





## Policy Paper

### EU Support to Dismissed Civil Society in Turkey: Yes, There is a Better Alternative

**VOCAL**  
EUROPE

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## 1. Introduction

It has been fourteen years since the negotiations on Turkey's accession to the European Union (EU) were formally opened and the process has been bumpy to say the least. Whereas the European leaders were hopeful on the accession proceedings and praised then Prime Minister Recep Tayyip Erdogan as a democratic reformer back in the early 2000s, diplomatic relations between Turkey and the EU have steadily eroded, especially since the heavy crackdown following a failed coup attempt in 2016.

The two-year state of emergency that followed the attempted coup was characterised by drastic measures. Emergency decrees resulted in mass arrests and dismissals of journalists, academics and other civil society representatives, as well as the shut down of large numbers of media institutions and NGOs. The vaguely formulated anti-terrorism laws that formed the basis of the measures enabled the government to target a wide range of individuals and eventually proved to be an effective tool to silence dissenting voices in Turkey. With thousands of dismissed professionals who cannot exercise their profession anymore, Turkish society in fact loses a powerful force that could contribute to democracy in the country.

The increasingly repressive situation in Turkey against government critics did not go unnoticed in Europe. Warnings to Ankara followed with the EU considering to cut part of the IPA funds, the pre-accession assistance that the EU grants to candidate countries in order to align them with EU standards. The objective to reduce the financial assistance became reality in 2018 and, as the situation does not seem to be improving, it is likely that Turkey will be deprived of another considerable amount of money in the coming years. Furthermore, calls have been made to redirect the funds towards civil society organisations working on human rights or democratisation, whereby the EU would manage the spending of the funds.

Yet, the proposed initiatives to support civil society in Turkey do not take account of the thousands of dismissed professionals who have contributed to democracy in Turkey but who can, as a result of the current political atmosphere, no longer exercise their profession in or outside Turkey. It is therefore recommended that the European Commission reassesses the scope and functionality of the IPA funds in order to make sure that dismissed professionals who could contribute to Turkish democracy can also benefit from these funds.

## 2. Turkey under seventeen years of AK Party governance: from democratic reforms to an unprecedented crackdown on dissidents and civil society

### 2.1 Turkey's accession process to the European Union

**T**urkey's accession to the EU has been a lengthy process that spans over several decades now. Ankara formally submitted its application for membership of the European Economic Community, a precursor to the European Union, in 1987.<sup>1</sup> Twelve years later the Council confirmed Turkey's statute as a candidate country and accession talks were opened in 2005.

Some particular developments paved the way for the start of these accession negotiations. The Turkish government firstly implemented a critical review of the Constitution in the early 2000s, which resulted in several constitutional reforms including a revision of the Anti-Terror Law and the abolishment of the death penalty in peacetime. Added to these important reforms there was, right after the AKP's first election victory in 2002, the promising pledge of party leader Recep Tayyip Erdogan to make a priority of opening the accession negotiations.<sup>2</sup> Indeed, when the 'Justice and Development Party' or AKP came to power after the 2002 general elections,<sup>3</sup> the party had an ambitious reform plan. Back then Prime Minister Erdogan was praised by the West for being a democrat and a reformer.

However, during the AKP's second (2007) and third (2011) terms the Turkish democratic reform slowed down and eventually reversed with the party adopting an increasingly authoritarian style of governance. Especially since the coup attempt of 2016, this transformation was accompanied by a systematic deterioration of the rule of law, civil rights and the separation of powers, as well as a simultaneously fading EU accession process.<sup>4</sup>

### 2.2 The 2016 coup attempt and the state of emergency

On 15 July 2016 some members of the Turkish armed forces launched a violent coup attempt against the elected government and President Erdogan, which resulted in a death toll of some 240 persons and left more than 2,000 people injured.<sup>5</sup> In response to the attempt the Turkish government declared a state of emergency on 20 July 2016, allowing it to react efficiently to the situation and to promptly investigate and punish those responsible.<sup>6</sup>

<sup>1</sup> <https://www.dailysabah.com/eu-affairs/2018/12/07/eu-cuts-turkeys-pre-accession-funds-by-1467m-euros>

<sup>2</sup> <https://eu.boell.org/en/2015/07/08/turkey-eu-relations-forever-engaged-never-be-married>

