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SETA POLICY REPORT TURKEY IN 2011

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FOREWORD

The year 2011 was going to be a year in which the political and social effects of the September 12, 2010 referendum for drafting of the new constitution would be felt. As Turkey bid farewell to its old political habits with the September 12 referendum, a public debate on how new political structures were going to be built began. The focus of the debate was “innovation”. As the public debate was gearing towards an exhaustive examination of the new political patterns, the wave of revolution and transformation that began in Tunisia and spread over the entire region took the public discourse hostage. Turkey’s discussions of ‘innovation’ were absorbed in the wave of transformation. Turkey faced the Arab Spring as a country that has demonstrated significant developments in its own political transformation. Political actors, who had not contributed to the ongoing efforts of democratization in Turkey satisfactorily, especially in the context of the Kurdish question, tried, to no avail, cast themselves in important roles in the uprisings in the region.

In 2011, the incumbent Justice and Development Party (AK Party) was going to campaign for its third term in power after having won the vote of confidence in the referendum on September 12, with a high margin of 58 percent. In the aftermath of the referendum, the main opposition CHP (Republican People’s Party) after its contentious change of leadership; BDP (Peace and Democracy Party) after its decision to boycott the referendum and the democratic initiative; and MHP (National Movement Party) after its constituents’ reaction to its stance on the Kurdish initiative reflected to the poles in the referendum, embarked on the electoral process with ambitions of their own. Contrary to the attitudes of the opposition, the interim elections resulted in AK Party’s landslide victory.

The elections of June 12th, which can be considered the most important event of the year 2011, affected the opposition parties in different ways. Internal strife in the main opposition party CHP stretched through the entire year. CHP had still not stabilized after its contentious change of leadership when it entered the electoral process. The new party leader, Kemal Kılıçdaroglu joined the “new Turkey” discourse with his vision of a “new CHP”. Kılıçdaroglu’s vision for the party satisfied neither its lifetime constituents, nor those who expected an AK Party like performance from CHP. This inevitably caused factions within the party. In the fall of 2011, after Prime Minister Erdogan apologized for Dersim events in the name of the state, CHP found itself paying for the sins committed during the single party regime. It became clear for the new vision of CHP to take hold, it needed a clean break from its treacherous past. The MHP campaign kicked off under pressure for having witnessed that the party’s strong opposition against sensitive issues such as the *Kurdish Initiative*, the Kurdish Question’s peaceful resolution, and the September 2010 referendum did not attract popular support. Notwithstanding its internal bickering, MHP during this year failed to demonstrate a definitive line or stance, and the main political target of the party became achieving the 10 percent national threshold required to qualify for the parliament.

Finally, the pro-Kurdish BDP entered the race with heated discussions and a wind of change. Applying their previously-agreed ‘umbrella party’ concept through their endorsement of independent candidates from different backgrounds within the Kurdish political movement, the party achieved considerable success in the elections. The Turkish government’s transition from a security-oriented approach to a democratization paradigm, embodied by the *Kurdish Initiative*, helped create a BDP experience that varied greatly from that of the party’s predecessors: The accompanying of an ongoing trend of democratic reforms by economic development naturally provided the BDP with an instant appeal, while it remains to be seen whether or not the party will be able to extend its popularity over the longer term. The primary obstacle *en route* to this goal appears to be their exclusive focus on the Kurdish Question that makes it impossible for the party to escape the vicious circle of PKK tutelage. As such, the outdated leftist language that imposes the BDP-PKK line as the sole legitimate territory for peaceful resolution interferes with the party’s potential to develop an all-encompassing political view for Turkey and its Kurds.

PKK—with its opposing stance towards the democratic initiatives of the 2010 and violent attacks on the tail of Middle Eastern uprisings—trapped itself into a cor-

ner. The leaked communication between MIT (National Intelligence Agency) and PKK revealed attempts to persuade PKK in more peaceful methods than it was assumed in the public discourse. In the light of these events, it became apparent that PKK situated itself not as part of the solution, but rather the problem. Similarly, at a time when democratic channels were unprecedentedly open for communication, PKK insisted on maintaining the violent struggle between its armed wings and the national armed forces making the conflict harder to overcome, while deploying its urban wing, KCK to prevent the normalization of the Kurdish question. PKK with its violent responses to judiciary's abrupt intervention in this area pushed the peace talks into another vicious cycle.

Turkey's foreign policy and the Arab Spring turned out to be as important in determining the political agenda for 2011 as the June 12 elections. Turkey's role in the spreading political movements from North Africa to the Middle East surpassed its previous involvement in the area. Turkey occupied the discussions in this field as a model for the new political structuring. Turkey gradually became an active player in the overthrowing of Kaddafi in Libya and openly supported the revolutions in Tunisia and Egypt. It also followed the ongoing contestations in Syria closely: Following a pro-dialogue stance that lasted until August, Turkey became openly critical of the Assad regime despite the strong coalition between the two countries spanning over the past six years. The government's particular interest in relief efforts for Somalia attracted worldwide attention to the humanitarian crisis and played an important role in furthering the campaign at the United Nations.

The political developments in the region throughout the year, had not only drawn the Turkey's foreign political path, but also presented the country with challenges. The prime minister's efforts to open up communications with all major actors in Iraq in the midst of the USA's withdrawal from the area took the bilateral relations to a new level. At the same time, Turkey's membership bid for the European Union continued to be on hold due to a devastating financial crisis in the Eurozone, France and Germany's adoption of delegitimizing steps for the Union, as well as the French government's domestic response against Turkey's activity in North Africa and the Middle East. Similarly, amidst the Arab Spring, the Palmer Report brought bilateral relations between Turkey and Israel to a near-standstill.

Another consequence of the regional political developments in the region in the year 2011 was the tremors felt in the deep-seated institutional attitudes, habits and traditions stemming from Turkey's top down modernization project. A new connection was established when the prime minister and the president addressed

the publics in the Middle East and North Africa in Arabic for the first time since the Jacobean modernization which included abolishing the Arabic alphabet in favor of the Latin. While similar actions had brought the military's wrath on the Welfare party in the 90s, AK Party's actions were celebrated in the media. Turkey's strengthening ties with the Middle East and its involvement in the regional developments turned into a widely supported political strategy. It is likely that this new trend of cooperation and interaction will continue for the foreseeable future.

1. POLITICS

The year 2011 became the year in which the contestation between the old political patterns and the new political vision of Turkey took shape. The year also revealed the first indicators of the instruments and the ways in which such instruments were to be utilized in the making of a new Turkey. The constitutional referendum of 12 September 2010 had already established that the most important item on the country's political agenda was going to be the drafting of a new Constitution.¹ The significance of the June 12 elections stemmed from its determinative power of the socio-political group that would lead the efforts. In this sense, it can be said that the year's most critical event was the electoral process. Within the context of domestic politics, the elections marked a milestone both in terms of the actor's positions and the ways in which the issues were discussed in the public discourse. In this framework, both the normalization of civil-military relations and the corner turned in July with respect to the Kurdish Question and the PKK *Partiya Karkerên Kurdistan* –Kurdistan Worker's Party) are implicated in the possibility of a new Turkey the elections revealed.

In this section, the June 12 elections as the most important event in Turkey's political agenda in 2011; the civil military relations as an important indicator of the bureaucratic tutelage that framed politics in Turkey; and PKK's disarmament and

1. Selin M. Bölme, Taha Özhan, *Constitutional Referendum in Turkey*, SETA Policy Brief, No. 47 (August, 2010), retrieved December 15, 2011, from <http://setav.org/public/HaberDetay.aspx?Dil=tr&hid=44410&q=constitutional-referendum-in-turkey>; Hatem Ete, Nuh, Yılmaz, Kadir Üstün, *Turkey's Constitutional Referendum of 2010 and Insights for the General Elections of 2011*, SETA Policy Report, No. 5 (February, 2011), retrieved December 15, 2011, from <http://setav.org/public/HaberDetay.aspx?Dil=tr&hid=66186&q=turkey-s-constitutional-referendum-of-2010>.

the steps taken towards the resolution of the Kurdish Question as the most significant challenges in the transition from old political structures to new ones, are examined under their own titles.

1.1 2011 PARLIAMENTARY ELECTIONS

The most important development of 2011 was without doubt the June 12 elections. The process represented one of the most critical junctions in Turkey's political history. Even though free elections were held from 1950 on, following the single-party regime, the electorate's influence over political mechanisms had been limited except for the decade that preceded the 1960 military coup. Actual and attempted military interventions and legislations passed under the military's scrutiny rendered elections in Turkey determinative only of the political party that would share the power with the bureaucracy to an extent, rather than determinative of the party that would lead the country. June 12, 2011 election was the first time in five decades the electorate had actually restrained the power of the bureaucracy. Legislations passed with the intention of reining in the bureaucratic power, ongoing investigations into political actors' questionable acts and the public reaction to the military intervention in politics served to distance the tutelage regime from the political equation.

2011 elections verified what had already been determined by the September 2010 referendum—the tutelage regime was marginalized in two ways: First, the incumbent *AK Parti (Adalet ve Kalkınma Partisi – Justice and Development Party)* by holding the popular vote at 50 percent, disclosed public's support for the efforts towards restraining the powers of the bureaucratic tutelage. Second, by bringing the drafting of a new constitution to replace the junta-sanctioned 1982 Constitution to the political forefront diminished the tutelage regime's authority.² The most important consequence of this distancing was that the electorate became the most important determining factor of the political composition causing the political parties concentrate their campaigning efforts on the public. The distancing of the bureaucratic tutelage from the political

Another factor that contributes to the uniqueness of 2011 elections is the direct contrast in the political agendas advanced during political campaigning. While recent elections of 1999, 2002 and 2007 were all informed by political and economic crisis situations, in the most recent one it was the competing future vi-

2. Yaşar Taşkın Koç, Mahmut Övür, Hüseyin Kocabıyık and Ruşen Çakır, *Political Parties in Turkey: From 2010 Referendum to 2011 June Elections*, SETA Policy Brief, No. 52 (May, 2011) retrieved December 15, 2011, from <http://setav.org/public/HaberDetay.aspx?Dil=tr&hid=77495&q=political-parties-in-turkey-from-2010-referendum-to-2011-june-elections>.

sions furthered by political parties that determined the voter preferences. In other words, for the first time in a very long time, the country took to the polls with a constructive agenda to build a better future, rather than overcoming a current economic or political crisis.

1.1.1 Election Period and its Aftermath

The elections that symbolized bureaucratic tutelage's marginalization and the construction of a more democratic political system did not occur without interruptions. With the electoral process underway, provocative moves were initiated to affect the upcoming election's outcome.

The first development of this kind took place on April 18, when the Supreme Electoral Authority (YSK-*Yüksek Seçim Kurulu*) turned down the applications of twelve candidates, among them seven independent candidates endorsed by the Kurdish nationalist BDP (*Barış ve Demokrasi Partisi* – Peace and Democracy Party). Although public upheaval and BDP-sponsored rallies forced the ruling to be repealed, this failed attempt gave the party's electoral campaign a head start, making it possible for the BDP base to be consolidated and increased BDP's electoral appeal since it was widely perceived as the victim in this case.

Second provocation came from the judiciary three days before the elections. The Supreme Court of Appeals, upholding BDP-endorsed Hatip Dicle's prison sentence, reversed the Electoral Authority's previous decision allowing the Diyarbakir independent run for a seat in the Parliament. Once again, perceived as the victim by the electorate, BDP capitalized on the opportunity to mobilize its base.

This impromptu support for the BDP was further strengthened by continued operations by the military and PKK's counter-attacks at a time of PKK's unilateral ceasefire. As a counter attack to a military operation in which 26 members of the PKK were killed, a police station and the Prime Minister's envoy had become targets resulting in four casualties. The conflict held public's attention as the deceased PKK members' funerals evolved into mass demonstrations. In various areas of southeastern Turkey, violent acts that targeted banks and businesses as well as AK Party's regional offices were undertaken. The conflict's increased intensity dominated public debate for the good part of the electoral season's most crucial months.

BDP was not the only target of the pre-election provocations. The nationalist MHP's executives and parliamentary candidates were forced to resign when a website that called for a "different kind of nationalism" leaked sex tapes involving

high ranking officers in late April. An act of political engineering beyond a doubt, the scandal served to dismiss the 10% national threshold problem by bringing the disillusioned supporters back on board.

In the election's aftermath the interventions continued. The controversial decision by the opposition parties to include candidates who were accused of co-conspiring in coup plots and who were members of underground illegal organizations was debated up until the election on June 12. This debate gave way to a dispute on elected representatives being prevented from attending the Parliament's sessions. The dispute resulted in a boycott orchestrated by the CHP (*Cumhuriyet Halk Partisi* – Republican People's Party) and the BDP, while MHP (*Milliyetçi Hareket Partisi* – Nationalist Movement Party) was satisfied by expressing its disappointment with the decision. Although CHP ceased the boycott within a month after elections, BDP resisted until October. The crises that occupied public opinion pre and post election served to weaken the elected actors' will to determine the country's political path. When these results are taken into consideration, it is easy to see that the tutelage regime was not completely purged from the political arena, and continued to manipulate politics. Moreover, the 2011 elections made it clear that the tutelage regime's power came from the political institution's weak structure, which cannot accommodate adequate and timely responses to crises that intervene in the natural course of politics.

1.1.2 Political Parties and the Elections

The tone of the election campaigns was set to a great extent by the constitutional referendum of September 2010. The 2011 election held different meanings for the political parties who saw the referendum as a dressed rehearsal. Learning from their mistakes or seeking to reaffirm their positions, candidates determined their goals in accordance with the referendum results.³ For AK Party, the elections held the key to build up a new Turkey. For CHP elections meant an opportunity to continue its transformation and protecting its new leadership. While the election meant means of survival for MHP, it represented an opportunity establish itself as the only legitimate representative for Kurds.

Despite this variation across party positions, the 2011 elections marked the first time that all political parties campaigned on more realistic and effective platforms. The tutelage regime's partial distancing from the politics ensured that sole

3. Hatem Ete, Eda Bektaş, *The Political Agenda of the June 2011 Elections*, SETA Policy Brief, No.53 (June, 2011), retrieved December 15, 2011, from <http://setav.org/public/HaberDetay.aspx?Dil=tr&hid=78606&q=the-political-agenda-of-the-june-2011-elections>.

measure of parties' success was their electoral appeal. As a result, parties found themselves compelled to present the electorate with longer-term projects and new candidates with broader appeal.

AK Party mostly focused on three major tasks during the campaign for the 2011 elections—it had to dismiss concerns about its ability to maintain the same performance it showed in the previous two terms, it had to attain support in demographic areas that were inaccessible, and it had to secure the public support to draft the constitution without the opposition's input. In an effort to reaffirm its ability to govern the country, secure votes in demographics that rejected AK Party and to prove that it was still a dynamic political force, AK Party replaced 56% of its parliamentarians. Recording an unprecedented success at 50 percent of the popular vote, the party managed to secure its third consecutive term in office with increased public support. While the country's previously impenetrable Western regions welcomed AK Party's project-oriented approach, the campaign failed to mobilize electoral support in predominantly Kurdish regions. As a result, the incumbents fell short of 330 seats that would have made it possible for AK Party to unilaterally draft the new Constitution.

The 2011 elections proved to be a partial success for CHP. Although the party's new leadership, moving away from its ultra-secularist and anti-democratic alignment, succeeded in appealing to more voters, the CHP's failure to secure 30 percent of the popular vote—a measuring stone that emerged in the pre-election that could off put the factions threatening the internal organization of the party—indicated that more intensive reforms were needed. The unsatisfactory performance was caused by the party's strategy to appeal to voters from across the political spectrum instead of constructing a new identity. Consequently, the election results -that left the party at a mere 26 percent- ushered in a period of uncertainty embodied by the CHP's still-ambiguous identity and the rise of intra-party opposition.

MHP had two goals entering the elections—it had to mend the growing cleavages in the party base and it had to secure the national threshold of 10 percent in the parliament by reconciling the party's nationalist core with the newly-acquired neo-nationalists whose interests clashed over the party's negative position vis-à-vis the 2010 referendum. MHP, without the capacity to determine and follow political strategies that would achieve these goals, campaigned haphazardly. External factors such as the continued frustration over the Kurdish Question and the party's perceived victimization by the sex-tape scandal helped MPH mobilize 12 percent of the popular vote. Considering this temporary end to the party's worries, it is noteworthy that the future is likely to remain uncertain throughout the four-year term.

Finally, BDP's attempt to emerge as the undisputed representative for Turkey's Kurds, despite the party's victory in its own right, failed. Even though the aforementioned maneuvers by the judiciary and AK Party's adopted semi-nationalist discourse positively affected the party's performance, the boycott campaign endorsed by BDP parliamentary-elects significantly hurt the party's image as a civilian organization whose potential contribution to a peaceful solution was favored by the electorate. Meanwhile, this opportunity was similarly jeopardized by the PKK's renewed emphasis on violent means as well as the state's operations against the organization's urban wing.

1.1.3 Political Indications of June 12

The 2011 election results point to a novel phenomenon in Turkey's political landscape. Some of the indicators of this new political organization include highest voter participation in recent elections (%87), lowest level of votes outside the Parliament (%4,6), increased homogeneity of voter preferences (4 parties) and assimilation of the marginal parties (3% total). In the light of these factors, it is possible to conclude that the Parliament, entrusted with the challenging task of drafting the new Constitution, has a high level of legitimacy.

In this context, AK Party's continuously increasing public support, reaching up to 50 percent of the popular vote, ought to be emphasized, as no other party had managed to solidify this level of support since 1969. In the context of post-1980 politics, center-right parties lost territory to their identity-based counterparts, while in the 1990s democratization came to be prioritized over economic development. The party's reconciliation of these two agendas culminated in the center-right's comeback to Turkish politics as well as the public endorsement of the party's struggle against the bureaucratic elite in 2007 and 2011. When analyzing the emerging political center, it is also beneficial to take into account CHP's ongoing transformation and its implications. Under its new leadership, the opposition party gave up its center-left orientation with secularist insistence that was instituted in 1992 on the eve of the Welfare Party's rise to power. Between 2002 and 2010, ignoring AK Party's symbolic worth, the party continued on its track. As such, transformed CHP symbolizes that a democracy- and development-oriented agenda replaced the secularist insistence.

In light of these developments, it is clear that Turkey is on the verge of a new way of doing politics that is characterized by an anti-tutelage, pro-democratic orientation. In the quest for the pivots around which the new political system will be

built, the new constitution has become the most critical stepping stone. Whether or not this quest results in a new setting will therefore depend on the fate of the new Constitution. In other words, the question that lies ahead for Turkey is this: Will the new Constitution be the last constitution of the old system, or the first constitution of the new system?

TIMELINE FOR ELECTION AND POLITICAL PARTIES

22 February	AK Party leaders petitioned the Parliament to hold elections on June 12, 2011.
10 March	The Electoral Authority (YSK) turned down AK Party's petition to allow citizens residing abroad to cast absentee ballots.
18-21 April	YSK declared twelve independent candidates including Hatip Dicle, Leyla Zana, Sebahat Tuncel and Gültan Kışanak ineligible to run for Parliament. Under pressure from the public, this decision was reversed to allow four candidates including Ertuğrul Kürkçü and Salih Yıldız, to run in the elections.
4 May	The prime minister's envoy returning from a rally in Kastamonu was the target of a violent attack in which a police officer lost his life.
10-21 May	Images leaked on website unsettled MHP. The conspiracy resulted in the resignations of 10 high-level party executives.
9 June	The Yargıtay (Supreme Court of Appeals) upheld Diyarbakır candidate Hatip Dicle's conviction sentencing him to prison.
12 June	Parliamentary elections were held with an 87-percent voter participation. AK Party secured its third consecutive term in office with 49,94 percent of the popular vote.
21 June	YSK denied Hatip Dicle his seat due to his conviction from 'disseminating terrorist propaganda'.
22 June	The official elections were published. AK Party acquired 327 seats, followed by CHP with 135 and MHP with 53 seats. A total of 35 independent candidates secured seats in the parliament.
22-28 June	Petitions by the detained parliamentary-elects for their release was declined by the appropriate courts. As such, Ergenekon indictees Mehmet Haberal and Mustafa Balbay (CHP), Sledgehammer (Balyoz) indictees Engin Alan (MHP) and independents Hatip Dicle, Selma Irmak, Kemal Aktaş, Faysal Sarıyıldız, İbrahim Ayhan and Gülser Yıldırım remained in custody pending trials. CHP and BDP refused to be sworn in boycotting the decision.
24 June	The new legislative term commenced with the swearing ceremonies' of AK Party and MHP deputies.
4 July	Cemil Çiçek (AK Party-Ankara) was elected as the Speaker of the Parliament.
11 July	CHP, following an agreement with AK Party, announced an end to its boycott.
1 October	BDP deputies swore in

1.2 CIVIL-MILITARY RELATIONS

The armed forces came under public scrutiny in 2010 as coup plots were uncovered and the military's shortcomings in counter-terror campaign were revealed. In tandem with the cases against current and retired members of the armed forces being pursued legally, safeguards to undo military superiority over civilian institutions were put in place. In this context, various plans to intervene with civilian politics were discovered throughout the year. Against this background, 2011 turned out to be a year of intensifying investigations and new trials. In addition to the defendants in the ongoing trials, military personnel alleged to have published websites against the Erdoğan administration were brought to justice. This way, the trend toward consolidation of civilian political authority continued to produce concrete results.

