

# **THE ENLARGEMENT OF THE EUROPEAN UNION AND THE (NON) MEMBERSHIP OF TURKEY**

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## **Abstract**

The first chapter of the present article gives analysis of the causes of the development of the EU and the conditions for entry of new candidate states; the second chapter tackles upon the situation in the membership negotiations between Turkey and the EU; the article ends with conclusions and the bibliography.

The state willing to get entry into the EU should have a democratic system of government. Before entry, the candidate state has to conduct negotiations in 35 sections, covering all spheres of political, economical, public and legal life. The country is accepted in the Union when it concludes the negotiations in all 35 sections with unanimous approval of all member states of the EU. A certain level of the maturity of the candidate state is needed: harmonization of the national laws with the legislative basis of the EU; proper economic development; and respect for basic human values and rights. The terms and conditions are the same for all candidates.

Road of Turkey to the European Union has been rough and complicated up to now. This country is eager to collaborate with the EU (and it does that) and willing to comply with European standards and norms of public life. The negotiations have been going on with fits and starts; there is evident progress in the economy of Turkey, but the country lags behind in protecting human rights. Other obstacles impeding the course of negotiations are occupation of Cyprus and pending issue of the Kurds. External obstacles to Turkish membership are associated with negative approach of some European leaders and fears of the citizens. Nevertheless, recent course of events gives valid hope that sooner or later Turkey will get a membership card to the European Union. One has every reason to think that in a global world liberal democratic system is more appealing and more profitable to every nation and they are to seek for prosperity by shared efforts.

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**Keywords:** European Union, Turkey, agreement, negotiations, development, jurisdiction, membership.

**Abbreviations:**

EEC – European Economic Community  
ECSC – European Coal and Steel Community  
Euroatom – European Community of Nuclear Energy  
EP – European Parliament  
EU – European Union  
UK – United Kingdom  
UN – United Nations  
LPK – Labour Party of Kurdistan  
Y. – Year  
Op. cit. – opus, cited above  
Cf. – look up

**Introduction**

The article aims at analysis of the causes of development of the European Union and the terms of joining EU and the present position of Turkey: does it meet the requirements of EU negotiations. It attempts to answer the question if Turkey's membership in the EU is in line with European psychology and culture; putting it in other words, are Turkish citizens ready to accept democratic values of Western Europe. As scientific research is to be based upon legal and logical arguments, EU agreements are presented at large using analytical, psychological and philosophical methods. There has been expanded political discussion on pluses and minuses of Turkish membership to European people; we shall try to generalize the course of negotiations and the changes Turkey has undergone while seeking its membership in the EU.

***1. Causes and Conditions of the Establishment of EU***

In 1946, Winston Churchill, the Prime Minister of the UK, giving a speech in the University of Zurich, invited Europe to unification. His main political argument was as follows: “We are to establish something similar to the United States of Europe...”<sup>79</sup> The motives encouraging unification of European states have always been political and economical ones: a) establishment of common European market, development and growth of trade; b) development of export; c) creation of more favourable possibilities for exchange of human and natural resources; d) strengthening of competitive capacity of Europe against China, the USA, India and Russia. United Europe is gaining more and more economic and political power than

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<sup>79</sup> Vėgėlė I., *Europos Sąjungos teisė. Vidaus rinkos laisvės, konkurencija ir teisės derinimas*, Vilnius, 2011, p. 12.

separate countries operating on their own and acting only to achieve their own interests. Other political and economical motives are: a) unity of democratic Europe and prosperity of national states; b) peace and security – European states had not been distinguished for the capacity to maintain peaceful coexistence for a long period (2 World Wars in half a century), although it was obvious that constant peace contributed not only to creation of greater economic welfare, but also to prosperity of society in all countries and in all spheres of life; c) free movement of people, goods, finance and services, free exchange of information and ideas; d) greater economic progress and stability in face of economic oppression of Communist block. The following motives and goals we can find in the Introduction of Maastricht Agreement.<sup>80</sup>

The European Union started with Rome Treaty in 1957 which established European Economic Community (due to the initiative of Italy, France, Western Germany, Belgium, the Netherlands, and Luxembourg). Official establishment of European Union is marked by Maastricht Treaty that came in force in 1993. The above mentioned Treaty linked different European institutions within a single framework without establishing any federation or a new union.<sup>81</sup>

The European Union is based on 3 supportive columns: its communities (EEC, EAPB, and Euroatom); common foreign and security policy; and collaboration in the sphere of justice and inner affairs. We have witnessed both quantitative and qualitative development of European Community as it managed to introduce the forms of interstate collaboration in newly established common institutions. The General Norms of Maastricht Treaty describe the Goals of European Council and present the list of main European institutions: European Parliament, European Council, European Commission, Council, Court of Justice, Central European Bank, and Audit Court.<sup>82</sup> The Treaty also pointed out that EU has got one common

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<sup>80</sup> *Norme fondamentali dell'Unione e della Comunità europea* a cura di Pocar F – Tamburini M. VIII edizione, Milano, 1998, p. 126-128: from the introduction of the treaty: “Desiring to enhance further the democratic and efficient functioning of the institutions so as to enable them better carry out, within a single institutional framework, the tasks entrusted to them, [...] determined to promote economic and social progress for their peoples, within the context of the accomplishment of the internal market... [...] resolved to continue the process of creating an ever closer union among the peoples of Europe...”

<sup>81</sup> Ibid. p. 126-128

<sup>82</sup> The Art. 13, Part 1 of the third chapter of Maastricht Treaty gives the list of 7 major institutions of the EU: „Le istituzioni dell'Unione sono: Il Parlamento, Il Consiglio europeo, Il Consiglio, la Commissione europea (in appresso Commissione), la Corte di giustizia dell'Unione europea, la Banca centrale europea, la Corte dei conti// *Codice breve dell'Unione Europea*. Editio minor. VII edizione 2011 a cura di Carlo Curti Gialdino, Neapoli, 2011. p. 38.

institutional system, derived from the treaties establishing European Community.<sup>83</sup>

12 countries approved the Maastricht Treaty and joined the European Community (former European Economic Community). It encompassed more spheres of European policy: citizenship, politics of the community, economic and monetary union. The formation of European Union was accomplished in 2009 by Lisbon Treaty.

