The Fight against Corruption in Turkey - European Union Relations[*]

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Abstract

The agenda for the fight against corruption has become a prominent part of the relationships of international organizations with nation-states. This article analyses the fight against corruption as a vital topic in Turkey's bid for European Union (EU) membership. It also assesses the EU's approach and framework for the candidate countries. For this purpose, qualitative document analysis is carried out on 80 EU documents on Turkey for the years between 1998 and 2021, based on process tracing. The analysis demonstrates that corruption is a persistent issue in Turkey across multiple fields. Progress is still slow, and Turkey is far from fulfilling the membership requirements for the fight against corruption. The EU has advocated for political will and a new strategy to address corruption in Turkey, focusing on institutional capacity and governance, international commitments, the fight against clientelism and political corruption, and the independence of the judiciary.

Keywords: European Union, Turkey, Corruption, Fight against Corruption, Document Analysis.

Türkiye - Avrupa Birliği İlişkilerinde Yolsuzlukla Mücadele

Öz

Yolsuzlukla mücadele gündemi, uluslararası örgütlerin ulus-devletlerle olan ilişkilerinin belirgin bir parçası haline gelmiştir. Bu makale, Türkiye'nin Avrupa Birliği (AB) üyeliği kapsamında kritik önem taşıyan yolsuzlukla mücadelesini analiz etmektedir. Ayrıca AB'nin aday ülkelere yönelik çerçevesi ve konuya yaklaşımı değerlendirilmektedir. Bu amaçla Türkiye ile ilgili 1998-2021 yılları arasındaki 80 AB belgesi üzerinde, süreç analizine dayalı nitel doküman analizi yapılmıştır. Analiz, yolsuzluğun Türkiye'de kalıcı bir sorun olarak birçok alanda yaygın olduğunu ortaya koymaktadır. İlerleme hâlâ yavaş ve Türkiye yolsuzlukla mücadelede üyelik gerekliliklerini yerine getirmekten çok uzaktadır. AB, kurumsal kapasite ve yönetişim, uluslararası taahhütler, kayırmacılığa ve siyasi yolsuzluğa karşı mücadele ve yargı bağımsızlığına odaklanarak Türkiye'de yolsuzlukla mücadele için siyasi iradeye ve yeni bir stratejiye işaret etmektedir.

Anahtar Kelimeler: Avrupa Birliği, Türkiye, Yolsuzluk, Yolsuzlukla Mücadele, Doküman Analizi.

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Introduction

Corruption is defined as "behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence" (Nye, 1967: 419). According to the United Nations (UN) Office on Drugs and Crime (UNODC, 2022), corruption causes a long list of harmful economic, social, political, international, and societal repercussions such as undermining sustainable development, rigging economic and political systems, organized crimes & terrorism, diminishing state capacity, and human rights violations. According to the UN Human Rights Office (OHCHR, 2022) and the Council of Europe (1997), its presence undermines governmental accountability and transparency, causing widespread unease with the regime's administration of justice and bureaucracy, and a loss of political legitimacy. In this respect, the fight against corruption is critical for democratization, economic growth, and development (UNODC, 2004: 5-7).

The fight against corruption shifted from being solely a domestic policy problem to one of the international relations thanks to the transformation from a national to an international law enforcement model, new international legal instruments & preventive measures, and rising global cooperation with the help of international organizations (Stessens, 2001: 892). International organizations such as the UN, Transparency International, and the World Bank have been involved in assisting national governments, particularly through the supply of anti-corruption guidelines, periodicals, and toolkits. More significantly, through a conditionality mechanism, many international organizations make the agenda a priority in their interactions and networks of collaboration with nation-states.

The European Union (EU) adopts a similar position in the fight against corruption and contributes to the anti-corruption programs of member/candidate states. Since it undermines the basic values of the Union - democracy, the rule of law, respect for fundamental rights, as well as the importance of a functioning market economy - the fight against corruption is one of the indispensable conditions of EU membership (European Commission, 2013b: 6-7) concerning the Copenhagen Criteria and negotiation chapters.

The fight against corruption has been the subject of literature because it is an essential theme of EU politics and accession negotiations. Within the context of Turkey-EU relations, the first group of literature that problematizes the root causes of corruption grounds their assessment on institutional

perspectives including political, administrative, and legal dimensions (Çaha, 2009), patron-client networking, informality, and tax evasion (Adaman, 2011), informal mechanisms (Soyaltın, 2017), and the circumstances for 'free and fair competition' in politics, bureaucracy, and business (Acar and Emek, 2009). The second group of scholars focuses on the Justice and Development Party (*Adalet ve Kalkınma Partisi* - AK Party) government's source of motivation for EU-led reforms, such as to sustain the government's hegemony and superiority as a domestic political priority, the moral-based competitive neoliberal system, represented in the anti-corruption drive (Bedirhanoğlu, 2007); to serve the government's internal agenda and strategy as the primary drivers of important reforms rather than the EU anchor (Yılmaz and Soyaltın, 2014) and as populist tactics that stifle dissent while pursuing a cover-up campaign against new corruption claims (Onbaşı, 2020). The final group of analyses examines the impact and effectiveness of the conditionality mechanism, which was unable to erode grand corruption and its persistence (Kimya, 2019), the ineffectiveness of institutional, policy, and legislative reforms on state tradition and sociopolitical and administrative culture (Ömürgönülşen and Doig, 2012), and the barrier to political accountability (Mousseau, 2012).