1.2.1 Trials of Coup Plotters and Anti-Government Propaganda

2011 was marked by two high-profile court cases that bore considerable importance for civil-military relations in Turkey. While the initial months were dominated by developments related to the *Balyoz* (Sledgehammer) case where alleged coup plotters were tried, the latter half of the year carried the anti-government propaganda case *İnternet Andıcı* (Internet Memorandum) to the forefront of media attention.

The primary reason Sledgehammer proceedings attracted public interest was the high number and ranks of the arrested military personnel. While new documents discovered in the first quarter led to the arrests of 163 members of the armed forces (106 of which on active duty), Bilgin Balanlı, the Commander of Military Academies, became the first general to be taken into custody. The General Staff having publicly expressed discontent since the investigation began, went as far as hiding wanted personnel in military facilities. In February 2011, the Chief of Staff and the commanders of the Air Forces, Army and Navy visited 24 generals and 102 officers in prison. Furthermore, a statement published on the institution's website declared that the military did not see the point in holding military personnel in custody. Later, Chief-of-Staff Işık Koşaner, in his farewell message addressed to the armed forces openly acknowledged the Sledgehammer case as one of the causes for his resignation.

As the Sledgehammer case became increasingly more complicated, a new investigation (and a consequent trial) of the alleged links between the chain of com-

mand leading to the Deputy Chief of Staff and anti-AK Party websites ensued. In this sense, the indictment claimed that the military led an organized campaign to discredit the country's democratically elected government. The Internet Memorandum case was marked by its accusations directed against high-ranking officers on active duty.

1.2.2 Supreme Military Council Summit of 2011

Although the Supreme Military Council Annual summit—which took place in August 2011 in the shadow of ongoing civilian trials of military personnel, especially the Sledgehammer trial—caused one of the worst military crisis in the Republic's history, it served to reaffirm that civilian authority weighed heavier in military-civil relations. The Chief of Staff, and the commanders of the Army, the Navy, and the Air Force resigned over the strong disagreement about the status of the arrested personnel who were otherwise scheduled to receive promotions. This move clearly expressed the military's discomfort regarding their personnel and triggered a short-lived crisis that was resolved with when the Gendarmerie commander Necdet Özel was appointed as the chief commander of the Army as well as the acting head of the General Staff.

Despite the tensions that followed, the 2011 Summit went down in history as the proof of resolution of the long-standing dispute between civilian administration and the military elite in favor of the former. In this sense, it is noteworthy that the generals chose to express their disapproval by retreating instead of furthering the conflict through extra-legal means. As such, it could be said that Turkey's once fragile democracy passed yet another test that helped unfold the new picture of civil-military relations in the country.

1.2.3 Normalization and Civilian Rule

The swift and pro-civilian resolution of the most important crisis in recent history—which emerged in mid 2011—marked a turning point in military-civil relations. This turning point can be considered the most telling sign of the uncoiling of tensions between the military and civilian administration. In fact, this crisis opened the path for a series of initiatives that conveyed the establishment of civilian authority over military the military.

The first development of this kind took place immediately after the commanders' resignation. The reorganization of the Supreme Military Council's seating which

allowed the Prime Minister to preside over the summit single-handedly was a symbolic reflection of the new balance attained between the two parties. Furthermore, the National Security Council's rearrangement to seat members –civilian and military alike- according to ceremonial ranks helped mitigate the symbolic polarization between them. Yet another sign of normalization was the removal of the military's April 2007 statement against Abdullah Gül's election as President from their website along with all other communications.

The military that was overly involved in political matters since its 1997 ousting of a democratically elected government from power was shown to have been involved in activities that interfered with the political system's regular functions. The judicial process continues to deepen with new evidence and accusations.

In this context, the insistence of former Chief of Staffs including İlker Basbuğ and Işık Koşaner on a middle ground between arrested military members and the public's pro-democracy stance seems to have stopped the armed forces short of unconditionally adapting to the emerging democratic equilibrium. Arguably, this reluctance partially relied on the assumption that the normalization trend would not last. This resulted in a simultaneous public embrace of democratic channels and covert solidarity with arrested junta-enthusiasts. In other words, in the absence of a genuine desire to partake in democratic reconstruction, the military elite can be said to have settled for a middle ground that would not harm the institution's reputation.

Much like his predecessors, the newly-appointed Necdet Özel is faced with two options: First, he may lighten the toll of ongoing investigations on the armed forces by reconciling professional solidarity with a strong will to bring about fundamental reforms. On the other hand, the man-in-charge has enough time and resources to reconfigure the military as compatible with Turkey's emerging democracy in light of public support for non-intervention in civilian politics.

Finally, a crucial reminder for civil-military relations is that the normalization process cannot be left to the latter's goodwill and initiative alone. In establishing and maintaining the democratic order, the responsibility rests with public opinion and the civilian political authority. In this spirit, it is necessary to emphasize that recent developments in this respect owe a great deal to the AK Party administration's determination and strength. What the process necessitates is a legal- and institutional framework that will render the new equilibrium independent of actors.

TIMELINE FOR CIVIL-MILITARY RELATIONS

18 February	Chief of Staff Işık Koşaner and commanders of the Air Forces, Army and Navy visited 24 generals and 102 officers under arrest for their alleged role in coup plots.
5 April	An online statement by the Chief of Staff announced that the military could not found no sense in the continued imprisonment of 163 soldiers.
30 May	Bilgin Balanlı, Commander of Military Academies, was arrested as part of the Sledgehammer investigations to become the first active general to be taken under custody.
29 July	Chief of Staff Koşaner and the commanders of the Air Forces, the Army and the Navy requested their early retirement from active duty due to differences of opinion with the civilian administration. Necdet Özel, commander of the Gendarmerie, was appointed as the new Chief of Staff.
1 August	The Supreme Military Council meeting was presided over by Prime Minister Recep Tayyip Erdoğan. The summit offered a portrait of new and civilian-ruled Turkey.
8 August	An arrest warrant was issued for 14 people including Hüseyin Nusret Taşdeler, commander of Army Training and Doctrination.
18 August	Civilian- and military members of the National Security Council were seated according to ceremonial ranks. This arrangement rendered the seating plan more egalitarian.
29 August	The Chief of Staff removed their 27 April 2007 declaration from the institution's website.
30 August	President Abdullah Gül accepted greetings as chief commander during Victory Day celebrations.

1.3 THE KURDISH QUESTION: EFFORTS TOWARD RESOLUTION AND THE PKK

Throughout the year, the government reviewed its strategy vis-à-vis the Kurdish Question's peaceful resolution and the PKK's disarmament. For the first time since PKK founder Abdullah Öcalan's capture in 1999, Turkey developed and oversaw several different processes with regard to these matters to which the Kurdish political movement in general –and the PKK in particular- responded in different ways. Despite resistance from both groups, the Erdoğan administration's 2009 *Kurdish Initiative* to open up channels of civilian politics represented the single most comprehensive move of the recent past, and presented democratization as the primary factor that would lead to peace. All parties involved in the conflict traced their steps, engaged in a deeper scrutiny of mutual sincerity and took their relations to the next level. A year of evaluation, 2011's former half witnessed the most efficient peace process in the conflict's history, while the latter witnessed by

a renewed contestation between the organization, its urban extension embodied by the KCK (*Koma Civakên Kurdistan*, or Union of Kurdistan Communities), and the Turkish government. Marked by a simultaneous struggle with the PKK and the KCK, the process was influenced by parliamentary elections held in June as well as the Erdoğan administration's rapprochement with still-imprisoned Öcalan. In the end, even though considerable progress had been made toward exclusively political debate, the PKK's insistence on violent means took its toll on otherwise promising negotiations between the government and the organization.

1.3.1 The KCK Trials

One of the most significant developments with regard to peaceful resolution was the KCK trials and continuing waves of arrest. With hundreds taken into custody since 2009, three events over this period triggered considerable contestation. Primarily, several mayors, executives and members of the pro-Kurdish DTP (*Demokratik Toplum Partisi*, or Democratic Society Party, that preceded the BDP) in 2009 caused public scrutiny. The following year, the court's refusal to allow the KCK defendants to make their statements in Kurdish shed considerable doubt over the *Kurdish Initiative*. It must be noted, however, that legal arrangements had been made by the AK Party to allow citizens to testify in Kurdish and for the government to cover the translator's fee. Judges presiding over KCK trials held in Hakkari and Urfa had permitted such practice. Particularly for this reason, the situation at hand triggered an intense debate and criticism. Finally, 2011 arrests of high-profile actors such as Prof. Büşra Ersanlı and publicist Ragıp Zarakolu created public uproar and rekindled interest in the case.

Since its commencing in 2010, the operations against and the trials of alleged KCK members has caused intense debate among observers. Aside from those that are categorically in favor and against the judicial proceedings, it would appear that the gist of the discussions tended to focus on the scope and the method of the trials. In this respect, a commonly voiced criticism is that the investigation targeted elected officials, academics, journalists and activists whose involvement in violence was argued to be unlikely if not impossible. In line with this critical standpoint, the investigation's security-oriented conduct despite its political significance and implications engenders public scrutiny accompanied by greater political polarization. In other words, the KCK case's treatment as a mere judicial matter jeopardizes its legitimacy and desired results to strengthen civilian politics within the Kurdish movement.

On the other hand, precisely due to its political nature, it is not meaningful to engage in a legal discussion of the KCK trials. In other words, since the KCK embodies a number of dilemmas that plague the PKK and the Kurdish political movement in general vis-à-vis the democratization agenda, a judicial analysis fails to produce adequate explanations and meaningful conclusions. In light of this assessment, it is necessary to leave aside definitions found in the court's indictment as well as the PKK's statements on the matter, and focus on the political context within which the KCK operates.

For the sake of an inquiry as such, one ought to answer why the PKK oversaw the creation of an urban wing, and what functions this organization fulfilled that the PKK itself or the BDP failed to serve. Another set of questions would not question the *raison d'être* of the KCK and instead focus on its functions: Does the KCK pave the road for the PKK's transition into civilian politics? Or does it serve to subsume civilian politics under the control and tutelage of the outlawed militants? With these in mind, whether the KCK aims at strengthening or weakening political channels of representation bears great importance to adequately and correctly assess its intentions and purpose.

Similarly, BDP members' cooperation with the illegal KCK organization is noteworthy. Provided that the central argument furthered by the party was that the ongoing investigations rendered civilian politics dysfunctional, the BDP's failure to acknowledge that their role as a legal political actor is jeopardized by their ties to the KCK would appear as a blatant inconsistency. The overall tendency of Kurdish political movements to engage in acts of violence, given that these likely to result in some sort of judicial measure, calls to question the reasoning behind a political party's proximity to violent agendas.

For the sake of producing a democracy-oriented analysis, the KCK trials ought to be viewed with an eye on the contingencies between the PKK, the KCK and the BDP. In this respect, it would appear that the former's strategy to void the judicial and political steps' legitimacy entails a simultaneous linking of legal and illegal organizations, and the evolving of peaceful demonstrations into acts of violence. The political authority, following an arguably long period of observation, seems to have settled on a deepening of the KCK investigations in response to the PKK's continued use of violence and other illegal means to further its cause.

Notwithstanding the aforementioned questions that the KCK raises, the ongoing trial's political nature undoubtedly calls for the criticisms to be taken seriously. In this sense, it is necessary to observe every step of the proceedings in order to

assess their potential hindrance of the Kurds' relationship with the government that took an upward turn with the Erdoğan administration's reform-oriented approach. As such, considerations of this sort require that the existing judicial perspective must be traded with a more political mindset.

1.3.2 Resolution through Dialogue

For years, it has been frequently debated whether or not an inter-dialogue was necessary in order to pacify the PKK and thereby make progress toward the Kurdish Question's peaceful resolution. Following a long period of resistance against legal and illegal actors that claimed representation of the Kurdish political movement and identity, the AK Party government expressed through the Kurdish Initiative its intention to settle both counts through political channels, and to this end initiated contact with civilian actors without necessarily agreeing to civilian actors' exclusive authority over the peace process.

As the reforms continued to make progress, the PKK increasingly came to emerge as a problem. Furthermore, the lack of legitimate political actors to negotiate an end to the conflict forced the government to engage in talks with the organization itself. Accompanied by Turkish officials' gradual admission that the peace process could not afford to ignore the PKK problem, covert negotiations with the PKK became intensified. In this sense, throughout the year, the Erdoğan administration maintained communication with the organization active leadership at Mount Qandil, along the Iraqi-Iranian border, Iraq as well as Öcalan. Even though communication channels between the government and the PKK have been open at least since 1999, it was only in 2011 that these exchanges and the AK Party's decisive approach toward resolution became public. It was in this sense important that the government confirmed Öcalan's public statements hinting at a possible middle ground. However, despite the PKK founder's repeated attempts to convince the otherwise antagonistic Kurdish groups to change their minds, the once-promising negotiation process yielded no results for reasons discussed in greater detail below.

What the leaked sound recordings showed the public was that the speculative claims that had been voiced for a long time regarding negotiations were at once confirmed. Consequently, this development rendered several arguments furthered by the Kurdish nationalist opposition without merit: First, the government's alleged failure to acknowledge the PKK as an actor were impugned. More-

over, PM Erdoğan, unlike any other political actor in Turkey, made it clear that he was willing to confront the matter openly, and to this end demonstrated a strong determination toward resolution. In addition to these, Öcalan's aforementioned statements coupled with the leaked recording concluded that the two parties had covered a considerable part of issues. Last but not least, the talks' supplementation with continued dialogue with the organization's active membership in Iraq emerged as an indubitable manifestation of the Erdoğan administration's decisiveness.

Based on these developments, the past year simultaneously reaffirmed the government's determination to resolve the Kurdish Question and revealed that the PKK was not yet ready to disarm and give way to such fundamental change. Due to this unbridgeable difference between the two parties' positions, the once-promising dialogue process yielded to a new wave of violent conflict. At the same time, the Erdoğan administration demonstrated a strong interest in establishing peace, while the PKK refused to lay down their arms. Finally, the process made it clear that Öcalan –who was believed to have undisputed control over the organization– enjoyed but limited authority over a diverse body of militants.

1.3.3 Intra-PKK Power Struggles and the Militant Turn

Throughout 2011, strategic battles were fought over the Kurdish Question's resolution and the PKK's disarmament. These were to a considerable extent conducted with an eye on the parliamentary elections that were held in June as well as the subsequent agenda of a new Constitution's drafting. The struggle among militant and pro-settlement groups within the PKK can be interpreted as a diversion among the organization's membership who differed over Öcalan's negotiating with the government and whether the process should be continued or disrupted.

In this context, the PKK's hawkish wing's renewed emphasis on violence was an unmistakable attempt to discredit the Erdoğan administration and consequently force the AK Party to choose between concessions and a violent counter-response that could risk the party's popularity with the Kurds. Another clique within the organization headed by Öcalan asserted that dialogue with the government offered an opportunity to secure a satisfactory political settlement and therefore argued for an extension of the unilateral ceasefire. What started out as a call to continue talks triggered more intense contestations between the two groups, as two attacks orchestrated by the former failed to expedite the PKK's return to vio-

lence before the Öcalan-endorsed July 15 deadline. However, the gap within the membership deepened throughout this period of competing agendas.

The undoing of resolution-bound developments occurred with the PKK's July 14 attacks in which thirteen members of the Turkish security forces lost their life. The organization's adoption of violence days after Öcalan's pro-settlement declaration implied that the militants were willing to by-pass the imprisoned leader to further their own agenda. In this respect, the intra-PKK contestation was resolved to the benefit of active cadres stationed across Turkey's southern border. Several attacks that followed the initial blow, including an October 19 ambush that caused 24 casualties, reaffirmed the militants' lack of pro-dialogue intentions. All things considered, the PKK's militant turn marked a milestone in the way that the government and public opinion perceived the organization, as even observers sympathetic to peace talks engaged in a harsh criticism thereof. At the same time, the Erdoğan administration voiced their disappointment with the failed rapprochement and concluded that talking to Öcalan alone, given the apparent diversion within the PKK, amounted to little. On a broader scale, the anti-dialogue groups failed to correctly interpret the *Zeitgeist* embodied by the Arab world's rapid transformation and the government's abandoning of its once-unquestionable security paradigm. As such, the PKK emerged as a source of instability whose insistence on armed struggle yields no benefits for Turkey, the Kurds or the PKK themselves.

In conclusion, 2011 can be said to have been a year of hope and disappointment. Although the year witnessed perhaps the most audacious decisions in the Republic's history that resulted in dialogue with all parties involved and promised to finally settle the problem, the subsequent military reaction by the PKK disheartened the government and the country's public. As such, the high expectations gave way to disillusionment and despair.

TIMELINE FOR PKK AND KURDISH QUESTION

28 February	The PKK announced that their 13 August 2010 declaration of ceasefire was void.
18-21 April	The Electoral Authority ruled that independent candidates including Hatip Dicle and Leyla Zana were ineligible to run for Parliament. Upon public uproar the decision was revised.
4 May	PM Erdoğan's envoy was attacked by the PKK. A police officer perished.
26 May	An explosion in Istanbul left eight injured. The PKK admitted responsibility.
9 June	The Court of Appeals upheld independent candidate Hatip Dicle's prison sentence.
21 June	Parliamentary-elect Hatip Dicle's seat was denied by the Electoral Authority.
22-28 June	The appeals of Labor, Democracy and Freedom Bloc parliamentary-elects were overruled by the respective courts conducting their trials. The BDP decided to boycott the Parliament and hold party meetings in Diyarbakir to protest the courts' decisions.
14 July	13 soldiers burned to death following a skirmish in Diyarbakir.
14 July	The DTK declared 'democratic autonomy'.
30 July	Kemal Burkay, Kurdish poet and political activist, returned to Turkey after 31 years in Sweden.
17 August	A PKK ambush killed 10 members of the security forces and injured 14.
17 August	F-16 fighter jets departing from Diyarbakır bombed targets in Northern Iraq.
12 September	A pro-Kurdish news agency leaked sound recordings of a conversation between Hakan Fidan, deputy secretary of the National Intelligence Agency, Afet Güneş, undersecretary of the Agency, and PKK executives Mustafa Karasu and Sabri Ok.
20 September	An explosion killed three and injured 34 in Ankara. The PKK admitted responsibility.
1 October	BDP parliamentary-elects were sworn in at the Parliament.
19 October	PKK attack in Hakkari left 24 soldiers dead and another 18 injured.
1 November	In an operation linked to the KCK investigation, 44 people including Prof. Büşra Ersanlı and publicist Ragıp Zarakolu were arrested.

2. LAW AND HUMAN RIGHTS

This section analyzes the developments in law and human rights in Turkey during 2011. In the first two sections, the impact of the legislative and judiciary changes on human rights will be evaluated. In the final section an analysis of human rights in Turkey with respect to these changes will be presented.

2.1 LEGISLATIVE ACTIVITIES

The parliamentary recess of the Grand National Assembly of Turkey (TBMM) commenced on April 12, 2011. Due to the general elections that were held on June 12, 2011, the new legislative session, after the recess, did not begin until October 1, 2011. Compared to previous years, the legislative activities in 2011 were limited. As of December 15, 2011, a total of 163 laws were enacted. Some of the most important legislative activities that emanated from a reconciliation between the ruling and opposition parties in 2011 included the codes of Obligations, Civil Procedure and Commerce. If a reconciliation had not been reached, these legislative activities, which add up to almost three thousand items, could have occupied the Parliamentarian agenda for months and some of these items could have been dropped from the itinerary. On March 3, 2011, a constitutional amendment to the article that provides for Development of Sports and Arbitration was passed. In addition to these changes, it is noteworthy to mention the legislative changes necessitated both by amendments to the constitution and judicial reforms of 2011.

2.1.1 Constitutional Amendment

The constitutional amendment, which was signed by at least a few members of each political party represented in the parliament, was proposed on March 3rd,

2011 and passed on March 17, 2011. The amendment to the 59th article of the Constitution titled “Development of Sports and Arbitration,” stipulates the resolution of the disputes between various disciplines of sports through mediation instead of litigation.

2.1.2 Act Granting the Council of Ministers the Authority to Issue Decrees Having the Force of Law

According to the empowering Act No. 6223, which was passed on April 6, 2011, the Council of Ministers is vested with the authority to enact decrees with the force of law. According to the Constitution, the TBMM may empower the Council of Ministers to issue decrees that have the force of law. However the TBMM was criticized for granting this authority too often or granting it to issue a high number of decrees having the force of law.