The European Union is open to all European countries. Any country willing to join the Union, “respecting the values listed in Art. 2 and committed to support them”<sup>84</sup> can become the member of the EU according to the terms and conditions established in Maastricht Treaty Art. 49. Essential principles of the EU are “freedom, democracy, respect to human rights and main liberties, as well as values of public life common to all member states.”<sup>85</sup> To put it short, candidate state is to follow the principal terms and conditions of its democratically accepted Constitution, to respect human rights and liberties, to preserve favourable conditions for cultural development of national communities (or minorities), to safeguard the expression of pluralistic views of the society (political position and opposition; democratic elections of Parliament and municipalities. A really significant feature of a legal democratic state is the principle of separation of powers: legislative body (the Parliament) unhindered passes the laws, executive power (the Government) implements the laws, while judicial power (the Court) imposes punishment for failures to implement the laws or for their violations; at the same time it exercises control over the public management.

## ***2. The Procedure and Development of European Union***

After the Treaty of Rome in 1957 other states joined the European Community in four times or in four stages: the Republic of Ireland, Kingdom of Denmark, and United Kingdom joined the EC in 1973; Republic of Greece in 1981; Spain and Portugal in 1986; and in 1990 when Eastern Germany is united with Federal Republic of Germany, it becomes the most powerful EU member in economic and political sense; three neutral states Austria, Sweden and Finland joins EU in 1995.

After the collapse of the Soviet Union, in the enlargement process of the fourth stage, in 2004 Slovakia, Slovenia, Hungary became full members of EU. In 2007 Bulgaria and Romania joined them.

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<sup>83</sup> *Norme fondamentali dell'Unione e della Comunità europea*, op cit. p. 127.

<sup>84</sup> Cf. Art. 49 of Maastricht Treaty. // *Codice breve dell'Unione Europea*, op cit. p. 64.

<sup>85</sup> Art. 6, part 1 of Maastricht Treaty // *Codice breve dell'Unione Europea*, op. cit. p. 34.

On July 1<sup>st</sup> 2013 Croatia<sup>86</sup> became a full member of EU. So, the European Union comprising only of 6 member states in 1957 saw a fourfold growth up to 28 member states. Today, EU has over 500 million of inhabitants and its territory covers more than 4.32 mln. Km<sup>2</sup> of the European continent. Establishment of the EU by a free will of citizens and in peaceful way has been a huge achievement of Europeans, which contributed to greater economic, political, social and scientific progress. Despite the Euro crisis, occasional individualistic cases in foreign policy, the EU is becoming more and more unified and harmonized political alliance, remaining open to other countries of the European continent. So, economic prosperity of the first six countries was the best encouragement for the rest European nations to join the EU.

Enlargement of the EU involves the process of negotiations through which the EU presents its requirements for the candidates and at the same time adapts its institutions for operation in enlarged Union. The goal of the EU enlargement policy is direct usefulness of entrance to new members and to the EU itself. After the collapse of the Soviet bloc, there were huge differences between Western and Eastern Europe in their economic capacity and competence of developing the economy under the conditions of free market.

Thus, the European Council in the Copenhagen Meeting in 1993 determined the Copenhagen criteria to be met by East and Middle Europe candidate states, including Turkey. It is obvious that only constitutional state is capable to meet these EU criteria and to prepare its society to become a full member state of the EU. A candidate state should meet the EU entrance criteria:

a) political: stable institutions, guaranteed democracy, functioning of constitutional state when the supremacy of law is priority, etc; EU organisation is implementing its activities not just because of economic benefits but also democratic processes, human rights are very important.

b) Economical: functioning economy of free market and competitive capacity of public enterprises to operate in the common market of the EU;

c) Maturity of candidate state to accept the requirements, (*acquis communautaire*) acceptance criteria determined inside of EU in trying to reach the goals of strict political, economic and monetary union<sup>87</sup>.

Unifying factor of EU is the harmonization of national law system with the legislation of the EU and its effective implementation through

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<sup>86</sup> About the stages of entering EU. *Quiz sulle Comunità Europee*. III Edizione aggiornata al Trattato di Amsterdam, Napoli, 1998, p. 23-24

<sup>87</sup> On the Copenhagen Criteria see: Vitkus G. *European Union: Encyclopedic Guide*. 3rd edition. – Vilnius, 2008. p. 172-173

administrative and judicial structures<sup>88</sup>. Because of that every country has to accomplish the stage of preparation and negotiations for the membership.

The first step is to become EU candidate. It is a country which has present the application and is officially approved the candidate to enter EU. When the Government of a state announces the wish to become EU member, the Council of Ministers of EU presents the request to the EU Commission to evaluate the possibilities of a country to keep the conditions of membership. If the conclusion of the Commission is positive and the Council unanimously approves the candidacy of the state, only then official negotiations start. States possessing the status of a candidate transpose EU legal acts into their national law. Potential countries candidates are those which are not yet able to fulfil the requirements of EU membership. At present, possible EU candidate states are Albania which requested to be recognized as a candidate state in 2009. Kosovo, Bosnia and Herzegovina are potential candidate states with the perspective of joining the EU by 2020 in case they improve their economic situation, relieve the ethnic tension, and put more effort to fight corruption the same is applied to Albania.

In 2003, in Salonika, during the Meeting of State Heads the priority of EU enlargement was determined the integration of former Yugoslavian states. On December 15, 2005 during the Meeting of European Leaders Macedonia became an official candidate of EU membership. At present, Macedonia, Montenegro, Serbia and Turkey are candidate states.

