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Master Thesis

Europeanization of Turkey's Kurdish Policy?!
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Abstract

Ziel dieser Arbeit ist es zu analysieren, ob und welchen Einfluss die EU auf die Kurdenpolitik der AKP-Regierung hatte. Da erst seit dem Amtsantritt der AKP-Regierung im Jahr 2002 eine demokratische Lösung der Kurdenfrage angestrebt wird, geht es in dieser Arbeit darum herauszuarbeiten, welche Einflussfaktoren zu diesem Umdenken geführt haben und ob der EU ein eigener Einfluss zugeschrieben werden kann. Vor dem Amtsantritt der AKP reagierte der türkische Staat meist mit militärischer Unterdrückung und Gewalt auf Bestrebungen kulturelle Rechte der Kurden durchzusetzen. Hintergrund des Konflikts ist das vom Vertrag von Lausanne geprägte Verständnis von Minderheitenpolitik, das nur nicht-muslimische Minderheiten anerkennt.

Die vorliegende Arbeit beschäftigt sich deshalb mit der Amtszeit der AKP Regierung, also mit den Jahren 2002-2011. Für die Analyse wird das Transformationsmodell von Beichelt herangezogen, welches neben dem Einfluss der EU auch globale und regionale Kontexte mit einbezieht, den innerstaatlichen Prozessen jedoch die höchste Bedeutung beimisst. Aus der Analyse ergeben sich drei Zeitabschnitte.

In der Zeit von 2002-2004 wurden Reformen verabschiedet, die sowohl (zeitlich und inhaltlich eingeschränkte) Rundfunk- und Fernsehübertragungen auf Kurdisch, als auch private Kurdisch-Sprachkurse ermöglichten. Diese Änderungen sind zum größten Teil dem positiven Einfluss der EU zuzuschreiben. Dies ist dadurch zu erklären, dass die EU-Türkei Beziehungen zu diesem Zeitpunkt sehr gut waren. Der Beitritt der Türkei zur EU stellte eine reelle Möglichkeit dar und die Glaubwürdigkeit der EU war dementsprechend hoch.

In der Zeit von 2005-2008 war hingegen ein Mangel an Reformen zu verzeichnen. Auch dies kann teilweise dem Einfluss der EU zugeschrieben werden. Die Beziehungen zwischen der EU und der Türkei verschlechterten sich rapide, als der Türkei statt einer Vollmitgliedschaft nur noch eine „privilegierte Partnerschaft“ angeboten wurde. Die EU verlor an Glaubwürdigkeit. Dadurch wurde die reformorientierte AKP Regierung gegenüber der innerstaatlichen Opposition geschwächt. Zusätzlich trugen aber auch regionale und nationalstaatliche Entwicklungen zur Reformlosigkeit dieses Zeitraums bei. Im Irak entstand eine autonome kurdische Region, die in der Türkei die Befürchtung weckte, dass die eigene kurdische Bevölkerung ebenfalls Autonomie anstreben würde. Innerstaatlich nahm die PKK nach einem fünf Jahre währenden Waffenstillstand den bewaffneten Kampf wieder auf. Außerdem konzentrierten sich das Militär und die Justiz wieder vermehrt auf ihre Rolle als Hüter des Säkularismus und Unitarismus und blockierten dadurch die AKP Regierung.

Im Zeitraum von 2009-2011 ist kaum noch ein nennenswerter Einfluss der EU zu verzeichnen, da die EU ihre Glaubwürdigkeit nicht wiederstellen konnte und aufgrund des wirtschaftlichen Erstarkens der Türkei an Verhandlungsmacht verlor. Nichtsdestotrotz wurde in diesem Zeitraum ein Reformpaket verabschiedet. Dieses Reformpaket beinhaltete u.a. die Einrichtung eines eigenen kurdischsprachigen Fernseh- und Rundfunksenders und das Unterrichten der kurdischen Sprache an staatlichen Universitäten. Dies ist teilweise durch die Wirtschaftsbeziehungen zur autonomen kurdischen Region im Nordirak zu erklären. Von weit größerer Bedeutung waren jedoch die innerstaatlichen Entwicklungen. Die Schwächung des Militärs durch strafrechtliche Ermittlungen wie auch der Druck, der durch die kurdische Bewegung in- und außerhalb der Türkei ausgeübt wurde, führte zu einer Wiederaufnahme prokurdischer Politik durch die AKP Regierung.

Zusammengefasst lässt sich also sagen, dass der Einfluss der EU auf die türkische Kurdenpolitik in den letzten zehn Jahren kontinuierlich zurückgegangen ist. Im Gegenzug haben der regionale und vor allem der binnenstaatliche Kontext an Bedeutung gewonnen. Es sind nun primär innerstaatliche Prozesse, die die positiven und negativen Entwicklungen in diesem Politikfeld beeinflussen. Es bleibt also letztendlich der nationalstaatlichen Politik überlassen, eine Antwort auf die Kurdenfrage zu finden.

Table of Contents

| | |
|---|-----------|
| 1. Introduction | 1 |
| 2. Histories of the Kurdish Question | 2 |
| 2.1. History of Ideology | 2 |
| 2.1.1. Kurds: A Minority in Turkey | 3 |
| 2.1.2. Turkey's Approach toward Minorities | 3 |
| 2.2. History of Violence | 7 |
| 3. Europeanization of Turkey's Kurdish Policy? | 13 |
| 3.1. Theoretical Framework | 13 |
| 3.2. 2002-2004: The AKP's Golden Era of Reform | 20 |
| 3.2.1. 3 rd and 6 th Harmonization Packages | 20 |
| 3.2.2. The Global Context | 24 |
| 3.2.3. The EU Context: Credibility and Determinacy | 26 |
| 3.2.4. The Domestic Context: Veto Players Aligned | 27 |
| a) The AKP Government | 27 |
| b) The Military | 29 |
| c) The PKK | 30 |
| d) The Public Opinion | 31 |
| 3.2.5. Interim Conclusion | 31 |
| 3.3. 2005-2008: The AKP Incapacitated | 32 |
| 3.3.1. Suspension of Reform | 33 |
| 3.3.2. The EU Context: Fading Credibility | 33 |
| 3.3.3. The Regional Context: Emergence of a New Iraq | 36 |
| 3.3.4. The Domestic Context: The AKP Government on the Defensive | 37 |
| a) The PKK | 37 |
| b) The Military | 38 |
| c) The Judiciary | 41 |

| | |
|--|-----------|
| d) The Coalition of Kemalists | 42 |
| e) The AKP Government | 44 |
| 3.3.5. Interim Conclusion 2 | 45 |
| 3.4. 2009: Of Progress and Setbacks | 45 |
| 3.4.1. The Kurdish Opening | 46 |
| 3.4.2. The EU Context: Faded Credibility | 48 |
| 3.4.3. The Regional Context: Turkey's Relations with Northern Iraq | 49 |
| 3.4.4. The Domestic Context: Impetus for Change | 51 |
| a) The Military and the Ergenekon Investigations | 51 |
| b) The Kurdish Movement as Competition to the AKP | 54 |
| c) The Kurdish Diaspora and Roj TV | 58 |
| 3.4.5. From the 'Kurdish Opening' to the 'Democratic Initiative' | 61 |
| 3.4.6. Interim Conclusion 3 | 63 |
| 4. Conclusion | 64 |
| 5. Since the 2011 General Elections | 65 |
| 6. List of References | 68 |

1. Introduction

In mid-August 2009, Turkish Prime Minister Recep Tayyip Erdoğan made an emotional appeal for all parties to unite behind a solution to the Kurdish question, rhetorically asking parliamentarians: “If Turkey had not spent its energy, budget, peace and young people on [fighting] terrorism, if Turkey had not spent the last 25 years in conflict¹, where would we be today?” (Doğan/Yavuz 2009).

Traditionally, Turkish governments have considered the Kurdish question² a security issue and have therefore responded mainly by military means. A peaceful democratic solution to the violent conflict has only come to be considered as a possibility in recent years and the AKP (Adalet ve Kalkınma Partisi = Justice and Development Party) government, that came into power in 2002 and has remained there until today, is the first government to have acted on this consideration. Therefore, this paper aims at analyzing the reforms adopted during the AKP’s incumbency period, i.e. the years 2002-2011. How did they come about? The research question is: Has Turkey’s Kurdish policy been Europeanized in the last decade? More concretely, was it the EU that has influenced the AKP government? If not, what other factors or contexts pose a credible alternative?

The year 2011 is left outside the scope of the main analysis as it entails developments whose relevance cannot be estimated as of now. Those developments will be given some room at the end of the paper nonetheless.

The paper’s composition is as follows: To contrast the AKP’s approach with the traditional Turkish approach and thereby convey the remarkableness of the policy changes that have occurred during its incumbency, chapter 2 will deal with the ideological and violent history of the Kurdish issue. Chapter 3 contains the main analysis of this paper. It aims at answering the question of the cause(s) for the policy changes. The analysis is divided into four parts.

¹ It is frequently assumed that the so-called ‘Kurdish Problem’ did not start until the violent clashes between the Kurdish terror organization PKK and the Turkish military starting in 1984. Indeed, since then the conflict has become more violent and has caused a higher death toll than before, especially in the 1990s. However, the beginnings of the conflict date back as far as 1923, when the Turkish Republic was proclaimed. While there had been promises of recognition as a minority and consequently cultural rights and a certain degree of autonomy for the Kurds before, everything changed with the proclamation of the Turkish republic. The Turkish State applied a policy of non-recognition, oppression and assimilation and reacted with blunt military force to resistance (Yeğen 2011: 68s.).

² In the following paper, the terms “Kurdish question” and “Kurdish issue” will be used interchangeably for the sake of readability. Nonetheless, the author is aware that there are differences in meanings and connotations. Moreover, the term “Kurdish problem” is explicitly excluded as it puts the burden of causing the ‘problem’ on the Kurds’ shoulders.

Subchapter 3.1 establishes the theoretical framework to be applied, namely Beichelt's model of transformation (Europeanization as one context for policy change in nation states; global, regional and national contexts as possible alternatives/additions), the EU conditionality approach of Schimmelfennig and Sedelmeier (credibility of the EU and determinacy of demands as primarily relevant variables for rule transfer from the EU to candidate states), and Tsebelis' veto player theory (number and distance of veto players, i.e. actors who can block the adoption of a policy, as relevant factors for policy change on the domestic level) . Subchapters 3.2, 3.3, and 3.4 are each made up of the analysis of a certain time frame reflecting different phases of the AKP's reform process, i.e. the years 2002-2004, 2005-2008, and 2009-2010 respectively. Each of them contains a summary of the respective reforms adopted and a detailed examination of the relevant contexts and factors of influence. Interim conclusions of these subchapters are then complemented by an overall conclusion in chapter 4. Lastly, chapter 5 offers an overview of the developments since the general elections in June 2011, in which the AKP government was reaffirmed in office, and a short outlook onto the future of the Kurdish question.

2. Histories of the Kurdish Question

To grasp the significance of Turkey's contemporary Kurdish policy it is essential to put it in perspective with the past. Yet, the Kurdish question is a complex and many-layered topic and its history is manifold; one could say there are several histories of the Kurdish question. It is not the goal of this chapter to tell them all. Rather it is an attempt at giving an overview of the most relevant ones. Particularly important to the analysis that will follow later on are what shall be called 'the history of ideology' and 'the history of violence'.

2.1. History of Ideology

The 'history of ideology' is a history of Turkey's denial of the fact that the Kurds indeed constitute a minority. After a brief illustration of why – according to international standards – the Kurds qualify as a minority, the historic reasons of Turkey's "policy of denial" (Yeğen 2011) as well as its contemporary manifestations in the Turkish Constitution will be conveyed.

2.1.1. Kurds: A Minority in Turkey

Developed by the United Nations in 1979, the following international definition of ‘minority’ is widely agreed upon:

“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” (UN 1979).

With regard to this definition, Kurds in Turkey qualify as minority. Constituting 10 to 23 percent of the population³, they are numerically inferior to the rest of the Turkish population of the Turkish state. Having been in a non-dominant position since the foundation of the Republic of Turkey, they have tried to preserve their culture, traditions, religion and language (which will be elaborated on in more detail later on). And they possess ethnic, religious and linguistic characteristics that differ from the rest of the population. Kurds are the largest ethnic and linguistic minority in Turkey. They speak Kurdish, which is divided into Kurmanci, Zaza and other dialects. With regard to religion, the majority are Sunni Muslims, while a significant number are Alevis⁴. Historically they are concentrated in the eastern and south-eastern region of the country, where they constitute the overwhelming majority, but by now large numbers have also – voluntarily or involuntarily – immigrated to urban areas in western Turkey (MRG 2007: 11). It can therefore be concluded that Kurds in Turkey qualify as a minority according to the UN definition. Accordingly, they would deserve to be subject to certain rights and protection by the Turkish state. However, this is not the case as Turkey’s approach toward minorities has been influenced by the Treaty of Lausanne and the Sèvres Syndrome. This will be illustrated in the following.

2.1.2. Turkey’s Approach toward Minorities

The most important and in fact only official document that regulates minority rights in Turkey is the Treaty of Lausanne. It was concluded between Turkey and the Allied Powers on 24 July 1923 and is still valid today. It only protects the religious minorities of the Greeks, Armenians, and Jews (Kızılkın-Kısacık 2010: 12). That means that – contrary to

³ Since the Turkish state does not acknowledge minorities other than those defined by the Treaty of Lausanne and consequently does not ask citizens about their ethnic, religious or other origin in censuses, the number of individuals belonging to various minority groups in Turkey can only be estimated (MRG 2007: 11).

⁴ Alevis are constituted not only of Kurds but also of Turks and other ethnicities, thus forming another, i.e. religious minority. The Alevis’ story would fill another paper. In this paper the focus is on Kurds as an ethnic and linguistic minority, however.

international agreements concerning the protection of minority rights that recognize race, language, and religion as criteria for identifying minorities – Turkey embraces a very narrow definition of the term minority (Oran 2007_a: 37). In continuation of the *millet* system of the Ottoman Empire, solely religion is employed as a criterion for defining minorities⁵ (Kızılkın-Kısacık 2010: 12). The *millet* system had shaped the administrative system of the Ottoman Empire which ruled the communities on the basis of religious and sect lines. Non-Muslim minorities could organize as “communities possessing certain delegated powers under their own ecclesiastical heads” (Jaber 1967: 212). Such a system gave the minorities an important level of freedom vis-à-vis the state. Their internal affairs were administrated by the members of the communities in question according to their own customs, traditions, and laws (id: 212). On the other hand, it also created a hierarchy of different communities in line with their religious affiliation. The people of Muslim origins, regardless of their ethnicity and sect, formed the ‘core’ and were considered as a ‘constituting element’ whereas non- Muslims were the ‘periphery’ of the empire, forming only ‘second class citizens’. Consequently, in present-day Turkey Muslims of different ethnicity or denomination are not recognized as minorities with the admittedly well-meant intention of not using those differences as tools for exclusion of ‘first class citizens’ to the status of minorities (ibid).