This exploratory study differs from existing literature in terms of methodology by employing qualitative document analysis and process tracing. Designed as a comprehensive country assessment, the article first aims to provide a general outlook on how the EU accession process affected the fight against corruption in Turkey during the AK Party governments. Secondly, adopting an issue-related approach in the Turkish case, the article also questions the EU's approach and framework for the candidate countries. For this purpose, in-depth qualitative document analysis was carried out on 80 EU reports (progress reports, enlargement strategy papers, pre-accession strategy documents, and other documents), to analyse three exploratory questions: i) general outlook of the fight against corruption, ii) anti-corruption reforms, iii) the EU's demands and expectations. The article offers insight into Turkey-EU relations on a delicate and critical issue by evaluating Turkey's fight against corruption from the perspective of Brussels. The analysis is exploratory and reveals the macro-orientation but is not sufficiently detailed on the ad-hoc items and micro dimensions due to time and data limitations.

Reforms in Turkey on legislative, institutional, and policy practices have had a limited impact, and the process has not resulted in a systemic reduction of corruption. The failure of the limited and selective reforms during the government's early years resulted in partial and insufficient harmonization. Turkey is still far from fulfilling the membership requirements. The Union's

vast demands are focused on institutional strength and governance, the ful-fillment of international obligations, combating clientelism and political cor-ruption, and ensuring judicial independence. This is why the Union now calls for political will and agenda-setting (European Commission, 2023a: 27).

The study is divided into four sections. The first section details the fight against corruption in the Union's enlargement policy, followed by the agen-da in Turkey-EU relations. The third section is designed as a methodological framework. The last section is dedicated to data analysis and findings.

Fight against Corruption in the EU's Enlargement Policy

The fight against corruption is a priority in the EU acquis and policies, in parallel with the Union's deepening and enlargement processes. First, the Treaty on the Functioning of the EU classifies the agenda as one of the severe cross-border crimes, and according to Article 83, the Union has the authority to set minimum rules (Official Journal of the European Union, 2012: 34-35). Since the adoption of the Stockholm Program in 2009, the fight against cor-ruption has been classified as a matter of justice, freedom, and security. The Program lists several objectives and areas of convergence for member states, candidate countries, and EU Institutions (European Commission, 2012):

> "i) Mainstreaming anti-corruption provisions in EU horizontal and sectorial legislation and policy, ii) monitoring performances in the fight against corruption by member states, iii) supporting the implementation of anti-corruption measures at the nation-al level via funding, technical assistance, and experience-sharing, iv) improving the quantitative evidence base for anti-corruption policy, v) Promoting the fight against corruption globally, through the participation in relevant international anti-corruption meetings, vi) updating and modernising the EU anti-corruption framework."

The EU's anti-corruption policies can be divided into four pillars. First, as a normative power, the Union proposes numerous legislations for national governments to adopt and implement.[1] Second, the Union monitors the an-ti-corruption performances of the nation-states in collaboration with various international organizations, such as the Council of Europe's Group of States against Corruption (GRECO) and the UN. Third, the Commission regularly or-ganizes experience-sharing workshops and finances nation-states' anti-cor-ruption efforts via the Internal Security Fund: Borders and Visa, and European Structural and Investment Funds. Fourth, the Union initiates new institutional

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1 The EU Anti-Corruption Convention (1997), the EU Treaty on Anti-Corruption Involving Officials of the European Communities or the EU Member States (1997), the Convention on the Protection of the Financial Interests of the European Communities (2002), the Framework Decision on Combating Corruption in the Private Sector (2003), the Directive on the Protection of Financial Interests, and the Anti-Money Laundering Acquis (2015), and the European Public Prosecutor's Office (2021).

measurements to empower the fight against corruption agenda by revising the structure within EU Institutions and their relations with nation-states.[2]

While the EU develops convergence and cooperation policies, it also closely monitors the development of operative legal and institutional mechanisms for candidate countries. Although not specifically referred to in the membership conditions, the subcomponents of the Copenhagen Criteria[3] necessitate the agenda in three respects. Firstly, it is impossible to fulfill the political and economic criteria without a commitment to fight corruption in issues and areas such as independence of the judiciary, public procurement, efficient public administration, or stability of the institutional structure and economy. Secondly, the EU accession negotiation process is formally carried out through negotiating chapters. The fight against corruption is listed as an essential prerequisite for membership in Chapter 23 on Judiciary and Fundamental Rights and in Chapter 24 on Justice, Freedom, and Security (European Commission, 2023d). Thirdly, within the scope of the third criterion, the adoption of EU legislation, the Union binds membership to close cooperation with international organizations and international commitments. For these reasons, candidate countries are obliged to sign and fulfil not only their commitments to the EU, but also to the UN and the Organizations for Economic Co-operation and Development (OECD), referring to international treaties such as the UN Convention against Corruption, the OECD Convention on the Combating Bribery of Foreign Public Officials in International Business Transactions, the Criminal Law Convention on Corruption, and the Private Law Convention on Corruption by the Council of Europe (Soyaltin-Colella, 2020: 66).

The significance of the fight against corruption in the accession process became clear during the 2000s. Romania and Bulgaria had to wait until 2007 due to shortcomings in this area following the Central and Eastern European Enlargement in 2004. Although granted membership in 2007, both countries were under the monitoring of the Commission's Cooperation and Verification

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2   The European Anti-Fraud Office (OLAF) was established in 1999 to fight against corruption. The European Parliament, OLAF, and the European Court of Accounts all take different steps and play diverse roles against corruption. The European Parliament resolved to implement specific legal steps after designating various forms of corruption as crimes (criminalizing them), including supporting the institutional and technological framework as well as the financing of political parties. The European Court of Auditors has full audit authority regarding all revenues, expenditures, and funds of the Union. For details, see: Karakaş and Çak (2007).

3   Copenhagen criteria is adopted in 1993 by the Union as accession criteria for candidate countries to become a member state: i) political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; ii) economic criteria: a functioning market economy and the capacity to cope with competition and market forces; iii) legislative criteria: administrative and institutional capacity to effectively implement the acquis and ability to take on the obligations of membership. For details, see: European Commission (2023c).