2.1.3 The Act on Prevention of Violence and Disorder in Sporting Events

The Act on Prevention of Violence and Disorder in Sporting Events was passed on March 31, 2011. Soon after the enactment of the law, 31 persons were arrested in connection with a “match-fixing operation” which began in June. The act was criticized for inscribing penalties that do not fit the crime. As a result, the penalties were reduced in an amendment enacted on November 24, 2011. Serious problems emerged in the enactment process in terms of both penal policy and law-making tradition. This law needed to be amended soon after its first implementation, which provoked criticisms that regulations are made only to benefit specific persons and circumstances.

2.1.4 The Process of the New Constitution Making

In the wake of general elections held on June 12th, the public and political debates triggered the new constitutional drafting process. The statements of the speaker of the TBMM, Cemil Cicek and his meeting with scholars on September 19, 2011 in addition to the statements of AK Party administrators and their visits to other political parties officially launched the process. First, a Parliament Conciliation Commission was established in which three members from each party represented in the Parliament participated. While striving to determine the working principles such as whether the decisions should be made unanimously, a constitu-

tional web site was established so that citizens could submit their opinions. Cemil Cicek stated that they are willing to complete the constitution by the end of next year and they will field opinions from diverse segments of Turkish society by the end of this year.

2.2 JUDICIARY

2.2.1 Strengthening the Judicial System

In 2011 the Act on the Establishment and Rules of Procedure of the Constitutional Court was passed, and significant amendments were made to the Law on Judges and Prosecutors. As a result of these regulations, administrative mechanisms of the judiciary have become more independent, pluralistic and democratic. Independent from the Ministry of Justice, fiscally autonomous, High Council of Judges and Prosecutors (HSYK) operates with its 22 permanent members. Semdinli prosecutor Ferhat Sarıkaya—who had been disbarred—was reissued his license to practice law by a decision of the High Council. This indicates that the tutelary structure that dominated the judiciary for years has ended. This change is welcomed not only by Turkish public opinion but also by international organizations that closely follow Turkey.

The the decree no. 650, having the force of law, dated August 26, 2011, enabled lawyers to become judges and prosecutors and shortened judges' probationary period. Additionally, the Ministry of Justice established the Department of Human Rights. Regional Courts of Appeals that were planned to become active in 2007 were still not established in 2011. However, the Ministry of Justice decided that these Courts will come into operation in 2012 and legal regulations for the appeals procedure in administrative jurisdiction will be established. According to Law No. 6110, the number of departments and members of the Supreme Court of Appeals and the Council of State was increased.⁴ The government established 293 courts this past year, increasing the total number of courts to 6,223. A significant decrease in the heavy workload of the judiciary and an acceleration in the prosecution process are expected as a these developments. According to the "Evaluation Report of European Judicial Systems" prepared by the European Commission for the Efficiency of Justice (CEPEJ) 2010, the number of judges in Turkey per

4. For the full text of the law no. 6110 see <http://www.tbmm.gov.tr/kanunlar/k6110.html>

100,000 citizens was 16.2.⁵ The Ministry of Justice aims to increase this number to 20 in 2012 bringing it to European standards.⁶ These changes along with some other efforts to shorten the prosecution process, judiciary workload will likely to be reduced considerably in 2012.

Similarly, the Ministry of Justice held five separate exams to help meet the personnel shortage. 1,500 prospective judges, prosecutors, civil enforcement office director and civil enforcement office deputy director were recruited as a result of these exams.⁷ The Ministry of Justice claims that the National Judiciary Informatics System (UYAP) has been implemented in all judicial units since the beginning of 2011 and that all judicial and administrative activities are carried out online in this system.⁸

The budget allocated to the Ministry of Justice in 2011 reached 6.1 billion Turkish Liras (1.81 percent of GDP). According to the data obtained from the Ministry of Justice, the construction of one hundred judicial buildings began in 2011. It is estimated that 180 million Turkish liras allocated to legal aid services—providing lawyers to citizens who cannot afford one.⁹

2.2.2 Controversial Cases and Expectations

As indicated by analyses on the perception and mindset of judicial staff,¹⁰ most of them believe the primary role of the judiciary is to protect the state, its security and its interests rather than the rights and freedoms of individuals. This approach is obvious especially in cases for political dissidents and security forces. Particularly people criticized the impunity policies protecting security forces and questioned the legitimacy of the judicial decisions. Unresolved cases including those of Semdinli, Temizoz, Hrant Dink's assassination and the Malatya Zirve Publishing House murder or cases which have been opened for alleged torture and mal-

5. For more information see European Commission for the Efficiency of Justice (CEPEJ), "Evaluation report of European judicial systems - Edition 2010 (2008 data): Efficiency and quality of justice", <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1694098&SecMode=1&DocId=1653000&Usage=2>

6. Data was obtained from "Yargı Reformunun Neresindeyiz" by the Ministry of Justice.

7. For 2011 exam schedule of the Ministry of Justice see http://www.pgm.adalet.gov.tr/duyuru/2011/ocak/sinav_takvimi.htm, Last access: December 13, 2011

8. Official website of the National Judiciary Informatics System, <http://www.uyap.gov.tr/index.html>

9. Data was obtained from "Yargı Reformunun Neresindeyiz" by the Ministry of Justice.

10. For an analysis on this issue see Mithat Sancar – Eylem Ümit Atılğan, *Adalet Biraz Es Geçiliyor: Demokratikleşme Sürecinde Hâkimler ve Savcılar*, TESEV Yayınları, İstanbul 2009. For the full text see, http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/Yargi1_07_05_09WEB.pdf Last accession: January 02, 2011.

treatment still provoke criticisms and concerns. Moreover people claimed that cases such as Ergenekon, Sledgehammer, Cage Plan and KCK, among others are against fundamental principles of law. These included long detention time of suspects and the violation of their right to a fair trial. Some of the controversial cases are as follows:

Ergenekon Case

An investigation was launched after explosives were found in the attic of a house in a slum in Umraniye, Istanbul on June 12, 2007. Following this investigation, the first indictment regarding this investigation was accepted, initiating the Ergenekon case. To date, the Ergenekon case has been merged with seven cases. According to official data, the number of suspects has reached 238, 53 of whom are under arrest. The major development in the case during 2011 was the operations towards journalists. Within the scope of operations carried out in February and March 2011, several journalists including Nedim Sener and Ahmet Sık, were arrested for “being members of Ergenekon.” The Court ordered the confiscation of Sık’s unpublished manuscript, claiming it is “a terror document.” Moreover, the headquarters of the daily newspaper *Radikal* and the publishing house contracted to publish the book were raided, and copies of the book were confiscated and deleted from the computers. These developments provoked concerns about freedom of expression and criticisms of the case’s legitimacy.

Hrant Dink Case

The case on the assassination of the journalist Hrant Dink in 2007 continued in 2011. After the European Court of Human Rights (ECHR) convicted Turkey in the case of Hrant Dink, President Gul ordered the State Supervisory Council to carry out a comprehensive investigation. Whereas the prime suspect, Ogun Samast, was sentenced to nearly 23 years in prison by Istanbul’s 2nd Juvenile High Criminal Court. The trial proceedings of 19 suspects, two of them being under arrest, continued in Istanbul 14th High Penal Court. In the fourth-year report on Hrant Dink’s murder, the attorney Fethiye Cetin argued that the security and intelligence units hid, altered or destroyed information and documents. She also stated that they did not unearth the factual truth and attempted to mislead the investigating authorities by giving false statements, and that they tampered with the evidence. She added that no investigations were initiated against the security and

intelligence officers regarding these crimes, or any attempts to launch an investigation by investigating prosecutors were left inconclusive by other authorities.¹¹

N.Ç. Violation Case

In November, Supreme Court of Appeals upheld the local court's ruling on the infamous child-rape case to lower the sentences of the twenty-six men accused of repeatedly raping a thirteen-year-old girl (N.Ç) over the course of seven months. The original ruling came from a local court in Mardin, where N.Ç was forced to into prostitution. The justification given by the court for the reduction in sentencing was alleged consent of N.Ç. The local court ruled that N.Ç had consented to sexual intercourse without "any use of violence or coercive force" and she had the mental faculty to have rejected the defendants' advances. The decision was first appealed at the 14th Penal Department of the Supreme Court, which upheld the local court's ruling on a technicality—the head prosecutor failed to file the appeal within the allotted period of thirty days. The Supreme Court's ruling sparked a nation-wide criticism for having legitimized a victim-blaming defense.

Murder of Women

Relying on previous judicial rulings that "the decision of the family council is required in order to consider a murder an honor killing," the General Board of Criminal Departments of the Court of Appeals reduced the life sentence given to the convict who killed the man with whom his fiancée was talking on the phone. According to the opinion, any convict who claims to have committed murder in the name of honor of his own volition will be given a reduced sentence.¹² The ruling emphasized the difference between honor killings in the name of tradition and honor killings in the name of women's chastity and fidelity. The court found the former regionally specific and the latter was widespread, implying that honor killings in the name of tradition were ethnically motivated.

Susurluk Case

In September 2011, the former Chief of Police and politician Mehmet Agar was sentenced to five years in prison by the 11th High Criminal Court on charges of

11. For the full text of "the fourth-year report on Hrant Dink's murder" see http://www.hrantdink.org/img/Hrant_Dink_Davasi_Dorduncu_Yil_Raporu.pdf

12. For more information see *İzlem -19*, http://e-kutuphane.ihop.org.tr/pdf/kutuphane/116_1309769844_2011-06-30.pdf. Last Access: November 11, 2011

“establishing an armed organization for the purpose of committing crimes, failing to inform authorities of the whereabouts of a suspect and aiding and abetting”. Agar along with former MP Sedat Bucak was first charged in 1997, but the case against Agar was dismissed on the grounds of Agar’s political immunity. The charges were filed for the third time in 2008, after Agar lost the elections, and therefore his immunity. The ruling established Agar as the “leader of an armed organization established for the purpose of committing crimes.”¹³

Decisions of Supreme Election Board on Independent Candidates

The Supreme Election Board (YSK) rejected the candidacy applications of twelve independent MP candidates in April 2011 on the basis of a standing decision for a previous conviction. The decision caused a nationwide uproar as all 12 of the candidates were endorsed by BDP. Two people were killed during the demonstrations held in Southeastern Turkey. YSK reversed its decision for seven of the candidates. Hatip Dicle, who was elected MP after YSK reinstated his candidacy, was barred once again when he lost his appeal to his conviction on the charges of “having been convicted in acts of terrorism or incitement and encouragement of such activities”

Deputies in Custody

Eight elected members of parliament who had been sentenced to prison prior to the June 12 elections demanded their release after having been elected. The denial of their petitions caused tensions between the ruling party and the opposition as the rejection prevented the deputies from fulfilling their legislative functions.

The Festus Okey Case

The trial investigating Nigerian-born Festus Okey’s August 20, 2007 death—which was allegedly caused by a bullet from officer Cengiz Yıldız’ gun while under police custody in Istanbul—was concluded on December 13, 2011. The court found Yıldız guilty of ‘involuntary manslaughter’ and sentenced him to 50 months in prison. During the proceedings, the delayed receipt of Okey’s personal information, the erasure of camera recordings at the police station, and the disappearance

13. “Ağar’a hapis cezasının gerekçeli kararı açıklandı”, <http://www.hurriyet.com.tr/gundem/19171538.asp> Last access: November 11, 2011.

of crucial evidence generated criticism. Moreover, motions by a number of civil society organizations trying to influence the case were denied.¹⁴ Thomas Hammerberg, Commissioner for Human Rights at the Council of Europe, announced that preferential treatment of security personnel—such as revealed in the Festus Okey case—had to stop.¹⁵

The Zirve Publishers Case

The case involving the 2007 alleged murder of three employees of Istanbul-based publishing company *Zirve*—which focused on Christianity-related books— was not resolved in 2011. An operation triggered by letters of notice and an undercover witness led to the arrests of seven people—including a retired military commander and an academic—on March 21, 2011. In June, the ongoing investigation was expanded, with high-ranking generals and former Malatya University Chancellor being summoned to testify as suspects.¹⁶

Cases pertaining to Unsolved Murders

Investigation into the unsolved murders in Diyarbakir, Mardin, Batman, and Sirnak in the 1990s, allegedly committed by the Gendarmerie Intelligence Agency (JITEM), is continuing in two separate trials. The investigation and eventual case brought against former Special Operations member Ayhan Çarkın presented an important development in the case this past year. In his March 22nd statement to *Radikal*, Çarkın indicated that he was among the first Special Ops teams sent to Southeastern Turkey in 1986 and claimed that the JITEM committed the 1990s massacres previously attributed to the PKK.¹⁷

2.3 HUMAN RIGHTS IN 2011

This section offers an analysis of 2011 with respect to the most-debated human rights issues and anticipates the necessary approaches and expectations for 2012.

14. For more information see: <http://gocmendayanisma.org/blog/category/festus-okey/>

15. For the full text of the statement see: “Human rights principles need to be firmly embedded in Turkish justice system”, 14 Ekim 2011, http://www.coe.int/t/commissioner/News/2011/111014TurkeyVisit_en.asp.

16. “Emekli paşalar ifade veriyor”, *Radikal*, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1053839&CategoryID=77> Last Access: December 14, 2011.

17. “Çarkından tarihi çark: Ben iki Abdullah sevdim”, *Radikal*, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&Date=22.3.2011&ArticleID=1043705&CategoryID=77>, So Last Access: December 14, 2011.

2.3.1 Civilian Control of Security Forces

The leading developments regarding civilian control of security forces in 2011 are as follows:

- The selective *accreditation* system of the Turkish Armed Forces for the media continued in 2011.
- The Constitutional Court included one member from the Military Supreme Court and one member from the Military High Administrative Court as it was before.
- The Turkish Armed Forces Internal Service Law – which is used as a pretext by army to intervene in the country’s domestic politics – has not been amended. Similarly, no progress has been made to redefine the notions of “security” and “terrorism” on which the National Security Council and the Anti-Terror Law are based.
- On July 28, 2011, three days before the meeting of the Supreme Military Council (YAS), the Chief of General Staff Isik Kosaner and the Chiefs of the Air Force, Army and Navy resigned. They did so in order to protest the retirement of the suspects in Sledgehammer case suspects that is 17 generals and admirals, 14 of whom are in prison, the approval of the indictment of e-memorandum and the demand for issuing a warrant of arrest for seven generals and admirals. Nevertheless, the government proceeded undeterred.
- Military officials who were expelled from the army by the Supreme Military Council decision following March 12, 1971 were recompensed to some extent. Accordingly some personal rights were granted to them or their inheritors.
- Investigations on the ones who died or exposed to torture and degrading treatment during their military service have increased. Despite allegations about torture and degrading treatment, military prisons and disciplinary barracks have not been inspected, which was harshly criticized.

2.3.2 Compliance with International Human Rights Law

From October 2010 to September 2011, ECHR delivered 418 judgments finding Turkey in violation of the European Convention on Human Rights. ECHR received 7,764 new applications since October 2010, and holds 18,432 pending cases regarding Turkey as of September 2011.¹⁸ According to ECHR’s April 2011

18. For the full text of EU 2011 Turkey Progress Report see, <http://www.abgs.gov.tr/index.php?p=46722&l=1>
Last access: November 25, 2011.

annual report, Turkey-related cases constitute 42 percent of ECHR decisions for compensation in 2010 (€ 64,032,638 Euro).¹⁹ One of ECHR's sitting judges, Isil Karakas stated that there has been an incredible increase in cases brought before the court against Turkey and added "this means that either the rights and freedoms of the individuals are not adequately guaranteed in the domestic law or people apply to the ECHR because they are not able to obtain the rights that they intend to obtain."²⁰ The Committee of the Ministers of the Council of Europe continued to issue warnings about the implementation of ECHR decisions in Turkey.

On February 3, 2011 the Grand National Assembly of Turkey ratified the *Optional Protocol to the Convention against Torture* and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified on July 18, 2011. Likewise, the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence signed on May 11, 2011 was ratified on November 24, 2011. Moreover, an additional protocol to the Convention on Human Rights and Biomedicine concerning biomedical research was ratified. However, Turkey did not ratify three additional protocols of the European Convention on Human Rights and refused to remove its reservations about Protocol 1 of the Convention.

The European Commission against Racism and Intolerance (ECRI) announced its fourth periodic report on Turkey on February 8, 2011 with suggestions. Turkey submitted the Third National Report covering the years between 2003 and 2009 on the implementation of Articles 7, 8, 16, 17, 19, 27 and 31 of the Revised European Social Charter to the European Committee of Social Rights on February 25, 2011 with a four-month delay. Turkey submitted the Second Periodic Report on the implementation of Articles 2, 4, 21, 22, 26, 28 and 29 of the European Social Charter on March 30, 2010 with a five-month delay.

19. "Supervision of the execution of judgments of the European Court of Human Rights - 4th annual report 2010"; http://www.coe.int/t/dghl/monitoring/execution/Source/Publications/CM_annreport2010_en.pdf, Last access: December 15, 2011.

20. "Vicdani ret mutlaka uyulanmal", <http://www.ntvmsnbc.com/id/25300906/> Last access: November 30, 2011.

ASSESSMENT OF TURKEY BY INTERNATIONAL INSTITUTIONS

- **UN Universal Periodic Review Mechanism** evaluated Turkey on May 10, 2010 and made 163 recommendations. Turkey accepted 120 of the recommendations and rejected 40. The rejected recommendations include the removal of reservations on conventions, ratification of UN Convention for the Prosecution of all Persons from Enforced Disappearance and the International Criminal Court's Status and the removal of articles 301 and 318 of the Turkish Penal Code.
- **UN Committee on Racial Discrimination** evaluated Turkey in 2009. The Committee made recommendations under 24 headings and demanded that Turkey submit an interim report on three of these recommendations by March 2010 and its 4th and 5th Periodic Report in 2011. Nevertheless, Turkey has not submitted these reports to date. Turkey had submitted a combined report, instead of the three reports mandated by a convention it ratified in 2002 with a seven-year delay.
- **UN Committee on Children's Rights:** Turkey submitted the first periodic report, mandated by the UN Committee on Children's Rights, in 2009 with a two-year delay combined with the second and third periodic reports. The UN Committee on Children's Rights reviewed the combined second and third periodic reports of Turkey in its session held on November 16, 2011. The Committee demanded that Turkey submit additional and updated information related to the combined second and third periodic reports by March 1, 2012 so that the Committee could review the reports in the sessions scheduled for May 29- June 15, 2012.²²
- **UN Committee for the Prevention of Torture reviewed** Turkey's 3rd Periodical Report submitted with a four-year delay on November 3-4, 2010. The committee asked for an interim report on several issues²³ to be submitted in one year (in November 2011). The interim report was not submitted on time, and Turkey asked for an extension.
- **UN Convention on Economic, Social and Cultural Rights** announced the Final Evaluation Report on Turkey on May 20, 2011.²⁴
- **UN International Covenant on Civil and Political Rights:** Turkey submitted the Covenant mandated report, due on December 16, 2004, on March 17, 2011.²⁵ The Committee will review the report in 2013.
- **UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** discussed Turkey's report in its 46th session held on July 13-30, 2010. CEDAW asked many questions including about discrimination against women wearing headscarves and it announced its concluding observations on August 16, 2010. CEDAW asked called for a review of the progress made on these recommendations to be submitted with the new periodic report by July 2014.
- **UN Convention on Disabled Rights:** Turkey has not submitted the report on the implementation of the UN Convention on Disabled Rights that was expected in September 2011.

21. For the full list of additional information demanded from Turkey see <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TUR.Q.2-3.pdf>

22. For the Turkish translation of issues on which an interim report was demanded and issued covered in the 23th article see www.ihop.org.tr

23. For the English and Turkish versions of the Report

English: <http://daccess-ods.un.org/TMP/1040527.22454071.html>

Turkish: <http://www.ihop.org.tr/dosya/ESKHK/E.C.12.TUR.CO.1-TR.pdf>

24. For the full text of the report see: http://www.cprcentre.org/doc/HRC/Turkey/CCPR.C.TUR.1_en.doc

2.3.3 Institutionalization of Human Rights

The Ministry of Justice established the Department of Human Rights annexed to the General Directorate of International Law and Foreign Affairs. The duties of the department include preparing defense for the cases in ECHR in cooperation with the Ministry of Justice, working for the prevention of human rights violations, participating in Friendly Settlement Board.

The proposition for the laws that would stipulate the establishment of the Human Rights Department, office of the Ombudsman, and the monitoring commission on security forces, as well as the proposition that would allow certain laws to be amended, submitted in 2010 and 2011, expired as they were not placed on the annual agenda of the parliament. The proposition for the Act of Antidiscrimination and Equality was submitted to the office of the Prime Minister, but it has not been evaluated to date.

