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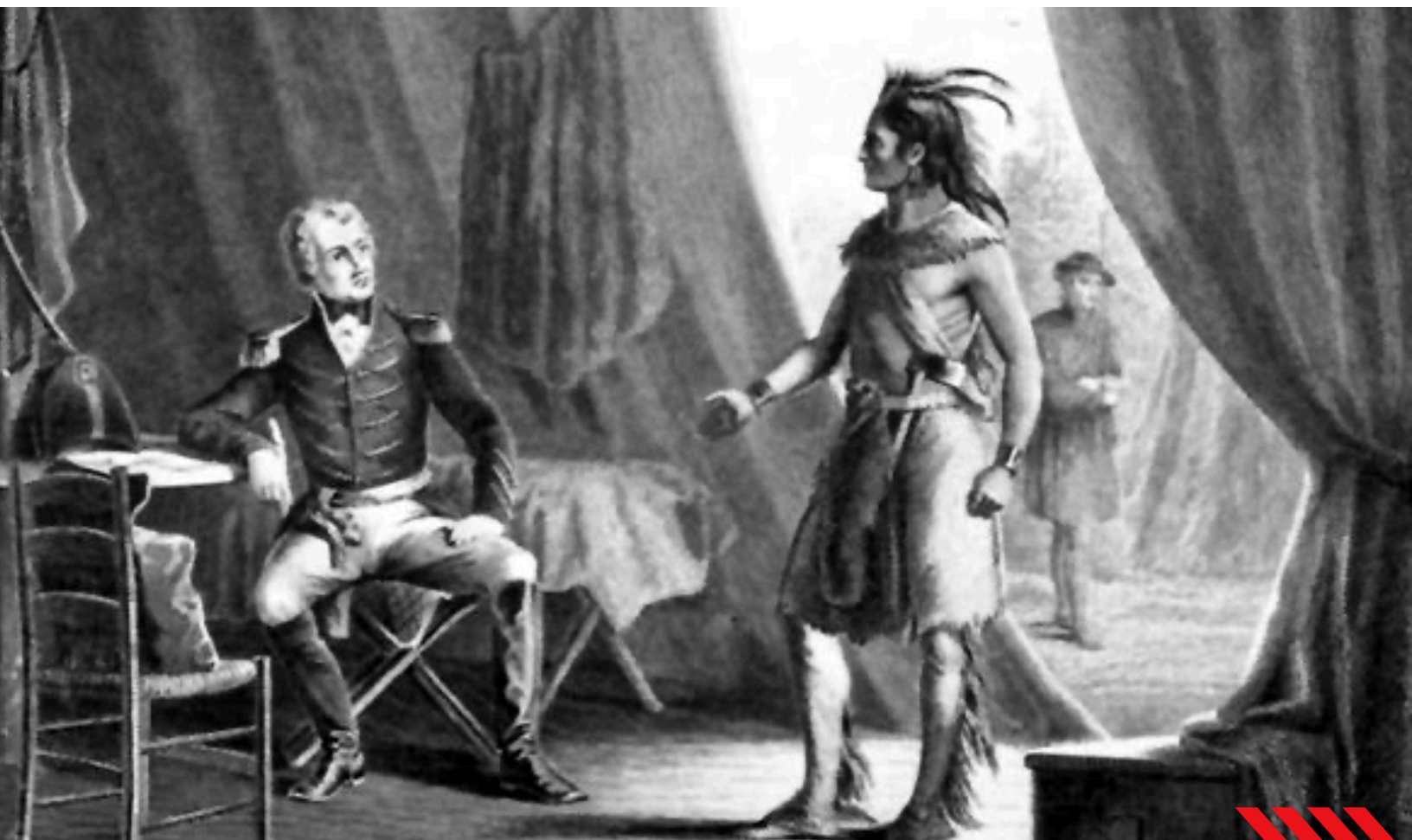
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“To save him from... utter annihilation”: An Analysis of the Conflict Between the Cherokee, the United States, and Georgia

BY JOSEPH OBERFELD



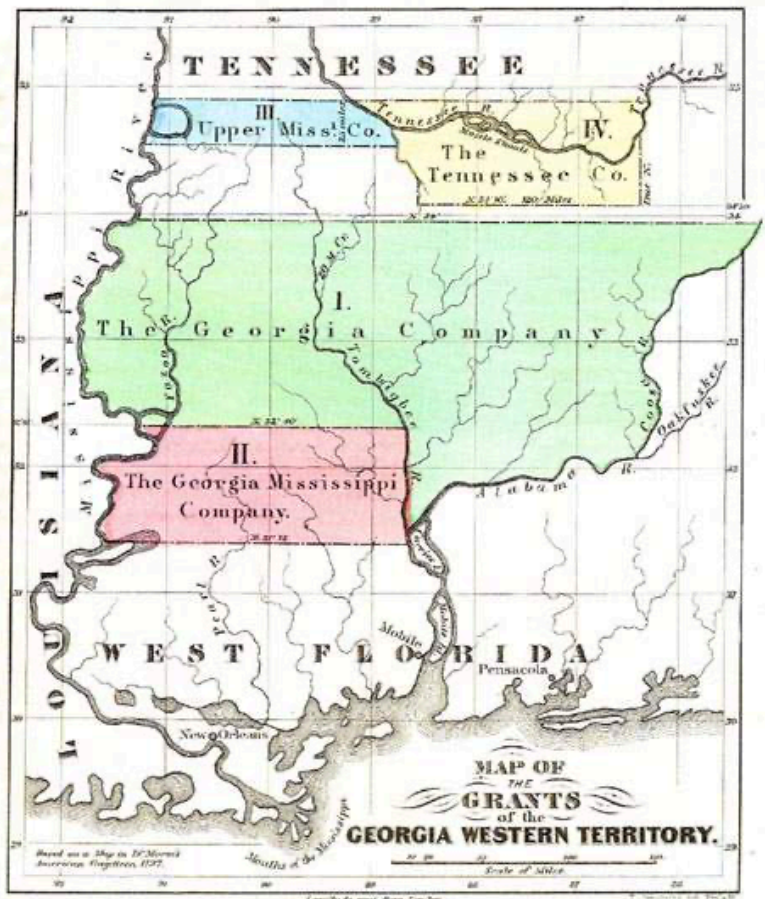
Disclaimer: While it is customary in Canada to refer to nations like the Cherokee as "Indigenous," in the United States, "Native American" is considered the appropriate term. I will therefore be using it to refer to the Cherokee and other Native American nations.

The decades leading up to the Trail of Tears were a time of great turmoil for the Cherokee and the United States, marked by tense negotiations, unconstitutional arrests, and President Jackson's brazen opposition to the US Supreme Court. By the end of the conflict, the Cherokee had finally proven their sovereignty through a ruling by the highest court of the United States, and yet they were still forced onto the Trail of Tears. The displacement of the Cherokee was not the result of mere racism or military weakness, but a consequence of the domestic pressures on Washington, which used Removal to secure its legitimacy and power.

