

Turkish Policy on Kurds and Europeanization
Effect of Europeanization on Changing Minority Policy toward the Kurds



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Abstract

This study builds on the Europeanization theory combined with the External Incentives Model of Schimmelfennig and Sedelmeier. Within this framework, the impact of the EU on the changing domestic policy regarding Kurds in Turkey has been examined. The aim of this study is to analyze whether the domestic policy change regarding Kurds has to do with EU influence or not. Combining the Europeanization theory with the external incentives model, the impact of the EU can be observed till 2005. After 2005 there has been serious implementing problems in the adopted reform packages. In the period 1999 till 2005, the EU had impact on Turkey with its adopted reform packages. In turn, Turkey adopted the reform packages to open the accession negotiations. After 2005, when the accession process was officially opened, no more progress has been observed. The cost-benefit relation was not in balance anymore. The costs for Turkey were higher than the benefits of the EU. This study argues that the Europeanization takes place till 2005. The main problem in implementing the EU reforms, is that the identities and beliefs are not in line with the reforms which results in a vicious circle with zero change in identity and beliefs.

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Introduction

Minority issues are in many countries high on the political agenda. There are several examples in the world that indicates the seriousness of minority problems. In a few countries, these minority problems have led to violence and even to civil war. Probably one of the most known and most horrible cases was the massacres between the Tutsi's and the Hutu's in Rwanda. In India, Christians and Muslims cannot stand each other. When we look closer at home, Europe has not been through many bloody conflicts except two areas namely the civil war in former Republic of Yugoslavia and the area around the Caucasus Mountains. The conflicts in the new state of Bosnia-Herzegovina and in the province of Kosovo cost life to hundreds of thousands of people. In Turkey, the Kurds are struggling for recognition since the independency of the Republic of Turkey in 1923. Ethnic violence within states has become much more prevalent than interstate violence. It is generally assumed that multi- ethnic societies are more prone to violent conflict than ethnically homogeneous societies (Lijphart 1977; Bermeo 2002; Cederman et al. 2010).

Problem Statement & Research Question

Among scholars, there is a dominant approach that ethnic conflicts stem from states' failure to recognize minority rights. When we follow this approach, it can be assumed that ethnic conflicts occur due to the discriminatory policies on the part of the state. Consequently, the reaction of the ethnic groups is with rebellious elements. Within the EU, promotion of minority and cultural rights has been an important aspect of human rights discourse in course of enlargement. All candidate countries have engaged in a large- scale process of transformation approximating their standards to European standards. The EU had become an important external actor that changed domestic policies of the candidate countries. The EU has considered human rights problems in the applicant countries as a domestic issue at EU level rather than an external issue. Turkey's Europeanization process, with regard to Kurdish question within the current political debate, remains a controversial, complex and time-consuming process for both EU and Turkey. Scholars who have examined the changing policy course towards the Kurds have mostly referenced theoretical frameworks connected to nationalism, identity and conflict studies (Canveren, 2016: p. 139- 140). This study aims to analyze the EU's impact on the policy shift regarding minorities which has been ignored in certain aspects in the light of Turkey's Europeanization process. The role and influence of the EU as an external and persuasive actor in Turkey's Europeanization process is the main object in this study. Consequently, the following research question has been formulated:

What kind of impact has the EU on the minority policy of Turkey and what are the primary motivations to the re-shaped policy towards the Kurds? Is it domestic or international pressures/factors that caused the changing minority policy discourse?

Overview

The first part of the thesis starts with a literature review with a summary of the most relevant research that can be used to explain the domestic or/and international influence in the changing minority discourse in Turkey in case of the Kurds. Then, the Europeanization theory combined with the *external incentives model* of Schimmelfennig and Sedelmeier, provides the theoretical framework to explain and examine the EU impact on the re-shaped policy towards the Kurds. In light of this study, a hypothesis will be formulated resulting from the theory. The section next, offers the justification of the methodology employed in this empirical study. The minorities in Turkey, the international context and a timeline will be presented. The crucial point in the timeline is the period 1999- 2005 and the period post 2005. There is a general agreement that Turkey slowed down in adopting and especially implementing the reforms after 2005. The theory will help us to explain the causes of this problem. Next, the findings will be presented ending with a conclusion and offer a discussion of the findings in this study.

Chapter One

Literature review

This chapter will proceed with a review of the key concept of this study, namely the definition of minority. Then, the literature background of the changing minority policy regarding Kurds will be treated with aim of three theories connected to nationalism, identity and conflict studies.

1.1 Key concept Minority

The definition of a minority is a controversial issue because there is no universal accepted definition of minorities. Adopted by consensus in 1992, the United Nations Minorities Declaration in its article 1 refers to minorities as based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence. There is no internationally agreed definition as to which groups constitute minorities. The difficulty in arriving at a widely acceptable definition lies in the variety of situations in which minorities live. Some live together in well-defined areas, separated from the dominant part of the population. Others are scattered throughout the country. Some minorities have a strong sense of collective identity and recorded history; others retain only a fragmented notion of their common heritage. The term minority as used in the United Nations human rights system

usually refers to national or ethnic, religious and linguistic minorities, pursuant to the United Nations Minorities Declaration. All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population.

According to a definition offered in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, a minority is:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.

(E/CN.4/Sub.2/384/Rev.1, para. 568)

It is now commonly accepted that recognition of minority status is not solely for the State to decide, but should be based on both objective and subjective criteria (Office of the United Nations High Commissioner for Human Rights= OHCHR, 2010: 2-3).

According to Preece (2005: 9- 11) 'minorities are political outsiders whose identities do not fit the criteria defining legitimacy and membership in the political community on whose territory they reside'. He continues by saying that 'minorities are those who are denied or prevented from enjoying the full rights of membership within a political community because their religion, race, language or ethnicity differs from that of the official public identity. It is important to emphasize that the group has to be non- dominant to be defined as a minority'.

Deniz (1999: 35) explains that minorities exist in three different ways: they can be the native inhabitants of the country or got into a minority position through settling or colonization, through placed borders so that it does not follow the ethnic borders or through migration from one country to another.

Going further with the definition by the UN special rapporteur Francesco Capotorti, the determining factors for groups to be defined as minorities are as follows:

- A shared group identity based on culture, ethnicity, religion or language (objective criteria)

- Being numerically inferior to the rest of the population (objective criteria)
- Being non- dominant (objective criteria)Relative lack of power compared with the dominant group (objective criteria)
- Being a citizen of the relevant country, otherwise it could be a foreigner (objective criteria)
- The group must have desire to be recognized as an ethnic, religious or linguistic group (subjective criteria)

(Oran, 2004: 26-27; Kaya and Baldwin 2004, 5)

1.2 Literature review

Scholars who have examined the changing policy course towards the Kurds have mostly referenced theoretical frameworks connected to nationalism, identity and conflict studies.

1.2.1 Basic Human Needs Theory: The satisfaction or deprivation of individual basic human needs is the key source of societal order and change. As a founder of Basic Human Needs (BHNs) theory, John Burton (1990, pp 36-37) accepts that there exist “universal needs, cultural values, and transitory interests.” BHNs theory holds that when individuals’ basic human needs are suppressed and deprived, this causes suffering, abnormal, and deviant behaviors. Individuals strive to satisfy needs even at the cost of personal disorientation and social disruption. There is no consensus about what human needs are. Maslow (1990) differentiates five basic needs, whereas Burton and Johan Galtung (1990) have increased the number of the human needs to nine and twelve, respectively, and emphasize “security” and “identity” needs. Individuals may identify themselves with identity groups, such as religious, labor, business, ethnic groups as well as nation states. The need for identity can be satisfied by arrangements, recognizing the political autonomy of national and other cultural identity groups.

Denial of Kurdish ethnic identity by the majority – Turks – causes frustration and fear on the part of Kurdish people, while the emphasis on Kurdish identity – defined as autonomy or an independent state – causes “security” problems for the Turkish state. Because of their ontological character, these basic human needs are not open to bargaining. As a result, self-determination is deemed an adequate satisfier of the need for identity. Human needs theory may also explain the reason for conflict from the Turkish perspective. Like the Kurds, Turks have a universal and non-negotiable need: security. Most Turks think that every activity against the territorial integrity of Turkey must be repressed and eliminated. Many military and civilian leaders claim that giving permission to establish a state in its eastern area can jeopardize the survival of the Turkish state (Ozcelik, 2006).

1.2.2 Dissonance Theory: Another theory that helps us to understand the dispute between the Kurds and Turks is sociological and psychological theory. Among these dissonance theories, Dennis Sandole lists Galtung's structural violence or rank disequilibrium theory (Sandole, 1993: pp. 11-12). According to dissonance theory, "violence is a reaction to felt discrepancies between preferred and actual state of affairs — between our beliefs and values, behavior, and/or environmental as they actually are and as we think or prefer them to be" (Sandole, 1993: p. 11) The primary path to political violence is first, the development of dissatisfaction, second, it's becoming politicized, and finally, resorting to violent actions against political objectives and actors. Dissatisfaction and discontent derive from the perception of relative deprivation and is the main factor for collective violence. With the help of globalization, mass communication, and transportation, the Kurds' relative and absolute deprivation has increased without economic development in comparison with the Turkish west. As a result, the Kurdish intellectuals have voiced new demands, such as broadcasting in Kurdish, which have led to the Kurdish ethno nationalist movement (Ozcelik, 2006: p. 141).

1.2.3 Psychodynamic and Chaos Theories: The ongoing Kurdish question may also be analyzed with the help of psychological approaches as well as complexity and chaos theories and the butterfly effect, all of which offer novel and interesting ways to analyze the behaviors of low-intensity conflict systems (Ozcelik, 2006: p. 143). In James Gleick's (1983) book, *Chaos*, he stated that "Simple systems give rise to complex behavior. Complex systems give rise to simple behavior." The butterfly effect, extreme sensitivity to initial conditions, indicates that insignificant variations in the initial starting conditions in the system, such as a storm system, have enormous effects on the outcome — the path and intensity of the storm. Conflict systems have two varieties of chaos: weak chaos (simple systems with one variable change) and strong chaos (more complex systems with many variable changes over time). When a conflict moves from latent to manifest conflict processes, weak, uni-dimensional chaos leads to strong, multi-dimensional chaos making prediction and control difficult, and uncertainty and instability widespread. In a chaotic conflict system, conflict residuals (feedbacks) cause persistent instability where an individual, or group's basic human needs, such as ethno-national identity, security, development, and recognition, are not satisfied and/or the presence of structural violence and relative deprivation are common phenomenon (Gleick, 1983: p. 304).

Chapter Two

Methodology

This thesis employs a critical discourse analysis along with a secondary data analysis to investigate how the Turkish minority policy, especially against the Kurds, has evolved within the framework of Europeanization. This thesis adopts an interpretive case study of the Kurdish minority policy in Turkey. The following sub-sections provide clarification and justification of the appropriate tools of analysis selected for this thesis.