However, the fact that Turkey defines minorities only along the lines of religion gives rise to the emergence of two different groups of minorities. Firstly, the officially recognized non-Muslim minorities, like Greeks, Jews, and Armenians and secondly, the ones holding the basic characteristics of being a minority but lying outside the treaty’s official scope (Kızılkın-Kısacık 2010: 12). Naturally, the implementation of the rights enshrined in the Lausanne Treaty is restricted to only the former but not to the latter group⁶. Thus, in addition to not being granted rights that that the Kurds would deserve as a minority, they are even denied the very recognition of being a minority (id: 13).

⁵ Religion is used as sole criterion of defining minorities. However, it is not employed by Turkey as an all-encompassing criterion. Religion denotes non-Muslim groups but not all religiously different groups. That is why the Alevis whose religious beliefs, rituals, and interpretation of Islam are different from dominant Islamic-Sunni identity are not considered as “minority” in Turkey.

⁶ Even for the officially recognized religious minorities the rights included in the Lausanne Treaty are not properly implemented. There are severe restrictions with regard to freedom of association and property rights (Oran 2007: Appendix A 69).

Furthermore, as part of a widespread⁷ phenomenon called the ‘Sèvres Syndrome’, the Kurdish minority’s and other minorities’ attempts of achieving recognition is not only denied but is perceived as a threat.

According to Jung, the ‘Sèvres Syndrome’ is “the perception of being encircled by enemies attempting the destruction of the Turkish state” (2003: 2). Akçam agrees with Jung that the Sèvres Syndrome is an ongoing perception that "there are forces which continually seek to disperse and destroy [the Turkish state]" (2001: 230) while adding the felt perception that “it is necessary to defend the state against this danger” (Akçam 2001: 230).

The Sèvres Syndrome goes back to and is named after the Treaty of Sèvres that was signed by a delegation of the Ottoman Sultan in August 1920 after heavy territorial losses in the Balkan wars of 1912/13 and the subsequent First World War. The Treaty of Sèvres provided for a partition of the Ottoman Empire, leaving only minor parts of Anatolia with Istanbul as capital for the Turks. At the same time troops under the leadership of the Turkish Nationalist Movement were fighting against Greek occupation forces that had landed in Izmir in May 1919. Due to the territorial claims of Russia, Britain, France, Italy, Armenia, and Greece, Turkey was about to disappear from the political landscape. The situation changed only with the victory of the republican forces in the Turco-Greek war, which was followed by the allies accepting Turkish demands for self-determination. Subsequently, in July 1923, the Treaty of Lausanne abolished the never implemented clauses of Sèvres and the sovereignty of the Turkish Republic was acknowledged. However, the Sèvres experience was not forgotten and the integrity, sovereignty and consolidation of the new state continued to be at the center of politics (Jung 2003: 7).

The Sèvres Syndrome is especially triggered when it comes to minority groups as the Turkish elites have always regarded the ethnic and linguistic minorities situated at the ‘periphery’ with suspicion (Kızıllan-Kısacık 2010: 14). In their view minority groups and their external supporters allegedly already caused the disintegration of the Ottoman Empire in so far as the Western powers increased their concerns on the non-Muslim minorities in the 19th century and used them as a pretext for interfering with the internal affairs of the Ottoman Empire (ibid). Thus the Turkish state regards every kind of discrepancy from the standard Turkish-Sunni identity – read religious, ethnic and linguistic minorities and in consequence the liberalization of their rights – as a threat to its political stability and also regards Kurdish

⁷ The Sèvres Syndrome reaches all social classes and ranks, e.g. politics, military, academia and common people.

nationalism as a manifestation of this discrepancy through the “prism of the Sèvres Syndrome” (Jung 2003: 12). Consequently, it has been trying to eliminate those ethnic-linguistic-religious differences in the realm of public and political life since the onset of the republic (Kızıllan-Kısacık 2010: 14).

According to Aydın Düzgün and Çarkoğlu, the prevalence of the Sèvres Syndrome legacy has proven to be a major impediment to the internalization of the political reform process. This is valid for democratic reforms in all spheres and at all levels of decision-making in the country but especially for the protection of minorities, in particular the Kurdish minority (2009: 125). A good illustration is former President Süleyman Demirel who – in a reaction to European instructions to settle the Kurdish question peacefully – accused the West of wanting "to involve the Sèvres Treaty to set up a Kurdish state in the region, (...) and that this was what they meant by political solution" (Gözen 1997: 119 cited in Jung 2003: 4).

The ideologies of the Lausanne Treaty and the Sèvres Syndrome are also reflected in the present-day Turkish Constitution. On the one hand, the Constitution serves as basis for denying the existence of minorities and on the other hand it serves as a source for restrictive legislation to subdue the alleged threat minorities pose.

The existence of minorities is denied by simply omitting any reference to them: There is neither a reference to the word ‘minority’, not even the Lausanne minorities, nor is “the situation of any other ethnic groups” mentioned in the Constitution. Consequently, there is no legislative framework for minorities in Turkey, either directly through laws granting minority rights or indirectly through an anti-discrimination law (Kızıllan-Kısacık 2010: 14/ MRG 2007: 10).

In line with the alleged threat minorities pose in the perception governed by the ‘Sèvres Syndrome’, various laws seek to limit the political, participatory, religious, educational and linguistic rights of minorities. The main source for this very restrictive legislation on minorities and therefore on cultural rights in Turkey (Oran 2007: Appendix A 70) is Article 3/1/1 of the Constitution⁸: “The Turkish State, with its territory and nation, is an indivisible entity.” While the State being an “indivisible entity with its territory” is a very natural and undisputed point throughout the world, according to Oran, the concept of the “indivisible entity of the nation” is quite outlandish because it implies that the nation is monolithic (= of

⁸ According to Article 4 of the Constitution this is an irrevocable provision.

one piece). In consequence, this understanding effectively denies the various sub-identities that make up the Turkish nation, on the one hand (ibid). On the other hand, as this principle of the “indivisible integrity of the State with its territory and nation,” which is repeated in countless articles of the Constitution and laws, is interpreted in such a way as to reject cultural sub-identities. Consequently, the legislation in Turkey becomes one that tends to assume that “recognition of sub-identities” is meant to disturb the said identity, and therefore to charge those who do so with separatism and subversion. Important laws such as the Law for the Fight against Terrorism, the Law on the Duties and Powers of the Police, the Radio and Television Law, the Law of Associations and the Law of Political Parties therefore heavily punish the “creation of minorities by asserting the existence of minorities based on ethnic and linguistic differences”⁹ (id: Appendix A 71).

Furthermore, the Constitution does not acknowledge the presence of minority languages either. Under Article 3/1/2, Turkish is ‘the language’ as opposed to ‘the official language’ of the state and Article 42 declares Turkish to be the ‘mother tongue’ of Turkish citizens and consequently prohibits public education in any other language, reserving the terms of Lausanne. Having always been interpreted restrictively by the Turkish, these articles have meant the Kurdish minority’s long-standing inability to officially preserve their language through education in their mother tongue (MRG 2007: 15).

2.2. History of Violence

The history of the Kurdish issue is also a ‘history of violence’. Complimentary to the ideological denial of the existence of Kurds as an own ethnicity and thus as a minority, the Turkish state has a history of applying a policy of military violence. While this history to solve the Kurdish conflict militarily goes back to the beginnings of the Turkish Republic, it reached its highpoint with the violent clashes of the Turkish military with the Kurdish terror organization PKK (Partiya Karkari Kurdistan = the Kurdistan Workers’ Party). As the PKK remains an important actor in the conflict until today, it is important to give some room to this history of violence.

⁹ In the area of international human rights, the criteria used in the restriction of rights include national “security” and “territorial integrity” but not the “indivisible entity of the nation.” In cases brought to it, the European Court of Human Rights (ECtHR) passes judgments of violation on grounds that “asserting the existence of minorities in the country” cannot be prevented (Oran 2007: Appendix A 70).

The conflict began in October 1984 when the PKK led a series of attacks on Turkish troops – the prelude of almost two decades of violent resistance (McDowall 2004: 420). The PKK’s quiet coming into existence in 1974 had been due to one man only – Abdullah Öcalan, and was a specifically Kurdish national liberation movement based on Marxism-Leninism (ibid). The Apocular – derived from Öcalan’s nickname Apo – were unlike all other Turkish groups proletarians only. Their nationalism was infused with the idea of class war and it was driven by the intention to recreate an identity – read Kurdish identity – they felt they had lost. Like many urban Kurds, Öcalan and his followers spoke Turkish only as Turkish assimilation policies had prevented them from learning Kurdish (McDowall 2004: 420s.).

During the military coup in 1980¹⁰ a considerable number of PKK members were arrested; however, the key leaders were able to escape across the Syrian border, where they (with Syrian endorsement) regrouped and prepared to return. During the three years of military rule, the PKK lay low except for the occasional kill of soldiers on the border. However, during that time it established agreements with the Kurds in Iraq and Iran – a very successful enterprise as the Turkish state cooperated with the Iraqi and Iranian governments against their respective Kurdish populations. The PKK’s plan to return to Turkey was motivated by the intention to drive out the Turkish forces from the Kurdish region. To do so, it planned a guerilla activity based on the avoidance of direct confrontation with the Turkish military. Despite its military’s de facto superiority, with time the state came to realize the limits of its control and was put on the defensive in that area (id: 422).

The PKK acted in a time when there was growing discontent with the traditional feudal structures in the countryside. Since the peasants were not able to change those structures the PKK turned to shooting landlords. Not only did it change the situation of the peasants, it also demonstrated that the state could not control everything (id: 423). In 1984 and 85 the PKK caused about 70 armed incidents in which numerous guerillas, troops and civilians died alike. The army was able to defeat the PKK in most incidents but it couldn’t crush the resistance in its entirety. The PKK constantly challenged state authority by repeatedly attacking soldiers and landlords and thereby created a climate of fear. This began to have a serious psychological effect in the area (ibid).

¹⁰ After 1960 and 1971 this was the third military intervention. The military saw the core values of the country in danger. National unity, ethnic Turkism, and secularism were allegedly under attack due to the constant rows between leftist and rightists and also from Kurdish nationalists, Marxists, and Islamists (McDowall 2004: 415).

Because of those repeated PKK attacks, the state introduced the so-called village guards. Village guards were villagers that were armed by the state to be able to protect their villages (ibid). Those village guards belonged to right and far right political parties. Many of them also belonged to tribes which the government usually considered criminal or delinquent. However, it had no scruples using them in this context (McDowall 2004: 424). The incentives for the village guards, on the other hand, were plain and simple economic ones: Their monthly salary was higher than the average yearly income of the people in that area. Additionally, the landlords that the village guards were subordinated to used them and their contacts to security forces to obtain beneficial contracts. The village guard system thereby became profitable and those participating had an interest in giving the impression that it was an indispensable part of state security (id: 424s.).

Logically, the PKK had a paramount interest in boycotting this system. It did so by ferociously assaulting and consequently wiping out entire village guard and landlord families in the years between 1987 and 89. Those attacks had an intimidating effect on the one hand, but also led to counter-reprisals on PKK supply villages which were in no way inferior to the PKK's attacks (id: 425). The PKK, however, gained the upper hand as it demonstrated the inherent weakness of the village guard system. The village guards were easy victims to surprise attacks as they were of a small number only and lacked sophisticated communication means. Consequently, Turkish soldiers had to be dispatched to protect the village guards (ibid).

Despite its ruthlessness the PKK didn't lose support of the local population because the Turkish security forces matched its ruthlessness and sometimes even outdid it in an attempt to stifle the insurgency by deterring the Kurdish population from supporting the PKK (McDowall 2004: 425s.). Furthermore, the PKK established the Kurdistan Popular Liberation Front (ERNK) to provide civil networks for supply routes, bases, urban warfare and intelligence, and finally the key to mobilize the masses. Due to deep impoverishment and state oppression, the population had nothing to lose and ERNK rapidly expanded. This mass support was the essence of what made the PKK so dangerous to the state (id: 426).

Dealing with the Kurdish question had become the military's *raison d'être*, therefore it intensified its efforts to suppress the Kurds. With its methods, however, it incited the heated conflict even more (ibid). In 1983 the ruling military had (again) prohibited the use of Kurdish in publications, demonstrations and broadcastings. Furthermore it decreed that folk songs were only to be sung in Turkish so as not to foster ethnic or separatist purposes. This

had an effect on both literate and illiterate Kurds alike. Also, the military changed more place names from Kurdish to Turkish and declared that Kurdish names for children were not allowed any longer as they contradicted national culture and morality and were an insult to the public (McDowall 2004: 426s.).

The physical control of the Kurdish population, however, was the military's prime goal. A state of emergency was declared in the Kurdish region in 1987 and a governor-general with extensive powers was appointed. Over the years he had dozens of villages evacuated and the villagers deported. During routine security sweeps hundreds were interrogated to assess a link to the PKK. These interrogations included torture such as beatings, bastinados, electric shocks, and sexual abuse. In 1989 there were even reports of mass graves that accounted for missing detainees (id: 427). With these methods the security forces achieved the opposite of what they had intended. Instead of deterring people from supporting the PKK, the deteriorating living conditions that came with the intensifying conflict made the PKK's recruitment attempts all the easier (ibid).

By the end of the 80s/beginning of the 90s Ankara was compelled to reconsider and modify its traditional Kurdish policy (McDowall 2004: 428). At least at the beginning of the 1990s, Turkey did indeed modify its traditional Kurdish policy. Yeğen speaks of a climate of resolution in the years between 1991 and 1993. Mainly because of the then-president Özal, the existence of Kurds was no longer denied and modest steps at finding a political solution were taken during this time (2011_a: 74). For example, in spring 1991, Özal made a modest attempt at legalizing the use of Kurdish – except in broadcasts, publications, and education. It basically meant only to allow Kurds to talk to each other openly in Kurdish. Additionally, in December 1991, the first Kurdish language newspaper, Rojname, was permitted to start publishing (McDowall 2004: 431). In 1992 President Özal even argued for the recognition of the PKK as a participant in Turkey's political system and for an amnesty of the guerillas (id: 433). However, Özal could no longer resist the political public that protested his policy of reconciliation when it became known that 1/4 of the 4,000 deaths caused since the beginning of the PKK's armed struggle in 1984 occurred in 1991. He had to surrender the responsibility to deal with the Kurdish question to the military (id: 436).

