



## **Sarah Glynn: How Turkey has got Europe over a barrel**

*Sarah Glynn, co-convenor of Scottish Solidarity with Kurdistan, attended the recent conference on ‘The European Union, Turkey, The Middle East and the Kurds’ at the European Parliament, and writes about what she found out.*

RELATIONS between Europe and Turkey demonstrate an unedifying realpolitik in which there are many losers, and the only winners are the usual coterie of financiers, arms manufacturers and authoritarian politicians.

People like to talk of the ‘international community’, but among those in power, it is difficult to sense much community spirit. The 16th International Conference on ‘The European Union, Turkey, The Middle East and the Kurds’, held on 5 and 6 February in the European Parliament, demonstrated clearly both the potential that exists for exerting pressure on Turkey, and the lack of will to do more than issue statements condemning the latest atrocity.

The conference is supported by left, green and socialist groups within the Parliament, and several MEPs spoke at the different sessions, demonstrating their criticism of Turkey and their backing for the Kurdish democratic model that Turkey wants to crush. But they had to acknowledge that when it comes to action, the EU is hamstrung by self-interest.

The EU does nothing to discourage the brutal clampdown on democratic freedoms within Turkey itself, or to counter Turkey's unprovoked invasion and promotion of violent jihadi gangs in Northern Syria. Instead, they treat Turkey as an acceptable trading partner, with a customs union for industrial goods, and other preferential agreements, and they give Turkey large sums of money.

The prospect of Turkey getting EU membership may seem to have retreated down a vanishing horizon, but they still receive significant 'pre-accession payments' (over 9 billion euros between 2007 and 2020) to help them bring their governance structures into line with EU standards. I have just pulled up the official 2018 audit of this fund, which is a fine example of the normalising of the unacceptable. It acknowledges the difficulties caused by 'restrictions on civil society' and 'large scale dismissals', the need for press freedom and for the 'independence and impartiality of justice', and even the lack of political will in the Turkish authorities to address these things, but none of this is regarded as challenging the fundamental political and bureaucratic process.

When EU accession seemed more of an imminent possibility, this was able to serve as a limited restraint on Turkey's actions. Indeed, the EU insistence on ending capital punishment helped save imprisoned Kurdish leader Abdullah Ocalan's life. However, current relations are dominated by the controversial refugee deal agreed between Turkey and the EU in 2016, and that has put the boot on the other foot.

According to this agreement, Europe effectively requires Turkey to police its borders, and outsources its refugee obligations. In exchange, the EU undertook to allow Turkish citizens visa free travel, though this has yet to be fully agreed, and promised to provide financial help for the three million refugees stuck in Turkey - despite the fact that Turkey does not allow them full refugee rights.

The EU has now agreed a second instalment of money, making a total of six billion Euros. It is these refugees - or, more properly, European politicians' fears of having to take in these refugees - that have given Turkey a new leverage in international relations. Whenever it looks as though the EU might actually act on its fine words, then Turkey threatens to open the borders and let the refugees into Europe.

There is resentment against the refugees in Turkey too, but the Turkish government has found an answer to this. They want to use the refugees as pawns in their plans for ethnic cleansing northern Syria, replacing the Kurds with Arab's who originally came from other parts of the country. Like the deliberate settling of Scots in Ulster, such demographic engineering can have consequences that last for centuries.

Shamefully, Chancellor Merkel, who has visited Turkey seven times since the attempted coup in 2016, has suggested that Germany may help fund this resettlement; which, as Thomas Schmidinger pointed out to the conference, would make Germany a participant in war crimes. Speakers also noted that the Turkish invasion was, of course, making many more refugees.

The EU, and especially Germany, accounts for some 40 per cent of Turkey's global trade. Turkey is economically dependent on Europe and is currently under economic stress, so there should be opportunities for the EU to put pressure on Turkey in key areas of human rights and international law. There is scope to insert conditions into the trade deals and to use targeted sanctions, and, of course, to suspend or stop the

accession payments; but the European countries don't want to upset Turkey and risk having to take in the refugees themselves. In several cases, most notably Germany and the UK, self-interest extends to selling Turkey the weapons that they are using to invade peaceful Kurdish towns and villages. (And we are not immune here, in Scotland, where the Scottish Government has provided subsidies for companies that have sold weapons to Turkey.)