Candidate states have to be ready for the acceptance of entrance conditions, they have to keep EU standards and norms in political and technical sense and the most important is to guarantee huge support of their citizens for entrance. In 2010, Iceland started the negotiations with the EU and in two years made a significant progress in harmonisation process, alas, Right Centre Parties having won the elections formed the Government which said “no” to the EU in the voice of the nation. B. Sveinsson, the Minister of Foreign Affairs, said: “We are a part of Europe and we are willing to enhance our relations but in other ways.” The officials of the EU admit that Iceland has been closely cooperating with the EU, and majority of its laws comply with the legislation of the EU<sup>89</sup>.

The Ukraine had oscillated between Eurasian Customs Alliance and the EU. In 1998 EU and Ukraine signed the Agreement on Partnership and Collaboration. Eastern Partnership project was initiated by Poland, Sweden and Lithuania in 2009. This Project is intended for the countries of Post-

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<sup>88</sup> On the criteria see: European Commission *Conception of the Enlargement: Enlargement Policy of the European Union*. General Directorate for the Enlargement of European Union, 2007: [http://ec.europa.eu/enlargement/pdf/publication/enl-/\(25\\_09\\_2013\)](http://ec.europa.eu/enlargement/pdf/publication/enl-/(25_09_2013))

<sup>89</sup> About the negotiations of Island, Island said „goodbye“ to EU //www. lrytas.lt 06 06 2013

Soviet bloc: Byelorussia, Ukraine, Moldova, Georgia, Armenia, and Azerbaijan. It helps them to maintain closer political relations with Europe, to encourage economical collaboration, to show the perspectives of free trade and availability of free travelling without visas. The fruits of Eastern partnership require a separate study; however, partial outcome can be seen: Moldova and Georgia are rescued from the Post-Soviet Customs Alliance with Russia or from the Special Agreement of Eurasian Alliance. The Government of Azerbaijan seems to be willing to consolidate ties with the EU without breaking them.

Eastern partnership is developing consolidation programme between states and has its own structures: meetings of the leaders of the EU countries and their colleagues from the East are held every second year; the meetings of the Ministers of Foreign Affairs are held annually; twice a year high officials meet to discuss current issues of the following thematic spheres: a) democracy and economic integration; b) convergence with the EU policy; c) security and the supply of energy; and d) personal contacts.<sup>90</sup>

Also Georgia signed the Agreement of Partnership and Collaboration on the 1<sup>st</sup> of July, 1999 by becoming an active participants of European Neighbouring Policy. On November 14, 2006 EU-Georgia Collaboration Council approved the Project of European Neighbourhood Policy which involves obligations to ensure the priority of law, to improve conditions for business and investments, to encourage economic development, to increase the security of inner and outer borders, to promote regional cooperation, peaceful solution of conflicts, and cooperation in the field of foreign policy, transport and energy. On May 9, 2009, in Prague the representatives of Georgia started the implementation of Eastern Partnership Programme and received 350 million € to promote collaboration till 2013; EU has allocated up to 500 million € financial support to cover the harmful effects of the August War<sup>91</sup>.

At Vilnius Summit in November of 2013 Georgia signed the Treaty of Association and Free Trade with the EU. The same Agreement was initialised with Moldova.

Unfortunately, the last week before the Meeting, the President of Ukraine Viktor Yanukovich ordered to stop the preparations for the signing of the Agreement. At last, the EU diplomats understood that V. Yanukovich just pretended the negotiations and tried to win time as he knew very well in

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<sup>90</sup> About the features of Eastern Partnership: <http://eeas.europa.eu/eastern/indexen.htm> (10 08 2014)

<sup>91</sup> About Eastern Partnership, the Initiative of European Union „*Eastern Partnership*“: [www.pagalba.org/lt/.../europos\\_sajungos\\_iniciatyva\\_rytu\\_partneryste](http://www.pagalba.org/lt/.../europos_sajungos_iniciatyva_rytu_partneryste) (10 08 2014)

<sup>7</sup> About the main concepts of EFTA. Vitkus G., 2008, p. 85–86.

advance that he will not be able to sign it. This became clear after the meeting of V. Yanukovych with the President of Russia V. Putin, Russia was pressing. Fortunately, the victory of Maidan has turned the state to the other political direction. On March 3, 2014 the Acting Prime Minister of Ukraine signed the Political Part of Ukrainian Association Agreement with 28 EU states in Brussels and on June 27, 2014 the newly elected President of Ukraine Petro Poroshenko signed the Association Agreement of Ukraine with EU. On the same day the Head of Georgian National Government Irakli Garibashvili, the Prime Minister of Moldova Iurie Leanca signed the same Association Agreement with EU. Thanks to this, people of previously mentioned countries will be able to reach the largest in the world, unified EU market. The Agreement provides the conditions to create cooperation structures in various fields of economy and political life: energy, foreign policy, visas, development of independent courts and encouragement of civic activeness to stop the corruption.

Armenia also did not resist Russian pressing because its President, after the meeting with Vladimir Putin in Moscow, on September 3, 2013, declared the joining to the Union of Eurasia created by Russia. This does not correspond neither the Agreement of Free Trade nor the Association Agreement of EU. In several years almost all states of European continent will belong to EU. At present, due to negative approach, only Switzerland and Norway do not intend to join the EU. These countries attempted to start negotiations with the EU, but Norwegians disapproved the membership even twice in referendums. Still, at present, Liechtenstein, Switzerland, Norway, and Iceland are the members of European Free Trade Association (EFTA). It was established in Stockholm on the 4<sup>th</sup> of January, 1960 as economic equipoise to political intergovernmental links of European Community. The goals of EFTA are: liberalization of mutual trade, development of European market, and activation of trade. When other European states become EU members, trade relations with EFTA are regulated by the European Economic Space Agreement<sup>92</sup>.