2.1 Research Design

This thesis is an interpretive case study. The case study is “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly defined” (Yin 2003, p. 13). The study process is one of qualitative research, whereby the analysis of a social problem is carried out in a natural setting to grasp an understanding of the phenomenon under investigation (Creswell 1998). Accordingly, from an interpretive perspective, the researcher can generate a well-founded comprehension of the nature of current processes (Orlikowski & Baroudi 1991). Interpretive research presumes “that our knowledge of reality is gained only through social constructions such as language, consciousness, shared meanings, documents, tools, and other artefacts” (Klein & Myers 1999 p. 69). As a result, the researcher’s interpretations play a significant role by bringing “such subjectivity to the fore, backed with quality arguments rather than statistical exactness” (Garcia & Quek 1997, p. 459). Due to the fact that the EU is a unique actor within international politics, it is rather difficult to apply the result of the study in other contexts. Thus, the focus of this case study will be on drawing a credible interpretation of EU policy practices, followed by a critique of the securitized responses to the minority problem.

2.2 Method

In order to ascertain the causal mechanisms that link the changing minority policy of Turkey towards Kurds, the process of Europeanization from the official candidate status till 2012, with a breaking point in 2005, will be studied and an in- depth case study will be conducted. A qualitative method of analysis will be used to assess whether institutional and international factors related to minorities, can explain differences in the domestic policy change towards Kurds in Turkey. Qualitative method provides the possibility of conducting an in-depth analysis. The in-depth case studies will be written about the Kurds in Turkey. In order to be able to conduct in-depth case studies of the changing minority policy of Turkey, the main method of research will be the examination of various written sources. The written sources that are used are mainly scholarly articles, newspaper articles, reports and books. This study

examines the official Turkey's Progress Reports which are issued annually by the European Commission. This kind of empirical data seems to be highly suitable for this study because it contains up to date information not only about the current relations between Turkey and the EU but also valuable data on the situation in Turkey in terms of fulfillment of the political and economic element of the Copenhagen Criteria (EU Membership Criteria).

2.3 Case Selection

The "primary criterion for case selection should be relevance to the research objective of the study" (George & Bennett 2005 p. 83). The EU, as a regional integration project with the ambition of becoming a global actor, is just one of many cases that have emerged as an international organization in this new phase of world politics. In Europe today, attention is increasingly given to the emergence of new practices of governance, and not simply the structures, beyond the state (Beate Kohler-Koch, 2015). International and regional organizations can act as persuasive actors with regard to minority rights in a given country by raising awareness, putting the issue on agenda, and endorsing a new platform in a country which may lead to a policy change. Minority rights has become one of the most important criteria that has to be fulfilled by candidate countries to become a full member of the EU. The case of Turkey seems to be the most interesting and suitable case to investigate. The process of becoming a full EU member state is continuing more than 30 years now with the necessary ups and downs for Turkey. Officially, Turkey became a candidate member state to the EU in 2005. EU has demanded Turkey to implement necessary political reforms with references to the Copenhagen criteria. One of them is the acceptance of minority rights. The biggest minority group in Turkey, are the Kurds. The Kurds are struggling for more than 30 years for their rights. Till the day of today, there are still serious shortcomings which are also addressed by the EU. The daily moving domestic political situation of Turkey and the domestic policy change regarding Kurds, makes the case of Turkey highly suitable to investigate whether the domestic changes are caused by international or domestic forces.

2.4 Time Frame-Outline and Delimitation

This study is about the position of minorities in Turkey and it has been delimited to focus mainly on the Kurds since the Kurds are the biggest minority group in Turkey and due to the unending developments regarding Kurds. The taken time- frame is from 1999, when Turkey gets the official status of candidate country to join the EU, to 2012 with special attention to the period after 2005. The EU Commission judged that Turkey had done enough to fulfill the Copenhagen criteria in 2005 and opened the accession negotiations. This is a historical breaking point where you can observe a different behavior of before 2005 and after 2005. Official Turkey's Progress Reports from 2005 until the report of 2012 have been reviewed which allows examining the progress in Turkey's pro-EU reform process

from the time when Turkey received official candidate status until 2012. It should be mentioned that the primary focus of this paper are the Kurds.

Chapter Three

Minorities in Turkey and International Standards for Minority Rights

The first part of this chapter describes how the multi- cultural, multi- ethnic and multi- religious population of Anatolia came to be transformed through the Turkish national struggle into the Turkish nation state between 1919 and 1923. This period is important because of key documents and treaties which will determine the status of minorities. The *Lausanne Treaty* of 1923 is the key document where the legal status of minorities was designed and still is the most important treaty since the founding of the Republic of Turkey.

Status of the non- Muslims and non- Turkish Muslims

Until 1920, the non- Muslims were never referred as minorities in any official document/ treaty of the Ottoman state. This changed on 17 September 1920 with the *Ahd-I Milli Beyannamesi*, the so-called National Pact which passed by the Ottoman Parliament (*Meclisi Mebusan= MM*). Article 5 of the Pact was important for the diverse population of the country. The following part is relevant:

The right of minorities (akalliyetler) as defined in the treaties concluded between Allied Powers and their enemies and certain of their associates shall be confirmed and assured by us in reliance on the belief that Muslim minorities in neighboring countries will also have the benefit of the same rights (MM, 17.02.1920: 144-145).

This was the first time in history that the non- Muslims were called minorities and also conditioned protection of their rights.

Lausanne Treaty 1923

The Lausanne treaty determined the status of minorities in the new Republic of Turkey. Turkey saw only the non- Muslims as minorities and from their perspective, the minority question was a result of foreign interference in the Turkish state's *internal affairs under the pretext of protecting minorities* and the aspirations of the minorities *to liberate themselves in order to constitute independent states*. Turkey argued that suffering of the minorities was caused by these factors (RLC¹: 176- 202). The proposal for the prospective solution of the minority issue from the Turkish side was simple: Prevent

¹ RLC: Records of the Lausanne Conference.

foreign intervention and provocation and to institute the *exchange of the Christian population of Turkey against Muslims of neighboring countries and especially against those of Greeks* (RLC: 203). Further, Turkey refused any international protection for minorities. The idea of the population exchange was proposed at the conference on 1 December 1922 by Dr. Fritjof Nansen who had been the League of Nations' High Commissioner for Refugees. The Greeks welcomed the idea for the population exchange due to their refugee problems. On 30 January 1923, the 'Convention between Greece and Turkey Concerning the Exchange of the Greek and Turkish Population' was signed. Due to this exchange, almost 1, 7 million people were subject to a forced population exchange (Bayir, 2010: 92-94).

At the same conference, the Turkish delegation had declared its view that 'there is no Muslim minority' in the country since the Turkish state did not discriminate against the various elements of the Muslims either in law or in practices (Meray, 1969: 306). The sub- commission put pressure on the Turkish side for the inclusion of all racial minorities like the Kurds and Arabs. The Turks refused this proposal and insisted that 'these minorities required no protection and were quite satisfied with their lot under Turkish rule' (RLC: 303). So minority status for Muslims was rejected.

The Lausanne Treaty was part of the League of Nations minority scheme and is still valid since it has not been replaced with a new treaty (Gilbert, 1999: 407). But who is a minority according to the Lausanne Treaty? It is already discussed that minority protection is given to non- Muslims and that Muslims could not benefit from Lausanne. According to the Turkish state only Greek, Armenian and Jewish non- Muslims were granted minority protection by the Lausanne Treaty (Oran, 1994: 287- 298). This is still being the case in Turkey. The recognized minorities are the Greek, Armenian and Jewish non- Muslims while there are several Muslim minorities in the country.

International Standards for Minority Rights

The second part of this chapter is about the international standards for minority rights. The question concerning minority groups occupies a high ranked point in the agenda of the international community. The structure of all modern states is including diverse group elements. The historical developments of minority rights have been parallel with the major events in the world. There has been continuing debates in the international arena on the approach to minority rights and the recognition of minorities as groups. This chapter seeks to analysis the system of the protection of minority groups' human rights. The standards set in minority rights will be considered by examining the historical developments of the minority rights protection system. This will be followed by an overview of both international and European systems for minority rights protection.

The United Nations (UN)

The period 1948- 1966 is a period of 'standard setting at the international level' (Craig, 2003:1). The most significant notion in the aftermath of the World War II (WWII) was the theme of universal human rights with particular emphasis on individual human rights. The international and European organizations established during the Cold War emphasized individual human rights rather than collective rights belonging to minorities. Due to this, the issue of minority protection was addressed in a form of discrimination (Gaetano, 2002: 30). The question of linguistic rights of minorities has turned out to be a theme of varying sub- national, national and supra- national mechanisms. There are many aspects that affected the new international human rights perspective in the UN system. Some of these aspects are the brutality of governments against their citizens is often regardless of their group affiliation, the League System did not offer a universal protection and it was limited to the group treaties and finally the treaty system did not include any mechanism for individual claims (Thornberry, 1991: 24-25). The General Assembly (GA) decided '*not to deal in a specific provision with the question of minorities*' given the difficulties '*to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises*'². Clearly, the GA decision did not deal with the minority issues.

The most widely accepted legally binding provision on minorities is article 27 of the International Covenant on Civil and Political Rights (ICCPR) which is describes as follows:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".³

Article 27 is only applicable to states that are willing to recognize the groups in their territories as minorities. While there is no definition of minorities and no implementation guidelines, the article remains too ambiguous to be an efficient mechanism to protect minority rights (Preece, 1998: 113). Article 27 of the ICCPR shows us that the non-discrimination approach was insufficient for the protection of minorities.

² General Assembly (GA) Res.217(III)G, adopted 10 December 1948,'Fate of Minorities'.

³ GA Res.217(III)A, adopted 10 December 1948,'Universal Declaration of Human Rights'.

The Declaration on the rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is the only UN instrument which addresses the special rights of minorities in a separate document⁴. It extends the scope of article 27 by referring to persons to *national minorities* (Wheatly, 2005:43). But still it does not define the term minority. The Declaration is non- binding with no implementation guidelines. It leaves a wide range of freedom to states to choose the appropriate measures to meet the obligations. States still have the authority both to recognize individuals who are the persons belonging to minorities and to take measures for the full enjoyment of rights. The adoption of the Declaration is an evidence of the awareness in the international society of the need for further measures to protect minority groups in addition to the non- discrimination provisions.