All these indicate a crucial problem—Institutions with overlapping jurisdictions and powers are being established simultaneously. To avoid conflicts stemming from these overlaps, the institutions must be considered and structured in juxtaposition to each other.

2.3.4 Training for Public Officials

The training of public officials, especially judicial officers and security forces, in human rights law continued in 2011. The training of military judges and prosecutors in international human rights law in a joint program with the EU began in October 2011. The two-year program aims to improve the capacity of military judges, prosecutors and lawyers for evaluating and ruling on cases in accordance with ECHR.²⁵ Moreover, the training programs—that began in 2009 as part of the implementation process of the UN Istanbul Protocol—for healthcare personnel, judges and prosecutors in effective investigation techniques for documenting torture and maltreatment continued in 2011.

2.3.5 Prisons

The reform of the prisons continued in 2011. The use of languages other than Turkish by prisoners increased marginally. The “Act on Courts of Execution of

25. “Training for Military Judges and Prosecutors on Human Rights”, <http://www.trthaber.com/haber/turkiye/askeri-hakim-ve-savcilara-insan-haklari-egitimi-13907.html> Last Access: November 30, 2011.

Penal Sanctions”, by providing a venue to prisoners for bringing unusual and cruel application of penal sanctions to the specialty court established for this purpose, improved prisoner’s rights. New rehabilitation services and certain architectural changes to prisons are among the positive developments. Nevertheless, the high number of prisoners exceeding the capacity of the facilities continues to be a big reason for concern. Detention is used as an instrument of punishment rather than a preventative measure contributes to the crowding of prisons. The inadequacy of Health services is a major concern in the increasing numbers of prisoners. While the auditing standards of prisons do not yet meet the standards required by the UN, the provision of bereavement rights have been expanded from attending to the funerals of local relatives to cover attendance to the funerals of long distance relatives.

2.3.6 Freedom of Expression

Topics that have long been considered taboo in Turkey are now part of the public discourse, particularly of the media. Although the number of indictments under Article 301 decreased since the Ministry of Justice has become more discriminating in filing charges, investigation into previous indictments continue. Cases brought to ECHR for violation of the freedom of expression are continuously increasing. Laws such as Act on Fight Against Terrorism” and the Press Bill exacerbate the problems in this field. Numerous charges were brought against journalists writing on the Ergenekon case. The meetings between state representatives and media executives are cause for concern and criticism for the threat they present to freedom of press and expression as much as the new regulations on radio and television broadcasts and internet publishing.

2.3.7 Freedom of Religion

Alevism was included in the curriculum of the religious text books for students from 4th grade through the final year of high school. Nevertheless the discussions and disputes on the status of djemevi (Cemevi) continue. On the other hand, the Directorate General of Religious Affairs Mehmet Görmez for the first time in the history of Turkish Republic visited a djemevi in May.²⁶ In addition to the status of djemevis, there are still problems with the legal recognition of some religious

26. “Diyanet İşleri Başkanı’ndan cemevi ziyareti”, *Radikal*, May 27, 2011, <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&Date=27.5.2011&ArticleID=1050802&CategoryID=77>

communities such as Twelvers, Protestant Christians and Bahais. On February 2, 2010, ECHR decided that the religious affiliation section on the Turkish identity card violates the European Convention on Human Rights. This decision has not been implemented to date.²⁷ Furthermore, the restrictions on the clerical training of non-Muslims were not lifted in 2011.

2.3.8 Freedom of Association and Assembly

State restrictions on participation in organizations and associations still continue. While membership to associations and organizations requires residency permits, international civil society organizations are subject to a different set of regulations. No progress was made regarding the amendment to legislation on the closure of political parties. There are still restrictive provisions on trade unions, which are incompatible with EU standards and ILO conventions.

From time to time human rights organizations observe the excessive use of force by security forces in meetings and demonstrations throughout the country. Moreover it is criticized that the use of tear gas in demonstrations has almost become a daily practice.²⁸

2.3.9 Women's Rights

The Ministry of Family and Social Policies was established, replacing the Ministry of Women and Family. The labor force participation rate of women as of August 2011 has reached 30 percent²⁹ and the gap between male and female students in primary education has almost closed.³⁰ The number of female parliamentarians following June 12th elections increased from 48 to 79³¹; however, the ratio of this number to the female population is still low.

The Parliamentary Committee on Equal Opportunity for Women and Men published two reports entitled "Psychological Violence over Children's Gender, Bride

27. <http://www.inhak-bb.adalet.gov.tr/aihm/karar/sinanisik28.03.2011.doc>

28. For the statement of the Turkish Medical Association see: "Biber gazı kullanımına son verilmelidir", <http://www.ttb.org.tr/index.php/Haberler/basinaciklamasi-2778.html> Last access: 30.11.2011

29. For the statistics of labor force see the website of Turkish Statistical Institute, http://www.tuik.gov.tr/Gosterge.do?metod=GostergeListe&tb_id=25&kust_id=8 Last access: December 5, 2011.

30. For statistics in education see: "Milli Eğitim İstatistikleri – Örgün Eğitim 2010-2011", http://sgb.meb.gov.tr/istatistik/meb_istatistikleri_organ_egitim_2010_2011.pdf.

31. According to election results 79 women deputies entered in the parliament: 46 from AK Party, 19 from CHP, 3 from MHP and 11 independent deputies.

Prices and Traditional Marriages” and “Mobbing and Solutions.” The Directorate General for Women’s Status (KSGM) provided training programs called “Equality of Women and Men and Gender.” The project for promoting equal opportunity in workplaces launched in 2010 by the Ministry of Labor and Social Security continued in 2011.

While the government signed the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, the Republican People’s Party (CHP) proposed the Law to Prevent Violence against Women.³² The Project for Engaging Religious Officials in Preventing Violence against Women launched by the Presidency of Regional Affairs, the Directorate General for Women’s Status and the UN Population Fund in 2010 continued in 2011. KSGM trained 65,000 health personnel within the scope of the Protocol on The Role of the Health Personnel in the Prevention of Violence against Women and the Applicable Procedures Project. Women’s associations, governorate officials and family court judges discussed the draft Law on Protecting Women and Family Members from Violence prepared by the Ministry of Family and Social Policies. Women’s shelters in Turkey are still insufficient. Municipal law requires the establishment of women’s shelters in municipalities with population of 50,000 or more. However, this provision is not consistently implemented.

2.3.10 Children’s Rights

2011 witnessed progress in children’s rights, justice for children and the education of girls in judiciary. Public and private institutions carry out projects on children’s education, child labor and gender equality in primary education.

One of the leading problems in education of children is the problem of access to “qualified” education. Other factors that have an impact on the education of children include obligation to work and education in mother language. When children meet a foreign language in school and failed in their first years of school, they have a sense of failure. If their families are poor, children give up their education.

The government made a significant improvement in meeting the health expenditures of poor families and children who are deprived of social security. The expansion of family medicine—and its improved implementation—is expected to improve children’s health.

32. For the full text of draft law see, http://www.tbmm.gov.tr/develop/owa/tasari_teklif_sd.onerge_bilgileri?kanunlar_sira_no=93892 Last Access: December 5, 2011.

Yet, reservations on children's rights in international conventions have not been removed. Children are held in detention centers that do not even meet required standards for adults. Moreover, unqualified personnel—who do not meet the criteria required by juvenile justice system—work in these centers.

2.3.11 Police Violence

According to the reports of human rights organizations, the year 2011 witnessed the use of excessive force by security forces causing the death of several detainees. The Human Rights Foundation of Turkey (TIHV) stated that by November 2011, 437 people claimed that they had been exposed to torture and maltreatment.³³

A recently revealed incident proved to be the most striking example of torture and maltreatment in detention centers. The video, made public in December, showing a woman named Fevziye Cengiz—who was detained in İzmir in July 2011—being beaten by police officers. Subsequent research revealed several practices of negligence and misconduct. Bureaucratic and judicial actions regarding this incident verify that allegations against security forces are not investigated as required.

2.3.12 The Disabled

The national mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol was not established in 2011. The Parliament passed the Constitutional amendments to provide affirmative action to persons with disabilities; however, these amendments have not been turned into specific measures.³⁴ One of the central problems persons with disabilities face is the physical obstacles to accessing public services and social areas. Moreover persons with disabilities also face obstacles in economic life.

2.3.13 Minorities and Cultural Rights

Turkey has not removed its objections to articles regarding the rights of minorities under the UN International Covenant on Civil and Political Rights and the articles regarding the right to education under the UN International Covenant on Economic, Social and Cultural Rights. Moreover, Turkey has not signed the

33. <http://tihv.org.tr/index.php?10-17-AralAEk-2011-AEnsan-HaklarAE-HaftasAE>, Last Access: December 15, 2011.

34. EU Progress Report, 2011

Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages. The ordinance on the implementation of provisional article 11th of the Foundations Law No. 5737 was published on Official Journal and put into force on September 1, 2011. Thanks to the decree issued with the order of Prime Minister Erdogan, the state returned all assets including graveyards and fountains registered by the state while they belonged to minority foundations until 1936.

This past year, state schools, translated mathematics and introductory science textbooks into Armenian and distributed them for free. Armenian children who are not Turkish citizens were allowed to continue their education in Armenian schools as guest students. On the other hand, the government did not reopen the Halki Seminary.

2.3.14 The Kurdish Question

2011 was a year of renewed reliance on security measures to resolve the Kurdish Question—a human rights issue with social, political, and economic implications. A rising tide of violence, as well as alleged KCK members’ arrests overshadowed direct- and indirect talks. Targeting a number of BDP politicians -among them mayors and other elected officials-, the operations brought scrutiny and concerns to the forefront of media attention with the inclusion of academic Busra Ersanli and publicist Ragip Zarakolu to the list of detainees.

The government initiative to establish a Kurdish state television network, TRT-6, triggered hope that the public use of this language would no longer be subject to restrictions. However, two court cases challenged these expectations: First, KCK defendants were refused the right to defend themselves in Kurdish. In another case, the court considered the use of Kurdish a provocation and reduced the culprit’s prison sentence on these grounds.³⁵

Another significant obstacle before the Kurdish Question’s peaceful resolution was the ongoing efforts to cover up severe human rights violations of the past. In 2011, the Parliament’s Human Rights Commission decided to establish three subcommittees, including the Subcommittee to Investigate Violations of the Right to Life in the Context of Acts of Terror and Violence. The committee serves an important function by looking into grave past violations including unsolved mur-

35. See: “Kürtçe şarkı’ cinayetine 19 yıl 5 ay hapis”, *Zaman*, <http://www.zaman.com.tr/haber.do?haberno=1177659&title=kurtce-sarki-cinayetine-19-yil-5-ay-hapis>, Last Access: December, 14 2011.

ders. As such, it listens to witnesses to such events, and offers an opportunity for the victims' families to express themselves without intermediaries.

2.3.15 2011 Parliamentary Elections

Before the 2011 Parliamentary Elections, the YSK enforced the amendments on the Law on Basic Provisions on Elections and Voter Registers and the Law on Parliamentary elections in 2010. This year, those propagating their views in languages other than Turkish ceased to risk imprisonment. At the same time, however, the YSK stated that it was "fundamental that political parties and candidates use Turkish in mass propaganda."³⁶ Articles of the Political Parties Law (#43 and #81/c) banning the use of non-Turkish languages for propaganda purposes continued to be in place.

Another point of criticism was that YSK meetings were open only to board members and political party representatives. In an attempt to render electoral monitoring more transparent, it is necessary to allow independent candidates, the media and other observers to attend these meetings, and to abolish rules that prevent voters resident abroad to vote for independent runners. Furthermore, the 10-percent national electoral threshold -highest among member countries of the European Council- continues to exist.

Consequently, the parliamentary elections attracted broad participation,³⁷ and took place in an overall free and fair manner. Notwithstanding these positive developments, a number of attacks against provincial party bureaus, campaign offices, and campaign envoys prior to- and during the elections caused concern. In addition, new debates and criticisms followed the denying of eight parliamentary-elects' petition for their release from jail and the YSK's annulment of Hatip Dicle's legislative claims.

2.3.16 Refugees

The Ministry of Interior's Asylum and Immigration Bureau drafted a Law on Aliens and International Protection that did not enter the Parliament's agenda before. The document was re-sent to the Prime Ministry on December 5, 2011.³⁸

36. YSK decisions on the election, "Electoral Prohibitions," <http://www.ysk.gov.tr/ysk/docs/Kararlar/2011Pdf/2011-186.pdf> "Broadcasting Principles of the Media"; <http://www.ysk.gov.tr/ysk/docs/Kararlar/2011Pdf/2011-187.pdf>

37. For the statistics of the election see: <http://www.ysk.gov.tr/ysk/docs/2011MilletvekiliSecimi/gumrukdahil/gumrukdahil.pdf>

38. For the full text of the draft see: http://www.icisleri.gov.tr/ortak_icerik/www.icisleri/94%20d%C3%B6nem%20kkursu/Yabanc%C4%B1lar%20ve%20Uluslararası%C4%B1%20Koruma%20Kanunu%20Tasar%C4%B1s%C4%B1%20Tasla%C4%9F%C4%B1.doc Last Access: November 15, 2011

If the proposed law enters into force, it will be the first document legislation to regulate the domain of asylum in the Republic's history. Currently these functions are served based on a 1994 regulation and a number of subsequent circular orders. The Asylum and Immigration Bureau also continues its work on a Law on Human Trafficking and the Protection of Victims.³⁹

On the other hand, the status of thousands of Syrian nationals who took refuge in Turkey following developments in their home country stirred debates from March onward. Turkey's opening its borders to Syrian immigrants and arranging for their accommodations in the form of a refugee camp in Hatay was met with national⁴⁰ - and international appreciation. At the same time, however, the de facto protection was targeted by criticism alleging that the measures were open-ended --therefore subject to interpretation and termination.⁴¹

Aside from Syrian refugees, a total of 7,638 individuals petitioned the UNHCR's country office for asylum.⁴² (As of October 31, 2011) According to Turkish National Police data, on the other hand, a total of 176,944 applicants were granted residency under employee, student, and other status.⁴³ (2010 data) Aside from these, tens of thousands of refugees from Africa, Asia, and the Middle East en route to European countries continue to transit through Turkey.

2.4 EXPECTATIONS AND RECOMMENDATIONS

The new Constitution's drafting process resulted in higher expectations from the Parliament and the administration to solve human rights issues. However, both the healthy continuation of the process and rising of Turkey's overall human rights standards call for the abandoning- and/or altering of legislations threatening freedoms of expression and the freedom of the press.

In this respect, the Parliament is expected to develop channels of dialogue with civil society actors and thereby to oversee the fulfillment of the principle of representation. The method adopted thus far with regard to the new Constitution is promising in this sense. 'Road clearance' should attribute special importance and priority in the process.

39. http://gib.icisleri.gov.tr/default_B0.aspx?id=150 Last Access: November, 11 2011.

40. "20 Haziran Dünya Mülteciler Günü Basın Açıklaması", June 18, 2011, Mülteci Hakları Koordinasyonu, http://multecihaklari.org/index.php?option=com_content&view=article&id=173

41. "Belirsizlik: Türkiye'deki Suriyeli Mültecilerin Durumunu En İyi Anlatan Kelime", October 2011, European Mediterranean Human Rights Network (EMHRN) http://www.euromedrights.org/files.php?force&file=Rapport_Migration_2011_TK_723580498.pdf

42. "UNHCR'a Başvuran Sığınma Talep Etmiş Kişilerin Yaş, Cinsiyet ve Ülke Dağılımı", http://www.unhcr.org.tr/uploads/root/asylum_seekers_table_tr_as_of_31-10-2011.pdf Last Access: November 15, 2011.

43. http://www.egm.gov.tr/icerik_detay.aspx?id=220 Last Access: November 15, 2011.

The lack of data represents one of the greatest obstacles before the development of policies to safeguard human rights. Failure to collect data makes it difficult to determine the efficiency- and influence of ongoing human rights education programs, consequently rendering alterations and development of these initiatives impossible. Efforts to relieve the administration's continued lack of the means to measure its own human rights performance should be made in 2012.

In addition to the aforementioned issues, the following problems ought to be addressed in the upcoming year:

- Turkish society is drafting a new Constitution with its own will and initiative for the first time in the Republic's history. This historic process must not be sacrificed to inter-party struggles, and a social contract must be produced to safeguard human rights for everyone.
- The reform process on the strengthening of democracy and the protection of human rights must be resolutely pursued. Transparency, accountability and participatory mechanisms must be reinforced. The reform process must be continued with the inclusion of public administration reform in government agenda.
- A structure to monitor problems- and applications of judicial aid must be created.
- Works on the provisions in the legal structure that limit the freedom of expression must be completed on the basis of international standards without any delay.
- Women's shelters must increase in numbers. Institutional cooperation to oversee the activities of these shelters, as well as local governments, must be strengthened.
- Public servants (including members of the security forces and the judiciary) must be continuously and more efficiently trained with regard to violence against women and children.
- Regulations must be put in place to allow children that are not native Turkish speakers to learn their mother tongues in private- and public schools, and to access public services (including the judiciary) in these languages.
- The number of juvenile courts must be increased. Necessary steps must be taken to re-organize the juvenile justice system according to UN- and European Council standard.
- Efficient precautions must be taken to apply ECHR rulings and recommendations by various committees monitoring the application of international human rights conventions.
- Concerns and doubts regarding the failure to punish public servants linked to criminal activity must be relieved. Their swift and just trials, and punishment, must be ensured.

3. FOREIGN POLICY

3.1 SIGNIFICANT DEVELOPMENTS AND THEIR IMPACT ON TURKEY

3.1.1 Arab Spring

A wave of revolt sparked by a street vendor who set himself on fire on December 17, 2010 put an end to the 23 year rule of Zine el Abidine Ben Ali, spread through the Middle East and North Africa. Egypt, Yemen, Libya and Syria followed suit with Tunisia, while revolts in Saudi Arabia, Bahrain, Jordan, Morocco and Algeria have been suppressed for now. Although each country affected by the Arab Spring has its own realities on the ground, they have in common authoritarian and corrupt systems established by dictators. Administrations which rely on family and/or one party rules, social inequalities, lack of freedoms and human rights violations resulted in unbearable pressures. The two slogans of the Arab Spring—“bread, freedom and dignity” and “the people demand the fall of the order”—were sufficient enough to indicate how inevitable popular demands for change are. Discourses that consider the Arab Spring as a plot planned by the West ignore the dynamics behind the developments. The wave of revolt constitutes a third pillar of the post-Cold War dissolution after the Caucasus and Central Asia, and Eastern Europe and the Balkans. The demands for change in the Middle East were suppressed by the Iraq intervention in 1991. However, change became inevitable thanks to globalization and developments in information and communication technologies. Authoritarian leaders’ silence about both the 2003 Iraq War and the Israel-Palestinian issue sowed the first seeds of revolt. Afterwards, the youth—who

were able to follow developments and organize via the Internet despite restrictions—played a crucial role in shaping the opposition movements. The demands of the unemployed but well-educated youth from authoritarian regimes drove the quest for justice in the Middle East. After the Tunisian and Egyptian people prevailed⁴⁴, other people who share similar demands imitated these people’s methods or protests and activism and carried out protests in their own countries.

Chronology	ARAB SPRING
December 17, 2010	Uprisings against high cost of living and unemployment broke out when a university graduate street vendor Buazizi set himself on fire in Tunisia.
January 14, 2011	Zine el Abidine Ben Ali who had been in power for 23 years escaped to Saudi Arabia.
January 25, 2011	Protests against Hosni Mubarak broke out in Egypt. According to official data 846 people died during protests throughout the country.
February 1, 2011	During his speech broadcast live on Al Jazeera the Prime Minister Erdogan called on Mubarak to “listen to his people and leave.”
January 27, 2011	Revolts spread to Yemen. Thousands of protesters took to streets demanding the resignation of the president Ali Abdullah in Sana.
February 11, 2011	Egyptian President Hosni Mubarak resigned.
February 14, 2011	Revolts spread to the Gulf. Demonstrations were held in Bahrain.
February 15, 2011	Uprisings against Muammer Gaddafi broke out in Benghazi.
March 15, 2011	Demonstrations against Assad regime broke out in Syria.
March 19, 2011	A meeting on a possible intervention in Libya was held under the leadership of France in Paris. Leaders from 22 countries participated in the Summit; however, Turkey was not invited. On the same day, Coalition Powers led by France launched air attacks on military targets of Gaddafi in line with the UN Security Council resolution 1973.
March 21, 2011	Turkey demanded that NATO review its operation plans towards Libya and narrow the no-fly zone.
September 12-15, 2011	Prime Minister Erdogan paid a visit to North Africa including Egypt, Tunisia and Libya.
October 20, 2011	Muammer Gaddafi was captured and killed in Sirte.
October 31, 2011	NATO ended its Libya mission.
November 23, 2011	Yemen president Ali Abdullah Saleh signed an agreement to relinquish office.
November 27, 2011	Arab League approved the economic sanction on Syria.
November 28, 2011	The first parliamentary elections were held in Egypt.