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Also some other very small states which are bound by their Constitutions to preserve their centenarian traditions and create their distinctive prosperity, do not belong to EU<sup>93</sup>.

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<sup>92</sup> About the main concepts of EFTA. Vitkus G., 2008. p. 85–86

<sup>93</sup> It is the Duchy of Lichtenstein having just 160 km<sup>2</sup> and 35.789 of residents; San Marino, the oldest Constitutional Republic in the world the area of which is 61, 19 km<sup>2</sup> with 32. 471 of residents; Andorra Duchy occupies 468 km<sup>2</sup> and has 78.115 of inhabitants; Monaco Duchy is of 2 km<sup>2</sup> (40 ha of land was taken from the sea additionally) and 32.543 of residents live there. Symbolically, the State of Vatican City has just 0, 44 km<sup>2</sup> of land and

It means that in the long run of centuries, perfect relationship of their leaders and ordinary people contributed to the establishment of high public culture and prosperous economic and political well-being as people are greatly attempted to live and work there. There is no aim in the policy of EU leaders to violate a free choice of people. Non-member states keep EU economic, trade relations in other forms.

European Council tries to understand when and under which conditions a candidate state will be able to adopt the EU law, though the *acquis* itself is not considered. As the EU legal system is comprised of many legal acts and documents and each country has its own national law, the adoption of EU constitutional law is a long and complicated process. In order to make the negotiations concrete, the EU statute is divided into 35 chapters, corresponding to different spheres of policy: justice, freedom and security; foreign, security, and defence policy; financial security; taxes; education and culture; energy, etc. EU Commission draws up a report on the check of every single policy sphere, pointing out what changes are needed and recommends the Council of the EU to open negotiations in a certain sphere or to demand the applying country to carry out certain changes prior to the start of negotiations. Separate negotiations are hold for every different sphere of policy; negotiations are considered to be over when common position of the EU is presented and approved by the candidate state. The Commission monitors the progress of the candidate in the negotiated sphere, keeping contact with the Government of the candidate state through its representatives. Having evaluated the situation, the Government provides its further negotiation position. Then, the Commission replies by presenting the project of common position. The Council has the competence to open and to close separate negotiated chapters in respect of the common EU position. The conditions for closure of negotiations are set by the EU Commission. The negotiation on any chapter may be opened or closed only with unanimous agreement of all member states of the EU. A unanimous approval of all EU states is needed for the opening and closing of any negotiation chapter. The negotiations are carried out according to the principle: “nothing is matched unless everything is matched”; the circle of negotiations is over when all negotiated chapters are closed<sup>94</sup>.

It is essential for every candidate state to “do its homework”: this process facilitates adaptation of the country to the changed conditions and requirements, ensures the balance of the EU and prevents from disturbance

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800 of residents working in the institutions of the Holy See. They will never enter EU due to their religious status. It has to be noted that in such small territories, except Island, the density of population is so big!

<sup>94</sup> Internet Site of the General Directorate of EU Enlargement, *Steps towards joining*: [http://ec.europa.eu/enlargement/policy/steps-towards-joining/index\\_en.htm](http://ec.europa.eu/enlargement/policy/steps-towards-joining/index_en.htm), (20 08 2014)

in the way of progress which has to be beneficial to the whole EU and the entering candidate country. When states entered EU, economic and financial indexes of member states went up. It should be admitted that the enlargement stimulated the quality of life, though its level differed<sup>95</sup>.

### **3. Membership of Turkey**

The membership of Turkey is one of the mostly disputable issues at present. Turkey can boast its unique geographical position: it stretches in Asia while only 3% of its territory belongs to Europe. This secular Muslim democratic country is one of the most powerful members of the NATO; its economic position is constantly improving (under the direction of charismatic leader Recep Tayyip Erdogan it managed to maintain political and economical stability and its economy is the 17th in the world).

European leaders are not indifferent to the issue of Turkey. Some acknowledge that it deserves to become a full member of the EU<sup>96</sup> European citizens are negatively minded towards the ambitions of Ankara; the people in Austria, Holland, France and Germany oppose the membership of Turkey.<sup>97</sup> According to the data of Euro-barometer, only 39% of member states of the EU favoured the membership of Turkey and 48% opposed it despite the determination of Turkey to carry out all the obligations envisaged by the treaties of negotiations.<sup>98</sup> The public opinion is heavily influenced by riots in the suburbs of European capitals provoked by Muslims; unsuccessful attempts to integrate immigrant Turks into social life in France and Germany have brought their fruits: people vote for politicians who follow strict policy line on the issue of Turkish membership.

The governments of member states of the EU are not unanimous on the issue and can be divided in 4 groups: 1) positive optimists – the United Kingdom, Spain, Portugal, Italy, Netherlands, Belgium, Luxembourg, Bulgaria, Poland, Finland, Sweden, Estonia and Latvia favour the EU

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<sup>95</sup> Dobson J. R., *Labour mobility and migration within the EU following the 2004 Central and East European enlargement* // Employee Relations, vol. 31. Iss: 2, p. 121- 124 the author proves that in EU the mobility of Eastern and Western Europe workers, officers, specialists was useful to people, states where they used to work.

<sup>96</sup> While defending Turkey's membership, the Prime Minister of the UK, D. Cameron, said, "Turkey protects the tent of Europe, but it cannot come inside."

<sup>97</sup> "The Germans disapprove the membership of Turkey in the EU" // BNS; 24/02/2013: According to the "EMNID" poll carried out at the request of the weekly "Bild am Sonntag", 60% of the participants of the survey declared their disapproval for the membership of Turkey against the 30% who were favorably disposed on this issue. Besides that, 57% expressed their anxiety for increasing economic and military power of Turkey; and only 35% were glad for that.