Mechanism (CVM) until 2023. Similarly, the threat of action (nuclear option/ Article-7) against Hungary and Poland shows the decisiveness of the EU in this area. The Union has declared ten primary recommendations for candidates and third countries (European Commission, 2003: 25-26):

1. "A clear stance against corruption to ensure credibility through national anti-corruption strategies or programmes, covering both preventive and repressive measures,

2. Align with the EU acquis, ratification, and implementation of all main international anti-corruption instruments,

3. The implementation of anti-corruption laws by competent and visible anti-corruption bodies,

4. The access to public office, open to every citizen, and regulated by objective and merit-based criteria,

5. Integrity, accountability, and transparency in public administration can be achieved by employing quality management tools and auditing and monitoring standards,

6. The establishment and monitoring of codes of conduct in the public sector,

7. Clear rules in both the public and private sectors on whistle-blowing and reporting,

8. Increasing public intolerance with a message that corruption is a criminal offence, through awareness-raising campaigns in the media, training, and the involvement of civil society,

9. Clear and transparent rules on party financing and external financial control of political parties are needed to avoid covert links between politicians and (illicit) business interests,

10. Incentives for the private sector to refrain from corrupt practices such as codes of conduct or white lists."

Europeanisation as a phenomenon to explain the interaction between the EU and nation-states has multiple functions to understand the impact of its conditionality mechanism and external incentive governance model on domestic politics (Schimmelfennig and Scholtz, 2008: 188). As a concept, it refers to "processes of construction, diffusion, and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, - ways of doing things" (Saurugger and Radaelli, 2008: 213). The EU is supposed to use external incentives, social learning, and lesson-driving mechanisms to influence national governments to uphold a range of EU norms and principles (Schimmelfennig and Sedelmeier, 2004). The process encourages candidate countries to adopt membership conditions (Copenhagen criteria) including

legislation, institutional changes, and policy practices, as a response to mis-fits. However, the difficulty of Europeanisation arises from the paradox that reducing corruption requires the commitment and cooperation of those who directly and/or indirectly benefit from it (Martin-Russe, 2022: 1-17). Contrary to the mainstream approach in the Europeanisation literature, this difficulty worsens in the fight against corruption, and can result in a negative and dark outcome. Selectively (non)implementing anti-corruption policies may result in gaining and consolidating political power generally due to systemic short-comings in the rule of law. Therefore, the EU may stabilise rather than trans-form domestic structure, framed as 'stabilitocracy' in the literature (Börzel and Pamuk, 2012; Bieber, 2018; Kmezić, 2019).

Fight against Corruption in Turkey - EU Relations

After receiving candidacy status at the Helsinki Summit in 1999, Turkey signed the Accession Partnership Document in 2001 and opened the negotia-tion chapters in 2005. Turkish relations with the EU under AK Party govern-ments followed a worsening course. The Europeanisation trend in the early years turned into a selective Europeanisation pattern and recently into de-Eu-ropeanisation (Yılmaz, 2016). During the first phase of Turkey-EU relations (1999-2004), AK Party progressed on a standing basis subject to economic liberalisation and democratisation as proof of their commitment to the EU (Öniş and Yılmaz, 2009: 8). The government adopted vital EU harmonization packages and played a transformative role in Turkish politics.

Adoption, implementation, and convergence with the EU acquis in crimi-nal and judiciary law, as well as increased international cooperation, became critical, addressed especially in the Justice and Home Affairs section of the 2001 Partnership Document (Official Journal of the European Union, 2001: 10). During this first phase of relations, the Accession Partnership Document broadened the anti-corruption agenda to include border management, asylum, and migration (Official Journal of the European Union, 2003: 21). The same document promotes the harmonization of legislation and the fight against or-ganized crime, drugs, human trafficking, forgery, and money laundering.

In the second phase of relations, 2005-2010, the government hesitated to reform and operated selectively for domestic consideration (Yılmaz, 2016). Despite the anti-corruption agenda, described in EU documents regularly and in-depth, Turkey took a selective approach and did not develop a thor-ough and appropriate action plan. For the first time in 2006, anti-corruption was designated as a separate agenda item, compromising the demands for

the adoption and expansion of the principles of ethical behavior of public servants, the limitations of parliamentary immunity, institutional capacity, and coordination against organized crime and corruption (Official Journal of the European Union, 2006). When high-level corruption and organized crime came under attention in 2008, the negotiation's democracy and rule of law component underwent some adjustments (Official Journal of the European Union, 2008). Considering a more in-depth view of the previous national programs, the 2008 National Action Plan focused only on political standards, public administration efficiency, harmonized legislation, and institutional design (Ministry of Foreign Affairs [MFA], 2012).

In the third phase of relations, domestic change took place in Turkey in contrast to the EU demands: de-Europeanisation (Yılmaz, 2016). Since then, Turkey's ability to assume the obligations of membership has become very limited (European Commission, 2021: 8). Turkey's relations with the EU are currently at a deadlock. For instance, the source of this analysis - the EU reports were dismissed as prejudiced, unjust, biased, and unconstructive by the government (MFA, 2020). During this time, the fight against corruption primarily remained on paper and at a level of commitment, with no effective reforms occurring. The anti-corruption agenda was only mentioned in the 2016–2019 National Action Plan under the chapter on the judiciary and fundamental rights as follows (MFA, 2021a: 153): "This strategy should outline concrete measures for ensuring the achievements of the objectives set and should include an analysis of the effects of legislation on the financing of political parties and election campaigns in addressing corruption." Today, the fight against corruption is addressed only by ethical practices in local governments and public agencies intending to increase their openness (MFA, 2021b: 96). The only pledge made under the National Program for the years 2017–2023 was to change the law governing political party financing (MFA, 2019).