Turkish military operations and subsequent PKK reprisals ensued. Altogether more than 2,000 people died in the Southeast that year. Consequently, there were disagreements among the PKK concerning Öcalan's leadership and strategy. The change from guerilla tactics to direct confrontation of the military did not agree with everybody for two reasons. Firstly, the

PKK did not stand a chance in direct confrontation against the superior Turkish military and secondly, it took the focus away from mass mobilizing the civil population, which was at the heart of winning over the region (id: 436s.). In March 1993, Öcalan was therefore ready to abandon armed struggle. Subsequently, on April 16th 1993, Öcalan announced an indefinite ceasefire. Unfortunately, President Özal died the very next day of a heart attack. Turkey and Öcalan thereby lost the only statesman who had been willing to take a step towards the Kurds – even if only a modest one (id: 437s.).

With Özal's death the climate of resolution ended from one day to the other. His successor was not willing to cooperate with the PKK. However, Turkey did not go back to denying the existence of the Kurds. On the contrary, Kurdish resistance was now understood as an ethnic uprising with separatist aims. Therefore, the recognition of Kurdish identity came at the high price of oppression, discrimination, violation of political and civil rights and internal displacement (Yeğen 2011_a: 74). The human rights situation in the late 1990s would reach its worse since Dersim in 1938 before it would get better again (McDowall 2004: 443).

As Özal's successor Demirel held the opinion that the PKK needed to be extinguished first before he would reassess Turkish state policy towards the Kurds, and the new Prime Minister Tansu Ciller was not secure enough in her position to hold her ground against the military, the military used the PKK's ceasefire and launched a series of attacks in the Southeast. During the next weeks, hundreds of guerillas and civilians were killed, hundreds more arrested. Consequently, Öcalan had no choice but to officially renounce the ceasefire in June 1993. The PKK resumed the fight because the Turkish state had failed to signal any kind of attempt at a peaceful solution (id: 438).

Subsequently, the PKK started attacking tourist sites in Turkey and taking European tourists hostage. Furthermore it started attacking Turkish targets in European cities. Within Turkey it intimidated the Turkish press. It banned all Turkish and foreign reporters and successfully closed down all Turkish newspaper representations in the Kurdish region. The fact that its instructions were obeyed showed the Turkish state how much control it had truly lost in the Eastern provinces (id: 438s.).

When the PKK had assumed its armed struggle in 1984, it had had two goals: to create a coherent national movement and to persuade the Turkish state to negotiate. By 1993, it definitely had achieved its first objective, as the protests every year at Nawruz showed impressively. However, at getting the Turkish state to negotiate the PKK had not been so successful. As the overall death toll since 1984 exceeded 10,000 by the end of 1993 and as it

realized that it had reached the limit of what it could achieve through fighting, the PKK declared a unilateral ceasefire and its intentions to talk (id: 439).

The Turkish government, however, once again resorted to applying a purely military approach. As the Kurdish region was still under emergency rule and the governor general still had the power to evacuate whole villages, those evacuations were expedited. Until 1999, more than 3,500 villages were emptied and an estimated three million people were made homeless (id: 440). These village evictions were carried out with extreme brutality. Degrading behavior, arbitrary arrest, violence, torture, extra-judicial killings, sexual violence, and the wanton destruction of moveable property were all daily fare. The Turkish state blamed the PKK for the internal displacement; however, a major survey by the Turkish Human Rights Association reported otherwise. According to that study, 90% of those displaced by the evictions confirmed that they had come under direct state pressure and 88% believed they had been targeted simply because they were Kurds (IHD 1995 cited in McDowall 2004: 440).

On political grounds the Kurdish party HEP was banned as a symbolic gesture against Kurdish national feeling. The Kurdish deputies promptly founded a new party (DEP) to show the futility of the state's attempts. The DEP, however, became a particular target for harassment because the state was convinced that it was merely the PKK in political clothing. It withdrew from the local elections in 1994 after the assassination of party members, bomb attacks on its headquarters and branch offices and the arrest of many members. Furthermore, when a PKK bomb killed 6 army cadets in Istanbul, the state arrested 6 Kurdish DEP deputies, removed their parliamentary immunity and charged them with separatism. Consequently, the DEP was closed down, just like its successors HADEP and DKP. The Turkish state simply stifled any attempt of Kurds to participate in the political process (McDowall 2004: 438s.).

From 1996, the PKK found itself increasingly on the defensive. Due to the evictions and the suffered casualties, it lost access to food and shelter. The estimated number of deaths was 20,000 at this time. The area dominated by the PKK was dwindling, its guerilla tactics failing. Therefore, Öcalan offered the third unilateral ceasefire in September 1998 (id: 442). Turkey, however, had other plans. In October 1998, it marched 10,000 troops on Syria's northern border and demanded the expulsion of the PKK and Öcalan. Due to the superiority of the Turkish military, Syria signed an agreement and prevented PKK activity forthwith – despite the fact that it had been the PKK's home base since the military coup in 1980. Öcalan

was not handed over, however. He fled to Moscow, from there to Rome, Athens and Nairobi. There he was finally apprehended by CIA agents on February 15th 1999 and subsequently handed over to Turkish Special Forces waiting at the airport. After a show trial, Öcalan was found guilty of treason and sentenced to death¹¹ (id: 442s.).

Turkey's contemporary Kurdish policy that will be analyzed in the ensuing chapters is set against the historical background as relayed above. Keeping that in mind, it becomes clear why the reforms made – despite the fact that they do not amount to thorough changes – have enjoyed such a favorable reception in Turkey and in Europe.

3. Europeanization of Turkey's Kurdish Policy?

The goal of this paper is to answer the question whether there has been an isolatable influence of Europeanization on Turkey's Kurdish policy or – if the answer is negative – which other factors of influence were relevant.

In a first step, Beichelt's Model of Transformation will be explained as it constitutes the frame for this analysis. Secondly, taking the EU conditionality approach into consideration, it will be conveyed what is meant by Europeanization in the context of this paper. Thirdly, Tsebelis' Veto Player Theory will be described as it serves as an additional means of analysis on the domestic level.

3.1. Theoretical Framework

In his Model of Transformation, Beichelt takes as a starting point that Europeanization is only one possible factor of influence on structures and outputs in nation states. He assumes that the domestic level with its actors, problems, resources, policy styles, and discourses is paramount to the development of a given national political system between two points in time. Different parts of it are then influenced by external factors. In addition to Europeanization, Beichelt names the global and the regional dimension as relevant contexts due to the following reasons (Beichelt 2009: 28-29).

As globalization and Europeanization are considered closely connected in integrationist science (Rosenau 2000 cited in Beichelt 2009: 30), Europeanization is considered a special case of globalization (Winter 2000; Scholte 2005b cited in Beichelt 2009: 30). So if there are global problems and problem-solving mechanisms in existence and/or relevant institutions

¹¹ Within the frame of EU accession talks Turkey abolished the death penalty and therefore spared Öcalan's life (Yeğen 2011_a: 75).

besides the EU exist, then the EU will be an intervening variable. The impetus of domestic change is then more likely to come from global political processes (Beichelt 2009: 30).

Regional factors of influence have also been perceived as increasingly relevant in European politics. In its course not only hierarchical exercise of power is of importance but also governance in networks with sub-national actors and relations of influence (Conzelmann/Knodt 2002; Benz 2003 cited in Beichelt 2009: 30). However, since the regionalization approach refers to EU member states, it has to be adapted for the case at hand. In the case of Turkey, regional influences may then be interpreted as relevant developments in neighboring states such as Iran, Iraq and Syria as they all hold a considerable Kurdish minority as well.

To summarize: according to Beichelt the EU dimension is not the only geographical context that influences domestic politics. Regional and global politics possibly play an important role as well. Whether the EU is an independent variable in influencing domestic politics depends on the specific case at hand (Beichelt 2009: 30) and shall be analyzed in the following.

In a first step it has thus to be defined what Europeanization encompasses. In political science Europeanization is generally defined as political changes within EU member states caused by impulses of the EU level. However, when it comes to the scope of Europeanization, one has to consider that Europe is not limited to the EU. Therefore, Europeanization at the same time refers to the political sphere of the European Union and to the geographical construct of Europe. It can then be argued that Europeanization not only refers to EU member states but also to candidate countries – however likely their membership may be (id: 20s.). In this paper, Europeanization will therefore be understood as the EU's influence on Turkey. Furthermore, to analyze whether there has been Europeanization in the case of Turkey's Kurdish policy, it will be assumed – as Turkey is a candidate country – that Europeanization occurs in the form of rule transfer within the framework of EU conditionality. Rule transfer means the adoption of EU rules in non-member states, i.e. their institutionalization at the domestic level. Such institutionalization includes the transposition of EU legislation into domestic law, the restructuring of domestic institutions according to EU rules, or the change of domestic political practices according to EU standards (Schimmelfennig/Sedelmeier 2004: 672).

Schimmelfennig and Sedelmeier conducted a comparative analysis – albeit in the Central and Eastern European Countries (CEECs) and not in Turkey – and came to the conclusion that rule transfer from the EU to non-member states and the variation in its effectiveness are best

explained according to the external incentives model and in particular with the credibility of EU conditionality and the domestic costs of rule adoption (2004: 672).

Generally, the external incentives model suggests that – given a domestic equilibrium in the non-member country – EU rules will not be adopted if the EU does not make them a precondition for rewards. Additionally, the determinacy of the EU's conditionality and the determinacy of the rules from which it is derived improve the likeliness of rule adoption. Determinacy refers to both the clarity and the formality of a rule. The clearer the behavioral implications of a rule, and the more 'legalized' its status, the higher its determinacy. The importance of determinacy arises first of all from its informational value. It provides the target governments with the information as to what exactly they have to do to get the rewards. Secondly, determinacy enhances the credibility of conditionality. It signals to the target countries that they cannot avoid adopting an EU rule by manipulating the interpretation of what constitutes compliance to their advantage. At the same time, however, it ties the EU to its obligations. Once a condition is determinate, it becomes more difficult for the EU to claim unjustly that it has not been fulfilled and to withhold the reward. Schimmelfennig and Sedelmeier then phrase their determinacy hypothesis as follows: the effectiveness of rule transfer increases as rules are set as conditions for rewards and as they become more determinate (Schimmelfennig/Sedelmeier 2004: 672).

Applying these findings of Schimmelfennig and Sedelmeier to the field of minority rights, a few remarks have to be made before starting with the analysis of the reforms. Generally the issue of determinacy in the field of minority rights is rather problematic, as will be explained in this paragraph. First of all, the European Union does not give a clear definition of the term 'minority' nor does it state clearly what "respect for and protection of minorities" (European Council 1993: 1) encompasses. Admittedly, it is difficult to supply such a definition as there is not even a legally binding definition of the term minority in international law in general (Pentassuglia 2000 cited in Acar 2010: 82). Nevertheless, international law literature states that the existence of minorities in a given state is a matter of fact and not subject to the respective state's definition (Scheinin 2008: 25s. cited in Acar 2010: 82). The European Commission, however, has not made any reference to existing international conventions nor literature defining the term. What it has done instead, is, that it has labeled several groups in Turkey as minorities (Acar 2010: 81). The obvious choices were the Greeks, the Jews, and the Armenians as those groups are officially recognized as minorities by Turkey. When it comes to officially non-recognized minorities in Turkey, however, the European

Commission's approach is characterized by inconsistency. Looking at progress reports, the following picture presents itself: There are a number of minorities that are dealt with inconsistently. Alevis are mentioned as community but not as minority and no further discussion appears in the Progress Reports. The Laz and Pontus were mentioned in 2002 but not again afterwards (European Commission 2002: 42; 2003; 2004). The Roma were mentioned under the respective title but not defined as minority. When it comes to the Kurds, their minority status is approached even more carefully. The Progress Report 2000, for example, does not even mention the word Kurds. Instead it states that "regardless of whether or not Turkey is willing to consider any ethnical groups with a cultural identity and common traditions as 'national minorities', members of such groups are clearly still largely denied certain basic rights" (id 2000: 19). Officially, the EU only considers those groups minorities that are recognized by Turkey and the Treaty of Lausanne (Acar 2010: 82).

Furthermore, despite the fact that minority protection is part of the conditionality framework, the EU does not have the competence to pass legislation on minority rights within its own territory. The inclusion of minority protection into the conditionality framework came about in the aftermath of the collapse of the Soviet Union. Europe had been afraid that communism would be replaced with ethnic conflicts in post-communist countries such as Croatia (Kymlicka 2008: 12). Thus, to ensure peace and security in Europe, several European organizations took action (Acar 2010: 71). In 1990, the Organization of Security and Cooperation in Europe (OSCE) adopted a document called the 'Copenhagen Document' covering inter alia minority rights and in 1992 the OSCE established the High Commissioner on National Minorities. In 1993 the Council of Europe (CoE) adopted the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages (id: 69). Subsequently, the EU adopted those provisions into the conditionality framework. Hence, minority protection on EU level was for the first time applied within this conditionality framework to the CEECs in 1993 (Toggenburg 2004: 7 cited in Acar 2010: 67).

While there is no legal possibility for direct minority protection within the EU, there are some indirect means available within the EU. Those indirect means are restricted, however. The Amsterdam Treaty 1999 conferred the competence to the EU to take measures necessary against discrimination on the basis of ethnic origin (Art. 13 TEC). Subsequently, the Race Directive and the Framework Directive were adopted in 2000. These are the strongest tools indirectly assigned to minority protection (De Witte 2006: 146 cited in Acar 2010: 72).

However, they just intend to prevent discrimination. The above mentioned provisions do not allow for positive action, i.e. positive rights for minorities (Toggenburg 2008: 99s. cited in Acar 2010: 73).

Similarly, while the EU aims at influencing the fields of education and culture to promote minority languages and cultures as stipulated in articles 149 TEC (now art. 165 TFEU) and 151 TEC (now art.167 TFEU), it does not have the competence to harmonize these fields through legislation; the above mentioned provisions even explicitly exclude any kind of harmonization (De Witte 2004: 118 cited in Acar 2010: 73).

The EU Charter of Fundamental rights is another loose source of minority protection. Article 21 mentions membership of a national minority as a criterion for non-discrimination and article 22 reads that ‘the Union shall respect cultural, religious, and linguistic diversity’.