Background

Georgian claims on Cherokee land were old, but new ones were fabricated in 1802, when the United States government promised Georgia that they would extinguish as quickly as possible the Native American claims in the state. However, the Cherokee initially resisted further concessions by aligning themselves with the US government. For example, the Cherokee sided with the United States in the War of 1812 against their Creek neighbors and against the British, despite the latter seeking to establish "friendly" Indigenous states.

In protest against the lack of federal action, Georgia began asserting its jurisdiction over Cherokee land, fully claiming the territory in 1819 despite protests from the Cherokee. From this time until the deportation of the Cherokee, Georgia would imprison, hold without trial, and execute Cherokee citizens, force those traveling into Cherokee land to use state-issued passes



Yazoo Land Grant Map.

Source: New Georgia Encyclopedia.

and swear oaths of allegiance to Georgian law, and use the state militia to seize Cherokee property. The Cherokee protested these actions for years, escalating their methods in July 1827 by adopting a constitution that defined their borders and reinforced Cherokee sovereignty. Additionally, they adopted their own alphabet, school system, and diplomatic corps, which focused mainly on gathering support in Washington.

Meanwhile, tensions within the United States began to boil over. The US Congress passed the Tariff of 1828, aiming to protect northern industry but angering the South, which now faced higher prices for manufactured goods. Dubbing it the "Tariff of Abominations," South Carolina claimed that, according to the US Constitution, states could ignore the tariff, beginning the Nullification Crisis, which threatened the stability of the union. Later in the year, Andrew Jackson was elected to the presidency on a platform of Removal, winning over 96% of votes in Georgia.



The British landing at Fort Oswego, Lake Ontario, on 6 May 1814.

Source: National Army Museum.

In 1830, the US Congress passed the Removal Act by five votes while the Georgian congress passed a similar law, suggesting growing coordination between both governments. The Removal Act declared that, by the end of the month, all Cherokee claims would be considered null and void. In response, the Cherokee filed an injunction that led to the Cherokee Nation v. Georgia case, which the US Supreme Court refused to hear in 1831. Although, Chief Justice John Marshall claimed that “the Indians are acknowledged to have an unquestionable... right to the lands they occupy.” A year later, the Cherokee succeeded with Worcester v. Georgia, in which Samuel Worcester, an American citizen, was imprisoned by Georgia for traveling into Cherokee land without a license. In a present-day landmark decision, Supreme Court Justice Marshall declared the Cherokee and other Native American nations to be “domestic dependent nations,” under the jurisdiction of the federal government, but with sovereignty over their own territory, making Georgia’s infringements illegal.

Although the decision was received with relief by the Cherokee and their allies, the feeling was short-lived. Georgian officials sought to persuade other states’ rights advocates that justices should

be banned from reviewing the acts of state governments. Andrew Jackson declared the decision “stillborn,” and refused to enforce it. Georgia banned gatherings of Cherokee, forcing the Cherokee to abandon New Echota, their capital city. In 1838, a combination of federal troops and local militia forced the Cherokee out of their homes and into concentration camps, before finally sending them on the Trail of Tears to Oklahoma. Thus, despite a long history of loyalty to the United States, the adoption of American culture, and a victory in the US Supreme Court, the Cherokee ultimately failed to assert their sovereignty.

Domestic Pressures

As the unipole of the United States, Washington established its legitimacy in two ways. First, it wrapped policies “in shared values or interests.” These values include life, liberty, and the pursuit of happiness, while the interests consist of coordination in diplomacy and war with America’s neighbors: Britain, Spain, France, Mexico, and the Native American nations. Second, Washington institutionalized its power through the creation of a rational-legal authority to foster legitimacy, surrendering some of its power to the United States Supreme Court.

Both Georgia and the Cherokee leveraged the



Robert Lindneux: The Trail of Tears, oil on canvas by Robert Lindneux, 1942.
Source: Britannica.

Supreme Court and alleged values to foster cooperation. The Savannah Georgian, like many proponents of Georgia's claims, insisted that "the protection guaranteed by the United States to the Nations of Indians... is unconstitutional... and a trespass on State sovereignty." The Nullification Crisis, too, appealed to constitutional rights of states. Even the Cherokee appealed to US law, filing an injunction against Removal. The Cherokee later took *Worcester v. Georgia* to the Supreme Court, allowing the rational-legal authority to exercise its independent authority against the interests of Washington, pushing them further into illegitimacy. In the end, Jackson faced an attack from both sides: the Southern states claimed that he was failing to represent their interests and respect their constitutional rights, while the Cherokee claimed he was failing to respect their treaties and constitutional rights. The situation was untenable for Washington, and its contradiction would need to be resolved for the unipole to maintain its legitimacy.

When states face crises of legitimacy, general rights tend to appear. Jackson resolved the threat to Washington by creating a new right – the positive right to take Cherokee land. The Removal forced the Cherokee into a position of such weakness that they couldn't gather the strength necessary to

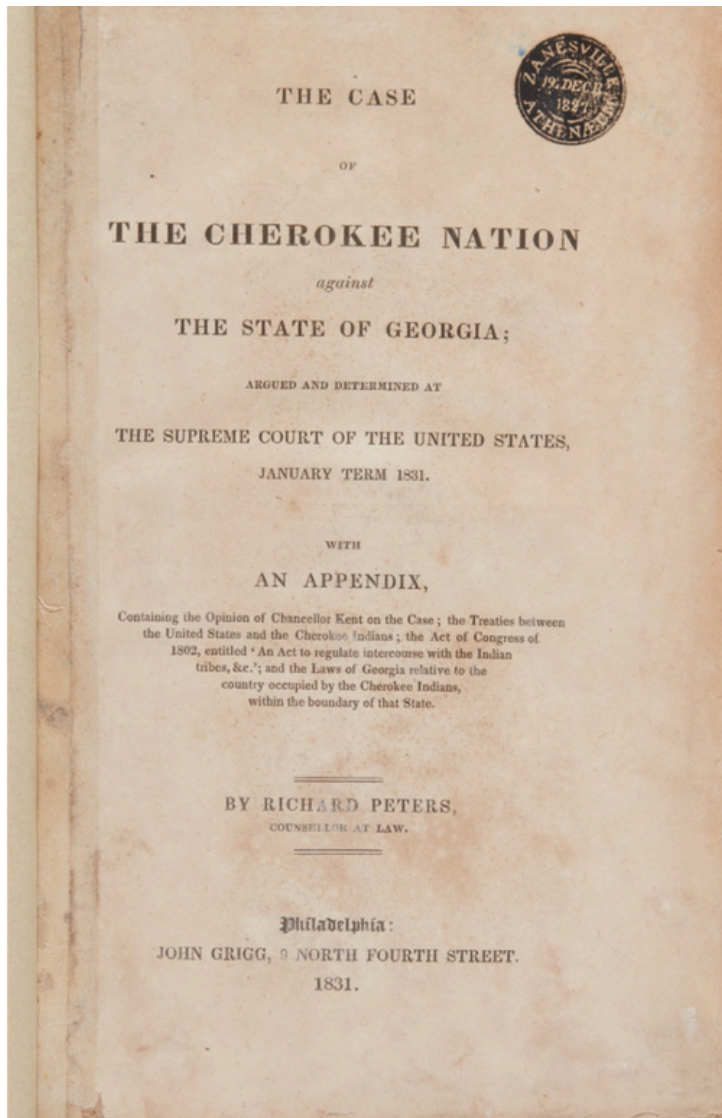
further threaten Washington's legitimacy, and Georgia, satisfied, ceased its attacks. Thus, Jackson resolved both attacks through a hypocrisy that reinforced his power.

