

Democratization and Europeanization in Turkey After the September 12 Referendum

EMILIANO ALESSANDRI*

ABSTRACT

The recent reform of the Turkish constitution makes Turkey a more democratic country according to European Union standards. This does not mean, however, that Turkey is automatically closer to its goal of EU membership as a result of the September 12 referendum. Dynamics surrounding the latest reforms confirmed that, over the years, Turkey's democratization and Europeanization processes have become less and less the product of a deliberate effort coherently pursued by Turkish elites than the uncertain outcome of what is primarily a struggle for power involving actors representing different segments of the Turkish state and society. A democratic Turkey as a full member of the EU remains a possibility in the medium-to-long term but one that seems to increasingly depend on a combination of favorable developments — a renewed interest in the EU in Turkey and vice versa, a constructive engagement between the government and opposition parties on the future reform agenda, as well as a sustainable solution to the Kurdish issue — which at the moment look far from likely.

If properly implemented, the recent reform of the Turkish constitution will indeed make Turkey a more democratic country according to European Union (EU) standards. EU officials have praised the new constitutional amendments as they provide for more extensive protection for human rights, greater guarantees for Turkish labor, tighter civilian control of the military, and a reformed judicial system — all of which is key for Turkey to move forward with the EU accession process. This shall not lead us to hastily conclude, however, that Turkey is automatically closer to the goal of EU membership as a result of the September 12 referendum on constitutional reform, or that the bitter campaign leading up to the vote can be easily summarized as a contest between the supporters of democracy and European integration on the one hand and their opponents on the other.

Turkey-EU relations are at one of the lowest points in years as evidenced not only by the

* Visiting Fellow at the Center on the US and Europe (CUSE) at the Brookings Institution in Washington D.C., e.alessandri@iai.it

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sluggish pace of negotiations (only one negotiating chapter was opened during the “pro-Turkey” Spanish presidency of the EU in the first half of 2010), but also, and perhaps more critically, by the growing mutual estrangement among both the political elites and the public in

EU member states and Turkey. The European Commission has described the last reform initiative as “a step in the right direction”, expressing essentially a technical opinion. But were democratization and European integration the main drivers for reform? The recent constitutional initiative was hardly triggered by demands coming directly from the European Commission. The political dynamics surrounding the last referendum on the contrary confirmed that, over the years, Turkey’s democratization and Europeanization processes have become less and less the product of a deliberate effort coherently pursued by Turkish elites than the uncertain outcome of what is primarily a struggle for power between actors representing different segments of the Turkish state and society.

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What Remains of Turkey’s EU Aspirations

References to the EU were not totally absent from the messages given by Turkish political leaders during the heated campaign that preceded the referendum of September 12, 2010 on constitutional reform. Indeed, since the moment it tabled its proposal in early 2010, the ruling Justice and Development Party (AKP) linked the passage of constitutional reform to Turkey’s long sought EU membership, stressing that the constitution ratified in 1982, after the 1980 military coup, contained provisions that were simply incompatible with European norms. In contrast, the Republican People’s Party (CHP) — Turkey’s main opposition party — argued that the proposed amendments failed to put Turkey on a firm path towards European integration. Criticism went so far as to accuse the European Commission to be “deaf” to the real demand for change coming from the Turkish people — the end of the AKP’s “regime”. Some in the CHP made allegations that EU officials were bribed to lend support to the AKP initiative.

Putting events in historical perspective, it is impossible to miss the differences between the last campaign and others in Turkey's recent history, especially those in which important reforms were undertaken, such as before the opening of negotiations with the EU in 2005. On

these occasions, Turkey's EU bid provided the same context of reform, although to varying degrees. Constitutional changes approved in 2001 and then in 2002-2003 saw broad coalitions emerge to support EU-driven reforms. Civil society groups were significantly involved in the process, exerting pressure on political elites and providing a bridge to the Turkish masses. In the latest campaign, polarization within both the Turkish political system and Turkish society prevailed. Turkey's EU aspirations were not central to any party's political message, nor were they capable of moving the sentiments of the electorate — except perhaps in a negative way.

Undoubtedly, growing cynicism and disaffection towards the EU among the Turkish people played a role. Despite negotiations opening five years ago, eminent EU leaders have kept questioning the very possibility of a "European future" for Turkey, not only severely undermining the credibility of the EU among the Turkish public but also making it highly difficult for any Turkish political party to campaign on a platform that too closely links changes in Turkey to demands coming from Brussels. The main cause for the EU's declining role and influence in Turkish politics, however, seems to have also other roots.