**Table 1:** Corruption Perceptions Index in Turkey (1995–2022)
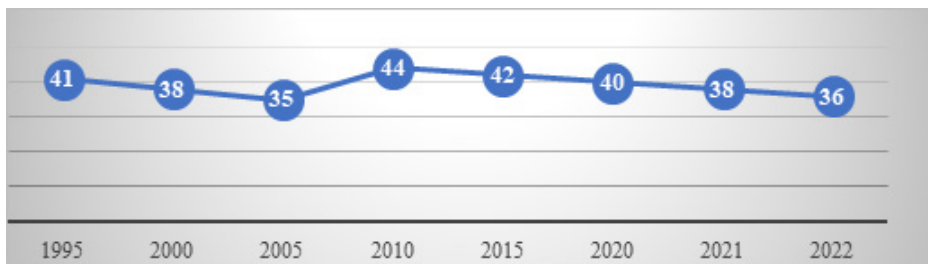
Source: Transparency International. (2023). Turkey. Retrieved from https://www.transparency.org/en/countries/Turkey

Note: The index uses scores ranging from 100 (clean) to 0 (highly corrupt).

Throughout the intervening 27 years, Turkey's performance in the fight against corruption followed a course of ups and downs (Table 1). The corruption perception score reached 44 levels after a partial improvement during the reformation period till 2010. According to the corruption perception index in 2022, Turkey is a country where the perception of corruption is widespread without notable progress, with a 36/100 score (ranked 101st out of 180 countries). Transparency International's (2020) report on the Western Balkans and Turkey in 2020 lists the following indicators of state capture: patronage and clientelist networks; political elites and their grip on power; misuse and abuse of state facilities and public revenues; the superiority of personal benefits in clashes with the public interest; high-level corruption; and changes in legislation encouraging corruption. Turkey is also listed among the global-level corruption scandals due to the 'gas for gold' scheme (Transparency International, 2022).

Table 2: Control of Corruption in Turkey (1996–2021)

	1996	2000	2005	2010	2015	2020	2021
Control of Corruption	0	0	-0,03	0,03	-0,15	-0,34	-0,39
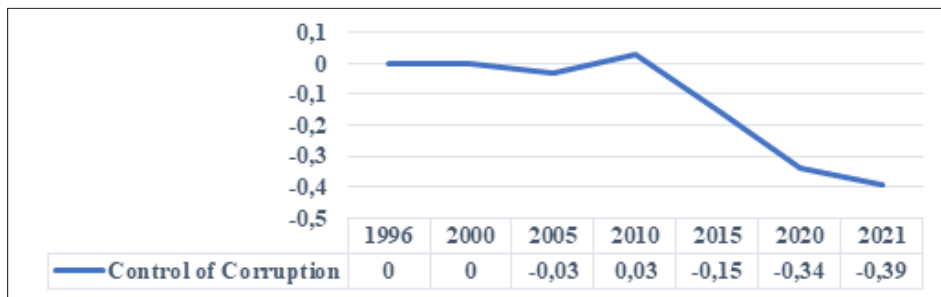
Source: The World Bank. (2023). The worldwide governance indicators - control of corruption. Retrieved from http://info.worldbank.org/governance/wgi/
Note: -2.5 stands for weakest and worst performance while +2.5 stands for strong and best performance.

According to the control of corruption index (Table 2), Turkey has performed poorly in the fight against corruption, backsliding since 2010. The World Bank (2017) ranks corruption as a key challenge to Turkey's political, security, and economic atmosphere. Having a similar position, UNODC (2016) calls attention to the deficiencies in the legislation and policy practices. The OECD (2021) asks for the urgent implementation of key reforms to ensure the independence of investigations and prosecutions and speed up the fight against the illegal influence of foreign bribery. The Financial Action Task Force (FATF, 2019: 7) claims that Turkey confronts considerable money laundering and terrorist financing threats because of its geographic location. FATF particularly calls attention to illegal drugs, migrant and human trafficking, and fuel smuggling.

Research Design and Methodology

Corruption is a phenomenon that is notoriously difficult to measure and study (Heinrich and Hodess, 2011). Existing literature has a history of being fragmented in the shadow of alternative methods such as case and survey studies, expert opinions, minding gaps in primary and secondary data, market and statistical inference, and direct observation (Sequeira, 2012; Bautista-Beauchesne and Garzon, 2019: 724). Investigating efficient anti-corruption strategies particularly calls for methodological variety (Jain, 2001). As a result, there is a need for more precise, reliable, and relevant data for tracking actual successes through coordinated 'qualitative' research (Galtung, 2001; Moran, 2002; Disch et al., 2009).

Document analysis is outside the realm of the corruption field as an unusual method, encouraged in the literature as a qualitative data analysis (Galtung, 2001; Moran, 2002; Disch, et al., 2009). The document analysis was used to address the research area because EU documents were designed as an 'information provider/responder' (O'Leary, 2014): i) the general outlook of the fight against corruption, ii) the reforms for the fight against corruption, iii) the EU's demands and expectations.

For the in-depth analysis of the reports published by the EU from 1998-2021, the study first extracted 80 documents, consisting of Progress Reports,[4] Enlargement Strategy Papers, Accession Partnership Documents, European Parliament's Resolutions, and other documents because of their three characteristics: They i) provide a systematic overview of accession candidates, ii) illustrate current status and progress, and iii) highlight policy challenges (Schwarz, 2021). As a second step, all reports were searched using the keyword 'corrupt/yolsuz', and the relevant paragraphs were collated in a Microsoft Word document. European Parliament's Resolutions and other documents with relatively fewer paragraphs were combined into a single document on 40 files in total. Third, using the saturation point as the dataset condition, the initial reading of the documents produced a sense of agreement on the recurrence of facts, observations, and policy recommendations.