To help ensure that Jackson decided in its favor, Georgia forced the United States into inadvertent expansion. Such expansion comes in two steps. First, actors on the geographic periphery of a nation expand territorially without authorization. Second, these actors present their acquisitions to the leader as a *fait accompli*, forcing them to choose between rejecting the acquisition and cutting them off, or accepting it, making the territory part of the state. Going directly against federal law, Georgia claimed Cherokee territory and then enforced its claim, seizing property, limiting travel, and arresting Cherokee citizens. Georgia created domestic pressure for the federal government to support US citizens over the Cherokee – forcing Jackson to accept the seizure, lest he look weak, illegitimate, and uncommitted to his people, which would've threatened not only his political career, but the precarious standing of the US as well. Furthermore, there was a low geopolitical risk to seizing the territory, as no significant power would contest the annexation. Thus, accepting the annexation of the Cherokee land was the choice that

best reinforced the legitimacy and power of the US Government.

Conclusion

The case of the Cherokee is particularly interesting because they did everything right. They had allied themselves with the United States time and time again, and fundamentally reoriented their society to adopt American religion, laws, and culture. They had even appealed to the values and institutions of America, scoring key supporters within the American political establishment. Despite holding every advantage in such a situation, the desires of Georgia and the United States always took precedence.



Samuel Austin Worcester, the plaintiff in *Worcester v. Georgia* case, 1832.

Source: New Georgia Encyclopedia.

The brown-headed cowbird is native to most of the United States, from Washington to Georgia to Oklahoma. Cowbirds leave their eggs in the nests of other birds. Once a cowbird chick hatches, it grows bigger and faster than other species, taking all the food for itself. While some species can recognize and reject cowbird eggs, adults will punish them by destroying their nest, leaving their victims coping with the loss of their children and homes. Cowbirds and the species they parasitize cannot change – one will always be the parasite and the other will always be the host. Cowbirds cannot learn from their past. We can.

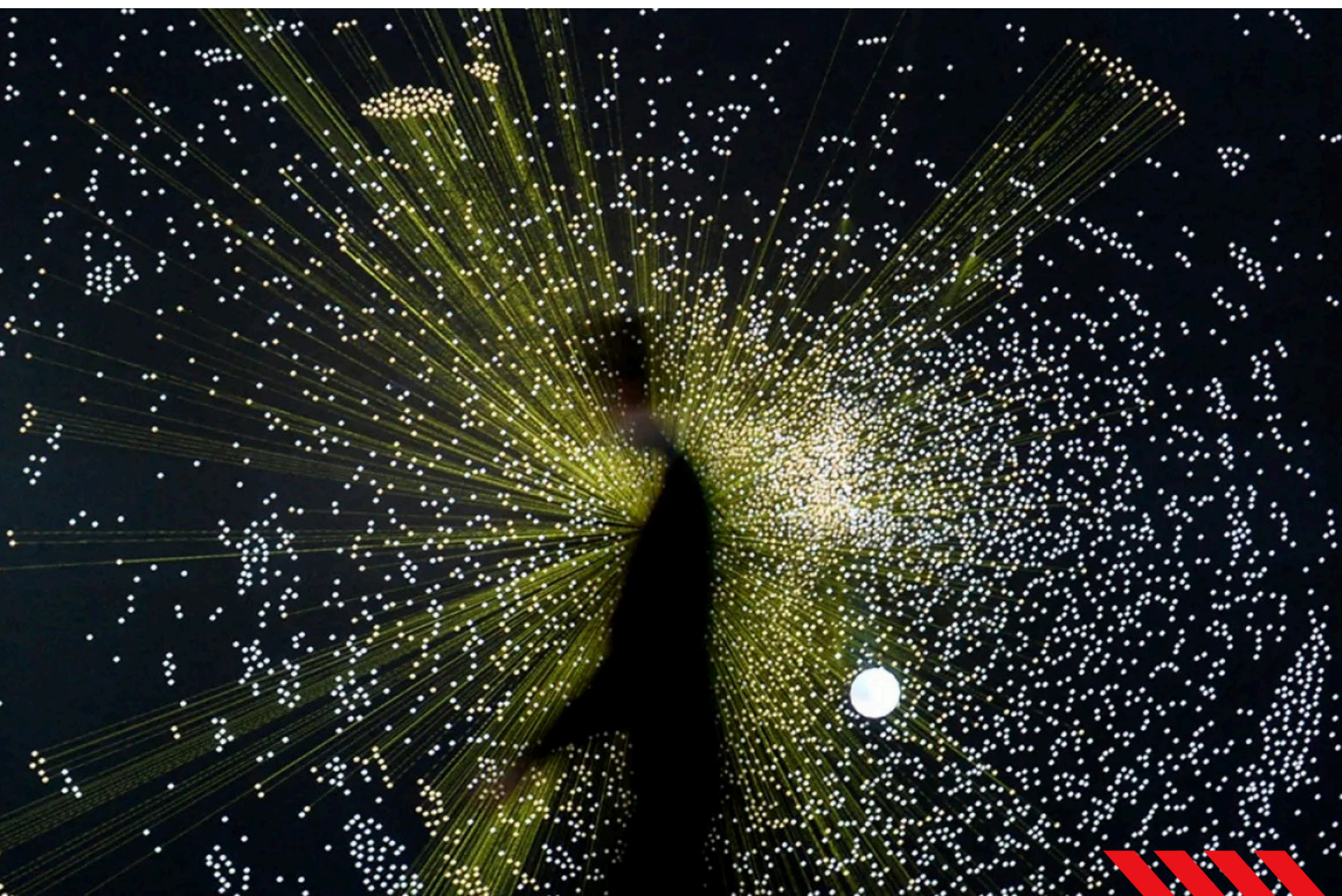
Although the Cherokee were cast out of their homelands and sent to be killed, starved, and cheated on the Trail of Tears, their efforts were not in vain. The Cherokee lasted the longest out of the "Five Civilized Tribes" and *Worcester v. Georgia* remains the legal grounding of tribal sovereignty in the United States. Most importantly, the Cherokee live on.

In the case of the Cherokee Nation against the State of Georgia, the Supreme Court declined to rule on the merits, defining the indigenous tribe as a "domestic dependent nation," which lacked the standing to sue as a "foreign" nation.

Source: Sotheby's, Richard Peters.

Shadows Before the Dawn: The Future of Intelligence in Canada

BY JAMES LAUTENS



The shadow war is a long game.



The general public might not always realize it, but every country in the world is engaged in a long struggle for an edge over their enemies. While armed conflicts rage on, like the wars in the Middle East and the war in Ukraine, conflicts are increasingly taking on forms beyond conventional warfare.