European Union (EU)

The European Convention for the Protection of Human Rights and Fundamental Freedoms(ECHR) does not contain any specific clause for the protection of minority groups except the non- discrimination provision incorporated into Article 14:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Until the 1990s, all attempts to include minority rights in the Convention failed. A few progressive interpretations of the Convention by the European Court of Human Rights opened the way for the adoption of two important and influential documents concerning minorities and minority languages. The European Charter for Regional or Minority Languages was adopted in 1992 entered in force in 1998⁵. This was the first legally binding document relevant to the protection of languages specifically. The Charter 'protects members of a linguistic minority only in a rather indirect way' in that 'the protection of languages in practical terms also means that people's linguistic rights are being protected' (Oeter, 2004: 123- 133).

The Framework Convention for the Protection of National Minorities (FCNM) entered into force in 1998 and is the first and to date the most comprehensive legally binding multilateral document that is completely devoted to the protection of national minorities (Council of Europe 1995). The Framework

⁴ Adopted by the GA on 18 December 1992 (GA Resolution 47/135).

⁵ Council of Europe, European Charter for Regional or Minority Languages, European Treaty Series- No. 148. Strasbourg, 5.XI.1992.

Convention articulates commonly agreed upon principles and objectives, but it leaves the ways, conditions and circumstances of application to the signatory states. It was designed to create a legally binding Convention to protect national minorities and to promote tolerance throughout society (Ucarlar, 2009: 63-93). The FCNM refers to the protection of national minorities as being essential to stability, democratic security and peace. The effective implementation of the FCNM was seen as essential for the development of a stable and inclusive Europe. The aim of the FCNM is to specify the principles which states undertake to respect and to ensure the protection of national minorities. As with other international instrument for the protection of national minorities, the FCNM does not provide a definition of a 'national minority' (Philips, 2002: 3- 4). The word *Framework* highlights the scope for states to translate this Convention's provisions to their situation in a specific country through national legislation and appropriate governmental policies (Philips, 2004: 109).

EU Progress Reports on Turkey

Since 1993 the EU requires the candidate countries to contribute to the protecting of minorities. Any country seeking membership of the EU must conform the conditions set out by Article 49 and the principles laid own in Article 6(1) of the Treaty on European Union. The process of becoming a full EU member state is continuing more than 30 years now with the necessary ups and downs for Turkey. Officially, Turkey became a candidate member state to the EU in 2005. EU has demanded Turkey to implement necessary political reforms with references to the Copenhagen criteria.

The Commission has provided support and cooperation in order to underpin the political reform process in Turkey. The items discussed were the political reforms in Turkey, human rights, Cyprus issue and the peaceful settlement of disputes. Since the Regular Report 2004, the parliament has adopted several laws which build on the political reform process. With regard to international human rights instruments, Turkey had made further progress. Unfortunately, it has not signed the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages. Turkey's approach to minority rights remains unchanged since the Regular Report 2004. The Treaty of Lausanne is still the leading document regarding minority rights. In October 2004 a report released under the auspices of the Human Rights Advisory Board – a state body which reports to the Office of the Prime Minister - questioned the policy on minorities and communities, highlighting in particular the restrictive interpretation of the 1923 Treaty of Lausanne and encouraging Turkey to align its policy with international standards. The report also called for a review of the Turkish Constitution and all related laws to give them a liberal, pluralistic and democratic content with a view to guaranteeing the rights of people with different identities and cultures to protect and develop these based on equal citizenship. This report provoked a debate in Turkey. Concerning the *protection of*

human rights and minorities, despite some progress, the picture remains mixed. A greater tolerance for the use of languages other than Turkish, the exercise of cultural rights is still precarious. The overall conclusion of the Commission is that there has been some, though uneven, progress since 2004 (EU Progress Reports from 2005).

Chapter Four

Theoretical Framework

Promotion of minority and cultural rights has appeared to be an important aspect of human rights discourse of the EU in course of enlargement. The content and holders of minority rights are controversial issues, not only at EU level but also at international level. This study employs Europeanization combined with the *external incentives model* of Schimmelfennig and Sedelmeier as a theoretical and analytical framework. The framework provides an opportunity for analyzing the impact of international changes on domestic level policies. The framework provides the tools for understanding how the construction of the minority norms at the EU level has an impact on domestic change(s) within the (candidate) countries. On the whole, it gives us an analytical to use and to understand the interaction of domestic and international factors at the same time. The external incentives model will be applied for the period after 2005 to explain the changes in Turkey after the accession negotiations started.

4.1 Europeanization

Europeanization has become a hot topic in multiple formats and across a range of disciplinary context (Harmsen and Wilson 2000; 13). The term Europeanization has been used as structural change, variously affecting actors, institution, ideas and interests. In maximalist sense, the structural change indicates exhibiting similar attributes to those that predominate in the system, namely identified with Europe. However, in minimalist sense, Europeanization involves a response to the policies of the EU. Significantly this includes broadly existing member states and candidate states (Featherstone, 2003: 3). Furthermore, Europeanization has also used as a process of transformation of local, regional, national and international structures and relations, which is also include the practices involved in being and becoming more European in all areas (Harmsen and Wilson 2000; 24).

No common definition has been agreed on Europeanization. Therefore Robert Harmsen and Thomas Wilson (2000; 14) have identified eight different usages of the term Europeanization. While some of those definitions have used in order to explore its internal effects, namely on member states to construct identities to keep Europe unified in continent, the other definitions have used to present the

EU as an international norm exporting organization to the more geographically peripheral and less developed potential candidate states to democratize and pull them European standards. Thus, the Europeanization process is not restricted to the EU member states only, but also has taken place in non-members like Norway and potential member states such as Turkey. Put differently, keeping the Europeanization process as limited merely to the EU's member states may be misleading since Europeanization can also be exported to the candidate countries (Papadimitriou, 2005: 5). Even candidate states and potential candidates have been benefiting from the EU's transformative power through diffusion of ideas, rules, values and norms and have been substantially affected by the Europeanization process on their way to Brussels. (Borzel and Risse, 2008).

As said, Europeanization is far from being a single unified concept. A definition, here below, from Radaelli, who describes Europeanisation as:

"a process involving, a) construction, b) diffusion and c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public choices (Cini: 2007)."

In literature and academic works, the concept of Europeanization has been used differently. So, the term Europeanization has been applied in many broad categories; some scholars has used the term in maximalist sense and the others in minimalist sense. However, the maximalist approaches, those are not directly related with the impact of the EU structures, mention particularly on the exportation of European authority and social norms: imperial control, institutional organizations and practices, social and cultural beliefs, values and behaviors to other places (Featherstone, 2003:5). That is, the terms has used by the historians to describe the export of cultural norms, patterns, political organization and governance beyond European territory (Kohout 1999). In addition, Featherstone also adds another category to maximalist approach, which is, Europeanization as a matter of cultural diffusion, that is, the term sees Europeanization as increasing transnationalism; which is, the diffusion of cultural norms, ideas, identities, and the patterns of behavior outside the Europe (2003:6). However, the minimalist approaches are in nature more connected to the functioning of the EU. In this interpretation, the Europeanization has seen as domestic transformative tool, in which Europeanization is mostly associated with domestic adaptation to the pressures emanating from EU membership and candidacy, and also refers to how actors and institutions have been affected. For instance, the term has used to

demonstrate how public administrative institutions at the center have adopted to the obligations of EU membership (Benoit, 1997; Wessels, 1998).

In the framework of this study, it is worth to mention and apply the social- learning approach of Schimmelfenning (2006). It takes its roots from the constructivist theory based on “logic of appropriateness”, in which among the alternatives courses of action, actors choose the most appropriate or legitimate one, called also normative rationality (March and Olsen 1998). A state adopts EU rules if it is persuaded of the appropriateness of the EU rules (Schimmelfennig and Sedelmeier, 2004; 668). The main argument of this theory is that “the likelihood of compliance increase with the legitimacy and resonance of the norms and the identification of the target state with the EU” (Schimmelfenning, 2005:7). In this logic, in order to achieve the diffusion of norms and values, where should be “cultural match” between international norms and domestic practices which will be key in determining the degree of diffusion. In other words, if the norms and values of EU have some resonance with pre-existing norms, values and practices in target country, then actors becomes more open to social learning and persuasion (Checkel, 1999;85-86).

On the other hand, if there is an incompatibility between EU norms and values and target country, the active participation of civil society becomes important as it sets in motion a process of societal Europeanization and internalization of those norms and values. It is clear that the EU’s transformative mechanism will not be effective in promoting sustainable compliance without efforts of domestic actors to work in coordination with EU and, the consensus among political, economic and social elites and the citizens as to the necessity of EU- guided democratization (Schimmelfenning, 2008; 918, Vachudova, 2006; 34 , Anastakis and Bechev, 2003;11). Here, civil society acts as “norm entrepreneurs” in domestic system, and try to influence the governments to obtain necessary places for social learning and bridge between those actors. Therefore, since Turkey has a different cultural, historical and religious background, the civil societies as change agents become crucial mediating factor in domestic transformation.

4.2 Europeanization theory

There are two main, noteworthy characteristics of Europeanization as it is used in the literature. First, Europeanization is EU- ization. Everything happens in the context of European integration and the influence of the EU is very overt. Secondly, Europeanization is a one- way street. It is widely recognized that member states try to influence the ways in which European integration effects them, but without concrete results. For the most part, Europeanization is a one- way street. Both of these characteristics

are relevant in the analyses of transformations in the politics and society of EU membership candidate-countries.

Within Europeanization, we can distinguish four different meanings of the term Europeanization: Policy, Political, Discursive and Societal Europeanization. In practice, the four forms will occur simultaneously and will be related to each other. Each of these forms, will be treated, but special attention will be given to policy and societal Europeanization. These are the best two forms which explain the domains in which the impact of European integration at domestic level is felt.

Policy Europeanization: In policy- Europeanization, Europeanization is defined as the impact of 'the development of the EU level issue areas, embodying new rules, norms, regulations and procedures' on the domestic level policies (Risse and Cowles 2001, p. 21). The most common understanding of Europeanization concentrates on the impact of European integration on policy making including actors, policy problems, instruments, resources and styles (Radaelli, 2000, p. 35). The literature distinguish two different views. The first one is among the historical and sociological institutionalists who sees the Europeanization as a process of adjustment triggered by the existence of a misfit between the trajectory of European and domestic policies and their underlying beliefs and assumptions (Morth, 2003, p.159; Risse et al, 2001, p. 6). Rational institutionalists argue that European policies challenge existing domestic equilibria and alter the opportunity structures of domestic actors (Héritier et al, 2001). The extent of the challenge posed by the policy misfit, is partly dependent on the specific form that European policies in a particular area has taken and whether or not the EU prescribes a specific policy for member states to follow (Knill and Lehmkuhl 1999; Schmidt 2001; Bulmer and Radaelli 2004).