44. For more information, see Selin Bölme, Ufuk Ulutaş, Müjge Küçükkeleş vd., “25 Ocak’tan Yeni Anayasa’ya: Mısır’da Dönüşümün Anatomisi,” *SETA Report*, Issue 2, April 2011; Ufuk Ulutaş, Furkan Torlak, “Devrimden Demokrasiye Tunus Seçimi,” *SETA Analiz*, Issue 46, November 2011.

The revolution process in the Middle East brought Turkey to the fore both globally and regionally, not only because of its effective foreign policy but also because of its longer history of democracy and independence. In the wake of this movement's rapid spread, Turkey enjoyed an advantageous position because of its newly adopted foreign policy. Turkey has steadily improved its diplomatic, economic, and civil society relations with the countries of the Arab Spring since 2002. Thanks to its reactions to Israeli administrations in the wake of the Lebanon and Gaza attacks and Turkish Prime Minister Recep Tayyip Erdoğan's outburst at Shimon Peres at the World Economic Forum in Davos, Turkey's image and standing in the Arab world improved. Besides Turkey was able to talk to each and every group and was also involved in the Western alliance, which added distinction to Turkey. Although countries of the Arab Spring have undergone different change processes, Turkey maintained its fundamental principles towards these countries. First, it supported the demands of democratic reform of people in each country from Tunisia to Syria. It suggested that current regimes should carry out reforms and pave the way for change without resulting in an armed struggle. Moreover, it continued to negotiate with opposition groups and pushed the limits for a diplomatic political resolution.⁴⁵ However seeing no progress was made, Turkey expressed that leaders must leave. Turkey opposed military intervention as a first and only solution. As was the case in Libya⁴⁶, Turkey tried to prevent harm to civilians by intervening in the process when military intervention became inevitable.⁴⁷ Turkey also stated many times that it supports people who desire democracy. Accordingly, it maintained its privileged position in the eyes of newly-established administrations.⁴⁸ According to the "2011 Arab Public Opinion Poll," conducted by the University of Maryland in November, Turkey was perceived by the Arab World as having played the most constructive role, while Prime Minister Erdoğan was selected as the most admired world leader.⁴⁹

The change process in the Middle East, including in the countries in which authoritarian regimes were overthrown, still continues. In the wake of elections held on October 23, Tunisia was the first country in which the democratic transition process began—as was the case for the initial revolt. Meanwhile, Egypt faces a more painful process ahead, initiating a three-month election process on November 28th while many people protested the Supreme Council of Armed Forces in Tahrir Square.

45. "Türkiye'den Libya planı," *Bugün*, July 15, 2011

46. For more information see Selin Bölme, Ufuk Ulutaş, Müjge Küçükkeleş, Taha Özhan, "İsyan, Müdahale ve Sonrası: Libya'da Dönüşümün Sancıları," *SETA Analiz*, December 2011.

47. "Erdoğan NATO operasyonu için şartlarını açıkladı," *Radikal*, September 09, 2011.

48. "Mısır'da Erdoğan coşkusu," *CNN Türk*, September 09, 2011; "Tunus'ta aynı coşku," *HaberTürk*, September 15, 2011; Bingazi'de Erdoğan coşkusu," *Hürriyet*, September 17, 2011.

49. "Arapların lideri Türkiye ve Erdoğan," *Akşam*, November 22, 2011.

The question of political stability surfaced when new Libyan Prime Minister Ab-durrahim el-Keib faced problems while trying to form a government. The Assad regime in Syria increased the violence against those advocating reform, which increased international pressure on Syria, including the imposition of sanctions by the Arab League. Considering these developments, it seems difficult to ensure political stability in the Arab world and meet demands in a short period of time. The Arab Spring must be interpreted as the beginning of wholesale change. Developments in North Africa and the Middle East will continue to dominate the international agenda in the coming year.

3.1.2 Discussions on the UN system

In recent years, Turkey criticized the international system and its structure for failing to meet existing international needs either politically or ethically and insisted on the urgency of a much needed reform. The main target of this criticism was the structure of the UN Security Council.

One of the UN's six principal bodies, the Security Council has 15 members consisting of five permanent members (U.S., Russia, UK, France and China) and 10 rotating non-permanent members elected to two-year terms. Each member has a right to vote. Administrative decisions are made when nine of the 15 members vote in favor while for other decisions to be made it is necessary that nine of the 15 members vote in favor and none of the five permanent members vetoes. Decisions made by the Security Council are binding to all UN member countries. If the Security Council makes a decision that enacts a no fly zone, sanctions or surveillance, all members are expected to comply with the decision. This indicates the immense power of both the UN Security Council and its permanent members. Turkey, in its criticism of the Council's structure, makes two main points. First, Turkey considers the veto power granted to permanent members as a violation of UN's principles of equality. The structure that reflects the international power balances of post-World War II era fails in the current structure of the international system. For instance, India represents one-sixth of the world's population, yet it does not have a permanent seat in the Security Council. Conversely, permanent members of the Council such as the UK and France no longer have the economic and political power to justify their privileged status.

Another criticism railed against the UN Security Council's structure is that the inconsistency of its resolutions threatens the trust placed in the UN in general. For instance, while the Council imposed a no fly-zone over Libya, it did not adopt a resolution that would impose sanctions on Syria as Russia and China used their veto power. Prime Minister Erdogan, in his address to the UN General Assembly

in September, stated, as mentioned above, the inconsistency of resolutions imposing sanctions compromises the trust placed in the UN.⁵⁰ Although sanctions on Iran, Palestine and Sudan were strictly enforced, no resolutions on Israel have so far been implemented.

The second point in Turkey's criticism of the UN Security Council's current structure was also raised by Erdogan in his address to UN General Assembly. The fact that the permanent membership of the Security Council represents post-World War II eras power balances of the international system, and that 188 members are compelled to comply with the decisions taken by five members, creates a problem of legitimacy and injustice.⁵¹ Furthermore, with three permanent members representing Europe, one representing Asia and one representing North America, other continents are left with no representation in the Council.

Criticisms of the Security Council's structure focus on the need for reform. In this vein, numerous reform offers have been submitted; however, these offers have not been addressed, as permanent members have no incentive to relinquish their privileges.

These criticisms are prominent in third world countries and countries that exist outside the international system, such as Iran. Erdogan's address of to the General Assembly marks the first time a country which is part of the Western system criticized the Security Council in the West's own platform. Turkey upholds its regional image while it criticizes the international system, proving that Turkey is a country to contend with in the new international system.

3.2 CRISIS IN FOREIGN POLICY AND BILATERAL RELATIONS

3.2.1 Turkey-U.S. Relations

Contrary to expectations, Turkey and the U.S. had good relations in 2011. Leaving behind artificial debates—such as whether Turkey had a “shift of axis”—to confront regional developments like the Arab Spring certainly contributed to the productive relations. Despite some structural problems, both countries succeeded in adopting a common language about these issues. As Turkey has become a prominent actor in the Middle East, Washington accepted this not as something to criticize, but instead as an organic development stemming at least in part from the major changes of 2011.

50. “Başbakan'dan genç mesaj,” *Sabah*, October 12, 2011.

51. “Başbakan'dan genç mesaj,” *Sabah*, October 12, 2011.

During the Arab Spring, Turkey proved to be an effective actor that not only contributed to the Western alliance but could also communicate with regional regimes and opposition groups. Realizing that it would not be able to resist to regional change, U.S. was in quest for cooperation.

U.S. President Barack Obama called Prime Minister Erdogan 11 times in the first nine months of the year, discussing many issues—most notably the Arab Spring.⁵² The two last met at a bilateral summit during the annual UN meeting in September and discussed various issues including Syria, Israel, Palestine, Cyprus and the broader fight against terrorism. This rapprochement contributed to softened rhetoric from the U.S. regarding Turkey-Israel tension—although the U.S. maintains its position supporting Israel. The American attitude towards the tension was focused on its wish that the tension be resolved expeditiously.⁵³

Under the framework of NATO missile shield project – which resulted in a crisis in 2010 – the role of Turkey has become definite. In this sense, it was decided to establish a radar base in Kurecik, Malatya. Although Turkish authorities declared that this missile shield does not target Iran, Turkey-Iran relations were inevitably strained because of this decision. Turkey maintained its position regarding Iran's nuclear development. However in addition to above-mentioned tension Turkey disagreed with Iran on Syria. As a result Turkey-Iran relations deteriorated and Turkey adopted a position closer to U.S.

During September's Erdogan-Obama meeting, Turkey presented a list of demands to U.S. authorities relating to the increase in PKK attacks.⁵⁴ Turkey and the U.S. signed a framework of new agreements on intelligence-sharing notably during spot operations. The two countries also agreed on Turkey's purchase of three Bell AH-1 Cobra and use of four U.S. Predator drones deployed at the İncirlik base.⁵⁵ The U.S. and Turkey were motivated to cooperate on the PKK issue not only because of concerns relating to U.S. plans to withdraw its troops from Iraq by the end of 2011, but also because of regionally destabilizing developments like the conflict in Syria.

52. "Obama 9 ayda 11 kez Erdoğan'ı aradı," *Sabah*, October 16, 2011.

53. "ABD'den Obama-Erdoğan açıklaması," *Ahaber*, September 21, 2011.

54. "Başbakan Erdoğan'ın Obama görüşmesi sonrası açıklamaları," *Hürriyet*, September 21, 2011.

55. "ABD'den PKK liderlerine nokta operasyon istendi," *Sabah*, October 28, 2011.

Chronology	TURKEY-U.S. RELATIONS
January 8	"We realize that we can not solve international problems on our own. We welcome the role of Turkey, which has undertaken big responsibility to that end," stated United States Assistant Secretary of State for Public Affairs Philip J. Crowley stated.
February 6	Davutoglu stated that Turkey and U.S. adopt similar approaches towards Egypt.
May 5	During the meeting of Libya Contact Group U.S. Secretary of State Hillary Clinton met the Minister of Foreign Affairs Ahmet Davutoglu and stated that U.S. welcome Turkey's roadmap for Libya and added that U.S. want to cooperate with Turkey.
July 15-16	U.S. Secretary of State came to Turkey to participate in Libya Contact Group meetings and met Turkish authorities.
August 23	Regarding the air attack launched on PKK in Northern Iraq, spokesperson for the U.S. Department of State Victoria Nuland stated that U.S. recognizes that Turkey has the right to defend itself.
September 2	The Ministry of Foreign Affairs announced that early warning radar allocated by U.S. for NATO is planned to be deployed in Turkey.
September 20	The Prime Minister Recep Tayyip Erdogan visited U.S. within the scope of UN General Assembly meetings and met Barack Obama. Erdogan and Obama talked about PKK, Syria, NATO Defense System, Israel-Palestine, Afghanistan and Iraq.
September 30	At the 30th Annual Conference of the American-Turkish council Secretary of State Hillary Clinton called Turkey's economic development the "Turkish miracle."
November 1	The Minister of National Defense Ismet Yılmaz stated the decision that the two countries will inform and consult with each other in order to prevent any power void caused by the withdrawal of U.S. troops from Iraq.

Regarding U.S. opinions of Turkey's domestic politics, the newly appointed American ambassador Francis Ricciardone criticized the judiciary, freedom of the press and the arrest of journalists, which provoked tension between the two countries. Turkish authorities considered this an intervention in internal affairs and rejected American criticisms.⁵⁶

In addition to political and military issues, Turkey and the U.S. strengthened economic relations in 2011. In October, the two countries held the seventh meeting of the Turkey-U.S. Economic Partnership Commission, which was established in 2002. Moreover as an extension of commercial cooperation, the second Global Entrepreneurship Summit which was held in U.S. in 2010 was hosted by Prime Minister Erdogan on December, 3-6 in Istanbul.⁵⁷

56. "Sınırı aşma uyarısı," *Milliyet*, February 16, 2011.

57. "Dünya girişimcileri İstanbul'da buluşacak," *NTV*, November 28, 2011.

High level statements during 2011 confirmed the strong relations between Turkey and the U.S.. Assistant Secretary of State for European and Eurasian Affairs Philip Gordon stated that relations between the two countries were strengthened over the last year,⁵⁸ while Turkish President Abdullah Gul told the Financial Times that Turkey-U.S. relations have never been healthier.⁵⁹ At the 30th Annual Conference of the American-Turkish Council, Secretary of State Hillary Clinton called Turkey's economic development the "Turkish miracle" and added that if Turkey shares this power with the region, this will pave the way for peace, democracy and stability in the region.⁶⁰ Turkey showed a reliable attitude not only during the regional instability in the Middle East and North Africa but also during the global instability led by the economic crisis. As long as it maintains this reliable attitude and its strong relations with the people in Middle East and North Africa, it will also contribute to the improvement of Turkey-U.S. relations. With Turkey's economic stature growing, the prospects for a balanced relationship improve.

3.2.2 Turkey-EU Relations

The year 2011, like the previous year, was stagnant and inefficient in terms of Turkey-EU relations—no progress was made towards a resolution on points of contention. In the progress report published in October, Cyprus issue remained the biggest obstacle to Turkey's membership in the EU. The report praised some steps taken by Turkey, such as constitutional amendments, re-arrangements by High Council of Judges and Prosecutors and civilian control over the military; while it criticized the arrests of journalists, excessively lengthy pre-trial detention periods, KCK arrests and restrictions on freedom of press and freedom of expression.⁶¹

Lack of progress on the Cyprus issue deprived the relationship, which was progressing technically, from the political motivation that could drive the process of Turkey's accession to the EU. Even though politicians declared that membership to the EU was a strategic target, the accession process lagged behind a busy domestic agenda and the developments in the Middle East.

58. "ABD: Türkiye ile ilişkiler son bir yıl içinde güçlendi," *Haber Türk*, September 15, 2011.

59. "Turkish president welcomes rapport with US," *Financial Times*, November 07, 2011.

60. "Ekonomide Türk mucizesi bölge için itici güç olacak," *Star*, November 02, 2011.

61. Turkey 2011 Progress Report, Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and Main Challenges 2011-2012, Brussels, 12.10.2011

Chronology	TURKEY-EU RELATIONS
January 2	Greek Cypriot leader Dimitris Christofias stated that Turkey should fulfill its commitments to the European Union and that the condition of Turkey's membership to the EU is the resolution of the Cyprus conflict.
January 13	Foreign Minister Abdullah Davutoglu met with EU's High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton in Istanbul.
February 25	President Abdullah Gul told Sarkozy, who was visiting Turkey as the President of G20, that the EU should keep its promise with respect to Turkey's EU membership process and that Turkey wants to conclude the negotiation process successfully.
May 10	Sweden's Foreign Minister Carl Bildt and EU Affairs Minister Birgitta Ohlsson made a declaration on EU day with a title 'Democratic Turkey belongs in the EU'.
October 13	The EU Progress Report stressed that Turkey has made a good progress.
October 15	In an attempt to ease visa requirements for Turkish citizens, required documents in the application for a visa were standardized for all EU countries.
October 18	9 EU members, in order to make some progress on points of contention that have not been addressed for a long period, kicked off an initiative to accelerate Turkey's accession to the EU before 2012. The member countries, which included Sweden, Italy, Finland, Spain, England, Ireland, Hungary, Slovenia, and Poland, focused particularly on the visa issue and called this initiative the "Positive Agenda".

The perception that the further Turkey moved away from the possibility of becoming a member, the less it was interested in the process caused concern. Turkish leaders' statements, valuing the process over the end result—the eventual membership—reinforced these concerns. The EU, occupied with the financial crisis it couldn't shake off since 2008 and the debt crisis that brought Euro zone to the brink of bankruptcy in 2011, did not pay the due attention to Turkey's membership in the EU. At a time Europe itself was going through restructuring, Turkey's membership became ambiguous. Even though Turkey garnered attention of European countries due to its economic performance in recent years, this incentive has not been enough for European countries to accept a large economy like Turkey's into the EU in a period of significant change process in the Eurozone. Europe's cultural response to the economic crisis is another factor that makes Turkey's membership status unclear. Extreme right anti-immigrant and anti-Muslim movements complicate the accession process and only call attention to Turkey's identity when considering its membership to the EU. Nevertheless, the economic and political transformation Turkey has undergone over the last decade adds a new dynamic to Turkey-EU relations despite the stalled process: foreign policy.

Whereas the EU's policy during the Arab Spring was criticized, Turkish proactive policy in the Middle East was appreciated. For instance, EU commission advisor Isabelle Ioannides noted that “regardless of the results of its EU accession process, Turkey is a major player to reckon and cooperate with.”

Considering the current status of negotiations, Turkey is unlikely to become an EU member in the near future. The EU and Turkey agree on the need for a framework that will enable cooperation on security and foreign policy issues. Though Turkey initially opposed the idea as an undesirable alternative to full membership, it softened its attitude and welcomed such cooperation. The EU and Turkey agreed to establish a Strategic Dialogue Mechanism in 2011 thanks to the efforts of the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton. Accordingly, Davutoglu participated in the EU Informal Meeting of Foreign Affairs Ministers (GYMNICH) held in September in Poland.

3.2.3 Turkey-Iraq Relationship

In the wake of Iraqi elections held on March 7, 2010, a new government headed by Prime Minister Nouri al-Maliki was formed on December 21, making Iraq's priority in 2011 to reach a consensus representing the demands of different social groups.

Turkey welcomed the democratic elections and the ensuing establishment of a national unity government in Iraq.⁶² Turkey paid attention to keep equidistance from all political factions during the formation of new government in Iraq. In the spirit of cooperation, Turkey and Iraq increased the number of high-level official visits. The vision set by the Turkey-Iraq High Level Strategic Cooperation Council in 2008 was sustained in 2011. Bilateral relations between Turkey and Iraq have significantly improved in 2011, particularly in the realm of economic cooperation. The trade volume between the two countries was \$7.3 billion in 2010.⁶³ The trade volume reached this number in the first eight month of 2011. The total trade volume at the end of this year is expected to reach \$10 billion. Relations between the Turkish private/public sectors and Iraq—particularly in the energy and construction sectors—have significantly intensified.

62. For more information, see http://www.mfa.gov.tr/disisleri-bakanligi_nin-2012-mali-yili-butce-tasarisinin-tbmm-plan-ve-butce-komisyonu_na-sunulmasi-vesilesiyle-hazirlanan-kita.tr.mfa

63. For more information, see http://www.mfa.gov.tr/turkiye-irak-ekonomik-iliskileri-ve-turkiye_nin-yeniden-imar-surecine-katkisi.tr.mfa

IRAQ'S VISION OF TURKEY

The protection of the independence, political unity and territorial integrity of Iraq and ensuring the internal stability, peace, economic wealth and security are quite significant in the policy Turkey adopted in the region. Turkey led the Neighboring Countries of Iraq process in order to pave the way for democracy and stability in Iraq and accordingly contributed to the country. Besides it contributed to the efforts towards integrating Iraq with its neighbors and international society.

The security issue, one of the leading points of contention in the efforts to improve Turkey-Iraq relations, continued to occupy the agenda in 2011. The PKK operations in Iraq continue to jeopardize the security in Turkey. As Iraq does not fulfill its responsibilities, Turkey has launched air raids in Northern Iraq and carried out trans-border land operations by informing Iraq.

Turkey also closely followed Iraq's domestic stability process in 2011. The fact that Iraq failed to make sufficient improvements in stability increased Turkey's concerns. Nevertheless, Turkmen people in Iraq—one of the essential groups in society—gained the right to education in Turkmen, a development Turkey welcomed. Turkey also closely followed the withdrawal of U.S. troops from Iraq. Turkey has welcomed this process; however, it highlights certain risks. Accordingly, it is expected that this process will occupy great part of the 2012 agenda in Turkey-Iraq relations. Turkey feels apprehension about the possibility that denominational and ethnic tensions will increase and stability will deteriorate. Turkey emphasizes that Iraq must reach a consensus and supports the establishment of a federal region with special status in Kirkuk.

Chronology

TURKEY-IRAQ RELATIONSHIP

January 16	Turkish foreign Minister paid his first official visit to newly formed Iraqi government.
May 3-6	Iraqi President Adil Abdülmehdi visited Turkey and met with President Abdullah Gul and Foreign Minister Ahmet Davutoglu.
June 6	Turkish Petroleum Corporation and Iraqi Oil Ministry signed an agreement to explore natural oil resources in Siba and Mansuriye
October 20	Iraqi Kurdistan Democratic Party deputy leader Nerçirvan Barzani visited Turkey to pay his condolence after the Hakkari attack and to look for ways for further cooperation.
November 2-5	Iraqi Kurdistan regional leader Mesud Barzani paid a visit to Turkey.

