

Does the EU still have leverage on questions of freedom of expression in Turkey?

Michael Leigh*



**Stiftung
Mercator**



IPC

ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE

Does the EU still have leverage on questions of freedom of expression in Turkey? The problem of freedom of expression is real enough. The European Commission's annual reports, the US State Department's Human Rights Reports on Turkey as well as testimony from the country itself leave no doubt as to the increasing infringements of freedom of the press, publication more generally, and the internet. These sources make clear that the law itself does not sufficiently guarantee freedom of expression and note particular concerns about the high number of cases brought against journalists, the political pressure put on the media, the legal uncertainties, and the bans on websites. The Turkish Publishers' Association (TPA) has reported that serious restrictions on freedom of expression have continued despite legal reforms related to the country's EU candidacy.

The deteriorating human rights situation in Turkey is sometimes attributed to the slowdown in Turkey's EU accession process. This view, however, implies that the reforms of recent years were externally imposed and that the Turkish leadership itself sees no interest in an expansion of fundamental freedoms as such. It also implies that Turkish leaders have become oblivious to international opinion, especially as EU accession prospects have dimmed.

These assumptions need to be questioned. Turkish political reforms may have accelerated at the start of the century because of the country's EU membership bid. However, a major impetus for reform has come from the rising expectations of large parts of Turkish society. Turkish journalists, writers, bloggers and internet users depend on the freedom of expression and suffer when it is suppressed. Turkey's credibility as a model or source of inspiration for reformers elsewhere in the Muslim world partly hinges on its more open way of life, including the enjoyment of fundamental freedoms.

The widely reported clamp-down on civil liberties in Turkey is largely due to decisions taken by the Turkish leadership itself. This reflects problems related to the role of the military, especially in the "Ergenekon" affair and the pressure from the Fethullah Gülen movement. But other problems involve the abandonment of the "democratic opening" to the Kurds in light of renewed terrorism, fears of spillover from the situation in Northern Iraq and Syria, as well as sensitivities on the Armenia question following the failure of earlier efforts at rapprochement, and Ankara's drift towards a more authoritarian style of leadership.

If setbacks in the exercise of the freedom of expression are largely home-grown, and not a response to disappointed EU ambitions, can the EU (and the US) nonetheless exercise leverage to improve the situation? The continuing importance to Turkey of its US and EU connections should not be underestimated. These links are particularly valuable given the tenuous nature of Turkey's relations with Syria and other countries in its region following the Arab uprisings. Ankara cannot rely on a strategic alliance with Moscow or with Baku because of its energy dependence. Furthermore, Russia has drawn closer to Israel and Cyprus since the discovery of gas in the eastern Mediterranean.

The current honeymoon between Ankara and Washington is more with the US President than with the Congress or public opinion at large. Popular American sympathies often lie more with Israel, Armenia, Greece and the Kurds, than with Turkey. The honeymoon may well fade away, unless Turkey spruces up its performance on human rights.

The EU's leverage on human rights issues may have diminished since the de facto suspension of accession negotiations, but it is not negligible. Turkey's leaders have tried to keep the accession process alive through acceptance of the "positive agenda" put forward by the European Commission. Despite setbacks and increasing scepticism, Turkish leaders still refer with pride to the

* Senior Advisor, German Marshall Fund, Brussels

country's status as a candidate for "full" membership (there is no other kind) in the EU. This was always going to be a long-term ambition – the country's foreign minister himself mentioned the goal of 2023 for eventual EU membership, a hundred years after the Kemalist revolution. Turkish leaders recoil in disdain at any mention of an alternative scenario, especially if referred to as a privileged partnership (although even such a relationship would no doubt be subject to human rights conditionality.)

The Customs Union with the EU is crucial for retaining favourable access to Turkey's most important export market. EU firms are still the main source of technology transfer, management skills and capital for investment in Turkish business. Politically Turkey's EU orientation helps to maintain a certain balance within the ruling party and to deprive the social democratic opposition of an issue which, despite current opinion polls, may have future electoral value.

Visa liberalization is one of Turkey's principal goals in current talks with the EU. The EU has agreed to start a dialogue to draw up a "road map" with this goal in mind. As with other countries, this road map is certain to include respect for the freedom of expression.

Turkey's diplomats and lobbyists care enough to spend time and energy heading off unfavorable European parliament resolutions. Considerable attention is paid in Turkey to the European Commission's annual reports. The EU is still in a position to exercise pressure for an improvement in the freedom of expression through its judgment on Turkey's performance.



For the best part of the last decade, the Commission has concluded that Turkey *sufficiently* fulfills the ("Copenhagen") political criteria for EU membership. It will be increasingly difficult for the EU to maintain this or equivalent language unless there are distinct improvements in the freedom of expression in Turkey. To be sure, the EU institutions and member states need to speak the same language if their concern is to resonate with Ankara. Freedom of expression will be high on the agenda when the EU reviews its relations with Turkey on the basis of a new Commission report in December.