Turkey also has leverage through its membership of NATO, and although they have flouted NATO rules in buying Russian weapons and invading Syria, other NATO countries are fearful of driving them into the arms of Russia. And, of course, when it comes to defending Rojava, elite interests will perceive the Kurds' radical democratic experiment as a threat to the established order.

National self-interest is on display again in the disputes about the future of Daesh prisoners, where no country wants to take back their nationals. The burden of looking after the prisoners has been left to fall on the already overstretched Autonomous Administration that runs the predominantly Kurdish areas in northern Syria, and there seems no prospect of the international court that they have requested. The Nordic countries have offered some help, but the international consensus is not there. There is no will to set up anything that might give the Administration more formal recognition.

Here in post-Brexit UK, the refugee question may no longer be relevant, but the government's desperation for new trade deals leaves little room for ethics, even if they were minded that way. The government is proud of the UK's position as the world's second biggest arms exporter - showing no concern over how those arms are used - and they have demonstrated their readiness to appease Turkey. When President Erdogan visited the UK in 2018, Kurds were shocked to hear Theresa May speak of 'Kurdish terrorism'. Now the government is pursuing British citizens who fought with the Kurdish YPG, and making it difficult even to visit northern Syria without risk of arrest.

So far, so bad; but the EU conference did expose a chink of light in the political gloom. One of the most effective ways that European nations have shown support for Turkey is through delegitimising the Kurdish struggle by branding it as terrorism. Ocalan's Kurdistan Workers Party (PKK) has been listed as a terrorist organisation by the EU since 2002, as well as being listed independently by some member countries. The Turkish government uses this designation to justify its persecution not just of PKK members but of anyone who supports Ocalan's philosophy or argues for Kurdish recognition. This includes the Kurds in Syria and the pro-Kurdish People's Democratic Party (HDP) in Turkey, whose elected members and former leaders are imprisoned as 'terrorist supporters'. But the Belgian courts have found the terrorist designation of the PKK unlawful.

For over a decade, the Belgian Government pursued 42 Kurdish individuals and two organisations with charges of terrorism, based on their links with the PKK. Wikileaks has shown that Belgium was initially reluctant to accede to Turkey's demands to prosecute, only agreeing after a concerted effort between Turkey and the US embassy. The case has now worked its way up through the Belgian legal system, and in January the highest court confirmed the court of appeal decision from last March that the PKK should not be considered a terrorist organisation because they are a party in a non-international armed conflict. This makes them subject to the laws of

war, not criminal law.

Jan Fermon, from the defendants' legal team, explained that this judgement is based on the concept of legitimacy of wars for liberation, which became part of international law in response to the fight against fascism and anti-colonial struggles. While resistance theory, which has a very much older pedigree, makes no stipulations on the size of the resisting force, this modern interpretation requires it to behave like an army, with the resulting conflict having a warlike intensity in both time and space.

Fermon observed that he is used to explaining how the PKK is striving for a peace settlement, but for this case he had to emphasise their capabilities as a military force, as well as arguing that they were responsible and able to keep to the laws of war. (The PKK made an official statement that they would abide by the Geneva Convention at the beginning of 1995.)

Politicians may decide to ignore the court's findings – and the Belgian foreign minister was quick to say that this would make no difference to how the PKK were regarded by the Belgian government – but they would have to think twice about raising a similar charge in a Belgian court.

This case can help open the way for the removal of the PKK from terrorist lists, especially as similar arguments have been made in the European Court of Justice over the PKK's listing by the EU. That court found that earlier listings had been based on inadequate evidence, though this was immediately brushed aside with a new listing – despite no new evidence.

With anti-terrorism legislation increasingly being used to shut down dissent, legal wins, and their supporting arguments, are important. Ultimately, though, effective political change will require more than a courtroom battle, and cannot rely on a few conscientious politicians and dedicated lawyers.

If we want governments that are prepared to stand up to Turkish bullying, and to pursue a more ethical foreign policy more generally, we will have to build enough pressure from below to force them to change course or risk losing votes and legitimacy. This may seem a daunting task, however, it is a task carried out in solidarity with people across the world. There may be no effective international 'community' at government levels, but there are growing links between grassroots movements.