Moreover, article 2 of the Lisbon Treaty states that the EU is ‘founded on (...) respect for human rights, including the rights of persons belonging to minorities’ (De Witte 2006: 145 cited in Acar 2010: 74). None of them are effective sources of minority protection either, however.

As there is no legal source assigned to minority protection directly and in a far-reaching manner in the EU itself (De Witte 2004: 110 cited in Acar 2010: 72), it has not adopted more precise measures. Countries like France and Greece would most certainly oppose them either way due to their own stance on the minority issue¹² (De Witte 2004: 123 cited in Acar 2010: 74).

Summarily, the EU asks the candidate countries to grant minorities certain cultural rights while it does not have legislative powers on the topic within its own territory. Nor do all of its members comply with the standards stipulated by the organizations mentioned above (Toggenburg 2008: 118 cited in Acar 2010: 80).¹³ Thus determinacy, i.e. the desirable legalized character of the rule to be implemented, is relatively low when it comes to conditionality in the field of minority rights¹⁴.

¹² Not all countries follow the evolving standards of international law; France does not acknowledge the existence of minorities within its borders, and Greece limits its recognition to the religious minorities. Yet these countries are the exception rather than the norm (MRG 2007: 37).

¹³ For example, France has not even signed the Council of Europe’s Framework Convention for the Protection of National Minorities. Greece signed but has not ratified it.
<http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=8&DF=18/06/2012&CL=ENG>

¹⁴ A counter argument might be that best practice is relevant for those standards and not the situation in a single member state.

Another set of factors that Schimmelfennig and Sedelmeier have found to be important in the context of EU conditionality has to do with the credibility of the EU's threat to withhold rewards in case of non-compliance and, in turn, its promise to deliver the reward in case of compliance. In other words, given a strategy of reinforcement by reward, effective external governance requires the superior bargaining power of the external agency, i.e. the EU, on the one hand (otherwise threats would not be credible) and certainty about the conditional payments on the part of the target states, on the other hand (otherwise promises would not be credible). Thus, a discussion of credibility has to address the conditions under which bargaining power and certainty are enhanced or impaired. Credibility correlates with the consistency of an organization's allocation of rewards. As soon as the EU is perceived to subordinate conditionality to other political, strategic, or economic considerations, the target state might either hope to receive the benefits without fulfilling the conditions or conclude that it will not receive the rewards at any rate. Either way, the target state will fail to adopt EU rules. Furthermore, internal EU conflict about conditionality might also be a well of inconsistency. If a target state comes to know about such internal conflict and receives inconsistent signals, it might be tempted to manipulate it to its advantage or simply be confused. Altogether, the final credibility hypothesis of Schimmelfennig and Sedelmeier comprises the following: the likelihood of rule adoption increases with the credibility of conditional threats and promises (Schimmelfennig/Sedelmeier 2004: 673s.).

A further aspect within Schimmelfennig and Sedelmeier's approach has to do with the implementation of the EU rules. Given that those EU rules have to be adopted and implemented by the government, Schimmelfennig and Sedelmeier conclude that the effectiveness of conditionality primarily depends on the preferences of the government but also on those of other so-called 'veto players' (2004: 674). This is in line with Beichelt's assumption that the domestic level is paramount to policy change. Therefore, an in-depth analysis of it shall be conducted by using Tsebelis' veto player theory. This theory purports that "veto players are individual or collective actors whose agreement is required for a change of the status quo" (Tsebelis 1995: 289). When identifying veto players, Tsebelis in a first step distinguishes between two kinds: institutional and partisan veto players. Institutional veto players are veto players specified by the Constitution. Partisan veto players are the parties forming the government coalition – if there is a coalition government (id: 302) (which is not the case for Turkey as the government has been comprised solely of the AKP since 2002). Additionally, a veto player of a fairly institutionalized nature – albeit not specified by

the Constitution – refers to the courts: requiring the agreement of the courts for certain legislation is equivalent to adding another chamber to the legislative process (id: 307). It will be shown that this point is relevant in the Turkish case as courts have proven to be strong veto players over the years.

Furthermore, as Tsebelis defines a veto player as “any player who can block the adoption of a policy” (Tsebelis 1995: 305), the above mentioned veto players are not the only veto players that exist in a given political system. There are several additional categories of so-called de facto veto players depending on the political system under consideration. Tsebelis names powerful interest groups and the army as possibilities as well as individuals in particularly sensitive positions (id: 306s.). Again this aspect is relevant for the Turkish case as the army is an even more powerful veto player than the courts. However, the existence of such veto players – according to Tsebelis – is quite idiosyncratic. It varies with the policy area, with some specific balance of forces (the strength of the army for example), or with the personality of the occupant of a position (id: 307).

When it comes to analyzing changes in a given policy area, Tsebelis states that “the difficulty for a significant change of the status quo [...] increases in general with the number of veto players and with their distances” (2002: 37). Equating this supposition with the number of veto players that have significant net costs of rule adoption, Schimmelfennig and Sedelmeier formulate their adoption cost hypothesis as follows: the likelihood of rule adoption decreases with the number of veto players sustaining net adoption costs from compliance¹⁵ (2004: 674). Keeping the theoretical framework as illustrated above in mind, it will now be analyzed whether there has been an isolatable influence of Europeanization on Turkey’s Kurdish policy or – if the answer is negative – which other factors of influence were relevant. The analysis comprises the years between 2002 and 2010, i.e. the incumbency period of the AKP, since the AKP government has passed an unrivalled amount of reforms. The overall time frame is divided into three sub time frames that mark different phases of the AKP government’s

¹⁵ Schimmelfennig and Sedelmeier specify their analysis further by distinguishing between two contexts of conditionality: democracy conditionality and *acquis* conditionality. Democratic conditionality concerns the fundamental political principles of the EU, the norms of human rights and liberal democracy, while *acquis* conditionality concerns the specific rules of the *acquis communautaire*. They are attributed to the time frames before and after the opening of accession talks respectively (2004: 676). However, this differentiation does not seem plausible in the field of minority rights. According to this differentiation, rule transfer in the field of minority rights would belong in the first time frame and should be consolidated by the time the accession talks start. This is not applicable in the case of Turkey. Thus, this aspect of Schimmelfennig and Sedelmeier’s approach is not applied in this paper.

reform process regarding Kurdish cultural rights. In this analysis the term minority rights is limited to cultural rights, understood as rights related to native language, i.e. broadcasting in Kurdish, education in Kurdish, naming children and places Kurdish names (European Commission 2000: 19). Political rights such a representation in parliament and general human rights such as freedom of expression that play a particular role for Kurds would definitely be a possibility as well. This would go beyond the scope of the paper, however. Besides, there have been no positive developments in those fields. Thus the author has decided to concentrate her analysis on cultural rights as defined above.

The first period covers the years between 2002 and 2004, the “golden era of reforms” (Bahcheli/Noel 2011: 106). The second period lasted from 2005 until 2008 marking a period characterized by a slow-down/absence of reforms. Finally, the third period covers the years 2009 until 2010, a mixed period comprised of reforms as well as regress. Thus, the question of Europeanization will be asked and answered thrice.

3.2. 2002-2004: The AKP’s Golden Era of Reform

This first time frame comprises what Bahcheli and Noel call “the AKP’s golden era of reform” (2011: 106) starting in 2002 with the coming into power of the AKP government. It ends in 2004, when the EU declares the opening of accession talks with Turkey, which surprisingly marked the beginning of a slow-down in the AKP’s reform process.

In a first step the content of the reforms that were conducted will be relayed. To answer the question whether it was Europeanization or another factor of influence that enabled the reforms, the ensuing analysis is then divided into three parts. Reflecting possible factors of influence, the global context, the EU context, and the domestic context will be parsed.

3.2.1. 3rd and 6th Harmonization Packages

Between February 2002 and July 2004 the Turkish parliament adopted nine so-called harmonization packages. Each of them involved changes in a number of laws. The purpose was to harmonize Turkish legislation with the constitutional amendments of 2001 and 2004¹⁶, as well as with the *acquis communautaire* within the framework of EU accession talks.

Three of the packages were adopted during the coalition government preceding the AKP government, six of them during the AKP government itself (Özbudun/Gençkaya 2009: 73).

¹⁶ The relevant constitutional amendment in this case was the removal of legal prohibitions on the use of languages other than Turkish conducted by the AKP’s predecessor (Bahcheli/Noel 2011: 106).

The relevant harmonization packages for reforms of Kurdish cultural rights were the 3rd and the 6th. The 3rd package, named the *Law Amending Several Laws*, No: 4771, was adopted by the coalition government¹⁷ on 3 August 2002 and enabled broadcasting and the opening of private courses with the purpose of teaching minority languages such as Kurdish (Kızıllan-Kısacık 2010: 21).

In terms of teaching of minority languages the *Law on the Education and Teaching of Foreign Languages* was changed on 9 August 2002, allowing the “learning of different languages and dialects traditionally used by Turkish citizens in their daily life” (Official Gazette 2002).

Until this reform, the law on private educational institutions had allowed only Greeks, Armenians, and Jews, i.e. the officially recognized minorities, to open minority schools. All other (Muslim) minorities were deprived of these rights. By this amendment, private courses could be set up for teaching local languages. These courses were to be regulated under the *Law on Private Education Institution* (Orucu 2005: 615). However, as with most of the provisions of the Turkish legal system, the employment of such rights was restricted as it was not to contradict the “indivisible integrity of state and nation” (Article 3 of the Turkish Constitution). This law was further amended on 30 July 2003 adding more restrictions. The expression “any language other than Turkish cannot be taught as mother language” (Official Gazette 2003) in the Turkish education and training institutions was added, thereby restricting the teaching of Kurdish and other local languages to only private language courses (Kızıllan-Kısacık 2010: 23).

Furthermore, as the establishment and supervision of such courses is under the jurisdiction of the Ministry of Education, it is subject to strict regulations. The foreign languages to be taught and learnt in Turkey are generally determined by the Council of Ministers. The curriculum of the courses must be approved by the Ministry of Education. It must have a specified name, level, and duration. Moreover, only Turkish citizens with at least a primary education were allowed to attend the courses and people under the age of 18 years were not given permission

¹⁷ The 3rd harmonization package was adopted by the AKP government’s predecessor in August 2002. As the AKP was elected into power only three months later, in November 2002, and the ensuing reforms conducted by the AKP are directly connected to it, the 3rd harmonization package will be considered in this analysis nonetheless.

to attend the courses at all. Also, students attending those courses have to obey the dress code of the Ministry of Education (read: no headscarves allowed) (id: 23s.).

Article 8 of the *Law Amending Several Laws*, No: 4771 (the 3rd harmonization package) made broadcasting in minority languages possible by inserting a provision to Article 4 (1) of the *Law on the Establishment and Broadcasting of Radio Station and Television Channels* No: 3984, adopted in 1984. According to the provision, broadcasting in the different languages and dialects traditionally used by Turkish citizens in their daily lives are possible, as long as such broadcasts do not contradict the fundamental principles of the Turkish Republic as enshrined in the Constitution or “the indivisible integrity of the state with its territory and nation” (Article 3 of the Turkish Constitution) (Kızılkın-Kısacık 2010: 21).

By this change, the broadcasting of programs in the languages traditionally used in everyday life by Turkish nationals was now allowed (Law No. 3984 2002).

Having ensured the legal basis enabling broadcasting in different languages, the implementing regulation called *Regulation Concerning the Language of Radio and Broadcasts* was adopted on 18 December 2002. This regulation authorized the state-owned Turkish Radio and Television Corporation (TRT) alone to broadcast in non official languages thereby excluding private enterprises from the right to broadcast (Kızılkın-Kısacık 2010: 21).

The regulation imposed several restrictions on those broadcasts in general and on the TRT in particular. Broadcasts were to be made through a protocol concluded between the Supreme Board of Radio and Television (RTUK) and the TRT thereby requiring the approval of the RTUK. Also, surveys would have to be undertaken to establish a listener-viewer profile of these broadcasts by TRT. Moreover, the regulation determined the content and duration of the broadcasts. For instance, the TRT was not allowed to broadcast children programs or any themes apart from news, music, and culture. The duration of the broadcasting could not exceed 45 minutes per day and a total of 4 hours per week for the radio and 30 minutes per day and a total of 2 hours per week for TV broadcasts. In addition, it was required that Turkish subtitles be used which would fully correspond to the broadcast in terms of timing and the content. Once again, this regulation corresponds to the majority of legal provisions in Turkey when emphasizing that such broadcasts were not to contradict the fundamental principles of the Turkish Republic, nor undermine the indivisible integrity of the state with its territory and nation (Law No. 3984 2002) (Kızılkın-Kısacık 2010: 22).

Despite the fact that the legislation paved the way for lifting the ban on programs for the Kurdish and other minorities, the time that elapsed between passing the legislation and implementing it delayed the realization of the broadcasts in Kurdish and other minority languages. This was due to the fact that the TRT appealed to the Council of State to suspend the implementation of the regulation. The TRT claimed that the regulation by which the Supreme Board of Radio and Television (RTUK) compelled the TRT to broadcast in different languages and dialects spoken by Turkish citizens, contradicted its autonomous structure and the *Law on the Establishment of Radio and Television Enterprises and Their Broadcasts*. The Council of State subsequently decided that the only way to induce the TRT to broadcast in local languages was by amending the regulation of the TRT. Consequently, the implementation of the above mentioned regulation was delayed (id: 22s.).

This issue was then addressed within the framework of the 6th harmonization package, the *Law Amending Several Laws*, No: 4928, which was adopted by the AKP government on 15 July 2003. Article 4 of the *Law on the Establishment and Broadcasts of Radio Station and Television Channels Regulating Broadcasting in Local Languages* was amended. The procedures and principles concerning the above-mentioned law were implemented through the second implementing *Regulation on the Broadcast in Languages and Dialects Used Traditionally by Turkish Citizens*, which was enacted on 5 January 2004. Subsequent to the enactment of this second implementing regulation, the right to broadcast in local dialects and languages was also given to private national radio and television companies provided that the approval of the Supreme Board of Radio and Television (RTUK) was attained (ibid).

As a result of these legislative changes, the TRT started to broadcast in different minority languages, including Kurdish, Arabic, Bosnian, *Zaza*, and Circassian on 7 June 2004. Thereafter, 11 regional radios and TV enterprises applied to RTUK with the request to broadcast in different languages. Following the evaluation of these applications by the RTUK, 3 local and regional radios and TV channels were given permission to broadcast in the Kurdish dialects *Kurmanji* and *Zaza* on 7 March 2006. Moreover, the decision of RTUK on 30 May 2006 reduced the limitation on the duration of broadcasting and brought some flexibility in terms of timing. However, as with the previous regulation, restrictions on broadcasting in minority languages remained for private establishments as well as for TRT, including the limitations on content and the prohibition of teaching local languages, as well as the requirement of the authorization of the RTUK for any kind of broadcasting (Kızılkın-Kısaçık 2010: 23).