<sup>98</sup> Ibid.

negotiations with Turkey and consider it a perfect and well-prepared colleague; 2) unsure of positive outcome – Czech Republic, Denmark, Romania and Lithuania favour the negotiations, but do not think that the negotiations will result in the membership of Turkey (it should be noted that Lithuania's position changed to the better side in 2012 with the coming of new Government); 3) seekers of alternative solution – Cyprus, Greece and Austria disapprove the perspective of Turkish membership and argue for the Partnership Treaty (it's probable that Croatia will join this action line too); and 4) mutes – Ireland, Malta, Slovakia and Slovenia keep their judgement on the issue for themselves and passively observe the process.

The Association Treaty between Turkey and the EU was concluded in 1963. At the same time Mutual Customs Alliance was established; it served as major unifying means and promoted closer economic and trade ties in the period of search for competent membership. The Treaty established a 22-year transitional period to enable the Government of Turkey to adapt their legal system to the EU legislation; however, it failed to do that.<sup>99</sup>

The relationship between the EU and Turkey experienced stagnation up to 1987 when Turkey officially petitioned the EU to be accepted in the Community as a fully competent member. Turkey is the first country, having part in the European Customs Alliance, not being the member of the EU. This Agreement was signed in 1995; it involves a really wide sphere of collaboration: Turkey undertook obligations to follow the policy of the EU and comply to the rules of technical products regulation, competition, intellectual property, etc.<sup>100</sup>

In 1997 Luxembourg Meeting of European Leaders denied Turkey official status of a candidate state in consequence of partial occupation of Cyprus, relationship with Greece and failure to observe human rights. Ankara's response was suspension of the dialogue with the EU and restriction of collaboration in the frame of Association Agreement. In 2000, however, Turkey established General Consulate for solution of the EU affairs in order to facilitate inner coordination and preparation for becoming a member state of the EU. The EU has always been seeking closer cooperation with Turkey, but the possibility of its membership came up on the agenda of the Meeting of European Leaders only in 2001.<sup>101</sup> In 2001 the EU invited Turkey to participate in the Convention of European Future together with the EU member states. In 2002 it was made clear that the start

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<sup>99</sup> On the Ankara Treaty, see: *Delegation of the European Union to Turkey*, Internet site [http://www.avrupa.info.tr/AB\\_ve\\_Turkiye/Taricesi.html?LanguageID](http://www.avrupa.info.tr/AB_ve_Turkiye/Taricesi.html?LanguageID)

<sup>100</sup> Ibid.

<sup>101</sup> The Ministry of Foreign Affairs of the Republic of Lithuania, *The Relationship between the EU and Turkey*, Internet site [http://www.avrupa.info.tr/AB\\_ve\\_Turkiye/Taricesi.html?LanguageID](http://www.avrupa.info.tr/AB_ve_Turkiye/Taricesi.html?LanguageID)

of negotiations with Turkey solely depends on its ability to meet the Copenhagen criteria. On the 21<sup>st</sup> of September, 2005 member states of the EU through the Committee of Permanent Representatives repeatedly encouraged Turkey to implement the obligations of Ankara Protocol; to recognize the Republic of Cyprus, and promised to monitor the process of fulfilling the obligations.<sup>102</sup>

Following the report of the European Commission, the Council of the EU Leaders suggested Turkey to resume the negotiations; the process started anew on the 3<sup>rd</sup> of October, 2005. It has been going on up to now with fits and starts. The leaders of Turkey are not quite happy with the progress of negotiation process and they seem to lose temper: once they mentioned that unless the EU membership is not granted until 2023, they will renounce their ambitions and stop seeking the admission to the EU.

It should be noted that the EU applies to Turkey the same conditions for admission as to the other candidate states. The negotiations with Turkey take place on the level of intergovernmental conference represented by Turkey and all 28 member states of the EU. The negotiators of Turkey cannot be considered successful as they managed to close only one negotiated chapter on Science out of 35. Ankara Government has started negotiations on 13 chapters: Free Movement of Capital; Law on Companies; Right to Intellectual Property; Informational Society and Mass- Media; Policy of Food Security, Veterinary and Phyto-sanitary; Taxes; Statistics; Policy of Enterprises and Industry; Trans-European Nets; Environmental Protection; Protection of Consumers and Health; Control of Finances. In 2007 negotiations on opening of eight more chapters were suspended: Free Movement of Goods; Right to Establishment and Provision of Services; Financial Services; Agriculture and Rural Development; Fishery; Policy of Transport; Customs Alliance; External Relations. Due to refusal of Turkey to recognize the Republic of Cyprus, its Government blocked 6 more chapters: Free Movement of Labour Force; Energy; Justice and Fundamental Rights; Justice, Freedom and Security; Education and Culture; Foreign Policy, Security and Defence.<sup>103</sup> The most active initiators of blockage are France, Austria, Germany and the EU Commission itself (the Commission blocked 8 chapters; negotiations were blocked on 13 chapters in 2012). With Francois Hollande coming into power, the position of France has changed, and it is

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<sup>102</sup> On the process of negotiations, see: *Delegation of the European Union to Turkey*, Internet site [http://www.avrupa.info.tr/AB\\_ve\\_Turkiye/Taricesi.html?LanguageID](http://www.avrupa.info.tr/AB_ve_Turkiye/Taricesi.html?LanguageID)

<sup>103</sup> On the negotiated chapters, see the Internet site of the Ministry of Foreign Affairs, the Department of Development of the EU: <https://www.urm.lt./index.php?3837091989>

ready to resume the negotiations. The President of France has already denied the veto on the chapter of Regional Assistance.<sup>104</sup>

Such complicated situation of Turkey in the global sphere influences the trust of Turks in the EU and diminishes their approval of the membership. The number of those favouring the membership of the EU decreased from 70% in the beginning of negotiations to 33% in 2005. Turks get offended when German, Austrian or Dutch officials start talks with proposals of limited membership.<sup>105</sup> With the identity of the EU still unspecified, the relationship between Turkey and Europe are becoming less positive. The situation might change if both sides were more determined to carry out their obligations and be more demanding both to themselves and to negotiating party.<sup>106</sup> One should admit that the EU lacks unified long-term strategy of enlargement; the process of integration is constantly changing under different regional and global circumstances. Unforeseen shifts and demands in the sphere of regional policy and, generally, in the entire EU developmental policy disturb fluency of integration. Lithuania in the period of its presidency is going to seek and open four chapters of Turkish negotiations with the EU.<sup>107</sup>