<sup>3</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

<sup>4</sup> <https://eu.boell.org/en/2015/07/08/turkey-eu-relations-forever-engaged-never-be-married>

<sup>5</sup> <https://www.amnestyusa.org/wp-content/uploads/2017/05/No-End-In-Sight-ENG.pdf>

<sup>6</sup> <http://www.icnl.org/research/monitor/turkey.html>

The government was quick to point at Fethullah Gülen as the mastermind of the coup. Gülen, an influential Islamic preacher and vocal critic of President Erdogan, leads the Gülen Community (also called Hizmet movement) which is linked to an international network of business, education and other institutions.<sup>7</sup> Despite Gülen's denial of his involvement in the coup attempt, alleged members and sympathisers of the Hizmet movement - referred to by the government as FETÖ (the Fetullahist Terrorist Organisation) - were immediately accused of participation in the coup attempt.<sup>8</sup>

The state of emergency, initially declared for three months, was eventually renewed seven times for three months each until it was lifted on 18 July 2018.<sup>9</sup>

### *2.3 A changing governing system: towards an executive presidency*

Soon after the coup attempt the Turkish authorities informed the Council of Europe that Turkey would provide notice of derogation from the European Convention on Human Rights.<sup>10</sup> What followed was a two-year period characterised by an unprecedented wave of detentions, prosecutions, dismissals and thousands of civil society organisations being shut down. The widespread use of emergency decrees, broadly formulated laws which formed the basis of measures against individuals allegedly associated to groups such as the Gülen Community, the Kurdish political movement and seculars, became a serious concern for international observers since July 2016.<sup>11</sup>

It is against this background that the ruling AKP put forward a constitutional reform package that would transform Turkey's parliamentary democracy into a new system of executive presidency.<sup>12</sup> In a referendum held in April 2017 the Turkish electorate voted by a very close majority in favour of the introduction of the presidential system. The executive role of President Erdogan, who changed his position of Prime Minister for the office of President in 2014, thereby increased considerably.<sup>13</sup>

With the new possibility to enact laws bypassing the Parliament, as well as the ability to control appointments within the judiciary, President Erdogan effectively extended his executive powers into the legislative and judicial branch. The Venice Commission (in full: European Commission for Democracy through Law) evaluated the reforms and concluded that they would result in a system that

<sup>7</sup> <https://www.amnestyusa.org/wp-content/uploads/2017/05/No-End-In-Sight-ENG.pdf>

<sup>8</sup> <http://jwf.org/jwf/wp-content/uploads/2019/01/JWF-Policy-Brief-Turkish-Governments-Abuse-of-Counter-terrorism-Laws..pdf>

<sup>9</sup> <https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>

<sup>10</sup> <http://www.icnl.org/research/monitor/turkey.html>

<sup>11</sup> See e.g. [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf) and [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>12</sup> <https://edition.cnn.com/2017/04/16/europe/turkey-referendum-results-erdogan/index.html>

<sup>13</sup> <https://edition.cnn.com/2017/04/16/europe/turkey-referendum-results-erdogan/index.html>

does not duly respect the separation of powers and introduce a regime that “lacks the necessary checks and balances required to safeguard against becoming an authoritarian one”.<sup>14</sup>

The change in governance system also affected the measures taken in light of the state of emergency which followed the coup attempt. Whereas before April 2017 emergency decrees were issued by the Turkish Council of Ministers, the presidential system set up after the referendum grants the President with the exclusive competence to issue presidential decrees with force of law “on matters necessitated by the state of emergency”.<sup>15</sup>

As some pundits put it, President Erdogan effectively turned a “largely ceremonial post into a vehicle of significant power”.<sup>16</sup> President Erdogan’s tightened grip on the country’s political, economic and social affairs combined with the emergency situation since 2016 allowed for extraordinary measures targeting the supporters of so-called terrorist organisations linked to the coup attempt and, it seems, all other individuals critical of the government.