For the coding procedure, a computer-based application (Maxqda) was employed, with sentences organized as the unit of analysis. The coding procedure was repeated a second time to ensure the study's validity and reliability. Out of 834 codes, only 18 were modified with 97.9% accuracy throughout this

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4   Since 2015, the European Commission has stopped using the term 'progress' in its reports for potential and candidate countries.

recoding phase. The qualitative characteristics of the analysis were mostly retained in the article due to its flexibility and adaptability in facilitating document analysis. The data analysis and findings were classified based on the answers to each question posed in the documents.

Finally, *process tracing* (process evaluation and change under alternative theories) was employed in the analysis to apply the EU's approach and framework for the candidate countries. The analysis instrumentalises the explanations for events and potential reasons that influenced a specific change in connection to alternative theories for the fight against corruption: (i) principal-agent theory, ii) institutional theory, and iii) collective-action theory (UNODC, 2022b). To this end, in relation to alternative theories, i) the tone of the language in the documents and the level of harshness of the criticism; ii) vocabulary expressions related to progress; and iii) theory-based keywords[5] were used in process tracing.

Data Analysis and Findings

There are 834 codes, in a total of 138 pages (Table 3). Most of the codes cover the demands and expectations of the EU (68%). 142 codes focus on reforms (17%) and 123 codes on the general outlook for the fight against corruption in Turkey (15%). The distribution of the codes confirms the qualitative analysis of the documents and the validity of the findings and conclusions. The table implies that reforms are limited, and the EU's anti-corruption demands and expectations are greater than expected. According to the word cloud as a footnote, the most frequently repeated meaningful words are 'public-political-financial-legal-judicial' respectively. The finding illustrates that the anti-corruption agenda has become more prominent in the public administration, particularly the judiciary.

Table 3: The Distribution of the Codes

Code System	Total Number	Percentage
General Outlook of the Fight against Corruption in Turkey	123	15%
Reforms in Turkey	142	17%
EU's Demand and Expectations	569	68%
Total	834	100%

5   For Principal-Agent Theory: legislative, executive, and judicial powers, bureaucracy (public officers), monitoring, knowledge, ex-ante mechanism and ex-post mechanism; for Institutional Theory: institutions, public administration organs, formal and informal rules and procedures, capacity, autonomy, independence, enforcement, legislations, specialisation; for Collective Action Theory: systemic, normalisation and rationalisation, political corruption, measures on paper, veto players, leadership and political will.

The general outlook of the fight against corruption in Turkey

The fight against corruption is considered an 'indispensable' condition for membership, prioritised as a straightforward criterion (European Commission, 2018a: 22): "The EU's founding values include the rule of law and respect for human rights. A properly functioning judicial system and an effective fight against corruption are of paramount importance, as is respect for fundamental rights in law and in practice." For this reason, the agenda has been a priority from the early stages of the negotiations, repeatedly underlined and discussed in detail within the EU's Enlargement Strategy Papers (European Commission, 2005b; 2006b; 2009b; 2012b; 2019b) and by the European Parliament (2004; 2008; 2015; 2018). In addition to being a technical and ad hoc agenda item, it is often incorporated into political and economic criteria, among the key membership conditions (Graph 1).

Graph 1: Word Cloud - Political and Economic Dimensions © https://wordart.com

The EU points out that corruption is widespread, from the separation of powers to judicial independence, from local governments to migration, and from media freedom to civil society. There is references to issues within the political criterion subcategories, particularly civil society, the rule of law, transparency, and accountability. The EU relates the fight against corruption to economic criteria and draws attention to combating the informal economy, VAT and customs tax evasion, organized crime, and fraud. According to the Union, the following areas are especially vulnerable to corruption: public finance, public-private partnerships, and public tenders and procurement, especially in the land management, energy, construction, and transportation sectors (European Commission, 2020a: 27).

The expression 'progress' rarely appears within the Union's observations and comments regarding the general outlook. According to the European Commission (2006a: 10; 2009a: 13; 2009b: 5; 2010a: 80; 2011a: 20; 2016a: 6; 2018a: 5) corruption is 'widespread' in Turkey and exists in 'many fields'. The

EU warns that corruption is a fundamental, serious, and worrying problem in Turkey, posing several challenges to the membership negotiation (European Commission, 2005a: 103; 2016a: 20; 2018a: 5; 2019b: 25).

> "Corruption remains prevalent in many areas and continues to be a serious problem. Corruption perception also remains high" (European Commission, 2018b: 3).

> "Turkey is prepared at a certain level (some level of preparation) for the fight against corruption" (European Commission, 2015a: 4; 2016a: 20; 2016b: 16; 2018a: 5).

> "The continuing absence of an overall strategy, action plan and coordination mechanism is a cause for continuing concern in this area" (European Commission, 2008a: 11).

> "There has been limited progress towards strengthening the legal framework and institutional set-up to fight corruption" (European Commission, 2008a: 11).

The Union portrays Turkey's level of progress with skepticism and later negativity. While 'some/limited progress' expressions are often used regarding reforms and policy practices (European Commission, 2005a: 17; 2006a: 10; 2007a: 11; 2008a: 68; 2009a: 12; 2011a: 20), the European Commission emphasised the lack of progress in 2015, 2018, and 2020. The government received criticism for its deteriorating anti-corruption efforts in 2019 (European Commission, 2019a: 6). The evaluation of Turkey's level of harmonization shows parallelism regarding the general outlook: Turkey is evaluated at an 'early stage' (European Commission, 2019a: 25; 2020a: 26) or only 'prepared at a certain level' in the fight against corruption (European Commission, 2015a: 4; 2016a: 6; 2018a: 5).