### 1. 1. Profit of the Membership of Turkey to the EU

Entry of Turkey into the European Union would be economically profitable to the entire Union. The Customs Alliance between Turkey and the EU proved that collaboration brings mutual profit. Membership of Turkey would contribute to effective realization of the policy of reduction of climate pollution. “Turkey as a candidate state of the EU agrees to negotiate the environmental protection issues and is ready to follow the climate protection policy of the EU and to harmonize with it the country economy.”<sup>108</sup> Such determination would strongly improve the present situation in the emission

<sup>104</sup> Erkem Gul Pinal, *Identity Construction of Europe by Othering: A Case Study of Turkey and the EU Relations from a Cultural Perspective*, *Europolis, Journal of Political Science And Theory*, 2009/5. P. 498. Internet site <http://www.ceeol.com/aspx/issuedetails.aspx?issueid=223119ec-b3a1-4224-817a-5a9445f38a06&articleId=36741112-752a-4d6d-a46c-5dcbd0ba10fc>

<sup>105</sup> “Warming between Ankara and Europe”//Lietuvos Žinios, 01/03/2013. Egemen Bagi wittily remarked, “Membership is pregnancy-like: either you are pregnant or not. There is not such a thing as half-pregnancy.” Internet site <http://dev.lzinios.lt/sitemain/Pasaulis>

<sup>106</sup> Ugur M., *Open-Ended Membership Prospect and Commitment Credibility: Explaining the Deadlock in EU–Turkey Accession Negotiations*, *Journal of Common Market Studies*, 12 AUG 2010.

<sup>107</sup> Kirkilas G., “Lithuania will seek to open four chapters of Turkish-EU negotiations”// *Governmental report* 15/05/2013. Internet site [http://www3.lrs.lt/pls/inter/w5\\_show?p\\_d=1360908p\\_k=1](http://www3.lrs.lt/pls/inter/w5_show?p_d=1360908p_k=1)

<sup>108</sup> Aydın L, Acar M., *Economic and environmental implications of Turkish accession to the European Union: A CGE analysis*, *Energy Policy*, Issue 11, November 2010.

of carbon dioxide, having in mind the goal of the EU by 2020 to reduce these emissions by 20%. One should not forget the mobility of workforce and of capital, advantage of developing regional economy, profit of free trade, etc.

Entry of Turkey into the EU would exert positive influence on energy supply issues. Europe feels a strong need to bypass Russia in provision of energy resources, and Turkey might be a possible way out as it the only country having overland route from Central Asia to Eastern Europe. According to Andris Piebalgs, the Commissar on Energy issues, the energy sector might contribute to the development of multinational contacts, “The EU membership promotes the establishment of a shared energy system open to investments. Both member- and candidate-states are to develop regional markets facilitating effective coordination of energy supply and production and increase of competitiveness.”<sup>109</sup>

## 2.2. The Main Reasons Limiting the Success of Negotiations between Turkey and the EU

In the process of negotiations Turkey has demonstrated willingness to comply with the rules of European Community, to respect European values; and it has made a significant progress in this direction.<sup>110</sup> However, cultural and religious differences are obviously visible and should be taken into account. The obstacles on the way to success, i.e. obtaining the membership, are the following: a) limited human rights and freedoms; b) conflict with Cyprus; and c) pending issue of Kurds. We shall discuss these questions at large.

*a) Limited human rights and freedoms.* There is a widely spread opinion that the Muslim mentality is totally different from that of Europeans, and most often it has been associated with violence.<sup>111</sup> According to *Voice of Europe*, Turkey is foreign to Europe not only because of its geographical position but also because of its political system and religion. Such European values as democracy, liberalism, pluralism, and human rights still have to find their way in Turkish social and political life.<sup>112</sup>

<sup>109</sup> Labele M., *Expanding opportunities: Strategic buying of utilities in new EU member states*, *Energy Policy*, Volume 37, Issue 11, November 2009. Internet site [http://www.sciencedirect.com/science?\\_ob=ArticleListURL&\\_method=list&\\_ArticleListID=1473365306&\\_sort=r&\\_st=13&view=c&\\_acct=C000051315&\\_version=1&\\_urlVersion=0&\\_userid=1075516&md5=f5d844a860ee114306c5f5b35f5ce105&searchtype=a](http://www.sciencedirect.com/science?_ob=ArticleListURL&_method=list&_ArticleListID=1473365306&_sort=r&_st=13&view=c&_acct=C000051315&_version=1&_urlVersion=0&_userid=1075516&md5=f5d844a860ee114306c5f5b35f5ce105&searchtype=a)

<sup>110</sup> On human rights, see: Tasch L., *The EU Enlargement Policy and National Majority-Minority Dynamics in Potential European Union Members: The Example of Turkey*, *Mediterranean Quarterly*, Number 2, Spring 2010.