It is expected that Iraqi economic problems will move to the forefront in 2012. It is necessary to complete investments in infrastructure and to enable the fair distribution of resources. Particularly important, the central government and regional administration must reach a consensus on energy. Ensuring internal stability in Iraq will contribute greatly to regional stability.

3.2.4 Turkey-Iran Relations

In 2010 Turkey-Iran relations were overshadowed by Iran’s nuclear initiatives. However in 2011, the two countries occupied the agenda with their regional competition in the framework of the Arab Spring. During this process Turkey has increased its influence. Prime Minister Erdogan called for secularity in Egypt. Turkey and Iran disagreed on Syria. All these strained relations between Ankara and Tehran. Iran closely followed the effective diplomacy Turkey adopted during the Arab Spring. Accordingly, Iran believed that Turkey moved to the forefront during this process while Iran lagged behind. - When Prime Minister Erdogan made a tour in the region including Egypt, Tunisia and Libya; Iranian administration held a conference where many academicians and political figures in the region came together and discussed the Arab Spring. The conference emphasized that developments in the region can be considered an “Islamist awakening,” which indicates that Iran is trying to present itself as a source of inspiration for the Arab Spring.

Chronology	TURKEY-IRAN RELATIONS
February 13-15	President Abdullah Gul paid a visit to Iran as Ahmadinejad’s guest.
September 5	Turkey’s decision to allow deployment of NATO’s missile shields in Turkey drew harsh reactions from Iran. President of National Security and Foreign Policy Commission of Iranian Assembly Alaaddin Burucerdı stated that Muslim countries should not serve NATO’s interests.
September 19	President of Iranian Assembly Ali Larıcanı accused Turkey for acting in a provocative manner on Syrian issue.
September 21	Iranian regime guards declared that they cleared Iran’s North-western borderland of PJAK militants.
November 26	Iran stated that if threatened by military action it will first attack NATO missile shields located in Turkey.

While Turkey and Iran adopted similar attitudes towards the change of the regimes in Tunisia and Egypt they disagreed about the NATO intervention in Libya and events taking place in Syria. Minister of Foreign Affairs Ahmet Davutoglu

visited Tehran in July, yet failed to convince the Iranian administration to support change in Syria. Following this visit, Turkey and Iran criticized each other in high level statements. While mostly religious leaders and the military wing made anti-Turkey statements, the government adopted a more moderate tone. In this sense, Ahmadinejad's statement to Prime Minister Erdogan that "Assad doesn't listen to me, either" is quite significant. This indicates that the recent tension between Ahmadinejad and Khamenei affected this issue. Another Iranian criticism of Turkish foreign policy is that Turkey—which has established good relations with the "oppressive" kingdoms in Gulf countries—is deceived by the West regarding Syria.

One of other issues that occupied the Iran-Turkey agenda in 2011 was the conflict between Iran and the Iranian offshoot of the PKK—PJAK (Party of Free Life of Kurdistan). In this framework, Iran carried out comprehensive operations against PJAK. When PJAK withdrew from the Iran border and declared that it ended the armed struggle, Iran heaved a sigh of relief. It must be added that during this period press media close to the government in Tehran made distinctions between the PKK and PJAK and emphasized that PKK is a politically legitimate movement while they distinguished PJAK as a terrorist organization. Again when Alaaddin Brucerdi declared that he was misunderstood after he had stated that PKK leader Murat Karayılan was captured after the PJAK operations; it was considered that Iran wants to use its influence over PKK as a trump card.

Another development that affected Turkey-Iran relations was Turkey's deploying a NATO missile shield system in its territory. Iran argued that NATO project targets Iran and stated that Turkey makes a huge mistake and called Ankara to rethink its decision. Turkey replied that the system doesn't target any country and tried to reassure Iran. Nevertheless, Iran became much more sensitive when Western leaders—most notably French President Nicholas Sarkozy—clearly stated that Iran is the target.

Another crucial development was Turkish President Abdullah Gul's visit to Iran. Organized by TOBB (The Union of Chambers and Commodity Exchanges of Turkey)- Foreign Relations Economic Council, this visit moved to the forefront with its economic dimension. While Turkey has tried to increase its volume of trade in recent years, Iran is reluctant to open its markets to Turkish companies.

Financial sanctions on Iran were intensified in 2011. Accordingly, Iranian banks had difficulty with money transfer; certain Turkish banks mediated between Iran and third parties. However, the U.S. Department of the Treasury has issued harsh warnings about these facilitating activities by Turkish banks.

Considering the revolts in the Middle East, Turkey-Iran relations—which were shaped under the influence of the Arab Spring—will probably be similar in the coming year. Besides Turkey which has improved its relations with the Western alliance notably with U.S. has faced Iran although it is looking for a balance. This

will probably determine the characteristic of the relations between the two countries in the next year.

3.2.5 Turkey-Israel Relations

Turkish-Israeli relations have gone through several breaking points since 1949. When Israel launched the Gaza operation at the end of 2008, the relationship between the two countries was strained, while 2009 and 2010 were called as “the years of crisis.” On May 31, 2010, when Israeli commandos carried out an operation against the Mavi Marmara in international waters, relations entered a new low. Turkey expected Israel to take official steps with regard to the attack; however, Israel did not take any reparative steps, despite U.S. hopes that its two crucial allies would reconcile. In the wake of the Mavi Marmara attack, Turkey called for an official apology from Israel, reparations to the families of the victims and the ending of the Gaza blockade as preconditions for the resumption of normalized bilateral relations.

In 2011, political chaos prevailed in Israel. Prime Minister Benjamin Netanyahu’s cabinet members disagreed about Turkey’s demands. The group led by Minister of Foreign Affairs Avigdor Lieberman and Vice Prime Minister Moshe Ya’alon associated the issue with national dignity and thus opposed each and every Turkish demand.

Chronology	TURKEY-ISRAEL RELATIONS
January 13	Prime Minister Erdogan stated in an interview to Al-Jazeera TV channel that current Israeli government is the most unfortunate government of Israel.
July 9	Prime Minister Erdogan remarked that for the improvement of bilateral relations Israel should apologise to Turkey, compensate to the victims and remove the embargo on Gaza.
August 17	Israeli deputy Prime Minister Moshe Ya’alon stated that apology to Turkey would damage Israel’s national honour.
September 1	Palmer report was leaked to the press. Israel declared that it would not apologise to Turkey for Mavi Marmara incident.
September 2	Foreign Minister Davutoglu declared Turkey’s action plan; bilateral relations with Israel were lowered to second secretary level and military agreements were suspended.
September 19	Greek Cypriot administration started drilling activity. Israel supported oil and gas exploration with its war marines and planes. Turkey, on the other hand, declared that it would block Israeli bid for opening NATO office.
September 22	Prime Minister Erdogan stressed Turkey’s full support to the recognition of Palestine as an independent state in his speech at United Nations General Assembly.

The “Turkel Commission,” established by Israel in January to investigate the attack on the Mavi Marmara, found the Israeli operation justified in its final report and argued that Israel need not apologize to Turkey. Nevertheless, people such as Minister of Defense Ehud Barak and Minister of Intelligence Dan Meridor insisted on finding a compromise due to fears of Israel’s increasing isolation in the wake of Egyptian President Hosni Mubarak’s overthrow and due to Turkey’s considerable strategic importance. American pressure to compromise also influenced Barak’s and Meridor’s view. Netanyahu remained in between rival camps within his cabinet.

Reconciliation meetings were prolonged because of both the incertitude of Netanyahu’s government and the delay of the Palmer Commission—established in order to examine the Mavi Marmara incident—in releasing its final report. Reconciliation meetings between high level representatives from Turkey and Israel were held parallel to the UN Palmer Commission’s studies. Nevertheless, divisions within the Israeli government hindered any step. Meanwhile, anti-government protests broke out in July in Tel Aviv as a result of the high cost of housing, tarnishing Netanyahu’s image within the country. Accordingly, he refused to apologize to Turkey in part because a large majority of the public opposed this idea. The meetings between Turkey and Israel ended in September. When U.S. Secretary of State Hillary Clinton was working to convince Israel to reconcile with Turkey, the delayed Palmer Report was leaked to the New York Times on the 1st of September.

It is believed that the report was leaked by Israel when it found out that the report justifies the Gaza blockade. In addition to findings that Turkey rejects, the report also includes certain findings that Israel does not accept—such as the use of excessive force by Israel during the operation. One day after the full report was leaked, it was submitted to UN Secretary General Ban Ki-moon, and Turkey—whose demands were not met by Israel—announced that it would move to Plan B against Israel.

Plan B included downgrading diplomatic relations between Ankara and Tel Aviv to the second secretary level, suspending all military agreements between the two countries, taking necessary measures for the freedom of navigation in the Eastern Mediterranean, mobilization of International Court of Justice and supporting all Turkish and foreign victims of the Israeli attack in their quest for legal remedies. These measures will hold until Israel meets Turkey’s demands. In the wake of Turkey’s decision, diplomatic relations between Turkey and Israel were downgraded to pre-1991 levels.

Whether or not Israel meets the demands of Turkey will determine the future of Turkish-Israeli relations, which were strained after the 2008 Gaza operation and were broken in the wake of Mavi Marmara attack. Turkey expects Israel to meet its demands; however, Israel enjoys strong public support for a refusal to take

apologetic steps toward Turkey. Accordingly the immediate future does not show promise for reconciliation.

3.2.6 Turkey-Syria Relations

Turkey's relationship with Syria had been the most successful example of Turkey's "Zero Problem with Neighbors" policy. However, in March of this year, relations ruptured when Syrian people joined the wave of uprisings that swept Arab countries, and the Assad administration reacted violently to peaceful protests. In the first months of 2011, the two countries had maintained close relations, continuing bilateral visits and launching previously-arranged projects. Several high level meetings were held between the two countries under the framework of the High Level Strategic Cooperation Council.

In the wake of anti-regime protests in Syria on March 17, Turkish authorities contacted the Assad administration and suggested Assad launch a comprehensive reform process without delay. Prime Minister Erdogan, Minister of Foreign Affairs Davutoglu and Undersecretary of the National Intelligence Organization (MIT) Hakan Fidan met many times with Syrian President Assad and other authorities both face-to-face and on the phone since the day protests began. In parallel with negotiations, the first temporary camp was formed in Hatay as the number of Syrians fleeing the violence and seeking refuge in Turkey reached 600.

Despite Turkey's insistence that Syria end the violence and enact reforms, the Assad administration didn't carry out any reform. As a result, protests in Syria increased, and the army reacted with violence. The number of Syrians who sought refuge in Turkey reached 10,500 in June, and Turkish authorities adopted harsher language against the Assad administration. Although bilateral visits continued, ties between the two countries began to break down and Turkey increased contact with the Syrian opposition. The Syrian opposition had twice come together in Turkey and in 2011 they came together in Istanbul for the third time under the framework of the National Salvation Conference in July and called for Assad's resignation.

At the request of Prime Minister Erdogan, Davutoglu visited Damascus in a final attempt to encourage reform. He stated the expectations of Turkey and international society during a six-hour meeting with President Assad. Although Assad gave guarantees, he did not take the promised steps. Accordingly, the relations between the two countries were broken off and Turkey threw its support behind the Syrian opposition. The Syrian opposition that came together in Istanbul on September 15th announced the establishment of National Council.

During this process, Turkey had to be cautious because the developments affected the Kurdish issue. Besides, these developments would result in security and eco-

conomic problems. Moreover there was a probability that Syrian regime never changes. Turkey was anxious about the steps it took, as the international society showed less determination to put pressure on Syria. Only when the Arab League decided to suspend Syria's membership, impose economic sanctions and negotiate the "transition process" with opposition groups did a new phase begin in the uprising. This decision meant that the Arab League declared the Syrian regime illegitimate. It also ensured that Turkey was not left alone on the Syrian issue. The attacks of pro-Assad people on the Turkish embassy in Syria were the last straw. The attacks prompted Turkey to send Syria a diplomatic note guaranteeing a more determined reaction if the attacks are repeated. These developments prompted Prime Minister Erdogan to officially call on November 22nd for Assad's resignation.

Turkey is expected to establish good relations with new actors –if the regime in Syria is to change as in Libya, Tunisia and Egypt. If Turkey uses its influence in the region and convinces Syria to adopt a democratic and pluralist administration, it will benefit both the new administration and Turkey.

Chronology	TURKEY-SYRIA RELATIONS
February 6	Prime minister Erdogan visited Syria to attend ground breaking ceremony of the Syria-Turkey friendship dam.
April 27	Erdoğan called Assad for the third time since anti-regime protests began on March 17th.
April 29	First wave of refugees fleeing from the conflict in Syria arrived in Turkey. A refugee camp was set in Hatay.
June 23	The number of Syrian refugees arriving in Turkey amounted to 11 thousand.
July 16-17	An alternative council to Assad government was formed at National Salvation Conference in Istanbul, Turkey with the participation of 400 Syrian opposition leaders.
August 9	During a 6 hour meeting of Davutoglu with Assad, Syrian army conducted an operation in Binnis town near Turkish border.
September 15	After series of meetings in Antalya, Brussels and Istanbul, Syrian opposition declared the establishment of Syrian National Council in Istanbul.
October 27	Arab League decided to put economic sanctions on Syria in a meeting attended also by Davutoglu. Assad reacted to Ankara's increasing pressure on Syria by stating that "Turkey wants to revive new-Ottomanism, but it is impossible."
November 30	Foreign Minister Davutoglu declared that Turkey would suspend strategic relations with Assad government and put forward a set of sanctions.

3.2.7 Turkey-Balkan Relations

Despite the developments in the Arab world, Turkey prioritized increasing regional cooperation with Balkans by maintaining proactive regional policies in 2011. On April 26th, Serbia hosted the second Trilateral Balkan Summit between the presidents of Turkey, Serbia and Bosnia-Herzegovina. Bilateral relations with Serbia have improved since 2009. Serbian Prime Minister Mirko Cvetkovic’s visit to Turkey in March 2011, and the signing of cooperation and economic agreements have established the relationship as a strategic partnership.

Turkey believes that the territorial integrity and multicultural structure based on the ethnic richness of Bosnia-Herzegovina must be maintained in order to attain permanent peace in Balkans. In this sense it continued its dialogue policies between ethnic groups in Bosnia-Herzegovina in 2011. Turkey’s interest in the region made Bosnia-Herzegovina one of the countries that received the most official visits from Turkish officials.

Chronology	TURKEY-BALKAN RELATIONS
January 7	Greek Prime Minister stated that “Turkey is an occupier in Cyprus”
February 7-8	Energy Minister Taner Yıldız attended Turkish-Romanian energy workshop. He called for Romanian support to Nabucco and other regional energy projects.
April 26	The second trilateral Balkan summit was held in Belgrade with the participation of Turkish, Serbian and Bosnia-Herzegovinian presidents.
August 26-31	Foreign Minister Davutoglu paid visits to Kosovo, Bosnia-Herzegovina and Romania.
September 23	Prime Minister Erdogan attended a meeting titled ‘A Vision for Common Future’ held by the American Balkan Federations.
October 11	Albanian President Bamir Topi visited Turkey.

Turkey-Albania relations gained momentum when Albanian President Bamir Topi visited Turkey in October 2011. Tobi stated that Albania will make efforts to strengthen the social, economic and political ties between two countries. Five Turkish Ministers visited Kosovo – the last country of the Western Balkans to gain its independence –and held several meetings. During these meetings, Turkish support on education, tourism and culture was highlighted and Turkey committed to assuming a leading role in the economic development of the country. Montenegro, the smallest country of the Balkans, paid its first official presidential-level visit to Turkey in 2011. This indicates Turkey’s multilateral, dynamic and

proactive policies in the region that the Turkish Presidency also contributes to by assuming an effective role in foreign policy.

In terms of relations with Croatia, 2011 was a year of first visits. Croatian President Ivo Josipovic paid Croatia's first official visit to Turkey from March 13-15 upon invitation by President Gul. During his visit, bilateral cooperation protocols occupied the agenda. Official visits between Turkey and Macedonia continued in 2011. Visits to Macedonia at Prime Ministerial, Deputy Prime Ministerial and Ministerial levels show Turkey's close attention to the region.

Relations with Bulgaria were unstable in 2011. The anti-minority government led by Prime Minister Boyko Borisov resulted in initiatives against Turkey. The government put obstacles in front of Bulgarian citizens living in Turkey so they would not vote in October's local elections, which increased tension between the two countries. At the same time, Bulgaria emphasized its support for Turkey's EU membership in 2011 as it had previously.

The relationship between Turkey and Greece was also uneven in 2011. The fundamental problems between the two countries remain the same: the Cyprus issue and the issue of the Aegean Sea's continental and marine shelf. Southern Cyprus's drilling initiatives in the Mediterranean and its rapprochement with Israel—with which Turkey has experienced escalated tension—negatively affected Turkey-Greece relations. However, bilateral official visits continued in 2011. Former Greek Prime Minister George Papandreou participated in the Turkish Ambassadors' Conference held on January 7th in Erzurum, while Minister of Foreign Affairs Davutoglu visited Greece in March and emphasized that Turkish-Greek cooperation is the two countries' common target.

Turkey also cooperated with Romania on economic matters in 2011. Under the framework of the Nabucco Project that would transfer natural gas from the Caspian Sea and Caucasus to Europe through Turkey, Minister of Energy and Natural Resources Taner Yıldız visited Romania in February in an indication of the countries' cooperation.

3.2.8 Turkey-Africa Relations

Under the multilateral foreign policy framework launched by Turkey in 2003, relations with Sub-Saharan Africa have undergone a transformation. In 2008, Turkey decided to open 15 new embassies on the African continent where it had only 10 established embassies. 50 African countries participated in the "Turkey-Africa Cooperation Summit" in Istanbul. These efforts triggered a serious transformation in Turkish foreign policy toward Africa.

Historically, Turkey has maintained good relations with North African countries. Many Turkish companies invested in North Africa in the 1980s. In 2011, the most significant development in Turkey-North Africa relations centered on the regime changes resulting from Arab revolts in late 2010 and early 2011. Turkey announced its support of the Tunisian people from the beginning of their revolt. It also supported the popular reform demands in Libya but was forced to act more cautiously. The security of more than 25,000 Turkish citizens working in Libya set Turkey’s priorities, and the country employed active diplomacy to resolve the problem in Libya after a successful evacuation operation. Because Muammar Gaddafi’s administration refused to change its attitude, Turkey supported opposition groups, delivered humanitarian aid under NATO’s auspices and worked to implement an arms embargo. Prime Minister Erdogan was welcomed enthusiastically during his visit to North Africa, and he established close relations with newly-established administrations.

The most crucial issue in relations between Turkey and Sub-Saharan Africa in 2011 was the famine in Somalia. Turkey was forceful in trying to resolve the issue both at home and internationally. Prime Minister Erdogan visited Somalia and brought up its plight during his speech to UN General Assembly.

Chronology	TURKEY-AFRICA RELATIONS
March 8-10	Foreign trade state Minister Zafer Caglayan paid an official visit to Ethiopia with a company of 150 people.
March 23-25	President Abdullah Gul visited Ghana and Gabon with 100 businessmen.
July 13-14	Deputy Prime Minister Bulent Arinc attended 14th ministry level meeting of D8 held in Abuja, Nigeria.
August 17	Prime Minister Erdogan called for more attention to the Somalia issue in Organization of the Islamic Cooperation meeting in Istanbul.
September 20	Prime Minister Erdogan drew attention to the prevailing poverty and hunger in Somalia in his speech to the United Nations General Assembly.

Another significant development in Turkey’s relations with Sub-Saharan Africa in 2011 was the administration’s high level visits to the region: President Gul visited Ghana, Gabon and Southern Africa, and Prime Minister Erdogan visited Southern Africa.

Turkey also continued to improve its technical, cultural, economic and commercial relations with African countries. It signed cooperation agreements with Afri-

can countries in areas such as food, agriculture, health among others. Many official institutions and NGOs—including TIKA (Turkish International Cooperation and Development Agency) and the Turkish Red Crescent—carried out activities in Africa's crisis regions. These initiatives indicate that Turkey prioritizes not only commercial concerns but also humanitarian values in its relations with Africa.

3.2.9 Cyprus Issue

2011 was a year where hopes increased over progress on the Cyprus issue—the most concrete obstacle to Turkey's accession to the EU. The negotiation process—which was blocked when Greek Cypriots vetoed the Annan plan in a 2004 referendum—regained momentum thanks to negotiations between Mehmet Ali Talat and Dimitris Christofias in 2008. Negotiations over the last two years have progressed haltingly, causing disappointment. Yet, constructive statements at the end of trilateral summit among Christofias, Dervis Eroglu and UN Secretary General Ban Ki Moon in New York on October 30-31, 2011 signified a positive development in the process. While progress was made on issues such as government, power-sharing, the economy and EU issues, no progress was achieved on issues such as territory, property, foreign security and guarantor states. Secretary General Ban stated that bilateral talks will continue until mid-January. If sufficient progress is made, multilateral negotiations with Greece, Turkey and the UK will be held. If parties reach a consensus, it is expected that the agreement will be taken to a referendum in July 2012.