3.2.2. The Global Context

Beichelt states that if there are global problems and problem-solving mechanisms in existence and/or relevant institutions besides the EU exist, the impetus of domestic change is more likely to come from global political processes (Beichelt 2009: 30).

Indeed, in the field of minority protection there exist relevant institutions besides the EU, namely the UN, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) (MRG 2007: 8). Relevant on the UN level are mainly the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and Article 27 of the International Covenant on Civil and Political Rights on UN level: they guarantee minorities the right to enjoy their culture, to profess and practice their religion or to use their own language in community with the other members of their group. Apart from that, the UN advocate formal equality through anti-discrimination provisions contained in the UN Charter, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Convention on the Rights of the Child (the Child Convention) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) extend additional protection to children and women. The Convention on the Elimination of All Forms of Racial Discrimination (CERD) provides universal protection against discrimination. All these instruments would normally be – one way or another – legally binding for Turkey since it is a full member of the United Nations. However, Turkey has made a point of making reservations to all provisions that grant rights – however small – to minorities (ibid).

In Europe, the most relevant instrument for minority protection is the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM). The first binding treaty on minorities, the FCNM imposes on signatories conditional and qualified duties to take affirmative steps to promote minority cultures. However, Turkey is one of only four¹⁸ of the 47 member states of the Council of Europe not to have signed the FCNM (ibid).

Another powerful European instrument is the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Article 14 prohibits discrimination on the basis of, inter alia, membership to a national minority and the European Court of Human Rights (ECtHR) has stated that the protection of minorities is a basic European principle. Turkey is a party to the ECHR and is bound by the jurisdiction of the ECtHR. However,

¹⁸ Besides Turkey only Andorra, France and Monaco have not signed the FCNM.

<http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=8&DF=18/06/2012&CL=ENG>

Turkey is not complying with the provisions above and is therefore one of the Council of Europe member states to have seen the most ECtHR verdicts against it (ibid).

The OSCE is another relevant European actor when it comes to minority protection. It advocates the protection of minorities as a conflict prevention measure. This security approach to minority issues produced the Copenhagen Document in 1990, which reaffirms the principle of non-discrimination and calls upon states to take affirmative actions to ensure full equality between minorities and the majority. The OSCE has developed a particular expertise on minority issues, especially through its High Commissioner on National Minorities. It has developed written guidelines to summarize European standards on particular issues, including minority education, linguistic rights and effective participation of minorities and the use of minority languages in the broadcast media (MRG 2007: 9). Unfortunately, Turkey has not started working together with the High Commissioner on National Minorities nor has it followed the guidelines as recommended.

Summarily, Turkey's foreign policy with respect to international treaties seeks to ensure that no minorities other than non-Muslims are given legal protection. If the treaty in question is specifically on minority rights, the policy is one of non-signature, as in the case of the FCNM. If the treaty is not on minorities *per se*, but entails provisions granting them rights, then the policy is one of signature with reservations with respect to such provisions¹⁹. This foreign policy serves the purpose of ensuring that Turkey remains in compliance with the Lausanne Treaty, thus avoiding having to grant non-Muslim minorities minority status in the Constitution or having to widen or deepen the Lausanne Treaty's protection (id: 10).

Since until the present day Turkey has not revised its foreign policy of non-signature or signature with reservation as illustrated above, it is concluded that the global context was of no relevance to the reforms that were conducted by the AKP government. This is valid for this time frame as well as for the other two. Consequently, the global context will not be analyzed again in the following time frames.

¹⁹ The wording of the reservations is always along the lines of: "The Republic of Turkey reserves the right to interpret and apply the provision X in accordance with the related provision and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendices" (Acar 2010: 79).

3.2.3. The EU Context: Credibility and Determinacy

It is well documented and evidently stated in many studies that reforms regarding minority rights took place in this period as a direct outcome of the EU's adaptation pressure. Kızılkın-Kısacık, for example, states that it was the EU that has generated important political and legislative reforms with respect to the protection of minority rights in Turkey (2010: 19-20). The EU's significant influence in this time frame can simply be explained by one aspect: The EU's credibility was high at that time. The prospect of EU accession had constituted a major turning point in Turkey's democratization attempts. Since the granting of candidate status at the Helsinki Summit in 1999 Turkey has undertaken a wave of reforms to comply with the Copenhagen Criteria (Aydın Düzgit/ Çarkoğlu 2009: 120). The Copenhagen Summit 2002 decision then reinforced the EU's commitments by providing Turkey with the prospect that "full EU membership [was] indeed a real possibility" (Keyman/Öniş 2004 cited in Aydın Düzgit/ Çarkoğlu 2009: 121). And the consequent financial and technical aid that the EU afforded Turkey resulted in the strengthening of the credibility of conditionality and was reflected in the adoption of four more harmonization packages and two constitutional amendments. Subsequently, at the Brussels Summit of 2004 the decision was made to open accession negotiations with Turkey (Aydın Düzgit/ Çarkoğlu 2009: 121).

In addition to the high likelihood of the membership perspective that made the EU credible, the EU's credibility was also high because of the determinate demands it made. In the Council Decision of 2001 on the *Principles, Priorities, Intermediate Objectives and Conditions contained in the Accession Partnership with the Republic of Turkey* the EU demanded as a short-term goal that "any legal provisions forbidding the use by Turkish citizens of their mother tongue in TV/radio broadcasting" (Council of the European Union 2001: Annex 3) be removed and as a medium-term goal that "any legal provisions preventing the enjoyment of [cultural rights for all citizens irrespective of their origin] be abolished, including in the field of education" (id: Annex 5). Furthermore, the Council Decision of 2003 on the *Principles, Priorities, Intermediate Objectives and Conditions contained in the Accession Partnership with the Republic of Turkey* demanded as a priority for 2003/2004 that "effective access to radio/TV broadcasting and education in languages other than Turkish [be ensured] through implementation of existing measures and the removal of remaining restrictions that impede this access" (id: Annex 3). These demands were fairly determinate and therefore complied with by Turkey – albeit in a limited fashion.

3.2.4. The Domestic Context: Veto Players Aligned

In this chapter, Tsebelis' veto player theory will be applied to show the stance of the respective veto players on the Kurdish issue and their handling of EU influence in the given time frame 2002-2004.

a) The AKP Government

The government is the central veto player according to Tsebelis' Veto Player Theory. It is also the central political institution in Turkey. According to Kramer, the government is only in a very limited way controlled by the parliament, which is generally conceived as not doing much more than passing laws initiated by that same government. Furthermore, the Prime Minister exerts a very strong if informal pressure on the members of his/her cabinet and party which is favored by the common coupling of the positions of Prime Minister and party chairman (Kramer 2011: 32). Thus, opposition parties as well as different factions within the AKP government will be disregarded in the following.

As mentioned above, sizeable and credible EU incentives can empower pro-reformist coalitions vis-à-vis nationalist forces to push for domestic change (Börzel/Soyaltın 2012: 13). In Turkey's case the EU managed to anchor the pro-reformist AKP (Adalet ve Kalkınma Partisi = Justice and Development Party) vis-à-vis nationalist forces like the military to pass significant reforms. The AKP was more forthcoming to the EU's demands for domestic change than the governments before it had been because it intended to instrumentalize the promotion of EU accession to widen its support base towards the center and to secure its political reforms aimed at diminishing the influence of Kemalist forces and the military (Saatçioğlu 2010 cited in Börzel/Soyaltın 2012: 14).

To understand why the AKP took such a pro-reformist stance, it is important to put it in context of the Turkish political system.

Turkey in its present form was created in 1923 by Mustafa Kemal Atatürk, who is still today considered "the immortal leader and the unrivalled hero" (Preamble of the Turkish Constitution) of Turkey. His doctrine, referred to as Kemalism, was characterized by a number of principles, which would allow the country to make the enormous jump from the Ottoman heritage into modern society. The influence of these principles can still be found in the Turkish Constitution. One of these principles is Secularism, the separation of state and religion. Since in the Islamic world of that time, state religion could present a serious hindrance on the way to modernism, secularism was extended to strictly separate religion, not

only from the state, but from politics altogether in the new Turkey. This is why in Turkey certain religious parties have been banned (Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe 1999: 3). Keeping that in mind, it can be explained why it is – at least at first glance – problematic that the AKP is originally rooted in the Islamist movement. Its grand-predecessor was the Welfare Party, which was founded in 1983 and closed down by the Constitutional Court in January 1998, on the grounds that it had become a focal point of anti-secular activities. It was succeeded by the Virtue Party in 1997, which, again, was closed down in June 2001. The movement was eventually split into the traditionalist Felicity Party, founded in July 2001, and the reformist AKP, founded in August 2001 (Cizre 2008: 162), whose younger more progressive generation of Islamists could no longer agree with the old guard on issues of ideology, strategy and leadership. Due to the fact that until the AKP no Islamist party has been able to hold its ground against the Kemalist (read secularist) establishment, the AKP made a smart move and started presenting itself as a ‘conservative democratic’ party rather than as ‘Muslim democrats’. Its ‘post-Islamist’ political program abandoned reference to Islamic values, embraced the free market economy, adopted the discourse of democracy, human rights and rule of law, and enthusiastically supported Turkey’s accession to the EU (Akdoğan 2007 cited in Patton 2007: 343). To achieve its goals, the AKP had to find a way to tackle the issue of secularism. It successfully borrowed from an Anglo-Saxon understanding of the separation of religion and state. Instead of criticizing the secular order, the party leaders insist that they are very much for secularism, but against state interference in people’s private lives. By contrast, in the Kemalist (and Jacobin) understanding of secularism (termed laicism), the state excludes religion from the public sphere. Kemalists therefore defend practices that subordinate religion to the state, while the AKP regards this formulation as incompatible with democratic norms and individual rights-based freedoms that all Turkish citizens deserve to enjoy (Patton 2007: 343).

By defense of negative freedoms (that limit state power) and societal pluralism as well as the tactics of downplaying its religious roots, the AKP managed to shield itself from the likelihood of imminent closure. Furthermore, it safeguarded an Islamic lifestyle under the rubric of democratic freedoms while at the same time broadening its appeal successfully both to a pro-Islamist constituency and to cosmopolitan liberal voters (Cinar 2006 cited in Patton 2007: 343). In conclusion, the adoption of a conservative democratic political identity lent credibility to the party’s claim to occupy the centre-right of the political spectrum which

consequently translated into bigger political gains during elections than any of the AKP's pro-Islamist predecessors had achieved (Patton 2007: 343).

b) The Military

When applying Tsebelis' veto player theory, the military in Turkey turns out to be an institutional veto player. Its political role was institutionalized in the constitution of 1961 in the form of the National Security Council (Milli Güvenlik Konseyi = MGK). The MGK is chaired by the President and consists of the heads of the air force, the naval forces, the army and the gendarmerie as well as the Ministers of Justice, Defense, the Interior and Foreign Affairs. The MGK's objective is to inform the government of the military's stance on issues of national security. Thereby, the almost equal status of the military on the one side and the democratically elected government on the other side is granted constitutionally (Kramer 2011: 36).

The Turkish military is a veto player of considerable influence due to its high standing in the Turkish society. Even today it retains a reservoir of legitimacy as the most trusted institution in the country. Due to its self-ascribed, historically determined role as guardian of authoritarian secularism and its consequent anxieties about the party's roots in political Islam, the military is the antipode to the AKP government and its pursuit of EU rights-based reforms. It fears that broadening the space for identity politics would encourage not only rising fundamentalism but also Kurdish separatism. Contrary to the AKP government which has framed political Islam and the Kurdish question as domestic issues to be addressed with policies of greater democracy, congruent to its historic attitude, the military has classified both as national security threats (Patton 2007: 353).

To grasp the degree of the military's longstanding influence on political decisions in general and on the Kurdish question in particular, an incident between the former Prime Minister Tansu Ciller and the military can serve as an example. In 1993 Ciller spoke of the possibility of autonomy for the Kurdish region along the lines of the 'Basque Model'. Immediately after the comment, however, she was "so sharply reprimanded by military commanders that she not only retracted her suggestion, but [even] denied ever making it" (Kinzer 1999).

However, the AKP managed to limit the military's influence significantly thanks to EU-induced reforms. As one of the first steps in aligning Turkish civil-military relations with EU standards, the AKP had the MGK restructured into an advisory body and its influence over

government policy reduced. The importance of this reform cannot be underestimated. Cizre even termed it a “distinct legislative accomplishment by Turkey’s historical standards” (2008: 138) as the MGK is an institution which is considered to be the embodiment of the political role of the military and has often been referred to as ‘parallel government’ or ‘shadow government’ (Cizre 2008: 138 / Patton 2007: 353).

The changes that came by means of the 6th harmonization package adopted on 15 July 2003 included placing the council under civilian leadership, reducing the number of military representatives, and, most importantly, diminishing the military’s authority and autonomy in defining security threats by doing away with the military’s executive power to set the agenda for meetings and eliminating the MGK’s practice of issuing policy recommendations. In addition, parliamentary oversight of the military’s budget was introduced. This alignment of civil–military relations with European norms, i.e. downgrading the MGK to an advisory body, gave the AKP government considerable leverage to counter the military’s influence and introduce necessary reforms (Patton 2007: 353).

Moreover, the AKP’s commitment to the EU by taking over the military’s ‘vanguard’ role caused considerable embarrassment for the military. EU membership was supposed to be the intended endpoint of the republic’s vision of generating sufficient modernization to eliminate the Islamist threat. To not lose credibility in the eyes of the public by causing doubt of its commitment to EU membership, the military was therefore forced to agree on the downsizing of its own powers that had been demanded by the EU (Cizre 2008: 142). The then Chief of General Staff, General Özkök – who in general respected the democratic will of the people and believed in the merits of EU accession more than other members of the Turkish General Staff and who had furthermore established a good working relationship with Prime Minister Erdoğan that lasted until Özkök’s retirement in 2005 (Bahcheli/Noel 2011: 109) – conceded that “70% of the people want the EU membership. Nobody can resist this kind of majority. We are ready to compromise and undertake risks to harmonize with the EU values” (Radikal 2003 cited in Bahcheli/Noel 2011: 109). In conclusion, the military during this time frame can be considered a civilianized and therefore weakened veto player thanks to the EU, thereby paving the way for the above mentioned reforms.

c) The PKK

The PKK can be considered another important veto player. Albeit not directly part of the political decision-making process and therefore not able to literally veto a reform, it is a de

facto veto player when it comes to the Kurdish issue as it contributes to the ‘political climate’. Whenever the PKK launches another terrorist attack, it becomes harder for the incumbent government to justify a reform in favor of the Kurdish population – if it even feels the inclination to do so itself at that point.