<sup>111</sup> White J., *Europe in the Political Imagination*, *Journal of Common Market Studies*, 2010 Aug., <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-5965.2010.02084.x/abstract>

<sup>112</sup> “Warming between Ankara and Europe”//Lietuvos Žinios, 01/03/2013. “Critics of R. T. Erdogan maintain that his party in the decade of power became really arrogant and without

Turkey cannot deny that national and other minorities still feel discrimination.<sup>113</sup> After the World War I there were about 6,000 schools for ethnic minorities, nowadays remain only 26 secondary schools for Armenians and Kurds, and 1 for Jews. Despite the rich cultural diversity, the citizens of Turkey were deprived of the right to express their cultural identity. A punishment could be imposed for any non-Turkish expression of identity. Penal Code of Turkey envisaged a 3-year imprisonment for defamation of the Republic, its Assembly, Government or other public institutions and for renunciation of Turkish identity. Recently, the Article 301 has been amended and the punishment mitigated to a 2-year imprisonment. This Article is still in force; in the first quarter of 2007 prison sentence was pronounced for 1189 persons, among them Orhan Pamuk, Nobel Prize winner.<sup>114</sup>

Discrimination is felt in women life. Turkey was ranked 129 among 136 countries in the sphere of the equality between men and women. Women suffer husband's violence; early marriage violates young girls' rights (1/3 of girls are forced to marry in the age of minority); their oppression is especially grave in rural communities. The EU reasonably criticises the Government of Ankara for failure to assure effective functioning of legal system and public life, and at the same time it acknowledges the progress made.

b) ***Conflict with Cyprus***. In 1974 after coup d'état against Makarios, Turkey seized the opportunity and invaded Cyprus; Greece resisted the temptation to answer even with greater military force. In 1975 two Cyprus Republics were proclaimed: Northern Turk Republic of Cyprus and Cyprus Republic in the South. Since then the conflict has not been solved yet and stands as a most significant obstacle on the way to the European Union both for Turkey and Cyprus. The government of Turkey mishears any prompts to withdraw from Cyprus, and instead of establishing trade relations with Cyprus leaves its seaports and airports closed to Cyprian fleets. In order to

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equally strong opposition manage to retain dominant position. Besides that, Turkey is one those countries suppressing freedom of word – at least 49 journalists are put in prison. Dissidents are confined to prison on the basis of vague anti-terrorist laws. Minister E. Bagı replied, “I don't say that Turkey is a perfect country. Nevertheless, it is better than yesterday's Turkey.” Evasive answer...

<sup>113</sup> Cf. US State Department report. *Turkey human rights practices* 1996. Internet site: [www.state.gov/g/drl/rls/hrp](http://www.state.gov/g/drl/rls/hrp)

<sup>114</sup> On the Article 301 of the Penal Code of Turkey see: Reporters sans frontières , *Freedom of expression still in danger in Turkey despite article 301 reform*. 05/05/2008. Internet site <http://en.rsf.org/turkey-freedom-of-expression-still-in05-05-2008-26852>

teach disobedient candidate the EU suspended the negotiations in eight sectors out of 35.<sup>115</sup>

c) **Pending issue of the Kurds.** Kurdistan is a mountainous region in the Western Asia, divided among Turkey, Iraq, Syria, and Iran. Despite numerous attempts of Persians and Turks to denationalize them, the Kurds managed to retain their identity, to preserve their customs and traditions, at the same time nursing the hope to establish an independent state. The first real spark of hope glinted after the World War I when the US President Woodrow Wilson published “14 points” programme to ensure the long-lasting peace. He declared the principle of free self-determination for all nations, appreciating the idea of “self-rule”, i.e. admitting that the source of authority is in the nation.<sup>116</sup> The ambitions of the Kurds to establish a national state were soon quenched by more powerful states due to their economical interests, historical claims and strategic calculations. The Government of Turkey announced the theory that the Kurds were “mountainous Turks” and they did not want any independence. In Iraq, Iran and Syria Kurds were persecuted, deprived of public rights and even attacked with chemical weapon under the rule of Saddam Hussein. Kurdish communities are scattered all over the world (the number of the Kurds amounts to more than 40 million).<sup>117</sup> Turkey for a long time refused to acknowledge the Kurds as ethnic minority, forgetting that they constituted about 1/5 of the population of Turkey (there are from 12 to 15 million of the Kurds in the country); they could only dream about equal political, economical and cultural rights.<sup>118</sup>

The integration of Kurds in Turkish society is aggravated by lack of Turkish language skills, but the wider autonomy is still their goal. Since the 1980s, Kurdish movements included both peaceful political activities for basic civil rights for Kurds in Turkey as well as armed rebellion and guerrilla warfare, including military attacks aimed at Turkish military basis, demanding a separate Kurdish state.<sup>119</sup>

<sup>115</sup> Turkey accession and Cyprus. Euractiv. 06/11/2007. Internet site <http://www.euractiv.com/en/enlargement/turkeyaccession-cyprus/article-135940>

<sup>116</sup> Cassese A., “*Self-determination of Peoples: A Legal Reappraisal*“, P.19. Internet site [http://www.google.lt/books?hl=lt&lr=&id=IVDtjzY3r2gC&oi=fnd&pg=PR15&dq=Cassese+A.+Self-](http://www.google.lt/books?hl=lt&lr=&id=IVDtjzY3r2gC&oi=fnd&pg=PR15&dq=Cassese+A.+Self-determination+of+Peoples:+A+Legal+Reappraisal&ots=XhsXdCpoFj&sig=cuUNxNPaBwJ_f9Cvtom9rYxxA_Y&redir_esc=y#v=onepage&q=Woodrow%20Wilson&f=false)

[determination+of+Peoples:+A+Legal+Reappraisal&ots=XhsXdCpoFj&sig=cuUNxNPaBwJ\\_f9Cvtom9rYxxA\\_Y&redir\\_esc=y#v=onepage&q=Woodrow%20Wilson&f=false](http://www.google.lt/books?hl=lt&lr=&id=IVDtjzY3r2gC&oi=fnd&pg=PR15&dq=Cassese+A.+Self-determination+of+Peoples:+A+Legal+Reappraisal&ots=XhsXdCpoFj&sig=cuUNxNPaBwJ_f9Cvtom9rYxxA_Y&redir_esc=y#v=onepage&q=Woodrow%20Wilson&f=false)

<sup>117</sup> “Kurdish people”. Internet site <http://www.lexvo.org/uwn/entity/e/Kurdish%20people;jsessionid=1n8gtjclslqei>

<sup>118</sup> Cf. Ugur M., Op. cit.