#### *2.4 Widespread measures targeting the media and other civil society actors*

With a total of thirty-two emergency decrees issued during the two-year state of emergency, an unprecedented crackdown was carried out by the Turkish authorities following the attempted coup.<sup>17</sup> Immediately after the declaration of the state of emergency, journalists were arrested and prosecuted, while judges, prosecutors and other civil servants were detained on accusations related to the coup attempt.<sup>18</sup>

Yet, while initially targeting those individuals considered to be involved in or supportive of the coup attempt, the numerous decrees adopted since July 2016 rapidly broadened the scope of the initial emergency to include measures against all individuals who “are members, are affiliated, linked or connected with terrorist organisations or their structures”.<sup>19</sup> Without any specification as to what kind of “link or connection” is required or what is exactly meant by “terrorist organisations”, the executive authorities enjoy large discretion for interpretation.<sup>20</sup>

Amnesty International estimates of 2018 reveal that since the state of emergency more than 100,000 people have faced criminal investigations and potential prosecution, with some 50,000 individuals

<sup>14</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>15</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>16</sup> <https://edition.cnn.com/2017/04/16/europe/turkey-referendum-results-erdogan/index.html>

<sup>17</sup> <http://jwf.org/jwf/wp-content/uploads/2019/01/JWF-Policy-Brief-Turkish-Governments-Abuse-of-Counter-terrorism-Laws..pdf>

<sup>18</sup> <https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>

<sup>19</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>20</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

imprisoned pending trial, and that about 1,300 associations including more than 180 media outlets were closed down.<sup>21</sup> At least 120 journalists have been detained since July 2016<sup>22</sup> - the highest number in the world.<sup>23</sup> Furthermore, over 100,000 public sector workers have been arbitrarily dismissed, including teachers, academics and in the judiciary.<sup>24</sup>

International actors including the European Union and the UN High Commissioner for Human Rights have voiced their concern about the adoption of disproportionate measures by Turkish authorities. Even though it is recognised as Turkey's legitimate need to take swift action in light of the coup attempt, this does not justify the broad scope, collective nature and arbitrary character of the measures.<sup>25</sup> Massive prosecutions, arrests and dismissals in fact constitute a serious setback for the freedom of expression, media freedom and access to information in the country.<sup>26</sup>

Broad terrorism laws as the foundation for these measures form another reason for concern in light of the principle of legality. Especially with regard to legislation criminalising acts of terrorism, the UN General Assembly time and again stressed the importance of precise and non-discriminatory legal provisions.<sup>27</sup> As the decrees do not set out clear criteria to determine the "link" between the arrested or dismissed individuals and the "terrorist organisations", measures have been taken based on a variety of elements, such as the alleged use of an app called ByLock or the transfer of money to a certain bank. In addition, sanctioned individuals are not provided with specific evidence held against them, which deprives them from the right to defend themselves appropriately.<sup>28</sup>

The fact that several decrees are seemingly unrelated to any threat to national security, such as the closing of civil society and media institutions, suggests that the decrees are actually used to tackle more general issues that the Turkish authorities face.<sup>29</sup> Vague and broadly formulated anti-terrorism laws therefore appear to have been used to intimidate and mute any dissenting voices in Turkey.<sup>30</sup>

<sup>21</sup> <https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>

<sup>22</sup> <https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>

<sup>23</sup> <https://www.theguardian.com/commentisfree/2018/jan/30/amnesty-workers-terrorists-repressive-new-turkey-ngo-draconian-government>

<sup>24</sup> <https://www.theguardian.com/commentisfree/2018/jan/30/amnesty-workers-terrorists-repressive-new-turkey-ngo-draconian-government> and [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>25</sup> <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>

<sup>26</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>27</sup> <http://jwf.org/jwf/wp-content/uploads/2019/01/JWF-Policy-Brief-Turkish-Governments-Abuse-of-Counter-terrorism-Laws..pdf>

<sup>28</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>29</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>30</sup> <https://www.amnesty.org/download/Documents/EUR4482002018ENGLISH.PDF>

### *2.5 Mass dismissals as a specific measure targeting civil society actors*

Emergency laws have greatly affected thousands in the public sector - including some members of the armed forces, police officers, medical personnel, teachers and academics<sup>31</sup> - but importantly also private sector workers and in particular those contributing to the improvement of democracy in Turkey. Mass-scale dismissals have especially targeted a wide range of professionals including civil society representatives, journalists, human rights defenders, lawyers, as well as private school teachers and academics.