Reforms in Turkey: It all comes down to institutionalism and principal-agent theory

The EU keeps a watchful eye on the reforms, considering all relevant aspects and areas. Attention is drawn to the steps taken and reforms adopted during the earlier period when the government's enthusiasm for membership was higher, and there were more intense Europeanisation efforts. The EU's principal-agent and institutional approaches are being used in conjunction with the legislative framework, fulfilling international commitments, and establishing and empowering related agencies throughout this time.

The first and most common allusion to legislation is modifications in the legal system. Significant legal measures from a principal-agent perspective are Turkey's amendments to the Law on Public Financial Management and Control, the Ethical Board for Public Servants, and the inclusion of provisions on corruption in the public procurement legislation (European Commission, 2005a: 17). Furthermore, Turkey has adequately complied with the

Convention for the Protection of the Financial Interests of the European Communities and its accompanying protocols (European Commission, 2012a: 90; 2013a: 76). Other legislative revisions connected to institutionalism include the establishment of the Ombudsman Institution (European Parliament, 2006) and amendments to the Law on the Right to Information (European Commission, 2006a: 10). Prioritising the ex-post mechanism in the agent approach, particular attention was paid to the Turkish Penal Code when revising the offences of bribery, trading in influence, abuse of power and embezzlement, and the problem of statute of limitations (European Commission, 2007a: 60; 2009a: 12; 2012a: 17; 2015a: 17).

The expansion of international collaboration in the fight against corruption is the second issue welcomed by the Union as a reform initiative. Turkey's membership in GRECO (European Parliament, 2004; 2005), becoming a party to the Council of Europe Criminal Law and Civil Law Conventions on Corruption (European Commission, 2005a: 106) and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (European Parliament, 2004; European Commission, 2005a: 106; 2009a: 70) are all positive achievements. The EU has started monitoring Turkey's cooperation with international organizations and the extent to which it complies with the obligations set down in the treaties and conventions, such as the cooperation with OLAF (European Commission, 2009a: 88; 2010a: 97; 2011a: 108), and the fulfillment of recommendations by GRECO (European Commission, 2008a: 11; 2010a: 15; 2011a: 86; 2019a: 26; 2020a: 26).

Institutional initiatives and policy practices are the third issue addressed by the EU in anti-corruption policies. A vital reform was the government's adoption of the 'National Anti-Corruption Strategy' (European Commission, 2009a: 12; 2012a: 18; 2013a: 12). The notable reforms are the establishment of the Ministerial Committee for Enhancing Transparency and Improving Good Governance (European Commission, 2007a: 11; 2008a: 68), the determination of an action plan against corruption in VAT (European Commission, 2009a: 89), the establishment of two separate Parliamentary Investigation Commissions on various corruption cases (European Commission, 2006a: 10; 2015a: 7) and the establishment of the Ethics Board for Civil Servants (European Commission, 2005a: 18; 2009a: 13; 2015a: 11; 2016a: 67). Other efforts highlighted by the Union are the establishment of working groups on issues related to corruption (European Commission, 2011a: 19; 2013a: 12; 2014a: 47) and the publication of guidelines (European Commission, 2008a: 10). Additionally, a few corruption-related investigations, trials, and court rulings were reported: the Supreme Court trial of former politicians (European Commission, 2005a:

18), the Deniz Feneri case (European Commission, 2008a: 11; 2009a: 13; 2014a: 48), various municipalities (European Commission, 2010a: 15; 2012a: 18; 2013a: 48), Generals (European Commission, 2005a: 14; 2007a: 11) and the December 17 and 25 Operations (European Commission, 2014a: 9). The Police and the Turkish Financial Crimes Investigation Board, the Turkish Court of Accounts, the Prime Ministry Inspection Board, and the Prime Ministry/ Presidential Communication Centre (BIMER/CIMER) are other institutions that also attracted attention in the documents.

In addition to the three domains of reforms listed above, there have been further advancements in some other areas: training activities, involvement of civil society in decision-making processes (European Commission, 2009a: 12; 2013a: 48; 2014a: 14), financing of political parties, (European Commission, 2012a: 18), strengthening the financial audit capacity of the Constitutional Court (European Commission, 2012a: 17) and amendments and implementation practices (European Commission, 2012a: 18; 2013a: 48; 2014a: 63). The Commission also ensures the establishment of working groups by including anti-corruption initiatives in the EU-Turkey visa liberalisation dialogue (European Commission, 2019a: 49).

The EU's Demands and Expectations: The Return to Collective-action Theory

The EU's demands and expectations during the early years of the reform process were molded by institutionalism and the principal-agent approach. However, early legislative, institutional, and policy reforms did not reduce corruption systematically. In other words, the EU's long-dominant perspectives of principle-agent and institutional methods did not result in convergence. Since then, the EU has shifted its approach and strategy by debating political will and leadership in line with the collective action theory.

EU demands and expectations primarily focus on the independence and effectiveness of institutions (European Commission, 2005a: 107; 2005b: 32; 2014a: 3; 2018b: 2). By drawing attention to certain institutions' weaknesses, the Union calls for the implementation of legal and administrative regulations to ensure greater efficiency and independence, and thus strengthen their effectiveness in fighting corruption (European Commission, 2006a: 10; 2006b: 5). The European Commission emphasises (2013a: 48; 2014a: 63; 2014b: 11) that the judicial system and law enforcement agencies should improve their operating capacities and should be free from any forms of outside meddling. Similarly, some concerns exist around policy compliance, coordination, and

cooperation among public institutions (European Commission, 2005a: 18; 2006a: 59). For instance, the EU warned the Radio and Television Supreme Council (RTÜK) and the Turkish Radio and Television Corporation (TRT) over the disproportionate representation of the ruling party in the media (European Commission, 2014a: 53). It is anticipated that this would lead to increased cooperation between and within the institutions and bodies as well as an improvement in the fairness of representation (European Commission, 2016a: 27; 2018a: 8; 2019a: 26; 2020a: 78). There are numerous calls to create an 'Anti-Corruption Agency' whose independence and efficacy should be guaranteed by the UN Anti-Corruption Convention (European Commission, 2015a: 16; 2016a: 20; 2018a: 28; 2019a: 26). Additional suggestions include conduction of training (European Commission, 2016a: 67), awareness campaigns (European Commission, 2018a: 28; 2019a: 26; 2020a: 27) and establishing a monitoring mechanism (European Commission, 2010a: 15; 2020a: 28).