The interest in EU membership in the period 2001-2005 was strictly, almost vitally, intertwined with the struggle of the emerging forces within Turkish society to create a new political space in which they and their political, cultural, and economic claims could finally fit. The AKP fully embraced the goal of European integration in 2002 as this served the process of its internal and international legitimization as a post-Islamist party. Democratization and liberalization, as required by the EU, were embraced more broadly by the rising "Turkish periphery" (mainly the new Anatolian middle classes that rose to prosperity after Turgut Özal's reforms in the late 1980s) as they cleverly understood that these processes would create unprecedented pressures on the Turkish state and thus allow them to gain influence and for their leaders to move closer to the center of politics as fissures would open in the traditional order of the country. With the double victory of the AKP in 2002 and 2007, these same forces have now firmly occupied the center of power for many years. Almost concomitantly, Europeanization has become more peripheral to their agendas.

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What we have witnessed in the past few months was hardly a hard-fought battle to boost Turkey's EU credentials and Turkish democracy. In many respects, as revealed by the rhetoric of Turkish political leaders, it was a struggle for power between, on one hand, a now not-so-new ruling elite that after eight

years in government has developed an interest in reform as it has a vested interest in self-perpetuation and, on the other hand, the remnants of the so-called Kemalist establishment. It is not an accident that the fight did not revolve around the praiseworthy and largely uncontentious measures such as positive discrimination for children, the elderly, and the disabled; new collective instruments for Turkish labor (including firmer foundations for the right to strike); and expanded rights for Turkish citizens through the ombudsman and right of individual appeal to the Constitutional Court. The main point of contention was clearly the restructuring of the judiciary — seen by both the ruling and opposition parties as one of the last pillars of the old Turkish order (to be reformed and contained according to the AKP; to be defended as the last bulwark against authoritarianism according to the CHP and the other opposition parties).

The European Commission indeed praised the efforts made by the Turkish government to reform the judicial system — an old request in the context of the accession process. Representatives of the Venice Commission (the Council of Europe's advisory body on constitutional matters) have endorsed even those provisions, such as the new rules for the appointment of the top tier of the judiciary, which had engendered controversy in Turkey and skepticism among Western analysts who feared that the independence of judges could be undermined. This shall not obscure the fact, however, that supporters and opponents of reform waged a fight over the judiciary that was clearly political. The same stated goal of a better functioning rule of law was embraced by forces holding conflicting political views on the judiciary's place among the other powers of the state. In the end, serious doubts remained among observers that the AKP's calls for a less partisan judiciary could be separated from the AKP's expectations that this would lead to greater influence and power for itself.

The Path Ahead

An optimistic reading of the current situation would have it that, although European integration and democratization are increasingly hostage to the struggle

for power among the elites, not everything is lost — at least not yet. Although politically motivated, the latest reforms do make Turkish constitutional law more democratic and bring Turkey closer to EU standards. If anything, because of the continuing challenge to its very survival, the AKP has not completely transformed into a status-quo party content with a policy of mere self-aggrandizement. Victory in the referendum, after what was however a tough campaign, may persuade AKP leaders to fully re-appreciate the importance of reaching out to the excluded, alienated, or underrepresented groups in Turkish society. As liberal supporters of the AKP point out, the ruling party might not have democracy in its DNA but it still has an interest in democratization and Europeanization as these help it fight a battle for consensus within Turkey that is far from won (as evidenced not only by the 40% of Turkish people who voted against the reforms, but by the highly segmented distribution of the vote, highlighting the persistence of a fundamental cleavage between central Anatolian Turkey and coastal Turkey).

The opposition, for its part, could finally come to the realization that the antidote against what it fears could be its final liquidation by the post-Kemalist elite is its revival in the “new Turkey” that has been emerging since the 1990s rather than the stubborn defense of fundamentally non-democratic prerogatives that, as highlighted most dramatically by the evolution of civil-military relations, have already been undermined. A timid attempt was made in the early stages of the debate on constitutional reform when the CHP criticized the AKP for the decision not to include in the reform package the lowering of the 10% threshold that still restricts political representation in the Grand National Assembly. But beyond scoring political points, the Turkish opposition effectively failed to come up with constructive criticism and alternative plans for constitutional reform. There is hope that as it plans a return to power, the Turkish opposition parties will see this objective as positively linked to embracing the goal of democratization and to engaging the AKP on a platform that promises more encompassing reforms and faster European integration than is currently the case.

The less optimistic but perhaps more realistic scenario, however, would have it that greater confidence among the ruling elite following their victory in the referendum will lead to more populism and hubris and will lead to the AKP attempting to reinforce its already strong grip on power, putting democracy on the backburner (or alternatively to believe that democratization, however defined, can be further pursued in a country that remains deeply divided and polarized). The opposition, for its part, could conclude from such hardening of the AKP’s position that the ruling party’s authoritarian tendencies can only be countered by

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equally powerful authoritarian alternatives and that there is no avail in taking up the challenge of democratization.