The numbers of dismissals are striking. For instance, apart from the thousands of teachers and academics working as civil servants in public education institutions who were directly dismissed, some additional 22,000 persons - including many teaching staff - have equally lost their employment in the private sector due to the closing of private educational institutions linked to the Gülenist network.<sup>32</sup>

Through several decrees the government permanently closed almost 2,000 human rights, humanitarian or lawyers' associations, foundations and NGOs. Decrees 668, 675, 677 and 683 thereby announced the government's decision to shut down 116 media institutions, such as news agencies, TV and radio stations, publishing houses and newspapers. In addition, over 100,000 websites were blocked in Turkey in 2017, among which many Kurdish websites.<sup>33</sup> The instilled climate of fear and the continuous judicial harassment against journalists and human rights defenders (including through arrests and imprisonment) has furthermore lead to self-censorship among media institutions and NGOs.<sup>34</sup> The dismissal of people from different political perspectives, but not linked to the Gülen Community, including trade union members, people who publicly criticised the government or activists opposing the governing AKP, is highly suggestive of an effort to cleanse both the public and private sector of (perceived) political opponents.<sup>35</sup>

The detrimental effects of widespread dismissals of teachers, academics, human rights defenders, journalists and the shut down of many civil society organisations have affected both the targeted individuals and society as a whole.

The additional sanctions that often accompany the dismissals include a life-long ban from working in the public-, or private sector, a systematic confiscation of assets and the cancellation of passports. In addition, the stigma of having been considered as linked to a terrorist organisation seriously

<sup>31</sup> <https://www.amnestyusa.org/wp-content/uploads/2017/05/No-End-In-Sight-ENG.pdf>

<sup>32</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>33</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>34</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>35</sup> <https://www.amnestyusa.org/wp-content/uploads/2017/05/No-End-In-Sight-ENG.pdf>



impacts on the dismissed persons' ability to find new employment. The social consequences of these sanctions taken together can effectively lead to the "civilian death" of those concerned. On an individual level, the dismissals in combination with other measures have therefore affected various human rights, such as the right to work, the right to an adequate living standard and the right to move freely.<sup>36</sup>

Yet, the Turkish society as a whole equally suffers from the mass dismissals of civil society actors and shut down of civil society organisations, as the affected individuals are considered to be essential contributors to the good functioning of democratic institutions and society in general.<sup>37</sup> It is clear that the long-term effects of the extraordinary measures currently adopted cannot be underestimated.

### **3. The EU pre-accession funds to Turkey and their current use in light of Turkey's deteriorating state of human rights**

#### *3.1 First things first: EU pre-accession assistance to Turkey briefly explained*

**A**s an official candidate country for EU accession and in order to achieve the necessary political and economic reforms, Turkey receives financial and technical support from the EU through the Instrument for Pre-Accession Assistance (IPA). The IPA funds aim at aligning Turkish legislation with that of the EU and supporting the implementation of reforms, so that ultimately Turkish citizens can enjoy the same standards as EU citizens.<sup>38</sup>

The pre-accession funds are determined on two levels. On the macro-level, the European Commission decides on the funding for a seven-year period, while on the micro-level, the European Parliament and the Council of Ministers establish the budget per year. Further, in order to evaluate the spending of the funds, the pre-accession funding regime was designed to include a mid-term review clause. This mid-term review allows the European Commission to assess two issues; first, whether the country has moved closer to or further away from the EU and, secondly, how efficiently the received funds have been allocated by the beneficiary country.<sup>39</sup>

On the macro-level, the planned EU financial assistance for the period from 2007 until 2020 amounts to over 9 billion euros, which makes Turkey the top beneficiary country of EU assistance outside the EU.<sup>40</sup> For the first IPA cycle covering 2007-2013 (IPA I) some €4.48 billion were allocated to Turkey, leaving an indicative budget of €4.45 billion for the second cycle covering 2014-2020 (IPA

<sup>36</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>37</sup> [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

<sup>38</sup> <https://www.avrupa.info.tr/en/instrument-pre-accession-assistance-ipa-880>

<sup>39</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/603957/EPRS\\_BRI\(2017\)603957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/603957/EPRS_BRI(2017)603957_EN.pdf)