Politicians and senior officials who commit corruption are given their own category by the Union. In this regard, the European Commission (2005a: 18; 2006b: 57; 2009a: 13; 2012b: 4) clearly identifies the issue of parliamentary immunity and asks for appropriate legal amendments. The demands and expectations regarding the legal and institutional measures on the financing of political parties and elections are a recurring theme (European Commission, 2011a: 19; 2013a: 63; 2016a: 11). The EU also expresses its discomfort with the ineffectiveness of investigations and trials against corruption involving top-level bureaucrats and politicians (European Commission, 2015a: 16; 2012a: 15), noting that certain 'privileged' groups are more securely protected in accusations of corruption (European Commission, 2016a: 66; 2019a: 26; 2020a: 27). The practice of needing approval from higher authorities to bring public officials to trial is also challenged (European Commission, 2006a: 10). The misfits persist because the current disclosure of property and conflict of interest laws does not comply with EU regulations (European Commission, 2015a: 7). The different treatment of university, army, and members, who are subject to separate legislation, is another issue that conflicts with EU legislation (European Commission, 2007a: 60; 2008a: 68).

> "Transparency of public expenditure and of the funding of political parties remains insufficient. Corruption remains prevalent in many areas and continues to be a serious problem" (European Commission, 2011b: 39).

> "Legal privileges granted to public officials such as the requirement for prior authorisation from their administrative hierarchy before starting an investigation, continued to provide a legal shelter for public officials in anti-corruption criminal and administrative investigations" (European Commission, 2016a: 66).

"The government's response to allegations of corruption targeting high-level personalities, including members of the government and their families, raised serious concerns over the independence of judiciary and the rule of law" (European Commission, 2014b: 45).

The performance of Turkey's obligations emanating from international agreements and the cooperation with associated international organizations constitute the third area of expectations (European Commission, 2013a: 48; 2018a: 23; 2019a: 26; 2020a: 26). In this circumstance, often-cited instances are the calls for reforms (European Commission, 2013a: 12; 2018a: 27-28; 2020a: 26-27), fulfilling the commitments in the UN Anti-Corruption Convention (European Commission, 2015a: 16) and empowering cooperation with the OECD (European Commission, 2015a: 17).

"Turkey did not align with GRECO recommendations on judicial independence or transparency of the legislative process and political financing" (European Commission, 2020a: 27).

"The OECD's Foreign Bribery Report published in December 2014 expressed concern over Turkey's limited enforcement of the foreign anti-bribery legislation" (European Commission, 2015a: 17).

Expectations surrounding the law enforcement and judiciary components of the anti-corruption campaign have recently become the fourth area of concern (Graph 2). The anti-corruption agenda is also listed under the issues of judicial independence and the rule of law (European Commission, 2009b: 5; 2010a: 76; 2014a: 44; 2019b: 1). The EU criticises political pressure in critical cases related to corruption crimes and calls for guarantees of the full independence of the judiciary (European Commission, 2019a: 26; 2020a: 26; 2020b: 20). Concerns include law enforcement, the arbitrary replacement of the duty of judges and prosecutors dealing with critical cases, and the practice of establishing administrative proceedings against or dismissing them (European Commission, 2015a: 58; 2020a: 21).

Graph 2: Word cloud - Institutions and Organizations © https://wordart.com
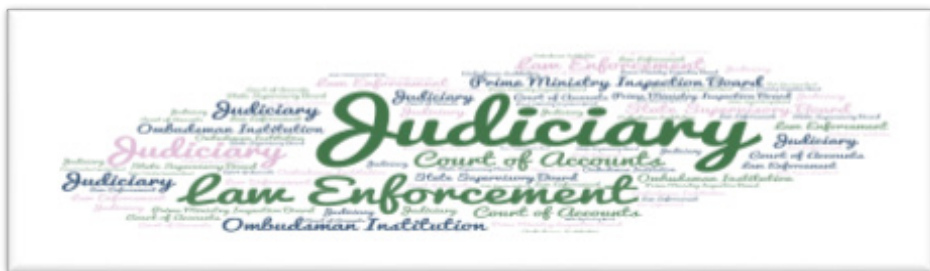
According to the Union, strengthening the investigative capacity of law enforcement and the judiciary is indispensable (European Commission, 2014a: 10). The absence of effective and successful investigations and trials worries the EU (European Commission, 2013a: 13; 2015a: 58; 2018a: 27), which results in 'impunity' (European Commission, 2015b: 5) or 'deferment of the announcement of the verdict' (European Commission, 2015a: 17; 2019a: 26). Its three recommendations are to conduct a parallel financial investigation regarding corruption crimes (European Commission, 2015a: 16; 2018a: 28; 2019a), to employ experts in the fields of finance and economy (European Commission, 2016a: 21), and to establish and expand specialised courts (European Commission, 2015a: 17; 2018a: 28; 2019a: 6; 2020a: 27). The lack of lobbying legislation in Turkey (European Commission, 2016a: 21; 2018a: 29; 2020a: 27), measures against corruption in the private sector (European Commission, 2015a: 17; 2018a: 28), frequent amendments to the Public Procurement Law (European Commission, 2016a: 21; 2018a: 67; 2019a: 6; 2020a: 19) and issues in the fight against external bribery (European Commission, 2016a: 21) are other issues relating to the judiciary and law enforcement.

