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## Quo Vadis? EU-Turkey relations in the aftermath of the coup attempt

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(<http://eyes-on-europe.eu/quo-vadis-eu-turkey-relations-in-the-aftermath-of-the-coup-attempt/>)

### QUO VADIS? EU-TURKEY RELATIONS IN THE AFTERMATH OF THE COUP ATTEMPT

*While the failed coup attempt in July 2016 and subsequent measures taken by the AKP (Adalet ve Kalkınma Partisi–Justice and Development Party) have accelerated the authoritarian drift in the country, it has also had serious repercussions for EU-Turkey relations by halting the possibility of re-launching a genuine accession process for Turkey in a foreseeable future.*

Despite their differences and problematic relations, the EU and Turkey have carefully managed their relationship since the beginning of the 1960s. At times, the EU's credible political conditionality contributed to a rapid democratisation process in Turkey, as was the case during the 'golden' years of Europeanisation in Turkey between 2002 and 2005 (Öniş 2008). At other times, especially at critical junctures of Turkey's highly turbulent democratisation process or when the EU lacked a clear commitment vis-à-vis Turkey for various reasons, the convergence on fundamental interests and the dissimilar strengths of the parties kept EU-Turkey relations alive. Nowadays, EU-Turkey relations are increasingly marked by a growing pragmatism on both sides. While the failed coup attempt in July 2016 and subsequent measures taken by the AKP (Adalet ve Kalkınma Partisi–Justice and Development Party) have accelerated the authoritarian drift in the country, it has also had serious repercussions for EU-Turkey relations by halting the possibility of re-launching a genuine accession process for Turkey in a foreseeable future.

#### The Decline of Democracy in Turkey

While Turkey has survived the coup attempt, the government's measures to 'cleanse' Turkish bureaucracy of elements of the Hizmet movement of Fetullah Gülen, who was identified by Turkey as the mastermind of the coup, posed serious challenges to the already fragile democracy in Turkey. First, the government initiated a series of extensive purges in the first week following the failed putsch. According to the main opposition party CHP (Cumhuriyet Halk Partisi–Republican People's Party), some 100,000 people, including judges, prosecutors, journalists, academics, police and army officers were purged. While over 50,000 people were detained, more than 30,000 people were arrested for their alleged links to the Fetullah movement (CHP 2016). The government's decision to go after coup plotters, has mostly hit the judiciary and the media. The closure of a number of television and radio stations, as well as the detention, arrest or dismissal of several journalists have marked just another blow to press freedom in Turkey, which was systematically restricted under the AKP government. According to a recent report issued by Reporters without Borders (2016), since the failed attempt, 200 journalists have been sent to jail while more than 100 newspapers, radio stations, TV channels and news agencies have been closed. Similarly, since 15 July, the dismissal of over 3,000 judges and prosecutors together with the 2010 constitutional reforms as well as the measures taken by the AKP government – especially since December 2013 corruption investigation (see Özbudun 2015) – have rounded out the establishment of full executive control over the judiciary.

Second, the state of emergency declared on 20 July allowed the government to rule by decree and hence to issue decrees with immediate effect 'with minimal oversight from parliament and none from the constitutional court' (Ward 2016). As noted by İltar Turan (2016), the government used these emergency powers to expel not only a huge number of officials from state bureaucracy, but also university professors, teachers, businessmen and civil society representatives alleged to have links to the Gülenist plot. Also, there are clear signs that the government has taken advantage of the emergency situation to silence other opposition groups in Turkey. For example, some academics who had signed the 'Peace Petition'<sup>1</sup> earlier this year and some members of the press with dissenting voices have been fired or arrested. More recently, the government banned a number of television channels and radio stations, which are known to be owned or run by Kurds or the Alevi religious minority, on charges that they spread 'terrorist [PKK] propaganda' (Yackley 2016).