The recent string of foreign interference in Canada is a perfect example of this. While not necessarily part of conventional warfare or armed conflict, countries like China, India, and the United States are actively meddling in Canadian affairs that threaten national security interests in a way that a conventional conflict cannot.

With the rules-based international order eroding due to the actions of the United States (U.S.), such as the U.S. starting a war with Iran, kidnapping the president of Venezuela, and its imposition of global tariffs on the world and harsher tariffs on Canada, serious questions related to our national security have to be raised, especially in the context of the threats

posed by the shadow war. So then, what can Canada do?

Canada has the opportunity to improve its national security systems, especially in the intelligence realm, and it should do so if it hopes to protect Canadians in a rapidly changing world.

A Cyclops or a Hydra?

I had previously written about the Five Eyes intelligence, which comprises Canada, the U.S., the United Kingdom, Australia, and New Zealand. This group is an intelligence sharing group which Canada greatly benefits from. There are some issues, however.

The most pressing issue of this arrangement is the fact that the U.S. is increasingly becoming belligerent towards its allies within the group. In early 2025, there were reports that U.S. officials wanted to expel Canada from the group. Such a possibility, whether imagined or otherwise, still poses a serious threat to Canada's intelligence networks if it were removed. This would be because Canada would lose access to the massive intelligence apparatus of the U.S that Canada, and other members rely on.

As such, Canada should consider expanding its intelligence sharing networks outside of the Five Eyes. With Prime Minister Mark Carney touting his government's efforts to expand Canada's role in international trade, Prime Minister Carney should consider doing the same with intelligence networks. This would not only help to deepen relations with countries Canada is attempting to integrate more with, but also make Canada less reliant on the Five Eyes group that is contending with an increasingly volatile U.S.

It must be said that there is no way to know if CSIS is actively doing this. CSIS's intelligence sharing operations are opaque to the public thereby depriving the public of actually knowing how national security is undertaken. CSIS does not work to provide Canadians an understanding of the processes in which it undertakes operations and how those operations serve Canada; which poses its own problems.



Public Safety Minister Gary Anandasangaree. Budget cuts at the National Security and Intelligence Review Agency come as the Liberals are pushing forward with Bill C-22, which expands surveillance power for police and intelligence agencies.

Source: The Hill Times photograph by Andrew Meade.

The Name of the Game

The public's lack of awareness and understanding about how intelligence systems work and how national security is protected causes its own issues. Let me be clear: while it is important that the substance of security concerns be protected, the general public should be made aware of the "how" of intelligence and national security networks.

Put otherwise, the government should be more transparent about how national security is structured in Canada, and how intelligence is used to safeguard the public interest. By doing so, Canadians will be more trusting of organizations like these, that are often spoken of in hushed tones in darkened booths. Yet, it might not be as simple as raising public awareness.

Research has shown that the culture of intelligence agencies in Canada makes it difficult to inspire change. Not only that, but the organization that does oversee intelligence organizations, the National Security and Intelligence Review Agency (NSIRA), are rightfully more concerned with the legality of the actions undertaken by intelligence organizations, as opposed to raising awareness about process as to how intelligence organizations operate.

So, a strange situation manifests: a review organization exists, but does not focus on transparency; instead, it only cares about the legality of an intelligence action. While that is important, it ignores the fact that people want to know how they are being protected, something that is crucial for any form of elected government.

Democracies rely on transparency for legitimacy. Accountability is crucial not only for the functioning of

the state, but in also maintaining the credibility of institutions. As such, it would be in Canada's interest to educate Canadians about how intelligence is gathered and used in decision making. This could be included under the NSIRA's mandate. Without this, Canada risks serious erosion of trust in the institutions that make democracy function.

We Stand On Guard

It is crucial that the Government of Canada make intelligence processes and agencies more transparent and accountable. A strong democracy needs its citizenry to have trust in its institutions, no matter what function they may have. By understanding how our intelligence is collected and articulated, citizens can better understand how these organizations work. This understanding ultimately leads to more trust, which helps strengthen our democracy. Similarly, transparency allows the public to hold these organizations accountable.

By diversifying our intelligence gathering through new partnerships outside of the Five Eyes, Canada has the opportunity to shift from U.S. dependence on intelligence material. Not only would this give CSIS the chance to discuss intelligence matters, as it might lessen concerns about accidentally sharing U.S. intelligence that they would prefer to keep, but it would also improve Canada standing on the international stage.

Canada has the opportunity to improve its intelligence organizations to prepare them for a changing world. Not only could such efforts be useful abroad but at home as well.

Beyond Immigration: A Behavioral Policy Approach to Canada's Housing Affordability Crisis

BY ALTEO MALAJ



Canada's Immigration Strategy, Public Sentiment, And Institutional Coordination

Canada's Existing Immigration Strategy

Under Canada's 2026-2028 Immigration Levels Plan, the government plans to welcome 385,000 new temporary residents and 380,000 permanent residents in 2026, reflecting a reduction in immigration targets compared to previous years. Retirement from 2024 to 2030 is projected to be around 5 million Canadians, reducing the worker-to-retiree ratio to 3:1. A major concern is that reduced immigration would further shrink Canada's labour force, especially given that Canada experienced a net loss of 154,614 non-permanent residents between July 2025 and July 2026, its largest annual decline on record.

To address labour shortages, Canada's Express Entry system evaluates applicants according to their education, work experience, and language skills. However, the results of economic integration remain unequal. Challenges facing immigrants in the labour market include difficulties with credential recognition, limited professional networks, and a preference among employers for Canadian experience. These barriers can limit immigrants' earnings and access to housing.

Beyond labour-market challenges, housing construction remains insufficient to restore affordability. In September 2026, Canada's six-month moving average of the seasonally adjusted annual rate of new housing construction was approximately 250,000 units, well below CMHC's estimated annual requirement. These national pressures also vary by region. Newcomers tend to settle in metropolitan centres, adding to housing demand. One of the starkest statistics surrounding the issue of housing affordability in Canada is the Housing Price-to-Income Ratio (PIR), which has dramatically grown in urban regions where immigrants are more likely to settle, as illustrated in Figure 1. While generally high nationally, the PIR is particularly elevated in Vancouver and Toronto (12.7 and 10.7, respectively), indicating that house prices exceed ten times annual household income. In contrast, the PIR in other major Canadian cities, such as Edmonton (3.4) and Winnipeg (4.2), remains considerably lower and more aligned with the national average.