Three mechanisms can be identified when we talk about policy- Europeanization. These are positive, negative and framing integration. Positive integration envisages the concrete European institutional model to which member states adapt their domestic institutions (Knill and Dirk 1999, p. 2). Here, member states have limited discretion and consequently the EU's pressure is coercive (Featherstone 2003, p. 14). The level of 'compatibility' or 'goodness of fit' between European and national level policies determines adaptation pressure of the EU (Risse et al. 2001, p. 6). Adaption pressure increases, when the misfit is high. When there is a high compatibility between European requirements with the existing national arrangements, the pressure decreases (Börzel and Risse 2000, p. 2). The extent of the challenge posed by the policy 'misfit', as well as the path of Europeanization, is partly dependent on the specific form that European policies in a particular policy area take, and whether or not the EU prescribes a specific policy for member states to follow, or relies on less specific directives or on the

open method of coordination (Knill and Lehmkuhl 1999; Schmidt 2001; Bulmer and Radaelli 2004). Furthermore, the paths of Europeanization depend on a number of mediating factors. These include the capacity of domestic institutions to promote change (that is, veto players in the political system, scope and type of the executive leadership, influence of bureaucracy on the policy making process), the timing of the European input (that is, whether a country is already involved or not in a process of reform), and the mobilization of agents of change at the domestic level (Radaelli 2000, p. 47; Héritier and Knill 2001, p. 288; Cowles and Risse 2001, pp. 226–30; Börzel and Risse 2003, pp. 63–68). Negative integration does not prescribe specific institutional arrangements but it defines the rules of the game for different actors. Framing integration changes 'domestic political climate by stimulating and strengthening the overall support for broader European reform objectives' (Knill and Dirk 1999, p. 2). Compared to positive integration, the influence of framing integration on domestic arrangements is weak.

As the EU level policy grows in its scope and depth, the numbers of issue areas which are traditionally under the jurisdiction of national governments are also included to the competence of the EU. More and more decisions are taken at the EU level. The EU gradually imposes strong pressure on member and candidate states to adapt their national policies to the European ones. Doing by this way, European integration influences domestic policies.

Policy Europeanization does not only take place among EU members. The EU is highly powerful to impose its policies onto applicant countries. Heather Grabbe (2003, p. 312) determines five different ways through which the EU can do so. These are the provision of particular policy models, financial and technical assistance, giving advice and the twinning of administrative staff as well as more formal benchmarking and gate keeping. However, it is highly important to keep in mind that this process is not merely a one-way street in that EU candidate countries also enables particular domestic actors to pursue their reform agenda more emphatically.

Societal Europeanization: Societal Europeanization operates, within the context of European integration, on a more fundamental level and can be described as a process of change in the construction of systems of meanings and collective understandings. This does not mean that national identities will be replaced in a unified European identity. In societal Europeanization, there are two main research agendas which can be distinguish. The first one sees the creation of a European identity as a reflection of EU formal and informal norms. The idea behind this form of societal Europeanization is, that EU norms not only regulate behavior but also influence the way actors see themselves and affect their preferences. In this perspective, Schimmelfenning (2000, p. 111) argues, Europeanization

can be understood as a process of international socialization, entailing the internalization of constitutive beliefs and practices institutionalized in a state's international environment. This research agenda has a lot in common with the sociological institutionalist literature on policy Europeanization, but the focus here is broader and includes not only change in policy beliefs but also how societal self-definitions evolve through the process of Europeanization.

The second research agenda focus on the intersubjective meaning that people attach to the EU as a whole and the repercussions that this meaning has on national identities. The idea behind this, is that there are different constructions of the EU and Europe. The more these identity constructions resonate with the ideas about the nation and political order embedded in national identities, the more likely they are to be incorporated in these identities (Risse, 2001, p. 202; Waever 1998, 2004).

In societal- Europeanization, European integration influences 'the construction of the systems of meanings and collective understandings, including social identities' (Risse and Cowles 2001, p. 217). The EU norms not only regulate behavior, but also have a crucial impact on 'the way actors see themselves' and therefore, impact their preferences (Diez, Agnantopoulos and Kaliber 2009, p. 6). With regard to collective identities and beliefs, 'adaptation pressure' is not really relevant (Risse 2001, 9. 198). The societal- Europeanization policy, neither prescribes concrete institutional requirements nor changes in institutional context for strategic interaction. It does affect domestic beliefs and the cognitive structure and thereby influences preferences and strategies of the domestic actor indirectly. It is different from and comprehensive than framing integration, as it encompasses not only changes in 'policy beliefs' but also 'societal self-definitions' evolving in the course of European integration (Diez, Agnantopoulos and Kaliber 2009, p. 6).

In societal- Europeanization domestic change is generally considered as a process of international socialization which results in 'states internalization of constitutive beliefs and practices institutionalized in international environment'. Internalization is the adoption of social beliefs and practices in a way that the actors consider them as their own and follow them autonomously (Checkel 1999). According to article 2 of the Lisbon Treaty, the values of the EU is to exercise 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. So, the socialization in this case is the process of internalization of these norms to the extent that they become an integral part of the national identities. In minority rights cases, it is the reconstruction of consensual national identity on the basis of the principle of real equality, guaranteed within institutional and constitutional structure and internalized at elite and society level.

Political Europeanization: Political Europeanization is the impact of European integration on domestic institutional structures and political processes. There are two forms to be distinguished. The first one is concerned with the effects of European integration on national executives and administrative structures deriving from the need to coordinate the relations between member states at the EU level and to implement EU policies. Goetz (2000, P. 217) argues that European integration should be seen as a trigger or an intervening variable in domestic institutional development rather than a driving force. The second form of political Europeanization analyzes the influence of European integration on political actors as political parties (Mair 2000), parliaments (Raunio and Hix 2000), interest groups (Cowles 2001) and subnational governments (Börzel 1999). The findings in these theories points to the fact that European integration does not necessarily reinforce national governments. It also empower other domestic actors because it provides exit opportunities, veto points and informational advantages (Hix and Goets, 2000, p 10).

Discursive Europeanization: A less familiar and less relevant for the study of Europeanization and Turkish civil society, is the final form of Europeanization called discursive Europeanization. Studies of discursive Europeanization have analyzed to what extent public claims make reference to the EU and specific European actors or policies and how this has changed over time. The idea behind this form of Europeanization is that in a perfect nationally organized discourse, political actors would operate solely within a national context and references to actors outside this context would be rare.

4.3 External Incentives Model

One of the methods to see the successes or failures of Europeanization, is to analyze the influence of EU's adjustment requirements on candidate states rather than on member states and what kind of strategies the EU uses to influence candidate countries. This method has started with the Central and Eastern European intention to join the EU after the regime changes of 1989, those countries have had very different domestic context, which were heritage of communist administration, and hence this suggested that it makes indeed sense to study the impact of the EU in candidate countries in terms of Europeanization (Sedelmeier, 2006:4). In order to see how the EU exercises such influence on candidate states, the examining the adjustment pressures which EU generates on candidate countries has crucial importance. A significant strategy of the EU to influence candidate countries is the use of "conditionality", which is the use of conditional positive incentives (ultimately EU membership) as reward for states who adopt certain rules. It is a kind of external governance, aims the transferring of given EU norms and their adaptation by non- member states, namely, it is an institutionalization of EU rules at domestic level which include the replacement of EU legislation into domestic law, restructuring

the institutions according to EU rules and changing the political practices according to EU standards (Schimmelfenning and Sedelmeier 2004; 663).

A political avalanche of democratization erupted after the Helsinki summit when EU granted Turkey the membership hood. Turkey made some reforms after 1999. For example the broadening of freedom of expression and minority rights, especially for the Kurdish population in Turkey (Kubicek 2011, pp. 914- 915). According literature on democratization in Turkey, the presence of EU pressure explains the democratic reforms adopted between 2000 and 2005 in line with the Copenhagen criteria (Schimmelfennig and Scholtz 2008).

An important difference between *policy* and *political* Europeanization is that policy Europeanization is an instrumental adaptation of democratic rules. The definition is used to describe reforms defined by the EU. On the opposite, political Europeanization means that policy changes are a response to altered domestic political conditions conducive to reform (Kubicek 2005, pp. 361- 377). The decision whether or not Europeanization takes places and reforms are made, is independent from the cost – benefit calculation. The most important variable is the cost- benefit calculation. Kubicek (2005) states that in de the 1990's the costs of compliance, especially on the issue of the Kurdish minorities, were intolerably high for the Turkish government. This changed after the Helsinki summit when Turkey's membership was acknowledged. The EU candidacy was important for Turkey. The evidence, according Bac (2005), lies into the reform packages that have been adopted by Turkey in 2002. The 2002 reform package consist sensitive issues like the Kurdish minority issue. Despite the sensitive issues the package was promotes by the Turkish government.

Nathalie Tocci (2005) tries to explain the link between Turkey's reform process and the EU role. Her main argument is although the accession process is proving to be a key anchor in supporting democratization in Turkey, EU conditionality cannot be used to explain the democratization as a direct result of a linear relationship between the two actors. Tocci states that in 2005 there has not been enough interaction between Turkish and EU actors that bring a process of socialization with the EU standards. The domestic actors became visible but this was not because of the Helsinki summit and its conditionality but there was a moment exposed for the Turkish actors. So there was a momentum created by the conditionality. She does not deny the role of European interference but states that *'change occurred and is occurring not simply because it is imposed from the outside, but also because it interacts with domestic developments on the inside'*.

According to Schimmelfennig and Sedelmeier (2004), conditionality reveals a rationalist bargaining model in which the actors are involved are interested in an outcome that is most profitable for their own power and welfare. Consequentially, their first proposition is that a states adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs. This called the external incentives model. There are four factors in this theory which influence the calculation of the cost- benefit balance.

The first factor that influence the rule adoption is the determinacy of the condition. Determinacy is the clarity and the formality of a rule. When a rule is not presented as a condition for reward, EU rules will *not* be adopted. Determinacy is on the one hand important to inform the governments on what they need to do to deserve the reward. In case of Turkey, is this membership of the EU. Determinacy, on the other hand, increases credibility. It shows that there is no reward without adoption costs and it binds the EU to commit to its side of the arrangement.

The second factor is the size and speed of the reward. Schimmelfennig states that membership is the most powerful reward the EU can offer when you look at the *size* of the reward. So, candidate countries are most responsive to EU pressure. But when the reward that is to be received by the target country is not paid directly after complying with the conditions, the incentive to comply decreases. The speed of rewards also increases the effectiveness of the conditionality.

The third factor is the credibility of threats and promises. Credibility lays in the asymmetry between the actors, the consistency of rewarding and the absence of cross- conditionality. First, credibility depends on the asymmetry between the actors: the external actor (the EU) has to be superior for threats to be credible and the certainty that the external power has the capacity to reward the target country (Turkey) after it complies with the conditions. The asymmetry for credible threats and promises was present in the begin of 2000. Second, credibility is dependent on the consistency of the rewards by external actors. As Schimmelfennis and Sedelmeier state '*if the EU were perceived to subordinate conditionality to other political, strategic or economic considerations, the target state will fail to adopt EU rules*'.