<sup>40</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

II).<sup>41</sup> Projects funded through the IPA encompass a wide range of policy areas, including employment, education, agriculture, environment and transport. Yet, the European Commission has indicated some specific priority areas, such as the rule of law (including fundamental rights and justice), governance (including civil society support) and human resources (including education) to which it allocated a total €3.8 billion for IPA I and IPA II.<sup>42</sup>

IPA funding in Turkey is mostly implemented under indirect management, meaning that entrusted Turkish institutions are in charge of tendering, contracting, financial management and oversight on the legality of expenditure of EU funds. The overall coordination and monitoring of this process falls under the responsibility of the Directorate for EU Affairs under the Turkish Ministry of Foreign Affairs, acting as the National IPA Coordinator.<sup>43</sup>

However, in light of the attempted coup d'état of July 2016 and the increasingly repressive measures taken under the state of emergency by the Turkish government since then, calls have been made to reduce and re-centralise the management of the IPA funds from Ankara to Brussels.

### *3.2 The recent cut in IPA funds for Turkey*

The deteriorating state of human rights in Turkey did not go unnoticed and warnings from Brussels to Ankara to improve the situation soon followed with the announcement of budgetary cuts, including European Parliament's chief budget negotiator Siegfried Muresan's statement that "[a]s long as Turkey is not respecting freedom of speech, human rights, and is drifting further away from European democratic standards, we cannot finance such a regime with EU funds".<sup>44</sup>

The European Court of Auditors in its 2018 report, which evaluated the pre-accession assistance to Turkey so far, found that due to a lack of political will the funds spent on projects in the rule of law and governance sector had not sufficiently addressed fundamental reforms. The report, which mainly assessed projects under the IPA I funding scheme, in that regard concluded that only a tiny percentage of the funds for the rule of law sector were used for projects related to press freedom, and that the funds for the governance sector dealt too little with civil society organisations. Moreover, it seems that these funds were in any case mainly targeted towards organisations supportive of the government.<sup>45</sup>

<sup>41</sup> <https://www.avrupa.info.tr/en/instrument-pre-accession-assistance-ipa-880>

<sup>42</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

<sup>43</sup> <https://www.avrupa.info.tr/en/how-ipa-implemented-24>

<sup>44</sup> <https://www.reuters.com/article/us-eu-turkey/in-warning-to-ankara-eu-cuts-funds-for-turkeys-membership-bidUSKBN1DU2D4>

<sup>45</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

In order to foster reforms in these priority sectors, the Court of Auditors suggested that the EU should make use of the principle of conditionality (i.e. setting and use of conditions prior to providing financial assistance) for instance by reducing or suspending IPA II assistance or by re-centralising the management of IPA projects from Ankara to Brussels.<sup>46</sup> While suspending all assistance is not an option the EU is currently willing to pursue, considering President Erdogan's claims of betrayal by the EU since accession talks have de facto been frozen,<sup>47</sup> the suggestion to reduce the funds was definitely heard.

Accordingly, during the mid-term review for IPA II (2014 to 2020) in 2017<sup>48</sup> the European Commission proposed a 40 per cent cut of the total funds for the years 2018 to 2020, implying a reduction from some 640 million euros to about 390 million euros in financial support per year.<sup>49</sup>

The European Parliament and the Council opted in November 2017, in their determination of the yearly budget, to set aside 70 million euros in pre-accession assistance for the year 2018, which would only be allocated under the condition that Turkey would make "measurable, sufficient improvements in the fields of rule of law, democracy, human rights and press freedom, according to the annual report of the Commission".<sup>50</sup>

However, in its annual report on Turkey published in April 2018, the European Commission concluded that "Turkey has been significantly moving away from the European Union, in particular in the areas of the rule of law and fundamental rights and through the weakening of effective checks and balances in the political system".<sup>51</sup> As the prescribed conditions were not met, the European Parliament supported the Draft Amending Budget 5/2018, in which the European Commission proposed the cancellation of the reserve in IPA funds.<sup>52</sup> Instead of being allocated to Turkey, the annulled IPA funds are used to reinforce the European Neighbourhood Instrument, through actions related to the Mediterranean migratory route and the EU pledge for Syria, as well as to advance humanitarian aid.<sup>53</sup>