In the respective time frame of this chapter, however, the situation was fairly peaceful. After the capture of its leader Öcalan in 1999, the PKK had announced a ceasefire and, what is more, in the light of a possible EU accession of Turkey, it had openly changed its goal from an independent Kurdistan to a democratic Turkish Republic within which Kurdish cultural rights would be respected. Furthermore, thanks to EU-induced reforms, the death sentence that had been pronounced against Öcalan had been changed into a life sentence. Thus, his life was spared (Yeğen 2011_a: 75). Consequently, the PKK was mollified and the political atmosphere in this respect was favorable for pro-Kurdish reforms.

d) The Public Opinion

The Turkish public opinion can also be a powerful de facto veto player when it opposes a proposed government reform. This opposition is then expressed by protest marches in all major cities in Turkey. However, in this time frame it did not oppose the government’s reforms. On the contrary, as the membership prospects were very good at that time, the general public very much approved of a prospective EU membership and the respective reforms. In the Eurobarometer public opinion poll, conducted by the European Opinion Research Group EEIG on behalf of the European Commission, when asked the following question: “Generally speaking, do you think that Turkey's membership of the European Union will be a good thing/a bad thing/neither good, nor bad?”, a considerable majority in Turkey answered that it was a good thing. The approval rate ranged from 65% in spring 2002 to an overwhelming 71% in spring 2004 (European Commission 2004_b: C58).

It can therefore be concluded that – influenced by positive signals from the EU – public support of a future EU membership contributed to enabling the AKP government to pass the EU-required reforms mentioned above.

3.2.5. Interim Conclusion

As Tsebelis argues that the potential for policy change decreases with the number of veto players and the lack of congruence (dissimilarity of policy positions among veto players) (Tsebelis 1995: 289), it could have been expected that there is almost no potential for policy

change in Turkey when it comes to the Kurdish issue. There are 4-5 veto players in this policy area and their policy positions are very far apart.

However, Europeanization in this time frame was, as Börzel/Soyaltın put it, “an emerging political opportunity structure that enable[d] one group of actors to exert additional influence while restraining another group of actors from achieving their goals” (2012: 8). Thus, domestic change (read: the pro-Kurdish reforms mentioned above) was possible because EU incentives strengthened reform coalitions, i.e. the AKP government, and discouraged domestic actors such as the PKK and the military to veto adaptation to EU requirements (Börzel/Soyaltın 2012: 8).

The conclusion of the analysis of this time frame, therefore, is that there has in fact been an isolatable influence of the EU on Turkey’s Kurdish policy. As Öktem puts it, “For a brief period, a window of opportunity emerged, bringing together the military establishment, the moderate Islamists of the AKP, Kurdish Nationalists, [...] and large segments of the Turkish electorate on a platform for EU membership” (2008: 4). As will be shown in the next chapter, this ‘window of opportunity’ closed soon, however.

3.3. 2005-2008: The AKP Incapacitated

While – thanks to EU backing – the AKP government had been proactive in the last time frame, in this time frame it was put on the defensive (Cizre 2008: 145). Thus, the AKP government is mentioned last in this chapter to symbolize its defensive position due to the pressure that was exerted on it.

This time frame comprises the years between 2005 and 2008, with 2005 marking the opening of the EU accession talks with Turkey and at the same time the beginning of the end of reforms. The end of this period is characterized by the Turkish Constitutional Court’s close verdict not to dissolve the incumbent AKP after all.

Since no major reforms were passed during this time frame, the question to be answered in this part of the analysis slightly differs from the other parts. Instead of examining the reasons for the reforms, in this chapter it will be examined what caused the lack of reforms: was it EU influence or one of the other factors of influence that Beichelt named, e.g. the regional context or domestic developments? Most likely, a combination of all factors was responsible.

3.3.1. Suspension of Reform

After its ‘golden era of reform’ in the years between 2002 and 2004, the AKP continued pro-Kurdish rhetoric. Saliently, in his landmark speech in Diyarbakir, the largest city in the mostly Kurdish Southeast of Turkey, Prime Minister Erdoğan stated that “more democracy, not more repression, was the answer to the Kurds’ long-running grievances” (The Economist 2005). Promising that despite renewed PKK violence, there would be no going back on his reforms, Erdoğan reiterated that the Kurdish question could not be solved through military means alone (ibid). This speech caused a lot of hope among the Kurds of Turkey. However, it turned out to be a mere lip service that was not followed up by reforms (Bahcheli/Noel 2011: 107). No Kurdish policy was thought out or debated, let alone implemented. Instead the government started to endorse the traditional security understanding of the military (Cizre 2008: 155-156). In the following it will be analyzed what caused this volte-face.

3.3.2. The EU Context: Fading Credibility

Despite the fact that at the Brussels Summit of 2004 the decision was taken to open EU accession negotiations with Turkey in 2005 (Aydın Düzgit/ Çarkoğlu 2009: 121) – which would have been expected to boost the reform momentum – the opposite happened: as mentioned above the AKP government deflected from its reform agenda.

In the EU context, this can be explained as follows. According to Schimmelfennig and Sedelmeier, the likelihood of rule adoption increases with the credibility of conditional threats and promises, i.e. the credibility of the EU’s threat to withhold rewards in case of non-compliance and, in turn, its promise to deliver the reward in case of compliance. As soon as the EU is perceived to subordinate conditionality to other political, strategic, or economic considerations, the target state might either hope to receive the benefits without fulfilling the conditions or conclude that it will not receive the rewards at any rate. Either way, the target state will fail to adopt EU rules (Schimmelfennig/Sedelmeier 2004: 673).

Indeed, in this time frame Turkey failed to adopt further measures to comply with EU rules as Turkey-EU relations deteriorated and the EU consequently lost credibility (Bahcheli/Noel 2011: 111 / Patton 2007: 345). This deterioration of relations was due to a number of reasons.

First of all, Cyprus had been admitted to the EU in 2004 despite the fact that it was still a divided island, and on top of that it was represented as a whole by the Greek Cypriot-controlled Republic of Cyprus which equaled a potential obstacle for Turkey’s future

accession (Bahcheli/Noel 2011: 110). Another aspect of the Cyprus issue is that the EU has been pressing Turkey to honor the Ankara protocol, which it had signed in July 2005. This meant that Turkey had to extend its customs union with the EU to the ten new member states that joined in 2004, including the Greek Cypriot state. However, the AKP government insisted that its signature on the Ankara Protocol did not signify recognition of the Republic of Cyprus and has stalled its implementation, refusing border entry to Greek Cypriot ships or planes. After warning that the failure to break the stalemate over Cyprus could paralyze accession negotiations, the EU followed through on its threat and froze talks on eight of the chapters in December 2006 (Patton 2007: 346).

The EU's treatment of Turkey during the Cyprus stalemate has hit a raw nerve. Its stipulation that Turkey must budge on Cyprus has been viewed as an unfair demand for one-sided concessions. From a Turkish perspective it is unreasonable to insist that the Turks should have to 'bend over backwards' to please the EU when the solution to any political dispute requires at minimum a two-sided effort as well as a compromise on the part of all parties. It is further argued that the Turkish government already made concessions on Cyprus, having backed the Annan Plan to reunite the divided island in the April 2004 referendum, and that it was not Turkey's fault that the Greek Cypriot community rejected the plan. Patton argues that this 'EU bullying' to either recognize Cyprus or forget EU membership has proven to be highly counterproductive and has countenanced a perception among Turks that the Cyprus issue is a zero-sum game in which there can be only one winner (2007: 346).

Furthermore, despite the fact that the AKP government had been working steadily to fulfill EU accession requirements, starting in late 2004 the public opinion in Europe was shifting as the EU had its own identity crisis at the time. The new EU Constitution that was supposed to tackle the EU's enlargement fatigue was rejected in the referendums in France and in the Netherlands. Those failed referendums were interpreted as a plebiscite against Turkish membership as voters rejected a constitution that would have created a workable framework for an enlarged EU (including Turkey). On top of that, following the referendums, criticism of Turkish EU membership rose in Europe and public opinion polls showed an appreciable and growing decline of support for Turkey's membership. This affirmed Turkish suspicions that Europeans wanted to keep the EU a Christian Club (Patton 2007: 345).

Furthermore, a turnover of European leaders could be observed. By 2005 three of the EU's new leaders – Chancellor Angela Merkel of Germany, later-to-be President Nicolas Sarkozy

of France, and Chancellor Wolfgang Schäussel of Austria – were united in their opposition to Turkey’s membership. Instead of full membership they proposed a ‘privileged partnership’ – an offer that was all but acceptable for Turkey (Bahcheli/Noel 2011: 110).

Consequently, the EU lost credibility in the eyes of the AKP government as well as the Turkish public whose enthusiasm for EU membership began to fade as the likelihood of Turkey’s accession decreased. Many felt that Europe would not accept their country regardless of its efforts to satisfy EU requirements (ibid).

Another fact that needs to be taken into consideration is the lack of consistency of the European Commission and the EU as a whole.

The Commission refers to standards set by the Council of Europe and to the OSCE when it comes to minority rights. Consequently, it requires candidate countries to accede to the Framework Convention on Protection of National Minorities (and the European Charter for Regional or Minority Languages as well as to cooperate with the OSCE High Commissioner for National Minorities). The following is therefore curious to see: despite the fact that it was criticized in every single European Commission’s Regular Report between 2000 and 2004 that “Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities” (2000: 20/ 2001: 20/ 2002: 26/ 2003: 23/ 2004: 48) and Turkey did not comply – still has not complied until today as a matter of fact – Turkey’s accession talks were opened in 2005.

Consequently, the EU is understood as treating accession to the Framework Convention and the European Charter for Regional or Minority Languages and cooperation with the OSCE High Commissioner for National Minorities as desirable but not necessary for satisfying the conditionality requirements (Acar 2010: 80). Obviously, this inconsistency when it comes to close cooperation with the CoE and the OSCE increases the lack of credibility of the EU.

To put it in a nutshell, since the membership perspective became less credible in the post-2005 period, the EU has not been able to positively influence change in Turkey in general and with regard to the Kurdish minority rights in particular. On the contrary, in an inversion of Börzel and Soyaltın’s argument that EU incentives strengthen pro-reform coalitions (2012: 8), it is argued here that its fading credibility effectively weakened the reform-minded AKP government.

3.3.3. The Regional Context: Emergence of a New Iraq

As mentioned above, according to Beichelt, the EU dimension is not the only geographical context that influences domestic politics. Regional politics play an important role as well (Beichelt 2009: 30). In the case of Turkey, regional influences may be interpreted as relevant developments in neighboring states such as Iran, Iraq and Syria as they all hold a considerable Kurdish minority as well.

In this time frame, the emergence of the Kurdish Regional Government (KRG) after the US-led invasion of Iraq in 2003 counts as relevant development. The formation of this Kurdish state in Northern Iraq gave rise to Kemalist fears that national sentiments among Kurds in Turkey would be stirred again and would thus destabilize the country (Bahcheli/Noel 2011: 109). What made matters worse was that many PKK attacks originated from bases in Northern Iraq. 'Iraqi Kurdistan' constituted a safe haven for the PKK fighters who operated basically undisturbed and who also obtained a share of arms and explosives off of the disbanded Iraqi army (id: 108). Moreover, neither Baghdad nor the US government were prepared to help in this matter. The nominal Iraqi government did not have legislation in Iraqi Kurdistan and the US troops were engaged in fighting insurgencies in a number of Arab provinces in Iraq (id: 109).

As no government hindered the PKK attacks from Northern Iraq, Prime Minister Erdoğan was reduced to rhetoric. Having at first avoided any formal contact with the KRG so as not to give or enhance legitimacy of a de facto Kurdish state, he came to blame the KRG president Barzani for not just tolerating PKK fighters but providing them with logistical support as well. However, Barzani retorted that Turkey needed to settle its domestic Kurdish issue politically to be able to end the fighting (ibid).

After a Turkish death toll of 600 in the year 2006 alone and the respective inciting media coverage that aroused Turkish public opinion, the AKP government came under enormous domestic pressure to leave its anti-military stance behind and authorize military operations in Northern Iraq (ibid).

It can be concluded that the developments in Northern Iraq had a sizeable influence on the negative developments regarding the Kurdish minority in Turkey. The situation in Northern Iraq led to the exacerbation of the rapidly tensing political climate in Turkey making military measures much more likely than pro-Kurdish reforms.

3.3.4. The Domestic Context: The AKP Government on the Defensive

In addition to the developments on the European and regional level, the domestic circumstances changed for the worse as well. The dissimilarity of policy positions among the important veto players (lack of congruence according to Tsebelis 1995: 289) became so large that pro-Kurdish reforms were not even touched upon (Cizre 2008: 155).

a) The PKK

In this time frame, the de facto veto player PKK became active again. On June 1, 2004, the PKK terminated the ceasefire that had been in existence since 1999 and resumed its war against the Turkish state because it had concluded that the AKP government had no intention of granting full cultural and political rights to the Kurds (Bahcheli/Noel 2011: 108).

This conclusion is based on the fact that Abdullah Öcalan, imprisoned leader of the PKK, and the Kurdish political parties HADEP (Halkın Demokrasi Partisi = People's Democracy Party) and DTP (Demokratik Toplum Partisi = Democratic Society Party) had unsuccessfully tried to negotiate with the AKP government. Their demands included a general amnesty for PKK members instead of a limited one as offered by the government; unrestricted freedom to publish and broadcast in Kurdish instead of a specific and limited authorization for it; and the disbanding instead of a reform of the village guard system (ibid).

However, the government showed no sign of accommodating those demands. On the contrary, according to Öktem, the DTP had to face an exclusionary approach by state agencies, the military and the government alike that amounted to “a disengagement of the state and the Erdoğan government from a legal Kurdish party” (2008: 5). The politics of disengagement proceeded on a number of levels. On the level of state agencies, a policy of non-cooperation with DTP municipalities was applied; on the level of representatives of the military, it was active non-engagement with DTP members, especially during national celebrations; on the legal level, court cases were launched against mayors and Members of Parliament for minor offences like speaking Kurdish during public service (Öktem 2008: 6).