> "An independent and impartial judiciary and prosecutors specialised in the fight against corruption and related crimes are essential" (European Commission, 2009b: 5).

> "With few exceptions, such as in the case of tender-rigging often handled with deferred pronouncement of sentences, the sentences handed down are a deterrent" (European Commission, 2016a: 20).

> "Prosecutors involved in the December 2013 anti-corruption investigations were reassigned or removed. The High Council of Judges and Prosecutors (HSYK) launched disciplinary and criminal investigations against a number of them. A large number of police officers were removed, reassigned, or even detained" (European Commission, 2014a: 44).

The EU has adopted a more critical tone regarding Turkey's anti-corruption measures. Publicly acknowledged is the fact that Turkey has not only fallen short of the goals outlined in its own national action plans and strategies (European Commission, 2016a: 22; 2018a: 29; 2020a: 28) but there has been a deterioration in the fight against corruption (European Commission, 2019a: 6). According to the EU, implementing an effective effort to reduce corruption strongly depends on political will (European Commission, 2013a: 12; 2016a: 20; 2018a: 27; 2020a: 6), consistency and decisiveness (European Commission, 2018a: 5; 2020a: 6) and political ownership (European Commission, 2018a: 29; 2019a: 25). Using a collective-action approach, the EU draws attention to the need for broad consensus as well as a strong and resolute political will to combat corruption (European Commission, 2015a: 15; 2016a: 20).

"The absence of a robust anti-corruption strategy and action plan is a sign of lack of political will to fight decisively against corruption" (European Commission, 2019a: 6).

"A broad, inter-party political consensus and strong political will are required to fight against corruption decisively" (European Commission, 2018b: 3).

Conclusion

In this exploratory study, a qualitative analysis of EU documents is first used to determine the general outlook of the fight against corruption, relevant reforms, and the EU's demands and expectations in Turkey. Adopting document analysis, the article covers 80 documents consisting of EU reports on Turkey. Second, with the help of anti-corruption theories, the EU's approach and framework for the candidate countries are investigated using process tracing in the Turkish case.

Corruption is one of the key obstacles to Turkey's membership goal in the negotiation process. The determination and evaluation of the EU are in parallel with those of other international organizations such as the UN, Transparency International, and the World Bank. The EU has serious concerns about several actors, such as local governments, bureaucracy, the legislature, and the judiciary, due to the appearance of corruption in areas including public procurement, organized crime, media, politics, public administration, and the informal economy. Turkey has made little progress towards the EU's anti-corruption recommendations for candidate countries. The demands and expectations of the Union are varied and many, mainly shaped around institutional capacity and governance, fulfillment of international commitments, the fight against favouritism and political corruption, and judicial independence. Meeting this long list of demands requires a new, systemic, and multidimensional approach. Therefore, corruption should be considered by the government as a key issue, requiring a new, inclusive, and well-planned strategy.

During the early years, when membership motivation was high, the EU-led reforms took place regarding legislation, institutions, and policies within the scope of institutional and principal-agent approaches. To this end, Turkey has adopted various anti-corruption initiatives to meet the EU's membership conditions. However, contrary to expectations, the relevant reforms had a limited impact: The Turkish case resulted in partial and insufficient harmonization. Reforms in some selective legislation, institutions, and policies did not actually open the door to a corruption-reduction system in a way that grand corruption is still a major problem. As a result, from 2010, the EU's demands shifted from institutional and principal-agent approaches to collective action theory.

Despite the candidacy process and membership negotiations, the EU anchor was not able to achieve progress toward effective change in Turkey. Research findings reveal that the preventive policies implemented through the EU conditionality mechanism did not produce positive results. First, the EU's traditional position and mainstream approach, not paying enough attention to structural problems of law enforcement, independence of the judiciary and rule of law, has a misleading assumption that institutional and legislative initiatives will reduce corruption. Our findings do not support the institutional and principal-agent approaches and relevant literature, highlighting administrative and legal dimensions, patron-client networking, and informal mechanisms. Second, referring to political will in the last decade is a clear indication that the persuasion of the government is a determinant factor in parallel with the literature on collective-action theory. Furthermore, there aren't many studies that use the collective-action theory to analyse the causes of the deterioration. Third, the major contradiction of the external incentive model comes out as the main concern: how can international organizations "persuade" national actors who benefit directly or indirectly from corruption to cooperate in the fight against corruption?

The EU has failed to persuade the Turkish ruling elites. The process tracing reveals that the entire course resulted in setbacks, supporting the literature that the EU stabilises domestic structure rather than transforming it: stabilitocracy. The contextual change has rendered studies prioritising the EU's impact on the reformation process and the government's motivation meaningless. Instead, the effect of relevant reforms has remained very limited in the fight against corruption, and worse, there has been a deterioration in recent years. The fight against corruption in the Turkish case has proven that Europeanization does not always result in persuasion, but rather in ticking boxes.

It is hard to claim that the EU's anti-corruption framework for candidate countries is a success. This issue-oriented analysis illustrates the need for new research on the viability of the EU's current policy and strategy for candidate countries, thereby bringing conditionality and external incentive models into the discussion. The liberal and institutionalist anti-corruption strategy should be called into doubt. The dominance of rational and institutionalist ideas in Europeanisation literature, established without taking into account the "persuasion" of leaders and political elites, is ineffective in combating corruption. There is a literature gap for new perspectives and anti-corruption techniques that explore lesson drawing and social learning mechanisms for persuasion.

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