The cross- conditionality is the fourth factor that has an impact on the credibility. In case other actors can offer the same benefits for a target country for lower adoption costs, the threats of the external actor to exclude the target country has little impact.

On the basis of theoretical considerations, in relation to the observed regularity and of what is known about the particular domain, hypothesis is deduced and subjected to empirical scrutiny:

H1: When the international arena puts pressure on Turkey to improve their minority rights and when the government and its supporting actors are in favor of policy change, then Turkey will change its domestic policy regarding minorities.

In the analysis the hypothesis will be tested on the basis of the theory and the findings of this research will be presented.

Chapter Five

Timeline in the Kurdish Issue

This chapter provides a timeline from 1923 to 2012. The period 1923 to 1999 has been taken into account because of the several Kurdish uprisings and the denial of a Kurdish issue. The denial of the Kurdish issue, caused problems from the establishing of modern Turkey in 1923 until today. The basis of the Kurdish problem can be found back in Turkish history. Until the 1990's the Turkish government rejected the Kurdish identity as the Kurdish problem in the country.

There are two crucial breaking points in this study with regard to the EU- Turkey relationship. The first one is in 1999. In 1999 Turkey became an official candidate country to join the EU. The period 1999 to the end of 2004, Turkey adopted several reforms in order to fulfill the Copenhagen criteria which will open the doors to the negotiation process to become a full EU member. From 2005 towards today, there has been little to none progress in implementing the reforms. The year 2005 is the second breaking point in the EU- Turkey relation. From that year on, the situation in Turkey towards the Kurds worsened.

5.1 Period 1923- 1999

In 1923, with the aim of establishing a secular, Westernized Turkey, Mustafa Kemal Atatürk began to implement his modernization policy in which he desired to create a new regime based upon concepts of cultural unity, rationalism, secularism and a liberal economy. In this respect, all former Ottoman subjects living in Anatolia were accepted as members of the new Turkish nation. However, this policy of cultural unity pursued by the Kemalists gave rise to the emergence of Kurdish uprisings against the central government ever since 1925. By describing these uprisings as ethnic separatist movements, state authorities automatically have implemented military measures to suppress these rebellions (Efegil, 2011: 28). Mustafa Kemal desired that a new Turkey should not be a continuation of the Ottoman state. In this respect, he decided to create a European-style nation-state based upon principles of rationalism, secularism, pragmatism and a free market economy. At that time, these

defined the characteristic of an international system (Öğün, 2000: 216-240). On the other hand, the Turkish government supported "the cultural togetherness policy." By creating a Turkish identity, the subjects of the former Ottoman State, having different ethnic backgrounds but similar Islamic values, now became Turkish citizens. As Atatürk's cultural togetherness policy was based upon the elimination of ethnic elements, when any ethnic group, such as Kurds, demanded to maintain local cultural traditions, the central government saw these demands as threats to territorial integrity and political unity (Kilicbay, 2000: 155- 160).

Since 1925, the Kurdish minority has rebelled against Atatürk's modernization policy. Ankara described these rebellions as ethnic separatist movements and public security issues and thus aimed to solve the issue by implementing military measures. At the end, the government forced the Kurds to submit to a Turkish identity by putting aside their local ethnic values. In support of that policy, in 1935, Prime Minister İsmet İnönü prepared his famous Kurdish report. In this report, he advocated an assimilation policy; on the other hand, he suggested a simultaneous immigration of Kurds from the eastern part of Turkey to the west, and Turks from the Black Sea region to the east. Meanwhile, he assumed that more investment and better education facilities in Eastern and Southeastern Anatolia would encourage Kurds to become familiar with Turkish identity and become loyal to the state (Yeni Asya Newspaper, 2007)

Until the 1990s, the Turkish government rejected the Kurdish identity as well as the Kurdish issue. The governments continuously described the uprisings in the region as a public security question, preferring to delegate responsibility to the General Staff. Being the sole authority, the military authorities gave priority to military instruments. But in 1992, former President Turgut Özal for the first time validated the question of a Kurdish problem and did not frame his policies within public security concerns. He assumed that cultural and democratic rights were still restricted; Turkey therefore could be separated along ethnic lines. He supported the idea of finding a solution to the question by taking cultural, economic, social and political measures. Having been in favor of a dialogue with Kurdish groups, President Özal noted that military measures were not sufficient for finding a solution. The issue had a political dimension: He suggested taking various political steps, including a general pardon for PKK militants. Kurdish reality, Kurdish identity and language would be recognized and some political rights would be granted. But despite these concerns, the PKK accelerated its attacks and President Özal suddenly passed away. These developments brought the process of finding a political solution to the Kurdish question to a standstill. After the Özal period, even though Turkish governments accepted the existence of Kurdish people/identity, until 2002, authorities did not take serious and concrete steps to

improve Kurd's democratic rights (www.haber7.com 2007 and *Radical* Newspaper 2012, November 11).

5.2 Period 1999- 2005

Turkey's relationship with the EU came to a breaking point when the European Council granted Turkey candidacy in 1999 in Helsinki and stated that ' *Turkey is a candidate country destined to join the EU*' (Presidency Conclusions, Helsinki European Council, 10- 11 December 1999). In order to meet the Copenhagen criteria, Turkey tried to adopt democratization packages between 1999 and 2004 with the hope that the EU would open accession negotiations with Turkey. In the period 2001- 2004, various political reform packages were adopted which resulted in deepening Turkey's Europeanization process. These reforms are related to the core subject of increased legal protection of social, cultural and political rights of all citizens in Turkey and especially citizens of religious and ethnic origin, the role of military and freedom of expression in Turkey. The adopted reforms brought the dominant cleavages in picture. One of the most important is the Turkish nationalism versus recognition of other ethnic groups, in particular the Kurds. There is a gap between the 1999 Helsinki summit and the political reforms that began towards the end of 2001. The reason is that Turkey founds itself in a financial crisis at the end of 2000 and that the ruling government could not act decisively because it was a coalition government and each of them had different preferences. The major reforms started at the end of 2001. On October 2001, a Constitutional package were adopted that addressed the articles on freedom of expression and revised the death penalty with 34 amendments to the 1982 Constitution. In table 1, an overview is presented with Turkish political reforms in the period between 2001 and 2004. In line with this study, the three packages of constitutional reform adopted in February, March and Augustus of 2002 are important. The most extensive package was the package adopted on 2 August 2002. This reform package abolished the death penalty, revised the Anti- Terror Law, allowed broadcasting in languages other than Turkish and opened the way for the retrial of all the cases that the European Court of Human Rights found to be in violation of the European Convention of Human Rights. The august 2002 reform package, provoked harsh reactions by the MHP's constituents (MHP= Nationalist Action Party). The MHP parliaments objected to ending the death penalty and the recognition of Kurdish minority rights. The nationalists tended to perceive any cultural rights granted to the Kurdish groups in Turkey as concessions to terrorism. At the end of 2002, the AKP won the 2002 general elections with 37, 5% of the votes and were able to form a majority government. From the end of 2002 to the end of 2004, the AKP government adopted seven packages of political reform. The AKP pushed through many changes that the EU wanted to see before the actual accession negotiations could start. Under the AKP regime, there has been taken steps forward on the Kurdish issue. From 1999 to 2005, there has been reforms directly linked to the Kurds like the right to broadcast in Kurdish, the right to

learn the Kurdish language and the right to name children in Kurdish. These reforms were initially intended to improve the lives of the Kurds in Turkey. In 2003, the adoption of various Covenants of the UN that Turkey had traditionally claimed reservations about, was seen as a major attempt towards political Europeanization. These reservations are mostly related to women's and minorities economic and social rights. In July 2003, the Turkish government ratified the International Covenant of Civil and Political Right and the International Covenant on Economic, Social and Cultural rights (Müftüler Bac, 2005).

In short, after the 2002 elections, the AKP became the first political party in Turkish history that was able to adopt European norms and rules. In 2004, the European Commission decided that Turkey had done enough to fulfill the Copenhagen accession criteria and the EU government decided to start with the membership negotiations in December 2004. After 2005, Turkey faces the challenge of implementing and enforcing the adopted reforms in particular with regard to the freedom of expression. The next section, provides an overview of the implementing problems after 2005.

5.3 Post 2005

Despite the adopted reforms till 2005, the period after 2005 is labeled as a process with limited progress. Despite the accession negotiations started in 2005, by the end of August 2012 Turkey had closed only one negotiation chapter of a total of 35 chapters. There is a general agreement that the reforms process has slowed down since 2005 with serious problems in multiple areas like minority rights and fundamental freedoms. With the rise of Turkish and Kurdish nationalism, the progress in the Kurdish issue has worsened over time. No more reforms were undertaken until January 2009. In January 2009, the state owned Turkish Radio and Television (TRT) established a new channel to broadcast only in the Kurdish language. With this change, a minimal reform was necessary to make broadcasting possible in Kurdish. The approval of public use of the letters *q*, *x* and *w* were allowed which are not present in the Turkish alphabet but widely used in Kurdish. In November 2010 all restrictions on broadcasting in Kurdish by private and public channels at the local level were removed. The new Law on the Establishment and Broadcasting Principles of Radio and TV stations of March 2011 allowed broadcasts in languages other than Turkish by all nationwide radio and television stations. Some universities in South- East Turkey were allowed to offer Kurdish degrees and Kurdish became an elective course in public schools to teach in September 2012. However, the most important event is the *Kurdish Opening* in 2009. The Kurdish Opening raised hope for a solution in the Kurdish issue. In July 2009, the governing AKP launched this project. The first and only step in this project was the return of 34 PKK members to Turkey. From Turkish side, the expectation was that the PKK camps would be evacuated and a political agreement would be reached. The 34 unarmed PKK members returned and

were questioned at the border and then released. Then, the government felt pressure to take steps back because of the Turkish population and the opposition. This resulted in prosecuting of the welcomed PKK members or they fled the country. The name Kurdish Opening changed quickly in the *Democratic Initiative* and later *Unity and Fraternity Project*. The hope for a solution for the Kurdish issue has been diluted with the failure of this initiative. The failure shows the importance of mobilizing broader political and societal support. This was partly the reason of the collapse of the initiative and the rise of mistrust between the Kurds and the government. The situation worsened even more with the 2011 general elections. The AKP followed a conservative and national course toward the Kurds and placed the emphasis on religious issues rather than a rights- based discourse to attract the Kurdish voters. The Prime Minister, Recep Tayyip Erdogan, declared that there is no longer a Kurdish issue in return for the votes of nationalist Turks and the traditional Islamist Kurds. Overall, the continue conflict between the Turkish state and the PKK, the growing risk of becoming an ethnically divided; polarized and conflict based society, are dominating the political climate over that of democracy and liberty (Aydin, S. and Keyman, E.F., 2012, pp. 11- 14).