With regard to the 2019 budget, the European Union already announced in December last year to cut the IPA funds by 146 million euros.<sup>54</sup> If the situation in Turkey remains unchanged, meaning that

<sup>46</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

<sup>47</sup> <https://www.ft.com/content/1285e646-930a-11e7-a9e6-11d2f0ebb7f0>

<sup>48</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/603957/EPRS\\_BRI\(2017\)603957\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/603957/EPRS_BRI(2017)603957_EN.pdf)

<sup>49</sup> <https://stockholmcf.org/european-parliament-decides-to-cut-ipa-funds-for-turkey/>

<sup>50</sup> <http://www.europarl.europa.eu/news/en/press-room/20180926IPR14407/turkey-meps-cut-support-by-EU70m-due-to-no-improvement-in-respect-for-eu-values>

<sup>51</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0450>

<sup>52</sup> <http://www.europarl.europa.eu/news/en/press-room/20180926IPR14407/turkey-meps-cut-support-by-EU70m-due-to-no-improvement-in-respect-for-eu-values>

<sup>53</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0537>

<sup>54</sup> <https://www.dailysabah.com/eu-affairs/2018/12/07/eu-cuts-turkeys-pre-accession-funds-by-1467m-euros/amp>

there are no positive developments nor worsening circumstances, it is likely that the 40 per cent cut in the coming years' budget as foreseen by the European Commission will become reality. Should the planned financial aid for 2019 and 2020 indeed be cut by such percentage, Turkey will encounter a total reduction of about 750 million euros in the 2014-2020 IPA II budget.<sup>55</sup>

### *3.3 Re-centralisation and re-direction of the IPA funds*

Apart from reducing the IPA funds as a measure to put pressure on Ankara, the European Union could decide to re-centralise the financial assistance to Turkey. In that respect, EU Council President Donald Tusk stated in October 2017 that EU leaders had asked the European Commission to reflect on a re-orientation of the pre-accession assistance, one option being to channel a greater portion of the funds towards NGOs working on the rule of law and human rights.<sup>56</sup>

Considering the EU Court of Auditors' finding that Turkey only uses a very small percentage of the IPA funds for projects regarding the rule of law or civil society, and hence that a cut in the funds does not significantly affect Turkey in that regard, re-orienting the financial assistance might indeed be a more effective measure. The Court of Auditors special report therefore suggested to re-centralise the management of IPA projects in areas characterised by a lack of political will to implement, such as press freedom and civil society support. This implies that the European Commission would take over their management from entrusted Turkish authorities.<sup>57</sup>

European Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn announced in May of last year that the European Commission was planning to assign the EU delegation to Turkey in Ankara with the direct management and distribution of part of the IPA funds, precisely the portion devoted to civil society dialogue. Furthermore, Hahn indicated that part of the IPA funds (for instance financial support initially foreseen for infrastructure) would be re-directed to "priority" areas such as human rights and democratisation, with recipients of these re-directed funds being NGOs operating in these fields.<sup>58</sup>

The EU delegation to Turkey in this regard lists 'support to civil society' as one of the priorities of financial assistance to Turkey, thereby indicating the importance of an open society where citizens can freely engage in civic action.<sup>59</sup> One of the Delegation's instruments to build capacity of civil society organisations is the European Instrument for Democracy and Human Rights (EIDHR) that

<sup>55</sup> <https://stockholmcf.org/european-parliament-decides-to-cut-ipa-funds-for-turkey/>

<sup>56</sup> <https://www.ft.com/content/e0973740-b59e-11e7-a398-73d59db9e399>

<sup>57</sup> [https://www.eca.europa.eu/Lists/ECADocuments/SR18\\_07/SR\\_TURKEY\\_EN.pdf](https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf)

<sup>58</sup> <https://stockholmcf.org/european-parliament-decides-to-cut-ipa-funds-for-turkey/>

<sup>59</sup> <https://www.avrupa.info.tr/en/eu-support-civil-society-36>

provides direct financial support to such organisations to stimulate the development and consolidation of democracy, the rule of law and respect for fundamental rights. The EIDHR has to date funded about 150 projects in Turkey, including on freedom of expression, strengthening human rights defenders and improved access to justice.<sup>60</sup>

Although very laudable initiatives, the proposed actions to re-centralise the management of the funds and to re-direct funding towards NGOs working on the rule of law and human rights will only reinforce existing NGOs and civil society actors currently at work in Turkey. Those who have been massively dismissed will not be able to benefit from the re-directed IPA funds, as their NGOs have been closed down or because they cannot find new employment due to the stigma of being associated with a terrorist organisation.