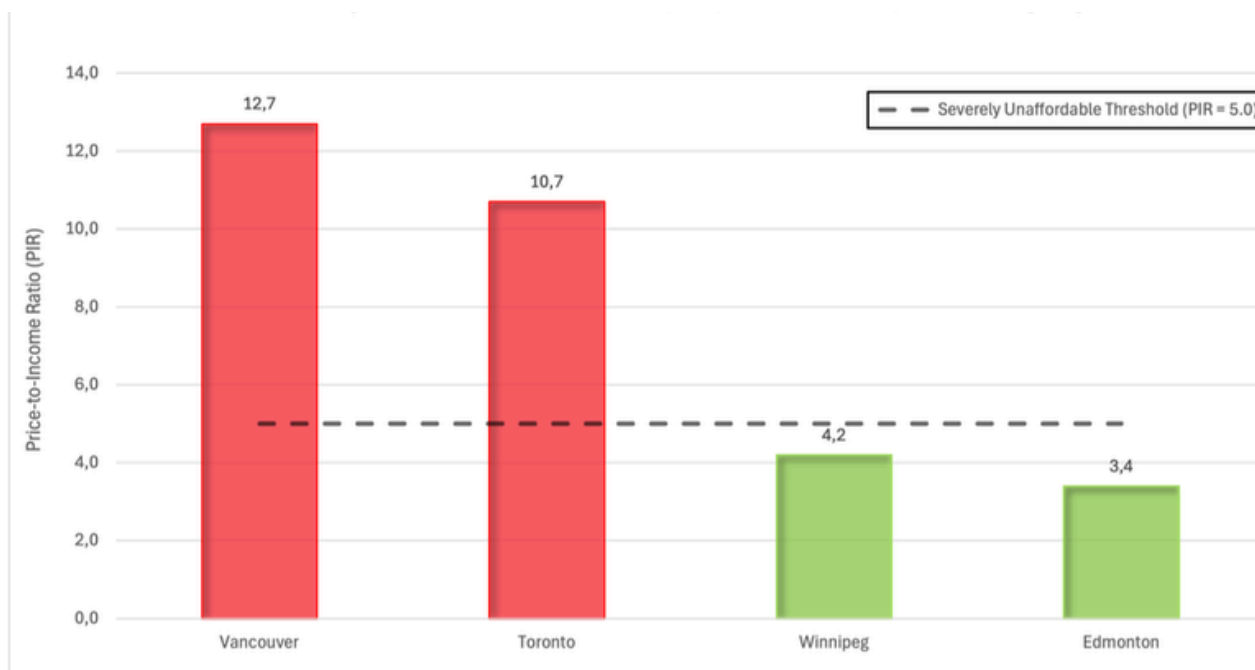


Figure 1: Housing price-to-income ratios in selected Canadian metropolitan areas.

When immigration targets are not matched by visible improvements in housing and infrastructure, people may experience population growth as greater competition for limited resources. These immediate pressures are easier to see than immigration's long-term economic contributions, which can weaken overall public support for immigration.

Behavioural Analysis of Public Sentiment Towards Immigration

Canada's housing system is strained. Students are forced to turn towards emergency housing services, and new families are nudged to live further from metropolitan areas. Against a backdrop of population growth, the narrative seems simple: more people, fewer houses.

Prospect theory suggests that individuals evaluate outcomes relative to a reference point, with perceived losses often carrying greater weight than equivalent gains. Through loss aversion, people react more strongly to losing access to housing, affordable rent, or public services than to potential benefits from immigration. The availability heuristic further shapes this response. Visible examples, such as rental spikes or overcrowded shelters, become mental shortcuts that distract people from understanding the causes of housing scarcity at the structural level. Immigration thus becomes a more immediate explanation than urban planning, housing supply obstacles, and the lack of institutional coordination that constrain housing capacity.

Behavioural factors not only influence public perceptions of immigration but may also shape immigrants' own decisions about remaining in Canada. Substantial investments in education, careers, and personal networks often anchor individuals to their host country. As a result, many remain reluctant to leave, even when faced with severe integration challenges. This may reflect the sunk-cost fallacy, where individuals continue pursuing a decision because of past investments rather than future prospects. It is important to recognize that concerns about infrastructure capacity are not irrational. The rapid population

growth without adequate planning creates real pressure. Lowering immigration can temporarily ease some demand pressures and political tension, but it does not address the planning gaps that contributed to the crisis. Public reactions therefore cannot be explained by behavioural factors alone. These concerns also reflect coordination gaps between governments responsible for immigration, housing, and infrastructure.

The Division of Federal, Provincial, and Municipal Responsibilities

The federal government assigns immigration objectives, while provinces and municipalities exercise major responsibilities for housing, urban planning, and infrastructure. Municipal land-use and zoning powers operate within provincial frameworks. This decentralization creates a fragmented system where population growth is not accompanied by the necessary capacity.

This division encourages each jurisdiction to prioritize its own responsibilities rather than engage in joint planning, creating coordination challenges. IRCC manages immigrants' admissions, while provinces and municipalities shape housing supply and affordability. Different priorities and time horizons have created inefficient coordination despite sharing similar goals. Studies on decision-making show that powerful groups often struggle to collaborate due to status competition and an information-sharing gap. In 2023, Brampton reported that limited regional sewer capacity delayed seven housing developments involving 9,368 planned units, illustrating how infrastructure constraints can delay housing construction.

A more balanced pathway is possible, but it requires structured reforms that coordinate immigration levels with housing and infrastructure planning. This approach can help restore public trust while supporting long-term population growth.

The Two-Pillar Approach: A Coordinated Immigration-Housing Capacity Framework With Behavioural Trust Building And Integration Reforms

Pillar 1: Establishing a National Framework for Population and Housing Coordination

Canada needs to better align immigration, housing, and infrastructure policies through joint assessments and planning, public reporting, and conditions attached to funding. IRCC, supported by CMHC, should lead the pilot with participating provincial and municipal governments, using existing housing assessments and reporting systems. After two annual planning cycles, progress on housing approvals and infrastructure commitments should guide expansion, with additional funding directed toward identified needs.

1. Capacity-Based Immigration Planning

Federal immigration policy should be informed by annual assessments conducted jointly with provincial, territorial, and municipal governments. Existing Housing Needs Assessments can help compare projected population growth with housing and infrastructure capacity and planned improvements. Where housing expansion is slow, IRCC and provinces should review admissions and provincial nominee allocations. Meanwhile, provincial and municipal governments should identify necessary housing and infrastructure investments, supported by federal funding agreements.

Where shortages occur, participating governments should agree on investments, development reforms, and any immigration adjustments, with responsibilities and deadlines reviewed in the next assessment. Provincial nominee allocations should reflect housing availability and labour market needs. Provinces seeking additional allocations should explain how housing and services will accommodate new residents. Assessments should also consider construction workers' housing needs and contributions to supply, avoiding restrictions on recruitment needed to address shortages.

2. Joint Planning and Conditional Funding

IRCC should meet regularly with CMHC and provincial and municipal officials to establish commitments, roles, and timelines for housing, infrastructure, and population planning. Formal dispute-resolution mechanisms should refer unresolved issues to ministers and municipal leaders within specified time frames.

CMHC should be responsible for housing evidence and should develop and maintain a shared public dashboard, with partners providing agreed data on:

- Housing starts and completions.
- Rental vacancy rates.
- Infrastructure readiness, including public transit, utilities, and schools.
- Population growth and newcomers' settlement patterns.

The dashboard should draw on existing reporting mechanisms to provide quarterly information where data are available, with clear explanations of information gaps. It should report progress on implementing commitments, unresolved issues, and how immigration policies take housing and infrastructure needs into account. Governments that do not meet commitments should publicly disclose the reasons and their plans and timetables to address them.