Chapter Six

Findings

First of all, the difficulty starts with the definition of minorities. There is no agreed, universal accepted definition of minorities. From international perspective, the definition offered by Francesco Capotorti is accepted worldwide. Turkey has only accepted three groups as minorities as stated in the Treaty of Lausanne. They don't see the Kurds as a minority group. When we apply and test the characteristics formulated in the definition of Capotorti, it is obvious that the Kurds *are* minorities: The group is numerically inferior to the rest of the population constituting 10 to 23 percent of the population; they are in a non- dominant position whose members possess ethnic, linguistic and some even in religious characteristics differing from the rest of the population and shows sense of solidarity towards preserving their culture, traditions and language. Therefore, it can be concluded that Kurds in Turkey qualify as a minority according to the UN definition. Consequentially, they would deserve to be subject to certain rights an protection by the Turkish state. However, this is not the case in Turkey. The Kurds are even denied as minorities. The aim of the Turkish policy is to stay within the boundaries of the Lausanne Treaty and prioritize national security considerations over minority issues. Turkey traditionally enforced the position that it not contain minorities other than the non- Muslim communities- the Armenians, Greeks and Jews- who were granted the official status of minorities by the 1923 Treaty of Lausanne and were included in the universal legal framework with the same sets of rights and liberties that other citizens enjoyed. So they put minority citizens on an equal footing with

all other Turkish citizens in terms of rights and liberties. All other minorities who are seen as minorities in international context are denied as minorities according to Turkish definitions. This makes it difficult to determine whether minority rights are abused or not and it gives the international community not the chance to intervene when minorities as Kurds are not treated equal as the other citizens. With staying within the boundaries of the Lausanne Treaty, Turkey creates space for its 'own' minority policy.

With the aim of the theory and the observed regularity, the hypothesis can be tested. Once again the formulated hypothesis:

H1: When the international arena puts pressure on Turkey to improve their minority rights and when the government and its supporting actors are in favor of policy change, then Turkey will change its domestic policy regarding minorities.

The hypothesis can partly be assumed and partly rejected. The hypothesis can be assumed till 2005. The hypothesis can be rejected after 2005. Till 2005 the EU (international arena) reforms were adopted by the Turkish government to fulfill the EU criteria with the hope to open the accession negotiations. The ruling Turkish government was in favor to change the existing policy on minorities but the situation changed after 2005. After 2005, when the accession process for full membership officially started, there were serious implementing problems with the adopted reforms. From then on, the AKP changed its course and has moved away from the EU. So, we can determine that the hypothesis can be accepted till 2005 and rejected after 2005. The following section goes into this in more detail.

In course of enlargement, promotion of minority and cultural rights are important aspects of human right discourse of the EU. The content and holders of minority rights are controversial issues. Not only at EU level, but also at the international arena. The EU had employed conditionality policy in enlargement cases through linking the fulfillment of certain human rights standards (which encompasses respect for and protection of minorities) to the EU membership. However, the EU does *not* have a single and homogeneously applied minority protection benchmarks. The EU generally makes references to the legal and normative instruments developed by other international organizations. While the EU is missing a single and homogeneously applied minority policy, it does not prevent the EU to involve deeply the debates concerning minority protection in the candidate countries. Turkey is one of those candidate countries becoming the target of human and minority rights promotion policies of the EU. Turkey has undergone several reforms on cultural and minority rights and made important progress. Although, the several reforms are considered as not sufficient enough to meet the demanded

standards. But what are the demanded standards? As said earlier, the EU does not have a single and homogenously applies minority protection benchmarks. This makes it difficult to determine whether the reforms are sufficient or not.

Domestic change is operationalized in terms of policy and belief/ identity change. Policy changes are measured by legislative changes which are also the direct and intended impact of the EU. Identity changes are measured by the discourses of political leaders and interviews which are indirect and unintended consequences of EU pressure. When analyzing minority rights, positive integration cannot be considered since there is no institutional template for minority rights which candidate and member states can adopt. Minority norm adoption can be related to negative and framing integration of the policies. The accession process sets *respect for and protection of minorities* as a condition for European integration and therefore, forces the government to take necessary steps without specifying particular institutional templates. Such pressure challenges the existing power balance between majority and minority groups. It also provides new opportunity structures for them. On the other side, European beliefs and ideas can create mobilization of domestic actors that encourages European democratic and human rights reforms. The actual impact of such mobilization depends on their own power and circumstances in Turkey to reflect their preferences on national reforms. Doing it by this way, they provide domestic European support for the Europeanization of minority norms.

Since the Helsinki Council Decision in 1999, the EU has generated important political and legislative reforms to the protection of human and minority rights in Turkey. Especially, with the coming of the AKP government since 2002, Turkey has undergone an unprecedented transformation in terms of policy rights. Several studies show us that reforms regarding minority rights took place in the period after 2002 as a direct outcome of the EU's adaptation pressure. The reforms led to an important level of democratization but also promoted nationalist reactions. Turkish politics is not only polarized between Kemalist- secular and Islamic- conservative front, but also between Turkish and Kurdish society. In terms of international standards, there are serious shortcomings, but the reforms challenged the institutional ideological structure of the Kemalist establishment. This resulted in the reconsideration of what majority- minority relationship should be and in turn the nation- state identity.

There has been made several EU reforms on the status of minorities. But do these reforms have any impact? Europeanization of minority policies can result in terms of legal changes. Within the framework of policy Europeanization, the EU's direct impact on the institutional context of minority rights can be well observed in Turkey by looking to legislative changes. There has been important reforms like recognizing the Kurds and limited linguistic rights. For the first time in history, the Kurdish

issue was addressed on a visible way with an individual rights- based approach. One of the legal changes, is the state owned broadcasting enterprise commenced broadcasting 24 hours in Kurdish. Secondly, Turkey has begun restoring the names of Kurdish villages as part of the democratic opening process. Under the Turkification policies approximately 35% of all villages in Turkey were given a new Turkish name. These two examples should be accentuated concerning the Europeanization of minority policies and legislative changes in Turkey. First, an interesting point is that when Turkey makes certain legislations which might have implications on ethnic and religious groups, it does not mention any official minority status. Turkey addresses this kind of issues under the principles of individual human rights and general democratization norms. On the other side, another interesting point is that groups like the Kurds do not want to label themselves as minorities. The reason is that minorities themselves consider the status of being a minority as being 'second class' citizens. Secondly, the constitutional amendments in according with the demands of the EU are far from meeting the standards of the international legal instruments providing the protection of minorities. The EU reforms have changed several undemocratic characteristics of the Turkish state, however the essential features and underlying collective understandings of Turkish constitutional structure remains untouched. The main approach of Turkey towards minorities is still that it avoids granting cultural rights to any non- Muslim groups. Today, Turkey still deals with the issues concerning ethnic minorities within the framework of universal human rights and refuses to instigate the discussion of *group rights* or collective rights. Thirdly, there are still important problems regarding the implementation of the limited minority reforms. This can be drawn back to the yearly conclusion of the EU progress reports. The general conclusion was that the approach of Turkey till 2012 towards minorities remained the same but positive steps are taken regarding cultural rights. Overall, we can say that the impact of the EU reforms on the status of minorities in Turkey is very limited. Because the implementation problems and bureaucratic resistance, the minority conditions in Turkey have not gone drastic changes. Despite the shortcomings of the reforms, the impact of the EU lies in challenging the official ideology of the state regarding minorities in Turkey. The result of the EU pressure and its reforms is that Turkey must recognize the existence of different ethnic groups like the Kurds.

When we look to societal Europeanization, legislative changes do not automatically initiate belief and identity changes. So, socialization does not always have to be successful. Formal rules can change due to EU pressure, but this does not necessarily warrant their parallel internalization. The adopted norms are not be internalized to the level that they turn out to be an integral part of the national identities. On the other side, they can go opposite directions. While the legislations become more liberal and European after EU pressure, national identities develop into nationalist and less in European. At societal level, the EU reforms and democratic opening of the AKP generated nationalist reactions

within the Turkish society. With the assimilation politics, the Turkish state ignored the existence of a Kurdish identity for a long time. The perception has changed with the EU and AKP reforms. The Kurdish identity was de facto recognized. Cultural and political rights of the Kurds were partially adopted while there is a long way to go as concluded in the EU yearly progress reports. At governmental level, the state embraced a relatively liberal approach to the Kurdish problem. The Kurds became more and more visible in the Turkish society as a result of the forceful displacement of the Kurds to the big cities as Istanbul, Ankara and Izmir. Granting Kurds certain political and cultural rights in the course of EU enlargement process resulted in the discussion of the official ideology of Turkey. To remember the official ideology of the Turkish state: one language, one state and one nation. The Turkish identity was considered as the single superior national identity. In the course of the reform process, the official identity and ideology has been challenged. The recognition of groups like the Kurds has promoted strong nationalist feelings in Turkish society which was convinced of the non-existence of these groups. Now, the Turkish society and official institutions are facing the challenge of accepting and internalizing the recognition of the separate identity of the Kurds.

The political Europeanization process in Turkey has undergone a great transformation. The political Europeanization process notices a great push through the granting of EU candidate membership in 1999. There has been several reform packages adopted by the Turkish parliament since then but still insufficient with regard to minority rights as noticed in the overview of the EU progress reports. Nowadays, EU-ization is the strongest and most recent form of Europeanization. The historical societal Europeanization facilitates political and policy Europeanization nowadays. The different understandings of Europeanization have occurred at different historical junctures. The strong military power in Turkey has sometimes been the object and sometimes the driving force behind the Europeanization process. The political Europeanization process, has established a certain degree of stability through the reform packages which Turkey otherwise not have. Once a country joins the EU, the EU loses its control over the minority policies of the candidate member states. So the EU institutions view the enlargement process as the last chance to settle the minority issue. The EU pressure on Turkey goes beyond the EU because it integrates basic norms and principles that have been initiated by the Council of Europe. Turkey's need to comply with international standards is the result of Turkey's EU process and membership responsibilities in international arena. The process of change is largely domestic driven, but the EU is the most important driven force beyond these changes.