<sup>119</sup> “In Your opinion, do the Kurds want to have a separate state?” (Poll report). *Public Perception of the Kurdish Question*. Turkey: Foundation for Political, Economic and Social Research (SETA) and Pollmark. 2009. p. 63.

The main defender of the rights of Kurds is the Kurdistan Workers Party (Partiya Karkeren Kurdistan PKK). Their military actions since 1984 earned them the fame of a terrorist organization and because of that the Government of Turkey refused to enter into negotiations with them. In 2009 the first attempts of Turkish government to award the Kurds more cultural rights (the first Kurdish-language TV-channel TRT 6 was opened; in September the Kurdish initiative was launched which included plans to return Kurdish names to their villages, expand the scope of the freedom of expression, restore Turkish citizenship to Kurdish refugees, etc) ended in temporary failure: PKK continued the battle against the governmental forces; the Government renewed the antiterrorist strategy, at the same time trying to conduct negotiations with the PKK, and the attempts bore their fruit at appropriate time. On the 21<sup>st</sup> of March, 2013 the imprisoned leader of PKK Abdullah Ocalan called cease-fire that included disarmament and withdrawal from Turkish soil. This move marked the end of the 30-year-old conflict. Immediately, in the localities, populated by Kurds, the Kurdish language was introduced in universities. These explicit signs of good will of Ankara to grant the Kurds civic and cultural rights revive their hopes for final and positive solution of all political issues. The present political situation is favourable for introduction and carrying out effective democratic reforms. It should be noted that in the frames of the recent events, Ankara does not show any negative attitude towards the autonomy of the Kurds in Iraqe. While France and the USA provides weapons to the Kurds that they could protect from the invasion of Islamists of Syria and Iraqe<sup>120</sup>.

The Government of Turkey should seize the favourable opportunity to straighten its road to the EU by granting wider autonomy to the Kurds; positive example can be taken from the relationship between Israel and the Palestinians in Gaza. The Israel Government frequently resumes the dialogue with the Palestinians, regardless their continuous terrorist attacks. We are absolutely sure that peace initiatives can change the world into a better place to live where former opponents and rivals can collaborate in seeking wider welfare for all humanity.

## Conclusion

The European Union is a regional alliance of nations which comprises almost all countries of Europe. It has lived to the expectations of the nations of the continent, paying respect to different religious traditions and cultures and is open to other states. Every European state may become the member of

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<sup>120</sup> Cfr. Franco Ch., *La Turchia apre al Kurdistan iracheno autonomo*". Internet site <http://www.rivistaeuropae.eu/esteri/esterni/turchia-apre-kurdistan-iracheno-autonomo/>. (10-06-2014).

EU when applying officially, respecting the values determined by EU Establishment Agreements and committing to take into consideration these values. The enlargement of EU is a hard and long way which has to be passed by candidate states to reach the level of EU criteria. All member states fulfil the conditions on institutional building, development of democracy and compatibility of national law. EU enlargement is a process of accepting of new members into EU. It covers the readiness of candidate states for membership and adequate preparation of EU itself for a larger number of member states. Sooner or later EU will expand by the entrance of Ukraine, Georgia, and Moldova and, probably, other members of Eastern Partnership Programme. The conditions of EU negotiations are applied in the same way for all the candidates, including also Turkey, which expressed the wish to enter EU more than 50 years ago. Though, today the Turkish people are not so much willing to enter EU than before. At present, considerable progress is obvious concerning Turkish membership. Comparing the situation of Turkey 30 years ago and at present, huge progress is seen in economic field, in the field of Union of Duties, protection of human rights. Still, this is too little in comparison to EU requirements. The largest obstacles for Turkey are the occupation of part of Cyprus Island and denying of Kurds rights. There is still a need that Turkish and European people learn about each other more, cooperate and create “the civilisation of love”. People themselves from EU states determine the entrance of Turkey too EU more than institutional negotiations. Citizens, having freely elected politicians, commit them to act in a certain way. Even if Turkey changed its constitution, still European people are afraid of Islamisation of their continent. Today, in EU there are 5% of inhabitants belonging to Islam religion, and when Turkey becomes the member of EU there will be 20% of Muslims. (It is worthwhile to remember that according to the plan of UN of 2004, during the referendum the Greeks from Cyprus voted against the common state of Turks from North Cyprus and the latter were for it). Interreligious dialogue serves well for making the nations closer, for opening of cultures. In such a way European Union could also cover the Black Sea region. Today, under the uncontrolled crisis in Syria, where the Kurds actually have autonomous status, and after the Kurds received real autonomy in Iraq, the USA has just to take serious diplomatic efforts to establish the state of Kurdistan without the violation of Turkish borders. The right of self-determination of nations takes the precedence over the principle of territorial integrity as legal fight of Kurds implemented for so many years has consolidated the principle of self-determination in the consciousness of the nation and has legalised the actions of certain political parties in the eyes of the world. For the birth of an independent state historical, cultural and political grounds are necessary, which are so obvious and analogue, though, R. T. Erdogan so bravely

assaulted Israel because of the rights of Palestinians. First this has to be implemented at home. If this is not reminded to the Government of Ankara and the topic of Kurdistan will be moved away again, it would be a painful loss of the Government of the USA and EU leaders which would never be forgotten neither by the Kurds nor the people of good will. A great supporter of Turkey is the USA, encouraging EU leaders to open EU borders. It is not clear if the status of Privileged Association is acceptable to the Government of Ankara as Turkey wants to be an equal member of EU. The last news about the negotiations of Turkey and EU, which were broken 40 months ago due to territorial dispute with Cyprus (started on November 5, 2013) is optimistic.

EU which has almost the same members as NATO, in creating economic, social and political stability, has decisively contributed to the strengthening of NATO military union capacity for the sake of peace.

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