Thus, the PKK once again resorted to violence. Violence in the Kurdish provinces had never ceased completely – low-level armed conflict in some areas continued after the end of emergency rule, yet fighting was largely confined to rural areas – but there was a serious blow to the feeling of normalization when the death in combat of fourteen PKK fighters on March 29, 2006 became known. It set in motion a circle of violence that according to Öktem “could well be defined as the ‘return of a state of exception’” (2008: 4). Security forces killed at

least fourteen demonstrators. Many of the victims were young men, yet three were children under the age of ten, who got caught up in the street fights. In the following wave of detentions and prosecutions, two-hundred children were taken into custody and around ninety were charged with participation in illegal protests (Öktem 2008: 4). The March events were followed by a bomb blast in September 2006 in Diyarbakir and a growing number of casualties in armed conflict between the security forces and the PKK (ibid). PKK attacks then culminated in the killing of twelve soldiers and the capture of eight at the Iraqi border near Dağlica, in October 2007 (Öktem 2008: 5).

The PKK's renewed violence aroused national sentiment among Turks and renewed calls for tough measures. The AKP government was consequently under a dilemma. If it reacted too harshly, its reform agenda and Turkey's bid for EU accession would be hurt and peace in the Kurdish region disturbed. However, if it did not react forceful enough, it would come under enormous criticism within the country (Bahcheli/Noel 2011: 108).

b) The Military

In this time frame the military more than regained its old strength as the most important de facto veto player. There are three major reasons that contributed to this development: the EU's criticism weakening the AKP government's stance vis-à-vis the military, the succession of the fairly liberal General Chief of Staff Özkök by the hardliner Büyükanıt, and the general lack of internalization of the civil-military relations reforms resulting in the old influence sought through new channels.

Regarding the EU's influence, the EU strengthened the military's position vis-à-vis the government by criticizing that same government. In the first years of its incumbency, the AKP had depended largely on success in non-military policy domains, the most important one being EU membership. Some slips in that direction followed by the EU's vocally voiced disappointment over the slowed-down reform process on the one hand and the Turkish population's fading enthusiasm for it on the other hand – by spring 2006 support for future membership had fallen significantly to 44% and the opposition rate had increased to 25% (European Commission 2006: 79) – have therefore caused the AKP government to lose the margin of freedom necessary to resist the constraints imposed by the military (Cizre 2008: 154). According to Cizre this criticism has legitimized the reassertion of military power into politics – in defense of a secular order – more vocally than ever (id: 150s.).

Secondly, a relevant change in leadership of the military took place. In July 2006 General Büyükanıt succeeded General Özkök in office as the Chief of General Staff. Contrary to Özkök, who was known for his more democratic and moderate views, Büyükanıt was known as a hardliner whose ideological position was shaped by the belief that guarding the republic against anti-secular and separatist activities provides the single necessary rationale for a complete trade-off between secularism and an array of individual rights – connected with popular sovereignty, plural democracy and the EU (Cizre 2008: 151). Since the advent of General Büyükanıt, EU conditionality on the limitation of the political role of the military was pointedly and repeatedly defied, and the guardian role of the military was expanded and intensified to include day-to-day politics (id: 152). For example, General Büyükanıt openly criticized both the government and EU officials for pushing reforms that allegedly handicapped the military in doing its job to protect the state and defend its founding principles (Patton 2007: 354).

Furthermore, he considered advocacy on minority rights as conspiracy against or betrayal of the state. During a press conference on April 13 2007, Büyükanıt blamed the EU for *creating*²⁰ new minorities in the Turkish Republic by calling ethnic and religious communities, such as the Alevis and Kurds, minorities in its reports on Turkey (NTV-MSNBC 2007). At the same press conference General Büyükanıt also expressed the necessity of launching a major offensive into Northern Iraq to combat the Kurdish forces, saying that all he needed was the political approval by the government (Cizre 2008: 149). In general, he has been known for his polemical exchanges with the government and for undermining its authority and prestige (id: 152).

Thirdly, despite the fact that the reforms passed in the first time frame constituted a major first step towards weakening the military's role in politics, a significant disengagement of the military officers from politics has not yet taken place; neither have the reforms led to a rethinking of the military's role in areas that should be under civilian control (id: 146).

According to Cizre, the military high command did not oppose the reforming of the MGK (Milli Güvenlik Kurumu = National Security Council) as it was and still is perfectly aware that the voice of the military cannot be altered just by including more civilian ministers into

²⁰ As put by the former High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE), “the existence of a minority is a question of fact and not of definition” (van der Stoel 1993).

the composition of the MGK. For the dominance of the military view in the MGK is born out of the significantly unequal power relationship between the military and the civilian sides of the MGK: The civilian component is more reticent than the military component, not because of any physically imposed limits on their participation, but due to self-imposed restraint. The internal urge not to arouse the antagonism of the military has indeed always been the most powerful brake. Thus, institutional improvements such as reforming the MGK merely disguise the underlying power structure; the pre-eminence of the military is not actually threatened by institutional reforms (Cizre 2004: 121).

Therefore, the military continues to exercise significant political influence as it still has almost exclusive control over the definition of what qualifies as being within the remit of national security (ibid: 108). Article 2a of the Law on the MGK Secretariat – termed ‘back door constitution’ by Değer (2005 cited in Patton 2007: 354) – defines national security in such broad terms that it could, if necessary, be interpreted as covering almost all aspects of politics:

“National Security means the protection of the constitutional order of the State, its nation and integrity, all of its interests in the international sphere including political, social, cultural and economic interests, as well as the protection of its constitutional law against all internal and external threats”
(European Commission 2005: 14).

It is the translation of such defined national security into laws, decrees and regulations that in fact gives the Turkish military an enormously wide latitude in policy making and law enforcement (Cizre 2004: 108).

Additionally, there are still representatives of the MGK in civilian boards such as the High Audio Visual Board (RTÜK) and the High Education Board (YÖK) (European Commission 2004_a: 12) and although monthly meetings of the MGK have been reduced to bimonthly meetings, the military headquarters themselves have instead started to hold monthly press briefings expressing the views of the high command on the political issue of the day (Cizre 2008: 147).

For example, the then Chief of General Staff General Özkök pronounced a warning that the democratization reforms made by the AKP government in its bid for EU membership had hampered the fight of the security forces against Kurdish terrorism (id: 155). Subsequently, the government went back to endorsing – contrary to its previously voiced attitude towards the Kurdish issue – the traditional security understanding of the military that the fight against

Kurdish terrorism is a zero-sum game to be played under the military's directives (ibid: 156). In general one can say that the military managed to counterbalance its partial loss of political influence by actively creating new instruments used to perform the same functions (id: 147). Overall, the AKP government's concession to this reinvigorated veto player called the armed forces was so complete that during this time frame no pro-Kurdish reforms were approached (id: 155).

c) The Judiciary

In this time frame, the judiciary has proven to be another very powerful veto player with regard to the Kurdish issue. A veto player of a fairly institutionalized nature (Tsebelis 1995: 307) – albeit not specified by the constitution – by ruling a law or a provision unconstitutional, the High Courts of Turkey have managed more than once to block reforms initiated by the AKP government.

Thus, Patton calls the judiciary “the civilian doppelgänger to the military” (2007: 349). Like the military its members are professionally schooled to protect Kemalist republican values of secularism and nationalism as it perceives itself as a guardian of the Kemalist state and as protector of the interests and values of the Kemalist state elite; and like the military it is a key instrument of anti-EU forces as the judicial arena including lawyers, prosecutors and judges is packed with secular nationalists suspicious that EU reforms will empower Islamists and Kurdish separatists (Patton 2007: 350).

Those entrenched beliefs and attitudes of the state bureaucracy significantly impede the judiciary's independence. Judges and public prosecutors themselves have internalized them with especially the lower courts being intent on ‘preserving the national interest’. On the next level, the careers of judges and public prosecutors depend on judicial inspectors who are themselves under similar ideological burdens and who exert a certain amount of pressure that certain cases are filed and decided in a certain way thereby giving way to a restricted jurisdiction concerning especially fundamental freedoms and minority rights (Aydın/Çarkoğlu 2005: 15s.).

Thus, ultranationalist jurists have flooded the legal system with free expression cases using the weapon of Article 301 of the Turkish Penal Code (TCK) – which criminalizes acts that are ‘insulting’ to state institutions or the nation (i.e. Turkey or Turkishness) – to silence public discourse that contests doctrinal views on minority and cultural rights. Furthermore, the

Constitutional Court as the AKP government's most powerful judicial nemesis puts politics ahead of legal principles acting with determination to check the reform agenda of the government by blocking proposed laws, overruling constitutional amendments, and upholding restrictive interpretations of civil rights and democratic freedoms. These challenges have contributed to the slowdown in reform momentum (Patton 2007: 350).

Illustratively, having closed down a dozen of Islamist and Kurdish nationalist parties in the past, in 2008 the Constitutional Court attempted to ban the incumbent party AKP itself (Algan 2011: 825). In fact, 6 out of 11 associate judges of the Constitutional Court voted for dissolution, only one vote short of the required minority to ban a party that had polled 47% of the votes in the parliamentary elections 2007. Although the Court did not indeed conclude to close the AKP, it adjudicated to partially deprive the party of its state aid (Anayasa Mahkemesi Kararı 2008).

As the Turkish Constitutional Court is more concerned with its role as a guardian institution of the Turkish constitution than with its rather 'abstract' role as an important safeguard for the democratic rule of law (Köker 2010: 63), it can therefore be concluded that the judiciary significantly weakened the AKP, thus rendering it almost immobile with regard to pro-Kurdish reforms.

d) The Coalition of Kemalists

Indeed, during this time frame, in addition to their power as separate veto players, it is the combined efforts of military and judiciary that made them so successful at blocking pro-Kurdish reforms in particular and the AKP in general. According to Cizre, the AKP lost its security and self-confidence due to the unfettered strength of the coalition of secular forces (military and judiciary) united in their 'radical doubt' over the AKP's aspirations to pass reforms regarding cultural as well as religious rights (2008: 156). In the following, two examples illustrating the anti-Kurdish and one example illustrating the anti-AKP mechanisms of this coalition shall be presented.

The first example of an anti-Kurdish occurrence is the Court of Cassation's verdict against the largest teachers' union in Turkey, Eğitim Sen (Eğitim ve Bilim Emekçileri Sendikası = Union of Education and Science).

Article 26 of Eğitim-Sen's statute had stipulated that the trade union "defends the right to education in the mother tongue" (Köker 2010: 63). In 2003, the military General Staff had pressured the Ministry of Labor and Social Security to take measures with a view to enforcing

Article 42 of the Turkish Constitution (European Commission 2005: 14) which states that “no language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of training or education.”

In May 2005, the Court of Cassation found the above mentioned article of Eğitim Sen’s statute to be illegal (Köker 2010: 63) and consequently ruled to close Eğitim Sen on the grounds that “freedom of association can be limited for the protection of national security, integrity of the country and public order” (Article 3 of the Turkish Constitution) and that “Turkish citizens cannot be provided education in a language other than Turkish” (Article 42 of the Turkish Constitution) (European Commission 2005: 28-29). Subsequently, Eğitim-Sen revoked the relevant clause in its statute to avoid dissolution (MRG 2007: 23-24).

Another illustrative example is the ‘Şemdinli incident’. On November 9th, 2005, a bookshop in the mainly Kurdish town of Şemdinli was bombed by the military. The public prosecutor specifically accused General Büyükanıt, the then Land Forces Commander and eventual Chief of General Staff, of being actively involved in the bombings aimed at meddling with the political management of the Kurdish conflict by way of provoking tensions in the region and blocking peaceful civilian progress. However, the public prosecutor was not able to follow through with the indictment. Instead he was prosecuted himself. The military high command accused him of trying to undermine the military and General Büyükanıt’s promotion and called on the Ministry of Justice – controlled by the Supreme Council of Judges and Prosecutors, i.e. the judiciary – to prosecute him. Subsequently, he was dismissed from office and, in a final review, barred from the legal profession altogether (Cizre 2008: 152).

To put it in a nutshell, the military exacerbated the Kurdish conflict to avoid a political solution (that would allegedly pose a threat to the state and render its own position moot) and the judiciary defended and legitimized the military’s meddling with politics while penalizing members of its own métier for taking a different stance on the matter.

With regard to the Kemalist coalition’s stance vis-à-vis the AKP government in general, the Constitutional Court’s ruling to annul the presidential election that was held in April 2007 is the most far-reaching intervention of the Kemalist coalition.

For this election, the AKP nominated Abdullah Gül, foreign minister and co-founder of the AKP whose wife wears a headscarf, as their only candidate. Intending to prevent the likelihood of an Islamic-oriented party being able to control the government, the presidency and the parliament at the same time (Cizre 2008: 149), the military opposed Gül’s candidacy.

As a reaction to his nomination, on April 27th 2007, the Office of the Chief of General Staff sent a harsh warning to the government from its website, a so-called e-memorandum, – which has been widely regarded by politicians, media and civil society as a coup attempt – stating that “anyone who objects to the understanding ‘How happy is the one who says s/he is a Turk’ is the enemy of the Republic, and will always be so” and that it was an “absolute defender of secularism [that] will display its attitude and action openly and clearly whenever necessary” (cited in Sarigil 2010: 478/ MRG 2007: 7).

Several days later in a clearly politicized ruling the Constitutional Court sided with the military and the rest of the secular opposition and annulled the first round of the election as it deemed the quorum necessary for voting to have been absent. The court’s decision, which Erdoğan angrily denounced as ‘a bullet fired at democracy’, implicitly validated the military’s meddling in the political system, and is illustrative of the High Court’s determination to undermine the AKP and to interrupt its reform momentum (Cizre 2008: 159 / Patton 2007: 351).

Thus, the military and the judiciary can be called a well-coordinated coalition working together to ‘defend the republic against separatists and Islamists’ thereby causing the AKP government to falter.

e) The AKP Government

Having been pressed in such a comprehensive fashion, the AKP government aligned with the military by authorizing cross-border military operations into Northern Iraq in the form of air strikes on PKK bases and limited incursions by Special Forces (Bahcheli/Noel 2011: 113). Furthermore, it aligned with the secular establishment in general and slid back into an undemocratic discourse. Repealing amendments of previous governments, it introduced an Anti-Terror Law that restricted free speech, dissemination of ideas, press freedoms and human rights. This law was adopted on the grounds that the mounting threat posed by the Kurdish rebels since the end of the five-year truce in June 2004 had made this amendment necessary (Cizre 2008: 155).

Furthermore, despite the pressure coming from liberals inside Turkey and from the EU to remove Article 301 of the Penal Code, which criminalizes acts that are ‘insulting’ to state institutions or the nation (i.e. Turkey or Turkishness), the AKP government refused.