Building on the Housing Accelerator Fund's approach, future discretionary funding agreements can help municipalities overcome barriers identified in joint assessments. Agreements with communities facing infrastructure constraints, such as limited water and sewer capacity, can link infrastructure investments to commitments for higher-density development in designated project areas. Federal

grants could also require permitting reforms with deadlines.

Funding should be awarded in stages as agreed commitments are met. Performance measures for municipal partners might include zoning and other regulatory reforms. The number of new housing units approved and built should be tracked separately, recognizing that financing, labour availability, and market conditions also affect construction. Documented explanations from municipalities about failures to meet objectives and steps being taken to improve performance should be weighed in decisions about remaining funding. Provincial and municipal governments have responsibility for housing and land use policies. Federal efforts to provide funding should rely on negotiated funding agreements rather than direct federal regulation.

Pillar 2: Strengthening Economic Integration and Public Trust

Economic integration can help address housing needs by allowing qualified immigrants, including those already in Canada, to contribute to housing construction and supporting settlement where jobs, housing, and services are available. Clear communication about the results of these efforts can help strengthen public trust.

1. Combining Credential Evaluation and Career Services to Address Housing Needs

Voluntary funding agreements with participating provinces and regulators should include provisions to recognize workers trained outside Canada in housing and infrastructure occupations such as trades, engineering, and architecture. Enhancements to the Foreign Credential Recognition Program should address Pillar 1 skill gaps and support eligible current and prospective immigrants, drawing on its employment-support evaluation.

Agreements should provide for prearrival evaluation procedures and set processing commitments appropriate to each profession. Information on fees, examinations, and training requirements should be provided to applicants. Licensing agencies should

retain licensing authority independently of immigration credential assessments. Work experience and training should address licensing gaps without repeating skills applicants already possess.

Governments and businesses should offer paid internships and training. Temporary wage subsidies should fund additional training employers would not otherwise provide. Existing settlement organizations, business associations, unions, and training providers can help small businesses navigate assessments, placements, and subsidy applications. Evaluation should track service delivery times, licensing progress, and continued housing-sector employment. More construction workers can help increase housing supply, but projects also need financing, suitable land, and building approvals.

2. Supporting Settlement Beyond the Most Pressured Housing Markets

Pillar 1 assessments can help extend services to medium-sized and other communities with suitable employment, housing, and services. Low housing costs alone should not determine which communities are selected. Voluntary relocation grants should help families cover moving and initial settlement costs. Before moving, families should receive information about employment, housing, and local services, with employers and service providers helping arrange access and referrals.

Follow-up services can address settlement difficulties. Evaluation should track employment, housing stability, and retention while respecting freedom of movement. Officials should monitor local housing pressures against community capacity. Relocation support should begin in participating communities, with outcomes informing expansion.

3. Communicating to Maintain Public Trust

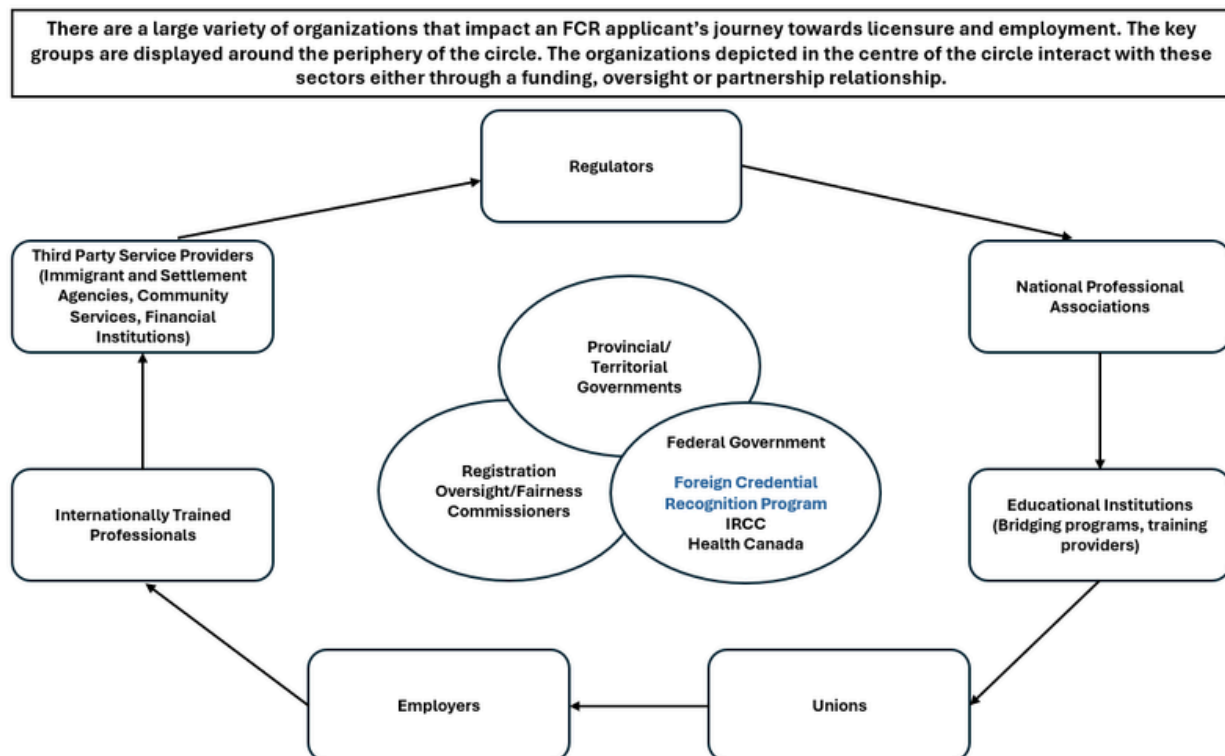
Government efforts to address public concerns about housing affordability should consider the behavioural factors shaping perceptions of immigration. The dashboard proposed in Pillar 1

should educate the public about housing supply, rental availability, and infrastructure improvements. Making these developments more visible can help reduce the influence of the availability heuristic, which draws attention toward immediate pressures rather than structural causes. At the same time, communication strategies should address loss aversion by acknowledging legitimate housing concerns while highlighting how coordinated policies and immigrants' contributions to construction can expand housing capacity.

Government and community organizations should test public information materials, such as dashboard summaries, housing and immigration fact sheets, and community outreach messages, with different groups for understanding, credibility, and unintended effects. Materials that dismiss concerns or overstate benefits should be revised. Public trust should be evaluated alongside policy outcomes rather than assumed to follow communication.

Conclusion

Collectively, these two pillars synchronise immigration strategies with housing and infrastructure capabilities, simultaneously enhancing economic cohesion and public confidence. Joint planning and negotiated financial arrangements tackle institutional disunity. Credential recognition and voluntary settlement support can strengthen the labour market and ease regional housing pressures. Transparent reporting and public communication acknowledge legitimate concerns while addressing misperceptions. This approach preserves immigration's long-term economic benefits while improving Canada's capacity to accommodate population growth.



This infographic illustrates the network of organizations involved in the journey of Foreign Credential Recognition (FCR) applicants toward licensure and employment in Canada.

Source: Government of Canada.