As formulated above, Europeanization has multiple faces but it is also clear that the different forms of Europeanization do not occur independently from each other and not at the same time. For example, political Europeanization seems prevalent in Turkey but at the same time embedded in and furthering

societal and policy Europeanization. The role of civil society is crucial in the domestic situation of Turkey. The societal Europeanization picture is, as said, not positive. The main reason of the restricting power of Turkish civil society, lies in its heterogeneous and fragmented structure. The Turkish civil society is restricted in its way to be an autonomous factor for political change. The misfit will be too great to make changes possible. There is always a gap between legislative changes and its implementation. While the legislative changes seems to be sufficient at first sight, for the next level it is necessary to have a certain degree of behavioral changes. Besides that, the EU impact cannot be confined to formal changes. More important is the domestic belief in EU change. The change in identities and beliefs might not always be parallel with the formal changes. Legislative changes are more visible changes rather than societal changes and harder to measure. In Turkey there is an obvious EU impact with respect to minority rights. Due to EU involvement, the minority groups are more visible but they also became more exposed to discrimination and hostility. So, Europeanization of policies with its changes does not automatically lead to Europeanization of national identities and beliefs on minorities. Besides the symbolic importance, the legislative changes did not make real improvements with regard to the Kurds. There are serious problems in terms of implementation of the legislative changes. Overall, the impact of the EU reforms on the status of minorities in Turkey is very limited. Turkey holds on the Treat of Lausanne. Because of the implementation problems and bureaucratic resistance, the conditions of minorities in Turkey have not undergone drastic changes. While there are serious shortcomings of the EU reforms, more important is the impact of the EU by challenging the official ideology of the state concerning minority rights in Turkey. As a result of EU pressure, Turkey has recognized the existence of different ethnic groups like the biggest group the Kurds. Granting Kurds certain political and cultural rights in the EU context, challenged the Turkish state. The recognition of Kurds in Turkey has promoted the emergence of strong nationalistic feelings in Turkish society. Nowadays, Turkish public and official institutions are facing the challenge of accepting and internalizing the recognition of the separate identity of Kurds.

External incentives model: Struggle between rule adoption and implementation

As mentioned earlier, legislative changes do not automatically initiate belief and identity change. Formal rules can change due to EU pressure, but this does not necessary mean that the changed rules are an integral part of the national identities. Since the Helsinki Council in 1999, the EU generated important political and legislative reforms to the protection of human and minority rights in Turkey. From 2000, Turkey has undergone a transformation in terms of policy rights. The yearly EU progress reports have shown us that till 2012 the approach of Turkey to minorities remained the same. The accepted reform packages were adopted and till 2005 the implementation seemed successful. After 2005 there were serious shortcomings in fulfilling the criteria's in the reform packages. There is a gap

between adoption and implementation after adopting the reform packages in the stage towards membership negotiations. A wave of attacks against minorities occurred in Turkey despite the adoption of rules to protect minorities. But what caused the gap between adoption and implementation? The external incentives model of Schimmelfennig and Sedelmeier with its four factors explained before will be used.

The determinacy of conditions was the first factor in the external incentives model of Schimmelfennig and Sedelmeier which refers to the clarity and formality of a rule. Paul Kubicek (2011) states that conditionality was not applied rigorously and consistently in the case of Turkey and that other candidate countries had to deal with a much stricter conditionality policy than Turkey. He says that through the progress reports from 2000 onwards *one can get the impression that each year the EU adds more and more to de Turks' to do list with the final goal (how strong must democracy and the rule of law and other criteria be in order to gain membership) being totally unclear. These statements have one similar outcome: The determinacy of conditions are unclear to the Turkish government.*

The size and speed of rewards was the second factor in the external incentives model. In case of Turkey, the accession date was unknown and unclear and it is still unknown and unclear (Tocci 2005, pp. 78). As Jean- Claude Juncker, President of the European Commission, noticed:

'Under my Presidency of the Commission [...] no further enlargement will take place over the next five years. As regards Turkey, the country is clearly far away from EU membership. A government that blocks twitter is certainly not ready for accession.

The credibility of threats and promises is the third factor in the external incentives model. This seems the most problematic part because the EU made extra conditions especially for Turkey. As the European Commission explained in 2005:

The shared objective of the negotiations is accession. These negotiations are an open- ended process, the outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the 'absorption capacity' of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.

After the EU enlargement from 2000 to 2004, many Europeans were tired of the problems in the EU like immigration and unemployment and linked these problems to the EU enlargement. After the

complains of the Europeans, the Commission decided to replace *absorption capacity* for *integration capacity*. In this more neutral form in expressing the limits of enlargement, the use of *integration capacity* is still a threat to the reward of membership for the Turks. This means, accession become less credible for the Turks. After the European economy crises in 2008, the EU became a weaker external actor which influenced the Turkish attitude and expectations. As a leading AKP deputy stated in 2010:

'The Turkish economy is strong enough to do without a union that is struggling with its own financial problems'.

The final factor in the external incentives model is the presence of cross- conditionality. The main argument by many scholars is that Turkey is more and more *turning east* and that the foreign policy under the AKP is seeking greater engagement with the *Muslim* world (Kubicek 2011, pp. 923). Another impact on the size of adoption costs is the presence of veto- players. An increase in the in the perceived adoption costs, resulted in the weakening of support for the EU accession. As expectations regarding Turkish membership decreased, the opposition became more vocal and active in sharing their point of view (Ugur 2010, pp. 981). The AKP regime became less active in promoting the necessary reforms to fulfill the EU criteria. Saatcioglu argues that the pro EU agenda of the AKP regime is not the result of wanting to comply with the EU, but it was for them a way to get and to stay in power. As Saatcioglu (2010) said *'the extent to which the AKP believed in conditionality did not matter for its compliance. Rather domestic political calculations seem central to the party's reform commitment.* The AKP stopped complying with EU demands after EU conditionality paved the way to expanding freedom of religion and helped to reduce the powerful position of the army. The argument of Saatcioglu makes clear what the domestic political sphere can do in this process.

Chapter Seven

Conclusion

Once again the research question of this study:

What kind of impact has the EU on the minority policy of Turkey and what are the primary motivations to the re- shaped policy towards the Kurds? Is it domestic or international pressures/ factors that caused the changing minority policy discourse?

The political Europeanization process notices a great push through the granting of EU candidate membership in 1999. There has been several reform packages adopted by the Turkish parliament since

then but still insufficient with regard to minority rights as noticed in the overview of the EU progress reports. The political Europeanization process, has established a certain degree of stability through the reform packages which Turkey otherwise not have. Once a country joins the EU, the EU loses its control over the minority policies of the candidate member states. So the EU institutions view the enlargement process as the last chance to settle the minority issue.

Europeanization at policy level gives rise to the recognition of certain cultural and language rights of the Kurds. There is still a long way to go in Turkey with regard to the minority groups and especially for the Kurds, but the reforms made with pressure of the EU empowered bottom up forces like civil society organizations and minority groups by opening some space for their mobilization through democratic means. The international community with special attention to the EU, has not transformed the whole minority rights system and protection, but it set up a process of change which partially institutionalized and empowers domestic mobilization of the Kurdish group in Turkey. Policy Europeanization has a positive impact on Turkey by observing the legislative changes.

At societal Europeanization level, the EU process led to the recognition of Kurds or at least discussion of certain cultural rights of minorities and made there more visible in the political arena. On the other side, it indirectly promotes harsh reactions at both political and social levels in Turkey. This reaction led to an increasing ultra-nationalism, intensified the division between majority and minority groups and anti- minority discourses. So legal changes did not lead to a normative shift among the elite and at the societal level in Turkey. In contrast, the legal changes only emphasizes the *others* of the Kurdish ethnic group rather than establishing a harmonious and peaceful relationship between minority and majority groups.

By analyzing just the legislative changes, the impact of the international arena and specially the EU on minority rights can be partly observed. To measure the real impact of the EU on minority rights in Turkey, identity and beliefs needs to be taken into account. The different forms of Europeanization follow opposite directions. First, the adaptation pressure to meet Copenhagen political criteria makes political and policy changes necessary. It forces the government to amend pre- existing minority legislations. The other side shows us that such policy changes do not cause the internalization of emerging beliefs, values and identities related to those policies. Policy changes as a result of European integration process do not result in the construction of new consensual identities or approaches which re- establishes new minority- majority relations on the basis of equality.

The breaking point is the period before 2005 and the period after 2005. Until 2005 the EU pressure resulted in visible changes. After 2005 the AKP government changed its policy and the EU became a

more formal actor rather than an intervening actor. The external incentives model explains the process after 2005 with its four factors. The cost- benefit picture is the crucial turning point.

The external incentives model explains why the adopted reforms till 2005 became an implementation problem after 2005. In case of Turkey, the determinacy of conditions which is the first factor in the external incentives model of Schimmelfennig and Sedelmeier and refers to the clarity and formality, the determinacy of conditions are totally unclear to Turkey. It seems that Turkey had to deal with a much stricter conditionality policy than other candidate countries. The rules became unclear and, parallel to it, the reward (EU membership), size and speed became unclear. The accession date of Turkey to the EU is unknown and unclear. The credibility of threats and promises seems the most problematic part because the EU made extra conditions especially for Turkey. Again, like the European Commission explained in 2005:

The shared objective of the negotiations is accession. These negotiations are an open- ended process, the outcome of which cannot be guaranteed beforehand. While having full regard to all Copenhagen criteria, including the 'absorption capacity' of the Union, if Turkey is not in a position to assume in full all the obligations of membership it must be ensured that Turkey is fully anchored in the European structures through the strongest possible bond.

This means, accession become less credible for the Turks. The presence of cross- conditionality is the last factor in the external incentives model. Turkey is turning more and more to the East and displaced its priorities. Besides that, how higher the adoption costs for Turkey, the more decreasing support for EU accession in Turkey and the AKP regime became less active in promoting the necessary reforms to fulfill the EU criteria.

Combining the Europeanization theory and de external incentives model shows us that Europeanization can partly be operationalized and observes till 2005. After 2005 there were serious shortcomings in the implementation of reform packages. The external incentives model is applied to explain the gap between adoption and implementation in the period before 2005 and after 2005. To establish Europeanization, the cost- benefit relation between the two actors is the main motivation to continue a relationship or not. The four factors in the external incentives model are applied in the case of Turkey. The result of the four factors after 2005 are negative for Turkey: the rules are not clear, the reward (EU membership) is unknown and unclear, the credibility of threats and promises became problematic and Turkey seems to be turning more and more to the *East*. The ruling AKP government started to be less active in promoting the necessary reforms to fulfill the EU criteria, because the costs

became higher than the unclear and unknown benefits. The AKP government stopped complying EU demands, but the EU- Turkey relationship continued till today despite the negative conditionality results. But what are the motives to continue the conditionality policy in the EU- Turkey relationship? This question will be treated in the *discussion* part.

Clearly, both actors are not interested in accession, but at the same time both are staying in the process to gain all benefits from being in the negotiation process. The opponents of Turkish accession in the EU, is that Turkey is *too big, too poor and too Muslim*. Among the citizens of the EU member states, the Turkish accession is not very popular. A more important factor, is that the popular support for the EU is also declining. So acting against the citizens of the EU, results in more support to anti- EU politicians. It is not just the lack of support within the member states, but also the politicians who created a *fear of Islamization*. On the side of Turkey, there is a decrease in support from 73% in 2004 to 38% in 2010(annex figure 1). In 2014 the amount of Turkish people who said they *distrust the EU in Turkey* has increased from 57% to 66%. Turkish people who said *trust the Union* decreased from 25% to 18%⁶. As said here fore, the costs for Turkey became too high to fulfill the EU conditions while there were unclear rules and unknown reward(s).

