IV. Conclusion

Because Turkey is unwilling to effectively protect freedom of association and freedom of religion, it is unlikely that it will become a member of the European Union in the foreseeable future. In regards to the dissolution of political parties, both the European Commission and the Venice Commission are in consensus that significant constitutional reformation is needed to align Turkey's law with European standards. Although several European countries have guidelines that provide for dissolution in exceptional circumstances, these laws are rarely effectuated. Specifically, the Venice Commission noted that outside Turkey, dissolution laws have been implemented solely to ban marginal and extremist parties in Germany and Spain.

Thus, because the international community condones the excessive manner in which Turkey has utilized its dissolution law, it is unlikely that the European Commission will open, let alone close

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222 Id.; Ahmet Arslan and Others v. Turkey, supra note 213, at 2.
223 Ahmet Arslan and Others v. Turkey, supra note 213, at 3.
224 Commission Staff Working Paper: Turkey 2011 Progress Report, supra note 34, at 9; Opinion, supra note 120, ¶ 110.
225 Id.; Ahmet Arslan and Others v. Turkey, supra note 213, at 3.
226 Opinion, supra note 120, at 6.
227 Id.
the "judiciary and fundamental rights" chapter. This conclusion is strengthened because of the importance of political parties "in ensuring pluralism and the proper functioning of democracy." Turkey's failure to adequately protect freedom of religion will equally (although to a lesser extent) prevent negotiations on the "judiciary and fundamental rights" chapter. In regards to compulsory religious education, the European Commission continues to condone Turkey for its failure to implement the Zengin decision. This denouncement stems from Turkey's digression from the European standard: almost all European countries permit students to opt out of compulsory religious education or make attendance optional. Furthermore, Turkey appears too willing to restrict freedom to manifest one's religious beliefs. Although the European Court of Human Rights upheld Turkey's decision in Sahin v. Turkey, this departure from precedent appears to be the result of the permitted margin of appreciation when it comes to limiting freedom of religion. In Europe, there is no consensus on the proper relationship between the church and the state, and there is also wide diversity in the degree to which headscarves are regulated. However, the court was unwilling to allow Turkey to stray too far from freedom to manifest one's religion: the court denounced Turkey's decision to impose sanctions on individuals who wore religious attire in a public area. Thus, overall, it appears the court believes that Turkey's law needs to be aligned with European standards. Consequently, it is

228 The Mandate and the Framework, supra note 13.
233 Sahin, Eur. Ct. H.R.
234 See, e.g., id. ¶ 109; Nieuwenhuis, supra note 208.
236 Ahmet Arslan and Others v. Turkey, supra note 213.
unlikely Turkey will gain admission to the European Union until it can adequately protect religious freedom, a hallmark of modern-day democracies.\textsuperscript{237}

It is also unlikely that Turkey will gain admission because accession requires a unanimous vote by all members of the European Union.\textsuperscript{238} Thus, even if this chapter is eventually closed, achieving a unanimous vote in favor of accession is improbable because several countries, notably France and Germany, adamantly oppose Turkish accession.\textsuperscript{239} Until Turkey can persuade the union that it belongs among the European countries and that it is capable of reforming its laws to meet European standards, Turkey will remain outside this supranational organization.

\textsuperscript{238} Closure of Negotiations and Accession Treaty, supra note 19; Enlargement of the European Union FACTSHEET, supra note 38.
\textsuperscript{239} Kettle, supra note 39; Turkey's EU Bid on the Rocks as Tensions with Greek Cypriots Escalate, supra note 39.
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