Yet, precisely these dismissed professionals are crucial for the strengthening of democracy in Turkey. Considering the governments' tightened measures against political dissent on the basis of vague anti-terrorism laws, which has effectively led to a narrowed civil society space that is loyal to the ruling AKP,<sup>61</sup> supporting those who have been dismissed could reinforce a diverse Turkish civil society that allows for opposing voices to express their opinion.

#### 4. Recommendations

**E**ven though reducing the IPA funds is a logical measure for the European Union to take as Turkey is indeed drifting further away from the EU and its democratic values, a mere cut will not greatly impact on the situation since the Turkish government appears to use only a small part of the IPA funds for relevant projects anyhow.

While re-centralising the management of the funds to Brussels and specifically re-directing the funds towards priority areas such as democratisation and fundamental rights seem to be more effective means to support civil society in Turkey, it is important to consider that this can only be effective if and when the financial assistance reaches also those civil society actors who have been dismissed and can no longer express a critical opinion.

##### *4.1 The EU should support dismissed civil society actors in Turkey*

Given the currently very limited civil society space in Turkey, it is clear that funding initiatives - through the IPA or the EIDHR - merely focusing on existing civil society organisations in the country will not be able to truly contribute to a flourishing and pluralistic democratic society. It is therefore

<sup>60</sup> <https://www.avrupa.info.tr/en/eidhr-projects-900>

<sup>61</sup> <http://www.icnl.org/research/monitor/turkey.html>

recommended that the IPA funds are not only used to reinforce civil society organisations still operating in Turkey. Importantly, the scope of the funds should be expanded to also financially assist those professionals who have been dismissed, but who could bring an essential contribution to Turkish democracy if given the necessary support.

Civil society actors who have been dismissed or barred from employment due to the shut down of their organisations constitute an especially vulnerable category of people inside Turkey, taking into account the additional measures that prevent them from finding another job or even traveling abroad, which only emphasises the urgency of the matter.

Moreover, some international observers found that external support has been instrumental for the survival of civil society in Turkey, which may constitute an enduring and positive legacy of the international community's engagement with Turkey. However it is recognised that under deteriorating conditions external actors may have to adapt their strategy.<sup>62</sup> Two suggested solutions for more impactful civil society support through the IPA funds are elaborated further on below.

**a) Support through a newly founded civil society organisation in the EU**

A first option for the EU to use the IPA funds in a way that allows for more effective support to the dismissed professionals inside Turkey is through the creation of a new NGO based in one of its member states. This NGO, which could for instance be established in Brussels, could then make calls for relevant projects to which dismissed professionals in Turkey could apply.

This would enable the EU to select projects that it considers to be valuable in terms of contributing to a stronger democracy in Turkey, as well as to select the persons who will be hired to work on the selected projects. In that way, the EU could make sure that its financial assistance for rule of law and human rights projects indeed reaches those dismissed professionals who could make an essential contribution to Turkish democracy but are currently deprived from the opportunity to do so.

**b) Support through the European Endowment for Democracy or other established international organisations**

Another option to redirect the EU funds is through an existing institution that already has ties with the European Union, such as the European Endowment for Democracy (EED). The EED was created with the purpose to promote the European values of freedom and democracy in EU neighbourhood countries.<sup>63</sup> Through its statutes, the organisation is explicitly allowed to apply for EU funds, which

<sup>62</sup>[http://www.gmfus.org/publications/turkeys-civil-society-playing-long-game?utm\\_source=email&utm\\_medium=email&utm\\_campaign=2018-14-11%20world%20wire](http://www.gmfus.org/publications/turkeys-civil-society-playing-long-game?utm_source=email&utm_medium=email&utm_campaign=2018-14-11%20world%20wire)

<sup>63</sup><https://www.democracyendowment.eu/about-eed/>

then must be delivered in conformity with EU financial rules and under the auditing competence of the European Court of Auditors.<sup>64</sup>