7.1 Discussion

The negotiation process is economically beneficial for Turkey. Each year, Turkey receives 2, 300 million euro development aid from the EU. While this money is intended to go to organizations that help building a stable democracy, implementing the rule of law and taking care of socio- economic and regional development. The Turkish government is the one who decides what kind of organization receives the funding. There is no control. On the other side the EU, sees the development aid as an investment. In case of cutting the development aid and thus millions of investment, the EU will lost millions of euros of investment. In a world of international market, the EU sees Turkey as a bridge to the Middle- East. Cutting the aid, means collapsing of the bridge to the Middle- East. The EU hopes to find a way, by using Turkey, to the market of the Middle- East.

Secondly, Turkey's membership or at least Turkey's partnership can have a geostrategic function. Like reported in the EU progress report 2014:

⁶ Barometer 2010, in: Zeki Sarigil, 'Public Opinion and Attitude toward the Military and Democratic Consolidation in Turkey.' *Armed Forces & Society* 41.2 (2015), p. 282- 306.

Turkey is a candidate country and a strategic partner for the European Union. Its dynamic economy provides a valuable contribution to the prosperity of the European continent. The very serious developments in the region, in particular in Syria and Iraq, render cooperation on foreign policy issues even more crucial. Turkey's strategic location also underlines the importance of further cooperation in the areas of migration policy and energy security. The value of such cooperation is even clearer in light of the considerable challenges posed by recent developments in our joint neighborhood, including the Ukraine crisis.

Good relationships with Turkey, means for the EU a bigger role in the neighborhood.

The last reason to continue the conditionality policy knowing accession would not happen, is the EU's democracy promotion. A very important factor is, politically, that the EU's conditionality policy helped the AKP to come and stay in power. The AKP does fight for religious freedom, but calls itself not a religious party. The EU conditionality has resulted in a raising AKP. By promoting EU membership, the legitimacy of the AKP raise and shed its Islamic past. For example, the AKP ensured the role of the military stays limited. In Turkey, the military enjoys a lot prestige and has been seen as a trustful organization. To ensure the military role stays limited, the AKP stays in power. For the AKP, adoption of political reform is important in the period of candidacy to come and stay in power. For the EU, the AKP were helpful in adopting political reform which promote the democracy.

Over time, conditionality became more and more a foreign policy tool. It is a game in which both actors are acting in hope to ensure the most beneficial outcome. The EU has its own reasons to stay in the process and Turkey claims at the moment the more economically benefit reasons. The AKP used the Europeanization to come and stay in power. When they had enough votes of the population, AKP turned its back to the EU membership negotiations but continued the partnership for economic beneficial outcomes. In turn, the EU is in favor to have an imaginary border with Turkey to keep the problems out of the EU in turn for money. Turkey has always been a difficult candidate because of its size, economy, population and identity. But this is definitely not the reason of Turkey's position today. Human rights violations, external disputes and problematic relations with the minorities and the never ending conflict with the Kurds have been a serious problem in the membership negotiations and blocked the way to Europeanization. In the context of Europeans integration and democratization, a country like Turkey with its minority problem shows us how complicated the EU arena is.

7.2 Recommendations

Today, national feelings and anti- minority sentiments are more and more visible in Turkey and also in the parliament. The (ultra) national feelings and anti- minority sentiments are manipulating the Turkish society by using extreme nationalism against ethnic groups and by promoting the fear of disintegration in the case of ethnic groups when given their rights. This creates a vicious circle. As nationalism grows and forms the dominant part of domestic politics, the political parties which normally could display the motivation to realize minority reforms might switch to the nationalistic front and be part of the nationalistic society. The problem is Turkey is the ultra- nationalism and within this, determine how their changing beliefs and perception could be transformed into policies with ultra- nationalism and anti- minority sentiments residing at the society level. Due to that, solving the Kurdish problem in Turkey requires not only the creation of a new definition of Turkish citizenship, but also creating a psychological atmosphere and the adoption of confidence building measures at the societal level in which the Turkish society accepts the Kurds as equal citizens and the Kurds accepts themselves as an integral part of the Turkish society. So, the international environmental has certainly a serious degree of impact in Turkey by addressing the Kurdish problem and make the Turkish society aware of the minority problem in the country. But the main problem is implementing the EU reforms while the beliefs are not in line with the reforms. It is up to the Turkish domestic situation to make serious changes and accept the existence of several minority groups besides the minorities determined in the Treaty of Lausanne. Without the changing beliefs in an ultra- nationalism Turkey, there will be no change regarding Kurds. The ultra- nationalism is a threat to the recognition and acceptance of the Kurds.

For turkey's democratic consolidation, resolution of the Kurdish issue is the key element. Without resolving the Kurdish issue, it is not possible to make Turkey more multicultural, more modern, the democracy more consolidated, the economy more stable, society more tolerant and peaceful and the Turkish foreign policy more multidimensional, proactive and effective. The AKP government had taken steps forward through the EU reforms in the 1999- 2005 period. The post 2005 period, with the weakening of EU conditionality, characterizes the rise of Turkish nationalism end the ending of hope for a peaceful solution of the Kurdish issue.

Equal citizenship is the democratic way to solve the Kurdish question. The Turkish society should stop ignoring the Kurds and the Kurdish identity. Not only legal and political recognition, but more important cultural and individual rights should be recognized and accepted. This should be guaranteed in the constitutional law. Otherwise, the ongoing low- intensity war between the Turks and Kurds will go on and consequentially the growing risk of becoming an ethnically divided, polarized and conflict

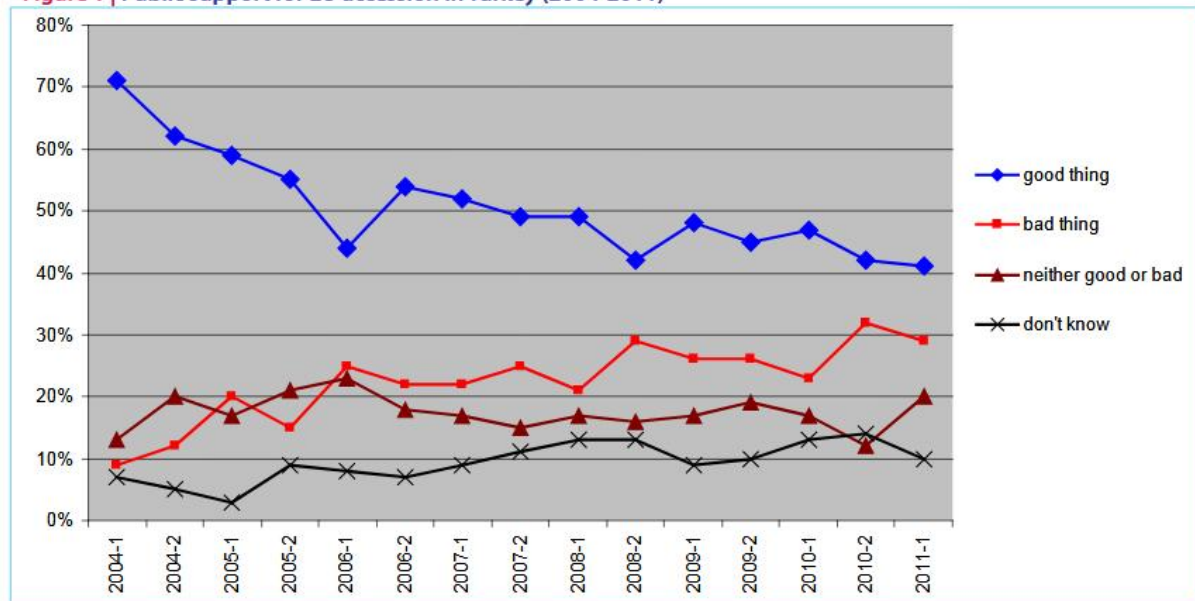
based society will never end. The dominance of security and conflict overlaps that of democracy and liberty. A durable political resolution containing full implementation of constitutional and legal reforms and a strong strategy with support of the government and civil societies, will create a support under the Turks as the Kurds. However, the basis of this solution should be sought in a multicultural and differentiated understanding of citizenship. Equal citizenship will open the door to seek a feasible and effective solution of the Kurdish issue. The remaining question is: Is equal citizenship a real expectation with the ruling AKP government with a strong domestic course and the sense that they don't need the EU as an anchor to its own survivor, the Turkish ultra- nationalism and the weakening role of Europeanization? A *reset* button is necessary to build a strong relationship between the EU and Turkey for their strained relationship.

Annex:

Table 1 Turkish political reforms, 2001–2004

Date	Type	Major Changes
3 October 2001	1st Constitutional Package	34 Amendments to the 1982 Constitution
November 2001	New Civil Code	Gender equality in marriage
February/March 2002	2nd Constitutional Package	Constitutional amendments
2 August 2002	3rd Constitutional Package	Abolish death penalty/revise anti-terror law, allowed broadcasting in languages other than Turkish
3 December 2002	4th Constitutional Package	Operationalize previous reforms/revise Penal Code for torture
4 December 2002	5th Constitutional Package	Retrial of all cases decided in State Security courts
May 2003	6th Constitutional Package	Adopt Protocol 6 of the ECHR, convert all death sentences to life imprisonment/repeal Article 8 of Anti-Terror Law
July 2003	7th Constitutional Package	Revise the National Security Council
7 May 2004	8th Constitutional Package	Ten amendments of the Constitution, freedom of press, and gave priority to supranational treaties over domestic law, abolish State Security courts.
24 June 2004	9th Constitutional Package	Change Article 46 of the Penal code, revise the Higher Education Board and the Censure Board.
25–26 September 2004	New Turkish Penal Code	Revise laws on violence against women and children/change the penalties for various offences and redefine offences.

• **Figure 1** | Public support for EU accession In Turkey (2004-2011)



Source: European Commission, Standard Eurobarometer, 2004-2011

Abbreviations

AKP:	Adalet ve Kalkinma Partisi (Justice and Development Party)
ECHR:	European Convention for the Protection of Human Rights and Fundamental Freedoms
EU:	European Union
FCNM:	Framework Convention for the Protection of National Minorities
GA:	General Assembly
ICCPR:	International Covenant on Civil and Political Rights
MM:	Meclis-i Mebusen (Ottoman Parliament)
OHCHR:	Office of the United Nations High Commissioner for Human Rights
RLC:	Records of the Lausanne Treaty
UN:	United Nations
WWI:	World War I
WWII:	World War II

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