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Submission of Evidence to the House of Commons Foreign Affairs Committee's inquiry into UK-Turkey Relations and Turkey's Regional Role

29 August 2011

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Summary

- The UK Government should be aware of the impediments to democracy in Turkey, particularly with regards to the limitations on freedom of expression.
- Turkey will make a strong partner to the UK government in the pursuit of democracy in the newly emerging regimes after the Arab Spring. Nevertheless, to what extent Turkey can represent a 'model' to those regimes is uncertain.
- Turkey-EU relations have faced a stalemate due to lack of credible commitment to Turkish accession by some EU Member States as well as the Turkish government. However, still, the UK Government is correct in pursuing the Turkish EU membership as a long-term objective.
- The Cypriot conflict cannot realistically be resolved in the near future due to the wide gap between the Turkish and EU positions. Nevertheless, incremental steps may be taken for the establishment of free trade between the island as a whole and the Turkish-EU customs union area.

- In the meantime, the UK government should pursue strategies to prove credible EU commitment to Turkish membership that would re-elevate the public support for EU membership in Turkey, such as an easing of visa restrictions.

A. Quality of democracy, the rule of law and human rights in Turkey

1. Between the recognition of Turkey's EU candidanship in 1999 by the Helsinki European Council and the second term of the AKP (Justice and Development Party) in government (2007-2011) Turkey adopted painstaking reforms to improve democracy and the rule of law. These reforms served Turkey most significantly by shifting the political power from military to civil institutions. Nevertheless, during the second AKP government in parallel to the stalemate in Turkey-EU relations the reform process came to a halt and a trend (re-)emerged for the centralisation of power in the hands of the government. We are of the opinion that the UK government should be aware of the current impediments to democracy in Turkey. In support of this argument we provide evidence below from two specific incidents (the 2010 constitutional reform process and the political crisis surrounding politicians held in jail) as well as the general impediments to freedom of expression.

2. The AKP government proposed an extensive constitutional reform initiative in 2010 that pursued convergence with the EU standards in certain matters, such as the judicial control of administrative and criminal decisions of the military.¹ However, the reform package also brought a significant increase of political power in the appointment of high court justices. Additionally, the reform process was not in line with the standards of an established participatory democracy where constitutional reforms are expected to reflect a societal consensus reached through deliberations between different political groups and civil society organisations.

3. The 2010 reform package was drafted by the AKP government almost singlehandedly and despite the strong opposition of civil society organisations, including the Union of Judges and Prosecutors, and the Union of Bars. The

¹ See the comparative table regarding the Proposed Legislation for the Amendment of Certain Provisions of the Constitution, www.akparti.org.tr/media/www/Anayasa%20de%20C4%9Fi%20C5%9Fikli%20kar%20C5%9F%20C4%B1la%20C5%9Ft%20C4%B1rml%20C4%B1%20teklif%20tablosu.pdf.

parliamentary vote on the reforms failed to reach the required two-third majority and the reform package was henceforth sent to a public referendum. The opposition parties demanded that the different amendments were split into different questions on the referendum ballot paper to avoid a take-it or leave-it choice. The government rejected this request, and the entire amendment package was passed with the support of 57.9% of the vote.

4. During the 2011 election, the government has campaigned on its intend to overhaul the constitution. However, the AKP manifesto did not make any concrete suggestion as to what constitutional clauses should be amended and how. Prime Minister Erdoğan pleaded the electorate to provide his party with a 2/3 majority of seats in the Parliament which would allow for constitutional reform without the cooperation of opposition. This forthcoming reform process needs to followed closely particularly in the light of the experiences with the 2010 constitutional reforms.

5. After the June 2011 elections, the Parliament found itself in a political crisis surrounding politicians held in detention: two MPs of the CHP (Republican People's Party) are imprisoned under the *Ergenekon* investigation into an alleged coup attempt; six MPs of the Kurdish BDP (Peace and Democracy Party) were arrested under the *KCK* operations against the urban wing of PKK (the Kurdish Workers' Party); finally, one MP from the MHP (Nationalist Action Party) is held under the *Balyoz* investigation, yet another investigation into an alleged coup. Of these nine MPs, only one MP of the BDP, Hatip Dicle, is convicted in a court of law for being a member of the PKK based on his public statements.

6. After the elections, the Turkish Board of Elections stripped Dicle of his parliamentary mandate and reallocated his seat to AKP, since the BDP fielded independent candidates – rather than a party list – to circumvent the 10% national election threshold. Additionally, Turkish lower courts have so far refused to release the four of the remaining eight jailed MPs, while final decisions regarding the remaining detainees are pending. The BDP MPs called the AKP to initiate necessary legal reforms for the release of their imprisoned members; and with this aim they have boycotted the Parliament. Negotiations between the AKP and the BDP failed, after the AKP refused to amend Article 7 of the Turkish Anti-Terror Act to allow the detained BDP members to take their seats in the Parliament. This was followed by

escalation of violence and terror in Southeast Turkey and a declaration by the Kurdish Democratic Society Congress (that brings together a wider spectrum of the Kurdish political elite) of what they called 'democratic autonomy'.²

7. This political crisis constitutes a significant cursor for the current state of democracy in Turkey from different perspectives: first, it shows that despite the abovementioned constitutional reforms, some clusters of society still face significant barriers on the way to democratic representation. Second, the upfront refusal of the AKP to implement the necessary reforms for the release of arrested politicians leads to a serious questioning of this party's commitment to democracy when it benefits other political groups. N.b. that AKP leader Recep Tayyip Erdoğan was subject to a similar legal caveat during the 2002 elections; and he became eligible to assume office as MP and prime minister only after the CHP had cooperated with the AKP to amend the constitution accordingly.

