



OCGG Government Section

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European Union

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Turkey

# The Turkish Justice System - A Threat to Europe

Recommendation to the  
Governments of the Member  
States of the European Union

by André Nilsen

Recent events have exposed deep flaws in the justice system of Turkey. First, eminent writer and respected intellectual Orhan Pamuk was outrageously charged with treason for just commenting on Turkey's denial of the suffering of Armenians. Second, an academic conference convened simply to discuss Turkey's historical genocide of Armenians was appallingly banned by a court.

This is clear evidence that fundamental rights are under sustained attack by the justice system of Turkey. Turkey can therefore not be considered a country that upholds the rule of law which is a cornerstone of good governance.

If Turkey is allowed to join the European Union - European leaders are due to decide whether to commence accession negotiations on

## MAIN POINTS

The European Council should offer Turkey a privileged partnership instead of full membership. The recent attacks on fundamental rights by the justice system shows that there is no rule of law in Turkey. Turkish accession would therefore pose a threat to the core of the European unification process.

## ABOUT THE AUTHOR

André Nilsen is the Chairman and Managing Director of the OCGG and a DPhil candidate in political economy at Oxford. He has an MPhil from Oxford and did his undergraduate studies at Oslo, Washington, Heidelberg, and Harvard. He can be contacted at [andre.nilsen@oxfordgovernance.org](mailto:andre.nilsen@oxfordgovernance.org)

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October 3 - there would be a substantial risk that the deeply flawed justice system of Turkey would cause lasting damage to Europe.

The EU is on the one hand a legal construction based on the rule of law and on the other hand a political compromise of member states. As long as all the member states have entrenched the rule of law these two pillars of the unification project go hand in hand. If Turkey is allowed to join the EU however this delicate balance is likely to be jeopardized.

What most commentators ignore or downplay is the fact that Turkey if it is allowed to join will become the single strongest political force in the EU. Turkey has a large and growing population and will therefore at the time when accession is estimated to take place be the largest member state. According to EU treaties this means that Turkey will get the highest number of votes in the Council of Ministers and seats in the European Parliament which together make EU law.

To allow a country that systematically violates the fundamental rights that form the bedrock of rule of law to become the strongest political force in the EU would be the death knell of the unification project as we know it and the end of a vision

of a unified and strong Europe that acts as a force for good in the world.

The governments of the member states of the EU must stop substituting wishful thinking for critical thought. They need to face up to reality and get their priorities right. They should refrain from commencing accession negotiations with Turkey and instead initiate discussions on a privileged partnership that could help Turkey become a civilized country while safeguarding the fundamental interests of Europe.

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