Jurisdictional Capital and Strategic Autonomy: Rethinking EU Alignment in Turkish AI Regulation

BY BENYAMIN BOROUJENI



Türkiye's AI Conundrum: Predictability, Compatibility, Autonomy

Policy Problem

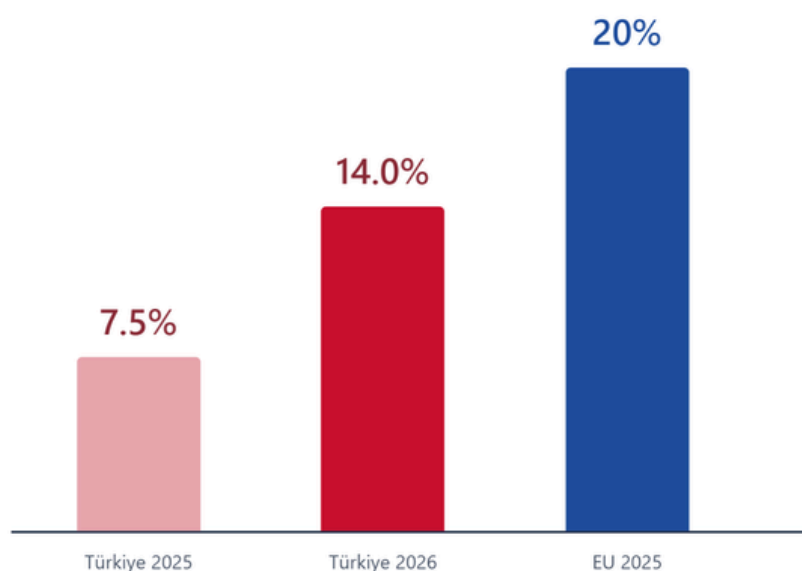
This article compares Türkiye's policy choice between a comprehensive, risk-based AI law interoperable with the EU AI Act and a lighter framework prioritizing rapid adoption. Fragmentation is the immediate problem, but resolving it requires deciding whether domestic consolidation follows an external model, and if so, which one.

The analysis finds the first path performing better over the long term on two grounds. Internally, a single statute would address fragmentation that firms cite as an adoption barrier. Externally, EU compatibility would reduce duplicated compliance for the exporters most exposed to the AI Act. Both advantages rest on two conditions: that the EU framework is adapted rather than reproduced, and that enforcement is phased to match Türkiye's institutional capacity.

Türkiye faces this consequential policy choice as AI adoption accelerates. The share of enterprises using AI rose from 7.5% in 2025 to 14.0% in 2026. Among firms considering adoption, 66.4% cited uncertainty over legal consequences and liability as a barrier. Yet Türkiye has no comprehensive AI law. As a unitary state, the Grand National Assembly (Türkiye Büyük Millet Meclisi or TBMM) is the sole legislatur; provinces have no lawmaking power, and secondary rules come from presidential decrees, ministerial regulations and independent regulators such as the Personal Data Protection Authority (KVKK). The June 2024 AI Bill (2/2234) remains before the Meclis, while subsequent proposals have addressed narrower issues including AI-generated content, personal data, and copyright (Türkiye Büyük Millet RMeclisi, 2024, 2025a, 2025b, 2026a, 2026b).

Adoption is rising, but legal uncertainty holds firms back

Share of enterprises using AI (%)



66.4%

of Turkish firms considering AI cite uncertainty over legal consequences and liability as a barrier.

Sources: Türkiye İstatistik Kurumu (2026), Yapay zeka istatistikleri, 2026; Eurostat (2025), Use of artificial intelligence in enterprises.

Most amend separate statutes (Laws No. 5651, 6698 and 5846), developing AI governance through parallel channels without a shared AI definition, common risk categories, or a lead authority. Here, “comprehensive” means one horizontal statute establishing cross-sector definitions, risk tiers, and institutional responsibility; “EU-aligned” means those definitions and obligations are interoperable with the AI Act. These dimensions can be pursued independently.

The policy trajectory has nevertheless moved toward risk-based regulation as presented under the 2021-2025 National AI Strategy that established 24 targets and 119 measures. This was further advanced by 2026-2030 Action Plan on domestic AI production and technological capability. However, strategic partnerships, including alignment with EU Customs Union objectives, have shaped this advancement. EU alignment is therefore one strategic option, not an automatic policy objective.

Case for Comprehensive Regulation

The strongest case for comprehensive regulation concerns legal predictability. The TÜİK data complicate the assumption that regulation itself creates uncertainty, showing firms already identify unclear liability rules as a significant obstacle to adoption. A clear statute could establish responsibilities before disputes arise and give firms a more reliable basis for investment decisions.

A risk-based design, exemplified by the EU AI Act, scales obligations to risk. High-risk systems face substantially greater requirements, while lower-risk applications receive lighter treatment. For Türkiye, this structure could provide safeguards around consequential uses involving employment, public services, law enforcement, and other rights-sensitive domains.

The public sector warrants particular attention in the Turkish context. Research identifies AI-assisted applications in judicial administration, taxation and digital government, alongside concerns about privacy, surveillance, transparency, and accountability. Because these applications involve state decisions affecting individuals, fragmented sectoral rules leave gaps.

Compatibility with European rules also offers a long-term economic benefit. The European Commission has identified continued alignment with the EU AI Act and development of an enforcement structure as areas requiring further progress in Türkiye. Early exposure could help Turkish firms develop documentation, risk-management, and compliance routines during product development. Over time, this regulatory experience can become “jurisdictional capital,” reducing adjustment costs for firms familiar with EU requirements when expanding into European markets. Exporters must meet the AI Act regardless of Turkish law, since it applies to any provider placing systems on the EU market. A divergent regime would add, not replace, a compliance layer. Under the Customs Union, Türkiye already transposes EU product-safety legislation and hosts notified bodies that certify CE conformity, so the AI Act’s product-based structure fits existing Turkish infrastructure.

This benefit is conditional on exposure. The EU took roughly 43% of Turkish exports in 2025, and vehicles, machinery and electrical equipment alone made up about 40% of EU imports from Türkiye in 2025, roughly \$47.2 billion of \$116.6 billion. These are sectors where AI is increasingly embedded in products that the EU AI Act may classify as high-risk (vehicles, indirectly, through type-approval rules), so early familiarity with its documentation and risk-management routines is most valuable here. Its relevance to AI-native startups targeting domestic or Gulf markets is less certain.

For these exporters, short-term compliance burdens need to be weighed against the possibility of regulatory capability embedment in firms and avoiding greater costs of later imposition.



Exports in the AI Act's path



EU imports from Türkiye, 2025: \$116.6B



■ \$47.2B (~40%) in sectors where AI is embedded in products the AI Act may classify as high-risk

Area proportional to 2025 value, by HS chapter. Sources: Usta (2026), IKV; Trading Economics (2026), UN COMTRADE.

Case for Lighter Regulation

'Lighter' regulation may take various forms, such as voluntary principles and sectoral guidance, as in the [UK's pro-innovation approach](#) and [Singapore's Model AI Governance Framework](#). Both differ from a phased risk-based statute, which fixes binding categories and authority now but defers obligations. Sandboxes also exist inside the [AI Act](#), so they do not by themselves mark a lighter regime.