8. The immediate reliance by the Kurdish forces to methods of violence leads to a serious questioning of the Kurdish opposition's commitment to democratic process in the search for equal representation and minority protection. If this crisis remains unresolved and if the reforms are adopted without the contribution of Kurdish representatives, the new constitution will have limited value at best for the improvement of democracy and minority protection in Turkey. Overall, the crisis does not bode well for the future of Turkish democracy.

9. Finally, the Turkish civil society and media have been under serious pressure.³ Most significantly, Turkey currently holds the largest number of imprisoned journalists in the world.⁴ For instance, the aforementioned *Ergenekon* investigation has notoriously become a pretext to punish government-critical journalists. The most prominent names in this respect include Mustafa Balbay, Soner Yalçın, Ahmet Şık and Nedim Şener.

² In the light of the previous declarations of the BDP and the Congress, democratic autonomy refers to regional autonomous governance that is somewhat similar to a state within a federal regime.

³ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe following his visit to Turkey, from 27 to 29 April 2011 – Freedom of expression and media freedom in Turkey, Strasbourg, 12 July 2011, CommDH(2011)25.

⁴ 'Turkey 'world leader' in imprisoned journalists, IPI report says', *Hürriyet Daily News*, 8 April 2011.

10. The general discrepancies in the Turkish justice system, most notably unusually long arrest periods, exacerbate the impediments to freedom of expression. At the time of the writing of this report, Ahmet Şık and Nedim Şener have been arrested for more than 160 days without a formal indictment against them.

11. Self-censorship is also an issue in Turkey. Over the last few years, numerous government-critical journalists have lost their jobs. Banu Güven, a top TV anchor who shared this destiny, recently wrote a public letter to the Prime Minister and pleaded for the removal of pressures on media.⁵

B. Turkey as a model for other Muslim countries in the context of the Arab Spring

12. Turkey has arguably the most solid democratic regime in its region, not least because of its regular, open and transparent parliamentary elections. The threats of military coups have decreased significantly – mainly due to the AKP’s demilitarisation of state institutions.

13. Turkey has strong political and economic ties with the countries of the ‘Arab Spring’, particularly Libya. During the time of writing of this report the Turkish government is preparing the Libya summit that is taking place in early September in Istanbul. The Turkish government has recognised the National Interim Council as the legitimate representation of the Libyan people in early July and the Turkish government has since kept close relations with the Council’s president, Mustafa Abdel Dschalil.

14. Additionally, after the appointment of Ahmet Davutoğlu as Foreign Affairs Minister, the government has adopted a policy of ‘zero problems’ with neighbours. Therefore, the AKP government initially adopted a cautious tone with regard to the civil awakenings in the Middle East and North Africa. Nevertheless, eventually the government became openly critical and vocal about the state imposed violence on protestors in these countries.

⁵ ‘Bir Mektup’ [‘A Letter’], <http://banuguyen.com/2011/07/14/bir-mektup/>. See also Ayla Albayrak, ‘Zipped-Lips in Turkey’s Media’, *Wall Street Journal*, 18 July 2011.

15. Most recently, Mr. Davutoğlu communicated a clear message of discontent to the Syrian Government with regard to human rights violations taking place in Hama during his visit to this country. This message was communicated in close collaboration with the US Department of State. In contrast to the decreasing popularity of the UK (and other Western countries) among the peoples of Muslim countries, particularly after the invasion of Iraq, Turkey has become immensely popular in these countries with its strong economy, its vibrant popular culture and its vocal stance in international politics.

16. Prime Minister Erdoğan, in particular, has come to be seen as a potential leader for the Muslim world in general after his open and strong criticism of the Israeli government in the 2009 World Economic Forum and after the 2010 flotilla incident. All of these stand as evidence that the Turkish government will make a strong partner to the UK in the pursuit of democracy in the countries of Arab Spring. Due to cultural similarities as well as the popularity of Turkey in those countries, the Turkish government may be able to communicate closely and deeply with the local forces involved in the design of new regimes.

17. Whether Turkey represents a 'model' for the region is an altogether different question. As many as seventeen countries are involved in the Arab Spring - Egypt, Libya, Syria and Tunisia being subject to the most substantial systemic changes.⁶ Searching for a single model of democracy in a post-dictatorial scenario for even these four countries is an insurmountable task. Such a plan would fall short due to cultural, historical and institutional differences between the different Arab nations; and a 'regime transplant' from Turkey to these countries is, thus, destined to fail. Even if Turkey is to constitute a model for those countries, it has to be established beyond the separation-of-state-and-religion rhetoric in what way the Turkish regime represents an ideal from the institutional perspective; in our eyes this is not at all certain.