In the end, democratization might still take place as the largely unintended consequence of a struggle for power among Turkish elites that, as it unfolds,

dismantles old systems of privileges, reshuffles hierarchies, and opens up new political spaces. As recent events have amply demonstrated, however, such struggle entails extreme polarization that may lead to competitive dynamism as well as to political deadlock or authentic national crises, as in 2007-8. The question remains, moreover, of what the implications would be for Turkey if there were a separation between democratization and European integration.

The Role of the European Union

The EU can play a role in supporting a new constructive engagement between the government and opposition parties on the future reform agenda, although the will has to be ultimately found within Turkey. The EU is mandated to closely follow Turkey's domestic developments and monitor its progress towards implementing democratization and EU standards. But this work is done mostly by the European Commission in the context of the technical accession process and is largely detached from broader political considerations. This explains why the European Commission had no choice but to endorse the reforms despite it being clear that not necessarily noble political motivations had inspired them and despite the ugliness of the campaign. Statutorily, the European Commission has to acknowledge reforms that bring a candidate country in line with EU norms and regulations. Understandably, moreover, the European Commission has encouraged this as other previous such initiatives on the premise that uncertain steps forward are preferable to no steps at all.

EU leaders not directly involved in the technical process of negotiations, yet who are following with attention the controversial evolution of Turkish foreign policy, should also acquaint themselves with major developments within Turkey and use all the channels at their disposal to remind their Turkish counterparts of the potentially dangerous implications of a democratization process that does not take place within the context of European integration. Not only would such a process most likely conclude with Turkey missing what remains, despite all, one of its stated strategic objectives — EU membership — but it could easily derail

reform altogether, as any future reforms could become completely subordinated to petty political aims. The European Parliament — an institution that the Lisbon Treaty has further empowered — as well as European national parliaments could play a particularly important role in raising awareness about these risks. As major Turkish political parties are affiliated or have dialogues with their European counterparts in the progressive and conservative camps, European parliamentarians should press them with hard questions, manifesting expectations for authentic reform and dramatizing the dangers of a process of democratization that is so intertwined with the internal struggle for power to the point that it is almost indistinguishable from it.

A New Focus on Domestic Issues: A New Constitution and the Kurdish Issue

Among the issues that EU leaders should press their counterparts on is the need after the referendum to fully implement the new provisions — something that will require dozens of new laws to be approved over the following months and years. Promises coming from the AKP to follow up on the latest reform with the drafting of a brand new democratic constitution after the general elections in 2011 should not be forgotten. These promises should be, in fact, used as a test of the ruling party's real determination to bring democratization to completion and make it irreversible. They should also be accompanied by calls to more greatly involve civil society in future reform efforts. Opposition parties, for their part, should be called on to take up the challenge, which requires showing that they are ready to compete with the AKP on an agenda for change.

A second focus should be the Kurdish issue, an issue both critical to Turkey's democratic future as well as to its stability as a state. The dangerous rise of a new generation of Kurds who seem to hold uncompromising views of Kurdish final autonomy from the Turkish state may challenge Turkey's very future, undermining progress made in other areas. Recent accounts rightly present the Kurdish issue as a time bomb which is extremely difficult to defuse not only because of its inherent complexity but because the struggle for power internal to the Turkish state is drawing attention and diverting resources elsewhere. The "opening" announced by the AKP last year has lost much of its momentum. With growing polarization, it seems unlikely that a new constructive engagement between Turkish political forces can be attempted on the Kurdish question. But this nonetheless seems imperative. The success (although not uniform) of the policy of boycotting the referendum in Turkey's southeastern provinces should ring an alarm bell for the AKP, which seems already genuinely worried about the growing alien-

ation among the representatives of the Kurds. Signs of what could become, if left unchecked, a sort of 'Kurdish intifada' should prompt Turkish elites of different political orientations to at least agree on giving the issue absolute priority in the months to come, putting aside other controversies. Attempts made by the Turkish government after the referendum to revive dialogue with Kurdish political parties go in the right direction. If this dialogue were to fail and a new consensus among Turkish elites were found on crushing the Kurdish movement, the EU and the United States should promptly weigh in, trying to stop what would be a highly dangerous and negative development. In any case, with the end of America's occupation of Iraq, a serious transatlantic debate on the Kurdish question is not only desirable but also necessary.

The hope is that, without the need for tragic events to spark a reaction, such a new agenda will take shape before the Turkish domestic debate again becomes hostage to the animosity of the next election.