The general objection to a comprehensive statute is timing; to EU alignment, autonomy. In 2025, only [7.5% of Turkish enterprises used AI](#), compared with [20% across the EU](#). Turkish firms therefore have less experience and fewer resources to absorb extensive compliance requirements. Startups face the greatest exposure because documentation, testing, and legal advice create fixed costs before generating revenue.

This does not establish that regulation reduces innovation; effects depend on rule design and firms' compliance capacity. A demanding system imposed before establishing the necessary institutions and expertise could delay experimentation and [discourage potential adopters](#). Thus, a simpler framework could support domestic productions and reduce dependence on external providers.

Türkiye's AI strategy is also tied to a wider effort to develop domestic technological capabilities and reduce dependence on external providers. Excessive dependence on another jurisdiction's regulatory model could constrain that policy space and is framed in official discourse as [incompatible with strategic autonomy](#).

There is, however, a cost to continued fragmentation. The [2026 TÜİK results](#) suggest that legal ambiguity is already discouraging potential adopters. A [lighter framework](#) could reduce compliance costs while leaving that uncertainty largely intact.

Implementation Capacity

Capacity bears mainly on the internal argument that a unified statute is only as useful as the authority that enforces it. Here lies Türkiye's greatest weakness in this context. Citing Özsavaş and Özsavaş (2026), AI governance currently spans the Presidency, the Ministry of Industry and Technology, the Cybersecurity Presidency, the Personal Data Protection Authority and sectoral regulators, while comprehensive statutory authority ultimately requires action by the Grand National Assembly. The same paper identifies three structural gaps:

1. The absence of a formal risk-classification system
2. Unclear institutional accountability
3. Insufficient supervisory capacity

Existing bodies have relevant responsibilities but lack a unified AI governance mandate, making coordination as central as capacity.

The 2024 AI Bill illustrates the problem. It proposed a risk-based framework and prohibited practices but did not establish sufficiently detailed risk categories or a clear supervisory authority. Türkiye has therefore demonstrated considerable capacity to formulate AI policy while possessing less evidence of its ability to enforce a comprehensive regulatory regime.

That distinction conditions the choice. An EU-style system requires technical expertise, conformity assessment, monitoring, incident reporting and coordination across regulators. Legislation cannot create these capabilities by itself, but can allocate authority, assessment duties, and responsibility. As the same paper argues, the EU model is more useful to Türkiye as a reference for institutional development than as a template to reproduce mechanically.

Comparative Assessment

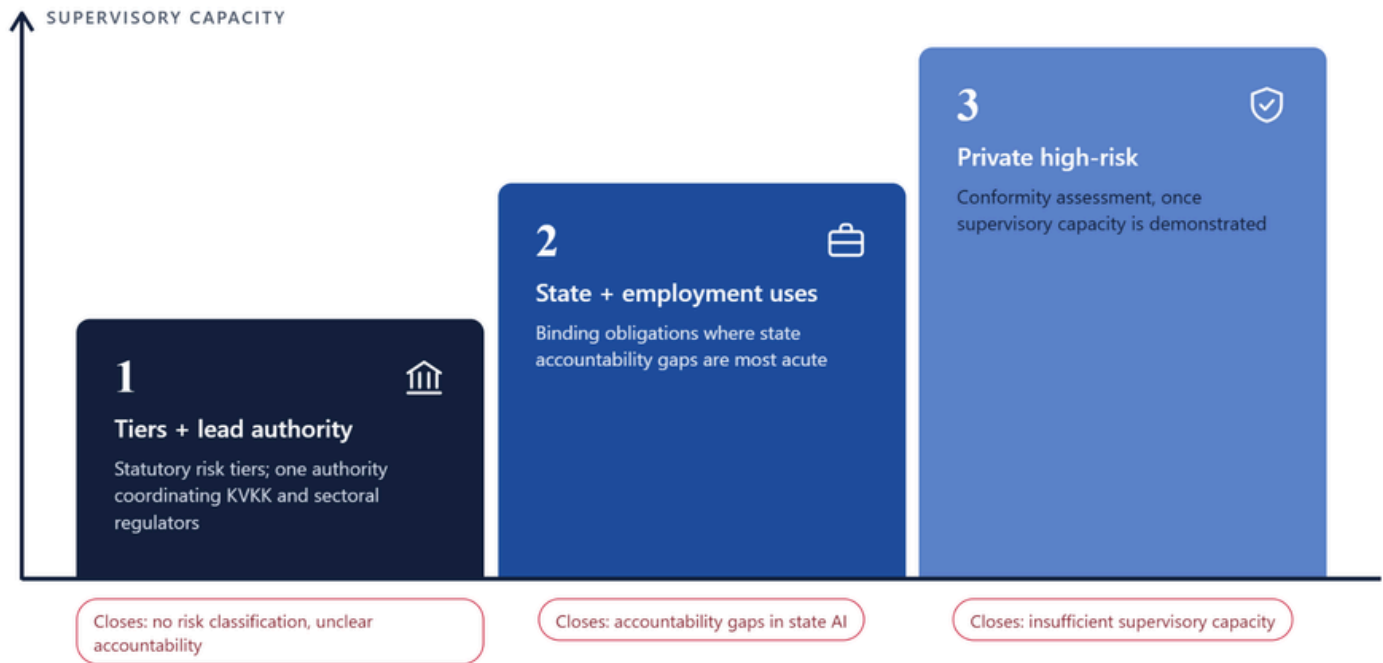
The evidence supports a European-compatible regulatory trajectory as the stronger long-term choice internally and externally, provided the framework is adapted, phased, and treated as institution-building.

A lighter regime offers real short-term advantages, reducing young firms' fixed costs and giving policymakers freedom to experiment. However, they are less persuasive once the costs of legal uncertainty, fragmented oversight, and duplicated foreign compliance are considered. Phasing captures most of the lighter path's timing advantage, since binding obligations arrive only as capacity does, while ending fragmentation immediately.



Turkish President Recep Erdoğan

Obligations follow capacity



Source: Özsavaş & Özsavaş (2026).

However, strategic autonomy shapes Turkish regulation's design without determining its direction. Technological advancement and regulatory autonomy are related but distinct: a state can strengthen domestic capabilities while remaining dependent on foreign infrastructure, standards or markets. Arguably, Türkiye does not gain technological sovereignty simply by diverging from the EU.

A comprehensive, risk-based law broadly interoperable with the EU framework would give Türkiye a clearer institutional foundation. Its enforcement is most feasible when sequenced:

1. Enacting statutory risk tiers and designating a single lead authority with coordinating power over KVKK and sectoral regulators.
2. Binding obligations only for public-sector and employment uses, where state accountability gaps are most acute.

3. Extending conformity assessment to private high-risk systems once supervisory capacity is demonstrated.

This sequencing answers both failures of the 2024 Bill, the undefined risk categories and the absent supervisor. Internally, it would replace parallel channels with one definition, one risk scheme and one authority, closing accountability gaps in state uses of AI; externally, it would give export-oriented firms experience with rules they will encounter in their largest external market.