18. The answer to this question will also depend on the level of ambition of the UK government in the pursuit of democracy in the newly emerging regimes. In collaboration with the local forces, the UK government and its partners should press

⁶ See the Guardian guide on Arab Spring at <http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline>.

for, *inter alia*, free and transparent elections, judicial independence, gender equality, freedom of expression and effective minority protection. As the evidence presented above suggests, in some of these areas Turkey itself should be regarded as a work in progress rather than a transferable model for the Arab Spring nations.

C. Government support for Turkey's EU membership

19. Turkey has long tried to become a member of the European Union and we are convinced that the UK government should continue to advocate in favour of Turkish membership. To shed light on the background: Turkey has first voiced its intention to join the then European Economic Community (EEC) in 1959. Although the Ankara Agreement was signed in 1963 to pave the way for a customs union, this goal was achieved eventually in 1995. When it was finally declared in 1997 that Turkey was eligible to join the EU, ten years had passed since the country had formally applied for membership. Cultural discrimination aside, it is difficult to see why the Union would need ten years to declare a country eligible for membership – which is a far cry from membership itself.

20. Turkey has climbed to 17th place in the list of largest economies of the world, while most of the EU member states are struggling under the economic crisis. Turkey offers dynamism to Europe with its young, vibrant and growing population.

21. Turkey had adopted the most courageous reforms in its history when the EU membership appeared as a realistic goal; and the trend for centralisation of power emerged only when Turkey-EU relations came to a halt. Therefore, if the accession process is reinvigorated successfully the EU could again serve as a significant reference point for the improvement of democracy and the rule of law in Turkey.

22. The European Union was not created as a judeo-christian institution but rather a union of like-minded countries that seek common economic (and political) goals. There is thus no reason why Turkey should not join its neighbouring union for cultural reasons. Turkey's Muslim population will clearly be enrichment to the Union that reflects the political reality of today's world. A reinvigoration of the accession process and building of closer ties with the Turkish people would also help the EU

countries in the fight against Islamophobia. Therefore, the UK government would do well in standing up against some of the more prejudiced European governments that are against Turkish membership due to religious and/or ethnic reasons.

D. Government actions to reinvigorate accession negotiations

23. Turkey's EU accession suffers from two key impediments: the current division of Cyprus and the drop in public/political support for EU membership in Turkey.

24. Concerning Cyprus a wide gap between the positions of the EU and Turkey continues to exist: the Turkish government perceives the admission of Cyprus as an EU Member State without the resolution of Cypriot conflict a discrimination between EU candidates. This is because under the Copenhagen criteria, the EU officially does not admit a country with political conflicts with its neighbours. In 2004 Turkey signed the Additional Protocol with regard to the application of Turkey-EU customs union rules to the new EU Member States. Nevertheless, Turkey refuses to apply those rules to Cyprus unless economic isolation of the Turkish society in Northern Cyprus is lifted. The EU, on the other hand, refuses to negotiate key accession chapters with regard to the internal market with Turkey unless the customs union rules are applied to Cyprus.

25. Due to this wide gap and the sensitive nature of the Cyprus issue in national politics in Turkey and within some EU Member States the conflict cannot realistically be resolved all at once in the near future. Nevertheless, both sides may be convinced to take incremental steps over time for the establishment of free trade between the island as a whole and the Turkish-EU customs union area. The UK government, with its close ties to Cyprus as well as Turkey certainly occupies an ideal position to pursue a proactive role with this aim. The swift establishment of a functioning customs union must mark the starting point to solve the Cyprus issue in the long term.

27. The decreasing public support for EU membership in Turkey can be seen partially as a result of its remarkable economic performance during the last years. However, part of the reason is also lack of credible commitments on behalf of the Union and some of its member states to Turkish membership. So far, the EU accession process

has resulted in only marginal, if any, implications on the daily life of Turkish citizens. For instance, Turkish citizens face extremely strict visa policies when travelling to the EU, in contrast to the citizens of Albania, Bosnia-Herzegovina, FYR Macedonia, Montenegro and Serbia who are all given visa-free travel rights throughout the Schengen area. We argue that a liberalisation of the visa restrictions will go a long way in rekindling the Turkish popular support for EU membership. The UK government should work towards a less rigid visa policy for Turkish citizens. This would increase popular support for EU membership in Turkey; and would provide the Turkish government with incentives to commit to the accession process and to continue implementing the necessary legal and political reforms.

E. Does Turkey still want to join the EU?

24. The Turkish government appears to have put its EU-ambitions onto the backburner with a political focus shifted to the goal of regional leadership instead – particularly due to the Arab Spring. Yet, it is unlikely that Turkey can assert its regional leadership role without its close relations to the EU; and this includes a continuation (and eventual conclusion) of the accession negotiations. Turkish government must surely be aware that Turkey's raising profile in its region at least partially stems from the different status of Turkey as a EU candidate and a NATO member. Therefore, we believe that an effort by the EU institutions and the Member States to overcome the current stalemate will find a positive reaction on the side of Turkey.