Turkish leaders have announced that, with Southern Cyprus poised to assume the EU presidency, Turkey will freeze relations with the EU if the Cyprus issue is not resolved. This creates a June 2012 time limit on resolving the conflict if deteriorated relations are to be avoided.

Another significant issue in 2011 regarding bilateral relations with Cyprus was the tension caused by Southern Cyprus's exploratory drilling for natural gas in the Eastern Mediterranean. Ankara reacted harshly when Southern Cyprus began drilling in cooperation with Israel in the Exclusive Economic Zone Cyprus unilaterally declared. With Southern Cyprus poised to benefit unilaterally from the natural gas exploration near the island, Ankara signed the Continental Shelf Agreement with Northern Cyprus and sent seismic vessel to the Eastern Mediterranean to start drilling for natural gas.

Chronology	CYPRUS ISSUE
January 26	UN general secretary Ban Ki-Moon met Greek Cypriot leader Dimitris Christofias and Turkish Cypriot President Dervis Eroglu in UN headquarters in Geneva.
August 16	Energy and natural resources Minister Taner Yıldız stated in his meeting with American ambassador to Turkey Francis J. Ricciardone that South Cyprus's drilling is illegitimate and against the international law.
September 19	American Noble Energy Company started drilling in 12. Parcel on the behalf of Greek Cyprus despite Turkey's warnings.
September 21	Turkish Prime Minister and Northern Cyprus's President Derviş Eroglu signed continental shelf agreement.
September 26	Turkey's seismic ship Piri Reis started gas and oil exploration in a 1,100 square-kilometer area on the behalf of Northern Cyprus.
November 23	On an official state visit to London, President Abdullah Gul said that Cyprus will be a "half country" leading a "miserable union" when it assumes the presidency of the European Union (EU) next year.

The tension must be analyzed in the context of Israel's connection to the issue and the large reserves of natural gas on the island and in the Eastern Mediterranean. Turkey is concerned about the rapprochement between Israel and Greece and reminds Israel of its presence in Eastern Mediterranean through activity in Cyprus. The estimates that the reserves can meet 100 years of European demand for oil makes it likely that the competition and tension in the Eastern Mediterranean will continue in the coming years.

The impact of Southern Cyprus's drilling activities on the negotiation process will be limited as Turkey continues to clearly support negotiations. Even though negotiations have yielded little reason for optimism, as the issues requiring reconciliation seem intractable, the high cost of deadlock to all parties increases the incentive for resolution. If the Cyprus issue isn't resolved by July 2012, it will undo Turkey-EU relations.

4. ECONOMY IN 2011

4.1 ECONOMIC GROWTH

The global economic crisis which emerged in 2008 had a deep impact on the U.S. and the European countries such as Greece, Ireland, Italy and Portugal. The global economic crisis affected Turkish economy partially, only shrinking the growth rate slightly. The shrinkage occurred predominantly in Turkey's trade channels. Mostly due to banking and finance reforms after the 2001 economic crisis, Turkey has gained momentum and attained record growth rates from the fourth quarter of 2009 through the third quarter of 2011. Even though the growth rate slowed in the third quarter of 2011, Turkey's economy grew at 8.2 percent in the third quarter of 2011 and 9.6 percent in the first nine months of 2011. Turkey became the second-fastest growing country after China with its 8.2 percent growth rate in the third quarter of 2011.

TABLE 1. GDP IN TURKEY

Year-Quarter*	GDP at current prices (Million TL)	Growth Rate (%)	GDP at current prices (Million Dollar)	Growth Rate (%)	GDP at constant prices (Million TL)	Growth Rate (%)
2010-I*	241,881	16.3	160,332	27.3	23,390	12.2
2010-II*	267,144	16.9	173,821	19.5	25,645	10.2
2010-III*	297,184	13.6	196,516	13.0	28,672	5.3
2010-IV*	297,541	17.0	204,260	19.2	28,033	9.2
2010 annual	1,103,750	15.9	734,929	19.2	105,739	9.0
2011-I*	288,390	19.2	182,841	14.0	26,112	11.6
2011-II*	318,404	19.2	203,626	17.1	27,910	8.8
2011-III*	348,802	17.4	201,512	2.5	31,029	8.2

Source: Turkish Statistical Institute

The boom in all sectors of the economy contributed to the healthy growth rates of 2011. Private sector consumption and investment expenditures played a crucial role in the last seven quarters of robust growth. This had a positive impact on real sector and consumers and accordingly Turkey saw considerable growth thanks to facilities, incentives and opportunities granted to the private sector during the crisis. Without question, growth rates are crucial in that they indicate the difference between Turkey's dynamic economic activities and the economic activities of other developed countries. Similarly, the ratio of public debt to GDP and the ratio of budget deficit to GDP remained below the Maastricht Criteria during this period, which strengthened the Turkish economy. Accordingly, Turkey became a reliable country for foreign investors. In keeping with these developments, the international ratings service Standard & Poor's (S&P) upgraded Turkey's rating from BB+ to BBB-.

Meanwhile, the growth rate is expected to be 4 percent in 2012 as indicated in the Medium Term Program as a result of the policies towards curbing the credits and the deterioration of the global economic conditions in 2012. Turkey will probably deal with fundamental problems that restrict economic growth such as the savings shortage and lack of competition.

4.2 CURRENT ACCOUNT DEFICIT

In recent years, Turkey's economy, with its strong growth rates, distinguished itself from the EU member country economies that were deeply affected by the global financial crisis. However the "high interest rate, low exchange rate" policy in place from the 2000s through the end of 2010 resulted in an increase in the current account deficit when the Turkish Lira appreciated. Moreover, Turkey's dependency on foreign oil and natural gas pushed up the cost of energy when energy prices suddenly increased. It also deteriorated the terms of trade. Accordingly Turkey tries to get solutions for increasing production of renewable energy resources in order to minimize the country's foreign energy dependence including the construction of nuclear power plants. In parallel with the foreign trade deficit, the current account deficit continued to increase. Because of the global economic crisis and the recession led by a domestic credit crunch, the foreign exchange rates increased, the Turkish Lira depreciated—particularly against US dollar—and import demand subsequently decrease.

In order to decrease the current account deficit, Turkey has increased its foreign trade and integrated further into the world economy with a focus on increasing its exports. On the other hand imports have also increased in line with the need for

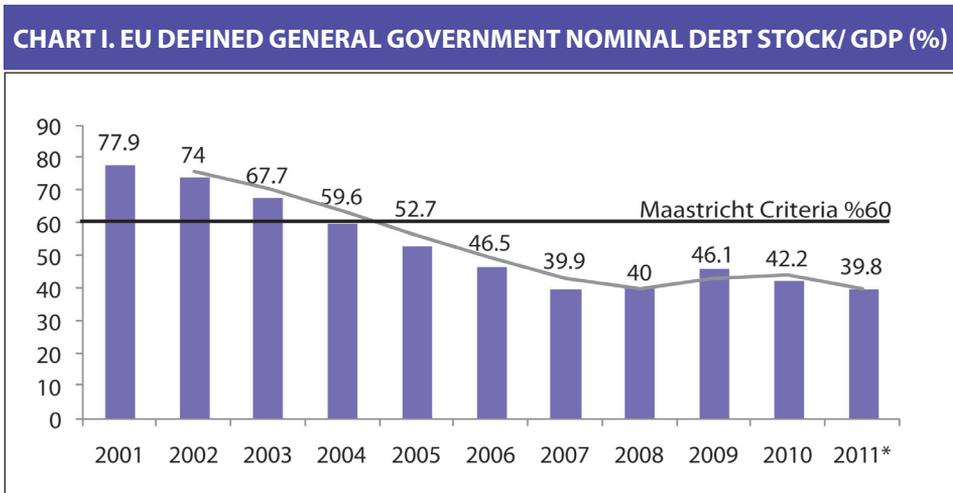
the import of intermediate goods. The Medium Term Program included measures to be taken in order to increase exports. The government decided to provide incentives, increase domestic production quality standards and implement region-oriented development programs at both the macro and micro levels in order to increase savings and export. The “Export-Oriented Manufacturing Strategy Evaluation Committee” is expected to successfully increase exports, diminishing the effects of the global economic crisis. According to the Turkish Exporters Assembly, exports reached \$134,5 billion with a 18.2 percent increase over the previous 12-month period. Considering these record level export values, it is expected that exports, a crucial factor in the financing of the current account deficit, will increase. In 2011, the private sector contributed to economic growth. The Medium Term Program announced in October included various measures to be taken in order to solve the current account deficit problem. The Program aimed at creating favorable conditions to sustain private sector-based growth and to increase the competitiveness and employment rate. According to the Medium Term Plan, the current account deficit to GDP ratio is expected to reach 9.4 percent in 2011, and then fall to 7.5 percent in 2012 and 7 percent in 2013. The high export rate is expected to contribute to solving the current account deficit problem in the long term. According to the Organization for Economic Cooperation and Development’s (OECD) November 2011 report, reforms in the labor market are crucial for sustaining the improvement in financing the current account deficit. These improvements will positively contribute to lowering the current account deficit in the long term.

4.3 PUBLIC FINANCE

The debt crisis caused by high public debt rates—especially in Eurozone—combined with general uncertainty in the global economy determined fiscal discipline and aligned the fiscal and monetary policies necessary. In 2011, Turkey restored budget discipline and enjoyed a powerful financial structure in banking sector. Although the investors in government debt securities decreased as a result of global developments, the budget deficit decreased thanks to enough reserves and the a few instruments with floating interest rate. Similarly, revenues, expenditures and debt stock items were used to decrease the current account deficit and enable macroeconomic stability. These fiscal and financial improvements that increased external credibility in addition to a strong growth decreased the interest payments on external debt. Restrained public expenditure and the decrease in interest payments contributed to Turkey’s economy. The budget deficit as a percentage of GDP is expected to be 1.7 percent in 2011,

which meets the Maastricht Criteria of 3 percent. In 2011, with an increase in tax revenues and a decrease in interest payments, Turkey had a budget surplus in September for the first time in 28 years. As a result of infrastructure investments, the budget deficit is expected to be 22,2 billion TL at year’s end, while the primary surplus is expected to be 20,4 billion TL as a result of the Act on Restructuring of Public Claims. Consequently the public sector borrowing as a percentage of GDP is estimated to be 1 percent. Similarly, as a result of the increase in tax revenue performance and the decrease in interest expenses, effective debt management was ensured and the economy got out of the vicious circle of short term-high interest.

An effective and liquid bond market was created and EU defined general government debt stock was dropped below the EU-27 average as a result of Turkey’s success with debt management. In 2001, Turkey’s EU-defined general government debt stock as a percentage of GDP reached 77.9 percent. This percentage decreased to 42.2 percent in 2010 and in 2011, it continued to fall, and it is expected to decrease to 39.8 percent—well below the Maastricht Criteria of 60 percent (Chart I). The data indicate that Turkey maintains strong budget discipline and has attained the expected rates. The successful budget performance decreased not only public deficit but also debt stock. The public budget’s dependence on borrowing and bond price sensitivity to interest rates were diminished.



4.4 MONETARY POLICIES

The 2008 global economic crisis deteriorated the fiscal discipline and thus resulted in monetary expansion. As a result of this monetary expansion, central banks searched for alternative monetary policy instruments and failed to manage the ex-

pansion with current policies. The Central Bank of Turkey (CBRT) adopted a new monetary policy strategy in the beginning of 2010. CBRT implemented one-week repo rate (the policy rate), reserve requirements and an interest rate corridor in a determined attempt to maintain the price stability and ensure financial stability. The expansionary monetary policies established by developed countries in 2011 resulted in public debt increases and also affected Turkey, leading to reduced foreign demand. In the first quarter, inflation expectations rose to 4 percent as a result of an increase in short-term capital flows, low interest rates and high domestic demand. CBRT pegged the policy rate at 6.25 percent, the overnight borrowing rate at 1.5 percent and the lending rate at 9 percent in February. Nevertheless, CBRT adopted a contractionary monetary policy in order to temper inflation. Accordingly, TL reserve requirements were raised by 2-5 points in March. In April, TL reserve requirements were lifted for short-term liabilities. Accordingly required reserve ratios were raised.⁶⁴

In the second quarter, foreign demand contracted again, and the debt crisis in the Eurozone necessitated monetary tightening. Accordingly macroeconomic stability became crucial. During this period, inflation increased to 6.24 percent because of the decrease in foreign demand and increase in domestic demand oil prices. Uncertainties in the global market caused CBRT to change its policies. In a July meeting, the Monetary Policy Committee stated that expansionary monetary policy will be implemented given the economic situation in global markets.⁶⁵

In the third quarter, the global economy threatened financial stability. In parallel with mounting uncertainties, the global appetite for risk declined. Moreover, the capital outflow is witnessed. The Turkish Lira depreciated, albeit modestly compared to the currency depreciations of other developing countries. The weakness in foreign demand resulted in an increase in the current account deficit. In order to reduce the current account deficit, the pace of credit expansion was diminished, with the goal of instituting a measured increase to ensure continued sustainable growth. Because of the developments that will disturb macroeconomic balances – low rate of economic growth in developed countries, lack of employment, debt problems and high interest rates – the CBRT reduced the policy rate on August 4th in order to prevent the recession in the country. The CBRT decreased the one-week repo rate from 6.25 percent to 5.75 percent while it revised the overnight borrowing rate from 1.5 percent to 5 percent and revised the overnight lending rate to 9 percent.⁶⁶ The CBRT launched foreign exchange selling auctions on Au-

64. CBRT, "Inflation Report 2011 – 2", Ankara, April 28, 2011.

65. CBRT, "Inflation Report 2011 – 3", Ankara, April 28, 2011.

66. CBRT, "Inflation Report 2011 – 4", Ankara, October 26, 2011.

gust 5th and sold \$1.38 billion by September 3rd. In order to provide foreign exchange liquidity, the required reserve ratios for one year and longer-term foreign exchange deposits were decreased from 9.5 percent to 9 percent.

With the hope of achieving financial stability, the Monetary Policy Committee increased overnight lending interest rate to 12.5 percent on September 21st, in order to prevent a rise in foreign exchange rates. The increasing risk perception in the global market and macroeconomic instabilities resulted in an increase in capital outflows. Because of these outflows, the Turkish Lira excessively depreciated. In response, the CBTR announced its action plan consisting of five headings on October 26th in order to appreciate the lira and hinder any rise in inflation. This plan included price stabilization, interest rate, reserve currency policy, required reserve ratio policy and financial stabilization.⁶⁷ Banks required gold reserves levels were increased. Monetary tightening consistent with fiscal policy was envisioned. The interest corridor was widened, and the cost of overnight borrowing was permitted to reach 12.5 percent.

67. CBRT, "Financial Stability Report- 2", Ankara, November 29, 2011.

5. EDUCATION

5.1 NATIONAL EDUCATION

In 2011, the appointment of teachers was the most important issue on the agenda of national education as it was in 2010. In addition to teacher appointments, the FATİH project (the Initiative for Enhancing Opportunities and Improving Technology), the reconstruction of the central organization of the Ministry by the Decree Law on the Organization and Duties of the Ministry of Education, the appointment of Prof. Ömer Dincer as the Minister of National Education, National Teaching Strategy Workshop and 2011 Placement Tests (SBS) occupied the agenda.

5.1.1 Teacher Appointments

In 2010, the Ministry of National Education decided to appoint teachers only in August. Nevertheless, this decision was not abided in 2011. After having announced that it will appoint 55,000 permanent teachers in 2011, the total of appointments the Ministry of National Education carried out in June, July and August approximately added up to 40,000 teachers in total. When the Ministry failed to appoint the number of teachers it had promised, public opinion and particularly teachers that were not appointed increased their criticisms against the Ministry of National Education. In the wake of June 12, 2011 elections, Prof. Ömer Dincer was appointed the Minister of National Education. A few months after he was appointed, Dincer stated in a speech he delivered on September 19, 2011 “I

apologize to all teacher candidates for not living up to the promise of the previous minister who announced that the ministry would ‘appoint 55,000 teachers.’⁶⁸ In his consequent speeches Dincer emphasized that teacher appointments will be made only once (in August) per year in order not to disturb education throughout the year. In an interview he also declared that 264,000 teacher candidates are looking for appointment; however, the teacher shortage of the Ministry is around 60, 000. He stated that the demand is much higher than the supply; thus, teaching candidates should look for other occupations.⁶⁹ Even though teaching candidates reacted to this announcement harshly, it was meaningful in that it revealed the imbalance in teacher supply and demand.

5.1.2 National Teaching Strategy Workshop

Upon Minister Dincer’s suggestion the “National Teaching Strategy Workshop” was held on November 18-20, 2011 in Antalya. Around 250 academics, bureaucrats, educational policy professionals and representatives from education associations participated in the workshop. The workshop included issues such as pre-service teacher training, teacher appointment sources, the selection process and placement of teachers, the harmonization and candidacy process, sustainable career development and career stages of teaching. Several recommendations were made on these issues. It must be noted that such workshops help clarifying problems. Nevertheless it seems that the problem in teacher appointments will not be resolved in the short term. Moreover, it is uncertain whether it will be possible to follow the recommendations such as decreasing the quota of the faculties of education.

5.1.3 FATİH Project

The Movement of Increasing Opportunities and Improving Technology Project (FATİH) launched in 2010 also occupied the agenda of both the government and the Ministry in 2011. The FATİH project aims to “ensure equality of opportunities in education and to improve technology at schools. In this vein, the project aims at creating an internet infrastructure by donating laptops and projectors to 620,000 classes in elementary and secondary schools, providing in-service training to teachers and creating educational e-contents by harmonizing curriculums with

68. “Bakan öğretmen adaylarından özür diledi” [The Minister apologized to teacher candidates], *Milliyet*, September 19, 2011.

69. “200 bin öğretmen başka iş bulsun”, [200 thousand teacher candidates should look for other occupations] *Taraf*, November 29, 2011.

IT supported education for the efficient use of technological instruments to appeal to more sensory organs in teaching and learning process. Besides, the project also became a part of the government program. The 61st Government Program (2011)⁷⁰ stated that every student will be provided with an e-book containing the curriculum and a tablet PC for free, which will “set a good example for the world.” The project is estimated to be completed in three years. The Minister Dincer said in his statement on August 27, 2011 that the Ministry will start distributing tablet PCs in 2012.⁷¹ Tablet PCs will be distributed to students, starting with 5th and 9th grade students in the first year. In the next four years every student will have a tablet PC and students will keep their PCs when they graduate.

5.1.4 The Act on the Organization and Duties of the Ministry of National Education

It is well known that the clumsy and scattered structure of the Ministry of National Education brings about many problems in practice. As a result many government programs, development programs and National Education Councils proposed reconstructing the Central Organization of the Ministry and simplifying the administration system.⁷² In accordance with the bill passed on 14.09.2011, A. 652, on the Organization and Duties of the Ministry of National Education prepared during the term of the Minister Dincer, the central organization of the Ministry was reconstructed and simplified. Under the new structure, the number of the general directorates and group presidencies was diminished from 40 to 19—some general directorates were closed and departments were consolidated under some of the department heads. When the bill passed, all executives and provincial directors of national education were relieved of their duties “without any procedure.” The bill was welcomed as it put an end to the cluttered structure of the Ministry of National Education and ended its ancient bureaucracy.

5.1.5 2011 Placement Tests for Secondary Education (SBS)

The Ministry of National Education restructured the process of student placement in secondary education institutions that admit students with standardized

70. For more information see <http://www.basbakanlik.gov.tr/Forms/pgGovProgramme.aspx>.

71. “Tablet kitaplar önce 5 ve 9. Sınıflara” [Tablet pcs will be given first to 5th and 9th grades], *Yeni Şafak*, August 28, 2011.

72. For more information see <http://www.basbakanlik.gov.tr/docs/hukümetprg.doc>; <http://ekutup.dpt.gov.tr/plan/viii/plan8.pdf>; <http://ekutup.dpt.gov.tr/plan/ix/9kalkinmaplani.pdf>; İlhan Dülger, “Eğitim Ana Planı 1996-2011: Bütünleştirilmiş bir reform stratejisini uygulamaya aktarma düzeni.” [Education Master plan 1996-2011: An Implementation Strategy for Integrated Reform] , *Planlama Dergisi*, special edition (2002), p.179-212. <http://ekutup.dpt.gov.tr/planlama/42nciyil/dulgeri.pdf> ; OECD, *Basic education in Turkey*, 2007; World Bank. 2005. *Turkey: Education sector study*. (Report no 32450-TU). Washington, DC: The World Bank.

tests. According to the new regulation, students filled out only one choice list. A four-stage placement process was devised.⁷³ In the first round candidates who have achieved scores high enough for their first choice were placed. In the second round, candidates who did not achieve scores high enough for their first choice, were placed in the schools of their second choice as main candidates, but were also placed on the waiting list of the school that was above their score. The process was repeated until all places were filled staying as loyal as possible to the prioritization of their choices. While this system aimed for the most effective allocations of resources and most effective placement of candidates, it carried certain drawbacks. First of all, the placement takes one and half month and families must closely follow the placement results after each stage. The main candidates who are already registered in a school also have the right to register in a better school as a waiting list candidate. Students that are placed in waiting lists of better schools are disappointed when they cannot make the transition to the main list.