The EED has been supporting democracy actors in politically sensitive environments with a specific focus on the “unsupported” who are not eligible for other (EU) grants.<sup>65</sup> Moreover, the Endowment explicitly mentions pro-democratic civil society organisations and individuals, independent media actors and journalists as beneficiaries of its funding.<sup>66</sup>

The dismissed civil society professionals in Turkey, who cannot receive funding because they are unable to find employment elsewhere, therefore fit in the EED’s target group. Projects that the Endowment already supports in Turkey include an NGO defending journalists facing prosecution for political speech issues<sup>67</sup> and an NGO providing fact checking of government information.<sup>68</sup> Allocating more EU funds to the EED, thereby expanding its funds for Turkish initiatives, is recommended as it would enable more dismissed professionals to contribute to democracy in Turkey.

Apart from through the EED, the EU could also redirect part of its funds through other established international institutions that work on democratisation in Turkey. Such experienced organisations could act as a partner for the management of EU funds earmarked for civil society support and in particular for projects involving dismissed professionals who could contribute to democracy.

#### *4.2 A win-win situation: beneficial outcomes for the European Union*

##### **a) EU funds allocated to dismissed professionals can improve EU values and support for the EU in Turkey**

The European Union and its values have been discredited by the current political elites in Turkey, especially in recent years. Public opinion polls suggest that the public support for Turkey’s EU membership is extremely low.<sup>69</sup> If the current trend continues, the EU might face challenges also with future Turkish governments in terms of bilateral commitments, due to the growing and already negative public opinion in Turkey against the EU. Through the IPA funds the EU can help thousands of dismissed professionals who could promote EU values within their particular fields of work.

<sup>64</sup> EED Statute can be found at <https://www.democracyendowment.eu/about-eed/>

<sup>65</sup> <https://andrzejgrzyb.eu/wp-content/uploads/2015/07/EED-Highlights-for-Media-July-2015.pdf> and <https://www.democracyendowment.eu/about-eed/>

<sup>66</sup> <https://www.democracyendowment.eu/about-eed/>

<sup>67</sup> <https://www.democracyendowment.eu/firstpersonstory-turkish-lawyer-battles-through-the-courts-to-protect-freedom-of-expression/?ref=search&h=turkey>

<sup>68</sup> <https://www.democracyendowment.eu/we-support/teyitorg-verification-working-group/>

<sup>69</sup> Compare e.g. [https://www.ikv.org.tr/images/files/Public%20opinion%20survey%202016\(1\).pdf](https://www.ikv.org.tr/images/files/Public%20opinion%20survey%202016(1).pdf) (survey conducted in 2016 before the coup attempt and following events) to [https://www.feuture.uni-koeln.de/sites/feuture/user\\_upload/Online\\_Paper\\_No\\_26\\_final.pdf](https://www.feuture.uni-koeln.de/sites/feuture/user_upload/Online_Paper_No_26_final.pdf) (survey from 2018)

Consequently, their endorsement of EU values can constitute an important counterbalance to the adverse narrative against the EU.

**b) EU funds allocated to dismissed professionals can decrease illegal migration from Turkey to the EU**

Numerous reports<sup>70</sup> demonstrate that thousands of Turkish citizens have fled Turkey for Europe in the past years due to the severe measures taken in the aftermath of the attempted coup. In particular the dismissed civil society professionals, who are crucial for democracy in Turkey but cannot practice their professions because of the political atmosphere and lacking resources, have been forced to leave the country. A wide-scale “brain drain” in Turkey has been the result. Yet the thousands of Turkish asylum seekers pose an additional burden on the EU in terms of humanitarian, political and economic costs. Moreover, these dismissed professionals are not economic migrants in search of a more profitable life in Europe, but mostly have fled their home country unwillingly and as a measure of last resort. Allocating part of the IPA funds to the dismissed professionals in Turkey could decrease the number of Turkish asylum seekers and the subsequent costs for Europe.

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<sup>70</sup> <https://www.npr.org/2018/01/04/575682505/turkish-government-crackdown-forces-intellectuals-to-flee?t=1548843773525>; and <https://www.dw.com/en/academics-flee-turkey-for-germany-as-erdogan-targets-teachers/a-41181311>