Third, emergency decrees raised serious concerns with regard to a possible violation of human rights and basic freedoms in Turkey as they include extraordinary measures, such as the extension of the maximum period of police detention for terrorism and organized crime from four days to 30 days without appearing before a judge, or the restriction of a detainee's access to a lawyer for the first five days of police detention (Human Rights Watch 2016). These procedures, while in violation of the European Convention on Human Rights (which Turkey temporarily suspended in the wake of the coup attempt), cast a shadow on basic aspects of the rule of law. Moreover, there are signs of ill treatment and grave violation of basic human rights of detainees (Amnesty International 2016). As warned by the Venice Commission of the Council of Europe, derogations from absolute rights are not possible, including 'the prohibition of torture and inhuman or degrading treatment or punishment' even during exceptional emergency situations. The Venice Commission also calls for strict limits on the duration, circumstances and scope of emergency powers (Council of Europe 2016). Clearly, the government's decision to extend the duration of the state of emergency beyond the initial three-month period, coupled with the enlarged scope of detentions and allegations of torture are alarming indicators that this state of emergency might not be compliant with the rule of law.

These exceptional measures adopted by the government following the coup attempt came not only as a major blow to the already fragile Turkish democracy but also accelerated the consolidation of power in the executive branch, particularly those powers held by Turkish President Recep Tayyip Erdoğan. Amidst this politically volatile transition period, in October 2016, the Turkish government has embarked upon a constitutional reform process for institutionalising the Presidential system, which is likely to mark the end of the parliamentary democracy in Turkey by downplaying the role of the Grand National Assembly at the expense of the consolidated and unrestrained powers of an elected super-President.

#### The Ascent of Pragmatism in Turkey-EU relations

While Turkish democracy has progressively converted into an authoritarian rule, a series of quite remarkable developments unexpectedly altered the EU's approach towards Turkey, resulting in a renewed pragmatism in Turkey-EU relations. Over the course of 2015-2016, the EU has faced a massive influx of refugees crossing the Aegean Sea from Turkey to Greece. The interests of several member states rapidly converged over stopping the uncontrolled refugee flow into the Union, hence leading to a 'EU-Turkey joint action plan', which was activated in November 2015 (European Commission 2015). According to the deal, in return for Turkey's cooperation in controlling illegal and irregular migration from Turkey to the EU, Turkey has obtained the following privileges: generous financial support in coping with the high number of Syrian refugees in Turkey; the long-awaited EU promise to lift visa requirements for Turkish citizens travelling to the Schengen area and equally important, a re-energizing of the EU-Turkey accession process through the launch of 'structured and more frequent high-level dialogue' with the EU, an upgrading of the Customs Union, the opening of new Chapters, and the enhancement of mutual cooperation in key areas such as counter-terrorism, energy, business, and foreign and security policy (European Council 2015).

This new approach to bilateral relations, which prioritises mutual interests over a value-guided accession process, has survived despite the devastating effects of the coup attempt on Turkish democracy. In the immediate aftermath of the botched coup, parties expressed their commitment to Turkey-EU agreement on Syrian refugees. However, the deal remains very vulnerable not only due to several humanitarian and legal concerns associated with its implementation, but also because of Turkey's resistance to amending its anti-terror law, which is a core condition of the EU for the lifting of visa requirements for Turkish citizens.

While it is not realistic to expect Turkey to amend its counter-terrorism law in the midst of a state of emergency and while mired in the fight against the terrorist organisation PKK, neither the EU nor Turkey is prepared to break the deal. On the EU side, the agreement provides member states a much needed safety net against an uncontrollable migrant influx in the run-up to elections in several key member states as well as during a complex period in which all EU member states try to mitigate the consequences of multiple challenges to the integration process, including Brexit, illiberal tendencies in some member states, international terrorism and the on-going economic crisis. On the other hand, the Turkish government, though not

willing and able to comply with any political criteria, would be reluctant to completely turn its back to the EU during a time when it aspires to deal simultaneously with terrorism, the consequences of the Syrian civil war and the eradication of the Gülenists from the Turkish political landscape.

In sum, the refugee deal will shape the relations in a near future as long as both the EU and Turkey continue to benefit from it. Although this interest-guided pragmatic approach to relations might bring a breath of fresh air to the current stagnation in Turkey-EU relations, in the long-term, by halting the much needed external reform anchor for Turkey, this approach might further alienate Turkey from a genuine EU accession process leading to full membership.

1. Over 1,000 academics signed a statement entitled 'We will not be a party to this crime', which was made public at a press conference in January 2016. The signatories condemned the Turkish government's security operations against the terrorist organisation Kurdistan Workers' Party (PKK) which had devastating effects on local Kurdish people and called for a resumption of peace talks with the PKK.

Seda Gurkan, Lecturer and postdoctoral researcher, Political Science Department, Université libre de Bruxelles

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