Chronology	NATIONAL EDUCATION
June 1	Ministry of National Education appointed 30 thousand new teachers.
June 4	Decree Law no 632 on Change in Civil servants' law in order to appoint contractual personnel to permanent teaching posts was published in the official journal.
June 14	Contractual teachers were appointed to permanent teaching posts by the Decree Law no 632.
July 6	Prof. Ömer Dincer was appointed as the Minister of National Education of 61st government. The Ministry of National Education announced that it will appoint teachers to the posts left by contractual teachers.
August 26	11.544 teachers were appointed to the posts left by contractual teachers.
September 14	The central organization of the Ministry was reconstructed according to the Decree Law no 652 on the Organization and Duties of the Ministry of National Education.
November 2	800 permanent teachers were appointed in the wake of Van earthquake.
November 18	"National Teaching Strategy Workshop" was launched and lasted for three days.

5.2 HIGHER EDUCATION

Student protests and the right to wear the headscarf occupied the agenda in higher education in 2011. An unprecedentedly comprehensive student amnesty was

73. EĞİTEK, 2011 *Ortaöğretim kurumlarına geçiş sistemi tercih ve yerleştirme e-kılavuzu*, http://oges.meb.gov.tr/docs/2011_SBS_TERC%C4%B0H_ve_YERLE%C5%9ET%C4%B0RME_e_KILAVUZU.pdf.

passed. Constitutional amendments were enacted regarding the structure of the Center for Assessment, Selection and Placement (ÖSYM) and tuition. The most debated issue in higher education in 2011 was without doubt the cheating allegations with regard to the Transition to Higher Education Examination (YGS) in April. These allegations on the eve of elections occupied not only educational but also the political agenda. The expansion of higher education system was continued in 2011.

Chronology	HIGHER EDUCATION
January 6	President Gül held a meeting with the representatives of student councils from 11 universities in Ankara at Cankaya presidential Palace.
January 19	President of the Council of Higher Education Yusuf Ziya Özcan held a meeting with representatives of student councils from 110 universities.
February 13	Act 6111, which was dubbed the “package act” and which included the student amnesty law, was passed in the Turkish Grand National Assembly.
February 17	Act 6114, which stipulated the restructuring of ÖSYM was passed by the parliament on February 17, 2011 and the name of ÖSYM was changed to “the center for Assessment, Selection and Placement.”
March 27	The Transition to Higher Education Examination (YGS) was carried out.
April 1	Allegations of “coding of the multiple choice questions” and “cheating” in YGS were made.
April 2	President of ÖSYM Ali Demir held a press meeting and stated that there was no “coding” or “cheating.”
April 26	Ankara Chief Public Prosecutor’s Office completed its inquiry on the coding scandal. In the issued statement, it was stated that an expert panel had examined random booklets and answer keys of 1 million 700 thousand candidates and found that there is no trace of cheating and the results could be announced.
April 28	YGS results were announced.
May 30	ÖSYM announced that it would no longer issue personalized booklets that contain candidate’s identifying information. The booklets for the LYS of 2011 would be standardized question booklets with no personal information.
December 1	The differences among coefficient weights were removed by a decision issued by the Council of Higher Education (YÖK).

5.2.1 Student Protests

The protests that broke out at the beginning of the 2010-2011 academic year escalated with demonstrations carried out during Prime Minister Erdogan’s meeting with rectors at Dolmabahce Palace. Student protests continued in the first months

of 2011. President Gul held a meeting with representatives of the student councils from 11 universities in Ankara at Cankaya Presidential Palace on January 6, 2011. Gul listened to the problems of students and stated that he would talk to the President of the Council of Higher Education Yusuf Ziya Özcan about these problems. On January 19, 2011, two weeks after this meeting, Özcan held a meeting with representatives of students' councils from 110 universities and fielded their complaints.

5.2.2. The Right to Wear the Headscarf

At the beginning of the 2010-2011 academic year, upon the complaint of a female student who was thrown out of the classroom because she was wearing a hat in the class, YÖK warned the university that "a student who violates the disciplinary regulations cannot be thrown out of the classroom but the record of the incidences can be kept." Following this incident, students were allowed to wear headscarves on campuses and in classrooms except in a few universities. Moreover, the statements in the guidelines for applicants implying that candidates who wear headscarves are not allowed to take exams carried out by ÖSYM were removed from the spring 2010 Academic Graduate Program Entrance Exam (ALES) guideline for applicants. This instigated an education union to bring a suit to the Council of State's 8th Department on October 21, 2010 against the removal of these clauses from the instruction booklet. The suit argued such removal violated the Constitutional and Council of State mandates that wearing of headscarves would render the test invalid. Furthermore, the suit claimed that wearing of headscarves were a threat to the security of exam. The Council of State found for the plaintiff on January 12, 2011 and halted the removal of the regulations on appearance in 2010 ALES Spring guide with unanimity. YÖK objected to the ruling. In the wake of YÖK's bill of exception, there were other issues which occupied the agenda: Act 6114 on the reconstruction of the ÖSYM and the Act 6111 on the student amnesty were passed in the parliament and cheating scandal with regard to YGS broke out. A month after the June 12, 2011 general elections, the Council of State Plenary Session of the Chambers for Administrative Cases accepted the objection to the decision to halt the removal of the regulations that banned candidates wearing headscarves from taking the exams. However the tension increased at the beginning of the 2011-2012 academic year. Students wearing headscarves claimed to have problems during registration in certain universities. Consequently, YÖK announced that all students must attend classes and that none of the students can be thrown out of the class. Today, the headscarf ban has not been completely abolished and students do not know what to do to counteract repressive faculty members.

5.2.3 Student Amnesty and Tuition Fees

Act 6111 also known as the “package act ” was passed in the Turkish Grand National Assembly on February 13, 2011, published in the official journal and enacted on February 25, 2011. This act established the most comprehensive student amnesty in the history of higher education in Turkey. The amnesty included all students without statutory restriction but excluded those who were convicted on terrorism charges.

Moreover, the act also stipulated the removal of time limits for graduation—a student who fails to graduate the allotted time will remain registered in the program as long as the tuition and registration fees were paid. The tuition and registration fees will increase incrementally as the student postpones graduation. However during the 2011-2012 registrations, student reactions to this decision were strong. As a result the enactment of this regulation was postponed to the 2014-2015 academic year with an amendment on the original act passed on October 11, 2011. In addition to the above-mentioned regulations, tuition fee was reconfigured with consideration to the number of courses taken.

Following Act 6111 that provided the student amnesty, the Constitutional court also issued a critical ruling. The second sentence of the (g) clause of the article 54 of the Law on Higher Education no 2547 that “Students who have been expelled from a higher education institution for disciplinary reasons are not eligible for admission to any higher education institution” was rescinded by the Constitutional Court on the grounds that it contradicts Articles 13 and 42 of the Constitution. The publication of this decision on the Official Journal on July 12, 2011 allowed those who have been expelled from their programs on disciplinary charges to continue their higher education.

5.2.4 The Restructuring of ÖSYM and the Allegations of Cheating to YGS

Act no 6114 for the restructuring of ÖSYM was passed by the parliament on February 17, 2011, and the name ÖSYM was changed from “The Center of Student Selection and Placement to “The Center for Assessment, Selection and Placement” but maintained the same acronym. It was also modified to an administration headquartered in Ankara that started to have fiscal and administrative autonomy. The appointment procedure of a president to ÖSYM was also modified. The Council of Higher Education proposes three candidates with PhD degrees working at state universities as professors. The president is then chosen among these candidates and appointed for a four-year term. Moreover, the current per-

manent and contractual personnel of the ÖSYM were transferred to the Council of Higher Education. However, the majority of them continued to work in ÖSYM in order not to cause a delay in the exam schedule.

As a measure of security, in response to cheating allegations, ÖSYM had begun issuing personalized test booklets with the candidate's name and test number. Cheating allegations flamed when ÖSYM announced,⁷⁴ on March 28th, 2011, that it would publish the master test booklet and its answer key on its website but instead gave the booklet to the press. Conventionally the master copy was given to the press. ÖSYM announced its intention to change this practice by issuing a statement that "the master copy of the test booklet, which was personalized when given to candidates, and the answer key will be published on ÖSYM website on March 29, 2011 at one o'clock PM." Peculiarly, the booklet given to the press was not the master copy, but another version created with certain algorithms.

A lawyer and a manager of a private teaching institution in Artvin argued that answers to questions in YGS booklet could be easily deciphered with a simple code. Allegations of this "code" continued to confuse people with unfamiliar technical jargon such as "algorithm," "mode," and "median." Even though there was no evidence for cheating, it was argued in the media that the exam must be cancelled and Ali Demir must resign. On April 7, 2011 Demir gave a press conference informing the press on the details of the structure of exam. He also stated that 1,400,000 of the 1,700,000 test booklets and answers were already read and compared with the previous years results, revealing that there was no reason to cancel the exam.

While the public discussions and allegations of cheating continued, it was discovered that the booklets distributed to candidates in exam centers in prisons in Mardin and surrounding cities lacked some of the choices in multiple selections in the science section. The booklets that were ordered to replace the faulty ones were not printed on time for the test, thus, preventing some of the candidates from taking the exam. A similar problem occurred in the exam for graduate studies (i.e., ALES) on April 24, 2011. All these aroused suspicions about a possible sabotage to ÖSYM regenerated the calls for Demir's resignation.

While the lawsuit continued in the Ankara Administrative Tribunal, the Ankara Chief Public Prosecutor's Office completed its inquiry on the code scandal. It stated that an expert panel examined random booklets and answer keys of 1,7 million candidates and ruled that the results could be announced. In consider-

74. ÖSYM, *Basın duyurusu: 2011 Yükseköğretime Geçiş Sınavı (YGS): Sınavın uygulanması* [ÖSYM, Press Release: Implementation of 2011 Transition to Higher Education Examination (YGS)], March 28, 2011, <http://www.osym.gov.tr/belge/1-12454/2011-yuksekokretime-gecis-sinavi-ygs-sinavin-uygulanmas-.html>.

ation of the approaching undergraduate placement exam, LYS, ÖSYM announced the YGS results on April 28, 2011. On May 12, 2011 Ankara 7th Administrative Court rejected the petition for the stay order against the exam. On May 30, ÖSYM announced that it would no longer distribute personalized booklets to candidates, and the 2011 LYS booklets would not include candidates' identity information.

It was also announced that each booklet would be shrink-wrapped individually, the proctor would distribute the booklets *randomly* and only the candidates themselves would remove the wrap from the booklet. .

Before the Public Prosecutor's office completed its investigation, opposition leaders began to use the code allegations to their political benefit, and this complicated process occupied the election agenda.

5.2.5 Supply and Demand in Higher Education

The expansion of higher education system continued in 2011. Nine new universities—one of which is a state university—were established. 655,941 quotas were opened for formal higher education programs at universities. When compared with the quotas opened in 2010, the quotas for undergraduate and graduate programs have decreased by 2.4 percent in 2011. This decrease occurred because YÖK decreased quotas for non-preferred associate degree programs. These quotas for associate degree programs have decreased by 12 percent in 2011. Meanwhile, growth in demand continues. In 2011, 1.7 million students—715 thousand of whom were senior high school students—applied for the university entrance exam. The number of the students who applied for YGS has increased by 12 percent when compared to last year. The number of the students in senior class who took the exam has increased by 10 percent.

5.2.6 The Reconstruction of Higher Education

For years YÖK has become the center of social conflicts and has ignored social demands such as increasing quotas and establishing new universities. However recently it has been undergoing a reform period.⁷⁵ For example, restrictions on headscarves have been eased and the differences among co-efficient weights were removed by a YÖK decision issued on December 1, 2011. It could be said that expectations for the overall restructuring of YÖK increased in in direct correlation to the reforms. In 2010, at the YÖK Plenary Session, the board agreed on a

75. For more information see Bekir S. Gür, Zafer Çelik, "YÖK'ün 30 Yılı", [The 30 years of the Council of Higher Education] SETA Rapor, Issue 4, November 2011.

preliminary feasibility study for the complete overhaul of the higher education system. In accordance with the study, YÖK solicited the recommendations of university presidents and civil society organizations for the restructuring of the system in a series of meetings in March 2011. Moreover, it also carried out two separate workshops with research assistants and assistant professors on June 29th and June 30th and state that the recommendations that came out of the workshop would be considered in the restructuring of the system. The result of these meetings is not certain at this point. In the context of the new Constitution – which will probably occupy the agenda in the next year—debates on YÖK will be prominently featured on the agenda.

EPILOGUE

The year 2011, as expected, was defined by the process of setting international and domestic parameters for the ‘New’ Turkey. As mentioned in the foreword, the innovation theme that marked the year was reinforced by the spreading turmoil as well as the spirit of reform and revolution in the Middle East and North Africa that determined the agenda on a global level. While the domestic transformations irreversibly set the country on a path of innovation, the developments on the international front both confirmed the need for Turkey’s rejuvenated position and revealed the problems faced by those who did not follow on this path. From this perspective, 2012 will be shaped by the efforts towards the institutional and political embodiment of an innovated Turkey with clear goals and parameters and the political reactions to these efforts. These efforts and the needs revealed by them indicate to one solution: Drafting of a new constitution. In this sense, a number of problems, themes, demands, and concerns –domestic and international alike- are subsumed under this heading.

A VISION FOR NEW TURKEY AND DOMESTIC POLITICS

The need for a new Constitution emerged with an unmistakable urgency in Turkish politics. Even though the current text –a remnant of the 1980 military coup- was amended several times, showing both significant and not so significant changes, the authoritarian spirit of the law survived through the years. The persistence of the authoritarian spirit, to some extent, was owed to the failure of combining the need for a new Constitution with a capable political leadership. The

government's elite institutions contributed to this failure by effectively preventing any attempts for a new constitution. Through party closures, bans, and de facto hindrances, the role of the bureaucratic tutelage remained unchallenged, while political actors –whose continued survival depended on their compliance with the rules of the game—failed to solidify popular demands.

The equilibrium, referred to as 'new Turkey', is in this respect indicative of the end of this state of affairs. At a time when the country's dominant institutions are transformed, its common attitudes permanently altered, and its old ways of engaging with political matters left aside, the call for a new Constitution is no longer a mere politically correct approach or a demand that does not challenge the existing balance of power. The call for a new constitution came to be a vital and indispensable need for Turkey that can no longer be delayed. The failure to deliver this promise would allow the residual ideologies and motivations stand between the country and its future.

AK Party will continue to represent new Turkey's founding vision as long as it continues to capitalize on society-wide expectations and lead the search for a new political equilibrium. The crises of opposition parties, in this respect, partly stem from Erdoğan administration's ability to associate itself with the need for change and the determination that this process necessitates. Despite charges of political conservatism made by various groups, the Prime Minister's position with regard to the Republic's past misconducts and the public debate that ensued signify that AK Party persists as a flagship of transformation.

As the year ends with speculations about the Constitution's fate, the period ahead is bound to test to the extent of Turkey's civil society organizations' ability to contribute to the process of drafting a new social contract. The functional and symbolic value of the drafting process, as well as the vitality of the problems to the resolution of which a new Constitution may greatly contribute, will ensure that those who are willing and able to contribute will put their mark on 2012.

A NEW SOCIETY

First among the many problems characteristic of Turkey's previous political context was the state-society relations. The entrenched order perceived a potential threat in both a society shaped by diversity and the political positions that claimed to represent these differences. All discourses and approaches that could not be reconciled with the dominant line fell under this category. As such, the new Turkey marks an end to the existing relations and structure that support these relations. The previously implemented policies created a legacy that is as problematic

as it is deeply entrenched in the social structure, some social and political groups were subjected to the assimilating, disciplining, and outright destruction by the government for having demanded the recognition of their difference. Remnants of this conceptualization continue to cast their shadow on a variety of issues including the Kurdish Question and government control over Islam –perhaps the main pillar of socialization in Turkey. Developments and confrontations observed throughout the past year reveal that the country is in the process of confronting its troubled legacy, and the reverberations of this process are expected to continue into 2012.

Although the founding stages of a new order inevitably entail confrontations of this sort that fail to secure a reasonable level of political and social consolidation, the experience of repeated crises are not the efficient means to bring solutions to existing problems or to reconcile the past. Precisely for this reason, the realization of a new Constitution represents an urgent need—a new social contract will provide channels to resolve the country’s crises in reasonable ways. This optimistic perspective that unmistakably rests on the assumption that the text of the new constitution will be formulated with an eye on pluralism, democracy and participation; and that it is supported by the progress Turkey made to assure observers that this is the only path available to policymakers.

In this context, different issues of Turkish politics such as the Kurdish Question, state-society relations, bureaucratic tutelage, and issues of ideology and identity cannot but represent mere subheadings against the background of the new order’s emergence. This assertion that neither underestimates the significance of these matters nor ignores their complex nature intends to show that the problems stem from an outdated approach to politics and society. At the same time, this identifies new Turkey as the venue for reconciliation –a goal that can be achieved through a rapid and in-depth drafting process.

A NEW CONSTITUTION AND FOREIGN AFFAIRS

Over the course of 2011, Turkey emerged as a country followed by the peoples of the Middle East along with Western actors including the European Union and the United States. At a time when governments were overthrown and the surviving regimes lost significant ground, Turkey adopted consistent principles and dynamic practices toward Tunisia, Egypt and Libya, and proved its own agenda and political vision to be in line with regional needs. Interestingly enough, the past year’s developments, revolutions and the interest toward Turkey in this context stemmed from a geography previously uninteresting to the country. As such, the

country's becoming a center of attention is closely linked to the practical achievements and political horizon for which new Turkey stands. On the other hand, two elements bear particular importance from a domestic as well as foreign-policy perspective.

Primarily, Turkey's rising profile in the Arab world following the revolutions brings forth a vision for the country that is above and beyond all previous styles, issues, demands and needs to which Turkish modernization has been accustomed. In this respect, the interest toward Turkey's own experience represents an extension of the yearning for a country that successfully consolidated domestic politics, secured a pluralistic democracy and displaced bureaucratic tutelage. If, however, the country fails to live up to these expectations, the old order's spirit will render the emerging regional power's decisive, consistent and effective discourse a mere rhetoric.

Furthermore, in the wake of the Arab revolutions, the main problem for Turkey is that the old Middle East may reincarnate in different ways. This riposte that continues to be a possible outcome of the process would inevitably aim at extending and amplifying conflicts and instability to exhaust the rising political enthusiasm in the region. Equilibrium as such would considerably leave the country in a tough spot, as Turkey openly argued that there was a direct and positive correlation between pluralism and stability in the region.

There is little doubt that the vast geography and diverse variables and needs necessitate a rich foreign policy repertoire able to address all countries and circumstances. In this sense, the first of several issues that lie ahead for Turkey is that the efforts toward a new order must continue with speed and depth. In addition to this, given the chances that the transformation process may yield no results after all, Turkey's foreign policy ought to surpass the existing goodwill, dialogue and solidarity, and seek to enrich its institutional capabilities on the ground. Failure to take these aspects into consideration may seriously hinder the new order's foundation as well as undermine the influence that Turkey currently enjoys internationally.

On the other hand, Turkey remains unlikely to overcome the impasse it reached vis-à-vis the European Union. Even though institutional and structural ties will continue in the foreseeable future, Cyprus' presidency is bound to bring the relations to a halt. Another aspect of the process is informed by Turkey's influential role in the Arab world: the European Union's possible attempts at controlling the country's foreign policy as an extension thereof would spark disagreements between the two parties. What matters here is that Turkey's active foreign policy creates more stability in the region for the European Union as well as the United States.

In this respect, 2012 promises to be a year of contestation between those who are accepting of the aforementioned influence and others. In addition, this influence must not be subsumed under a rhetorical struggle over 'roles': even though Turkey's present policy orientation leaves little room for such a problem to blossom, a more decisive and effective foreign policy unmistakably calls for an increasing need for communication. The same goes for Turkey's relations with the United States on a regional scale. The positive turn achieved in the recent past is likely to continue, the country -particularly with regard to Iran- shall maintain its present position while avoiding its targeting through sectarian emphases.

In sum, the upcoming year will witness a political battle between those who wish to further the progress towards a new Turkey and others that will attempt to prevent additional steps from being taken. The contestation, with its domestic and international implications, will be embodied in the new Constitution's drafting process. All existing problems, in this context, may be overcome by a determined political authority and a broad political horizon.

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