Consequently, throughout 2005 and 2006 prominent journalists, intellectuals, publishers and renowned novelists (Orhan Pamuk, Elif Şafak) were charged with ‘denigration of

Turkishness' under that same Article 301 of the Penal Code, which stipulated up to three years in jail²¹ (id: 156).

According to Cizre, this unforeseen resistance to keep the article unchanged attested to a conservative right-wing shift in the party's discourse in which EU-backed liberalizations were no longer the centerpiece of its achievements (ibid).

While the AKP's leap into the vanguard role of advancing Turkey's EU membership bid had marked a watershed opportunity to complete the process of consolidating democracy in the years between 2002 and 2004 (Patton 2007: 342), fears were now heightened that the AKP's political discourse was shifting to a point where the traditional national security definition, as locked into a military solution to all political problems and threats, once more seriously undermined the democratic authority of the civilian government (Cizre 2008: 156).

3.3.5. Interim Conclusion 2

The aim of this chapter was to determine whether the EU had a significant influence on the lack of reforms or if one of the other factors of influence that Beichelt named, e.g. the regional context and/or domestic developments, was of more importance. As anticipated, a combination of all factors was responsible. Keeping in mind the deteriorating relations with the EU, the emergence of the Kurdish Regional Government in Northern Iraq, the PKK's resumption of armed conflict as well as the reinvigoration of the guardian role of the military and the judiciary, it can be concluded that the negative alignment of all those factors led to the incapacitation of the AKP government and its consequent deflection from its promise to continue the pro-Kurdish reform process.

3.4. 2009-2010 Of Progress and Setbacks

This time frame encompasses the years 2009-2010, yet its main focus is the year 2009. The year 2009 is remarkable as two very opposite incidents occurred. On the one hand, the governing party AKP launched its so-called Kurdish Opening which entailed the opening of a Kurdish television channel in Turkey marking a step forwards. However, in the same year, despite having gained a substantive amount of votes in the local elections in 2009, the

²¹ Hrant Dink, editor of the Armenian Newspaper Agos, was charged and tried under the same article and subsequently assassinated in Istanbul on 19 January 2007 (Cizre 2008: 156).

Kurdish political party DTP (Demokratik Toplumsal Partisi = Democratic Society Party) was banned from the political landscape by verdict of the Turkish Constitutional Court marking a step backwards in Kurdish policy. The analysis of this time frame entails a twofold question: what were the factors of influence that led to the Kurdish Opening and what were the reasons that led to regress in the very same year?

3.4.1. The Kurdish Opening

In 2009, Prime Minister Erdoğan declared that his government was initiating a process of “Kurdish Opening” that would improve the rights of certain groups of society, especially those of the Kurdish ethnic group. Although the full content of the initiative was not stated very clearly, the basic objective of the initiative was primarily to build confidence between the state and Kurdish citizens through granting broader cultural and political rights to the Kurds in Turkey and secondly, to persuade the PKK members to lay down arms and to end their insurgency.

This ‘package’ of democratic amendments was submitted for discussion at Parliament on November 10th, 2009. Despite the fact that the government declared its commitment several times to proceed with the package, it has lagged behind in terms of its implementation. However, important legal arrangements were made within the framework of the government’s democratic initiative since 2009 (Kızıllan-Kısacık 2010: 25).

Firstly, on January 1st, 2009, the state-owned broadcasting enterprise TRT (Türkiye Radyo ve Televizyon Kurumu = Turkish Radio and Television Corporation) commenced broadcasting 24 hours in Kurdish by means of the newly established channel TRT 6. When Prime Minister Erdoğan inaugurated TRT 6, he concluded his statement by uttering a sentence in Kurdish (‘TRT şeş, bixêr be’ —May TRT 6 be auspicious). Given that earlier even the existence of a Kurdish language was denied, this indeed constituted a historic moment in Turkey’s official approach to the Kurdish issue (Ayata 2011: 524).

However, the lack of a sound lawful base for the broadcast was cause for negative reactions both from the opposition parties and the Kurds (Bianet 2009). As internal and external pressure surmounted in this direction, a new regulation drafted by Turkey’s Radio and Television Supreme Council (RTÜK) was brought into force on November 13th, 2009. It revised the previous regulation enacted on January 25th, 2004, by removing the restriction on the duration of broadcasts in Kurdish by private television stations (Law No: 27405: 2009).

The only particular requirement included in the regulation was the use of Turkish subtitles during the news bulletins, contrary to the previous one that had demanded Turkish subtitles to be used in the course of all programs²² (Kızıllan-Kıscık 2010: 25).

Secondly, Turkey has begun restoring the names of Kurdish villages as part of the Kurdish Opening process. The renaming of Kurdish villages is now subject to the will of the residents of those places. If the inhabitants of any village or town demand to use a Kurdish name for their town, they can apply to their district governor. Following this application, a referendum or referendum-like research needs to take place; the village can then be renamed, provided that the majority of the inhabitants give their consent for such an alteration (Today's Zaman 2010). This development should be considered an important development because under the Turkification policies between 1940-2000 more than 12,000 villages (approximately 35 percent of all the villages in Turkey) with Kurdish, Armenian, Greek, and Bulgarian names had been given a new Turkish name (Kızıllan-Kıscık 2010: 25).

Thirdly, the Board of Higher Education in Turkey (YÖK = Yüksek Öğretim Kurumu) allowed the state-owned Mardin University in South-East Turkey to found the Institute of Living Languages. That would allow the institute to teach Kurdish, Persian, Arabic, and Aramaic; the teaching would begin at postgraduate and doctorate levels.

In spite of the fact that this was one of the concrete steps of what has come to be known as the AKP's Kurdish Opening, it led to disappointment among some parts of the academic world and pro-Kurdish circles who demanded the opening of the Department of Kurdish Language and Literature and the Institute of Kurdology instead of the Institute of Living Languages²³ (Bianet 2009 cited in Kızıllan-Kıscık 2010: 26).

²² However, apart from a few talk shows produced for TRT 6 only, most of the programming consists of translations from other TRT programming into Kurdish. Even pro-government observers such as Önder Aytac conclude in a recent assessment of TRT 6, that "the language used in TRT-6 is inadequate and the programs are dull content-wise. Showing ancient soap operas and Turkish films that are badly translated [into Kurdish] cannot be counted as professional televising" (2010: 111 cited in Ayata 2011: 531).

²³ Turkey's Board of Higher Education refused to give permission to the establishment of the Department of Kurdology on the grounds that there was not enough academic personal. But according to the President of the University, this was not true, as the University had sufficient academic personal at its disposal to teach at both graduate and undergraduate levels (Bianet 2009 cited in Kızıllan-Kıscık 2010: 26). According to Kızıllan-Kıscık, the basic reason for the refusal of Turkey's Board of Higher Education is to restrain the explicit expression of 'Kurdology' or 'Kurdish language'; using 'living languages' is an effort to conceal the name 'Kurdish' (Kızıllan-Kıscık 2010: 26).

3.4.2. The EU Context: Faded Credibility

In this time frame Europeanization cannot be considered a relevant factor of influence as EU conditionality has been undermined by a number of factors. First of all, Turkey-EU relations have not significantly improved compared to the time frame before. On the contrary, the stalemate on the Cyprus issue remains as Turkey has not conceded to fully implementing the Additional Protocol – despite the European Council and the European Commission’s insistence – and bilateral relations between Turkey and Cyprus have not reached the required degree of normalcy. Consequently, a number of chapters (of the *acquis communautaire*) remain at a stage “where accession negotiations cannot be opened for the time being” (European Commission 2011_b: 19).

Furthermore, Turkey’s membership perspective has continuously been losing credibility. The European Commission states in its *Communication from the Commission to the European Parliament and the Council – Enlargement Strategy and Main Challenges 2011-2012* that Turkey’s EU accession negotiations “have reached a critical stage” (2011_b: 19). Yet, the European Commission does not speak of working towards Turkey’s eventual accession in the above mentioned document– which would normally be expected to be aiming at the accession of candidate countries. It only speaks of a “more constructive and positive relationship” (European Commission 2011_b: 19) that shall be achieved through a “fresh and positive agenda” (ibid) developed on the basis of “a pragmatic approach and [...] concrete steps in areas of common interest, [as well as] a joint understanding of constraints and a search for progress in Turkey’s alignment with the EU” (ibid). This fading credibility of the membership perspective has subsequently undermined EU conditionality (Börzel/Soyaltın 2012: 15) as one of Schimmelfennig and Sedelmeier’s prerequisites for effective external governance, namely certainty about conditional payments, i.e. full membership, has decreased (2004: 673).

On top of that, the EU’s superior bargaining power – another important condition for Schimmelfennig and Sedelmeier’s External Incentive Model (ibid) – has diminished as well. Turkey’s size, its growing economic strength and its new self-understanding as a regional power make its relations with the EU much less asymmetrical than in case of, for example, the Western Balkan accession candidates (Börzel/Soyaltın 2012: 11). The EU has presumably realized that since the European Commission states in its enlargement strategy that “with its dynamic economy, [its] important regional role and its contribution to EU’s foreign policy and energy security, Turkey is a key country for the security and prosperity of

the European Union” (2011_b: 18). The European Commission recognizes Turkey’s “economic significance” (ibid) due to its “high GDP growth, which reached almost 9% in 2010 and is expected to attain 6.1% [in 2011]” (ibid) and because it is “already integrated to a large extent into the EU in terms of trade and foreign investment through the Customs Union, [...] [it] has become an important industrial platform for a number of leading European companies, and is therefore a valuable component of Europe's competitiveness” (ibid). The European Commission further illustrates that “Turkey can play an important role in projecting stability and supporting reforms in its neighborhood, which is also the neighborhood of the European Union” (ibid) as it is “a stable state with democratic institutions, a fast growing economy and a candidate country negotiating its accession to the EU” (ibid). Turkey’s strengthened position vis-à-vis the EU consequently accounts for its power to resist the pressure of adaption the EU aims at exerting within the framework of EU conditionality (Börzel/Soyaltın 2012: 11).

Given the undermining of EU conditionality in this time frame, the logical overall conclusion is that domestic change in Turkey in general, and thus pro-Kurdish reforms as well, is less driven by the EU in comparison to the first time frame. Also one can assume that the EU influence will further decrease due to the fading conditionality (id: 16). Consequently, in the absence of Europeanization pressures, the domestic change that did occur in this time frame cannot be explained by effects of Europeanization and thus must have been caused by other factors of influence. Regional contexts constitute one likely option and will be illuminated in the following subchapter.

3.4.3. The Regional Context: Turkey’s Relations with Northern Iraq

Important developments in the relations with Northern Iraq – and to some extent with the United States – paved the way to a new Turkish Iraq policy and consequently were a crucial factor that led to re-addressing the Kurdish question in this time frame.

The American presence in Iraq after the 2003 intervention had been problematic for Turkey as it had prevented it from undertaking measures that it used to resort to during the rule of Saddam Hussein in Iraq. Turkey used to undertake military incursions into Iraqi territory against the PKK termed ‘hot pursuit’ of terrorists. This freedom of action in terms of cross-border operations, however, was lost in the wake of the Iraq war. With the tacit approval of the United States, Turkey regained this privilege of launching cross-border attacks by 2008 and the Turkish air forces started to pound PKK targets from time to time during the same

period. Nonetheless, despite Turkey's regained ability to launch cross-border military operations regularly, it came to realize that military means alone would not suffice to eradicate the PKK from its strongholds in the Iraqi Kurdistan territory (Çandar 2009: 14).

In addition, the looming American withdrawal from Iraq and the uncertain situation thereafter worried the Turkish government. Those concerns over the future of Iraq were met by Turkey's newly aligned foreign policy. In 2009, Ahmet Davutoğlu, formerly chief advisor of Prime Minister Erdoğan for foreign policy, replaced Ali Babacan as foreign minister. Davutoğlu formulated Turkey's new regional policy as one of 'zero problems with neighbors'. In order to achieve such ambitious objectives, Turkey needs to have stability and peace in the region and to foster cooperation with neighboring countries. This includes the goal of normalization of ties with the Iraqi Kurds. Attaining these objectives requires finding a solution to the Kurdish question through disarming the PKK (id: 15).

The announcement of Turkish policymakers that the PKK could be tackled by instruments other than military means subsequently became synonymous with a new policy of rapprochement and cooperation with the Kurdistan Regional Government of Iraq (KRG). Indeed, a new Iraqi policy acknowledging the new realities of Iraq had to be a policy of close cooperation with the KRG, considering the need for having them on board to address the presence of the PKK in the region (id: 16).

Another important factor that plays into Turkey's new policies is its ambition to be an energy hub and a crossroads for energy pipelines already in operation or projected to come from the trans-Caspian basin, the Gulf, and elsewhere, such as from Russia and Iran (id: 15). It is envisaged that once Turkey resolved its Kurdish question, it could not only capture the existing pipelines but it would also be able to secure its environs for the realization of new energy transportation projects including Nabucco. Furthermore, the adjacent Iraqi territory and the unexplored hydrocarbon wealth underneath Iraqi Kurdistan are essential components of Turkey's strategic outlook. As there are significant hydrocarbon resources in Iraqi Kurdistan it is fairly certain that the Iraqi Kurds will emerge as major players in energy politics. Consequently, the resolution of the Kurdish question would remove a major irritant that has been hindering a full-fledged cooperation with the Iraqi Kurds and at the same time secure Turkey's ambitions regarding energy politics (ibid).

Summarily, it can be said that Turkey's realization that military means alone were not enough to tackle the PKK and its concerns of Iraq's future after the withdrawal of American troops combined with its new foreign policy approach and its energy political interests led to the

watershed decision to enter into full-fledged cooperation with the Kurdish Regional Government in Iraq – a government that Turkey had refrained from extending legitimacy to in the previous time frame. In order to maintain the relations with the KRG and to attain its help regarding the disarmament of the PKK, the Turkish government consequently launched an initiative for ending the PKK insurgency through non-military means and introduced democratic reforms in order to resolve the Kurdish question within its territory peacefully (ibid).

3.4.4. The Domestic Context: Impetus for Change

In this time frame the AKP government regained its impetus to pass a number of reforms thereby granting more cultural rights to the Kurds and other minorities.

This is due to a number of developments concerning the main veto players: on the one hand, the military has lost face during the ongoing Ergenekon investigations and has therefore taken a more gradual stance vis-à-vis the AKP government. This significantly enhanced the government's freedom of action regarding the Kurdish issue. On the other hand, impulses to become active again on the Kurdish issue came from the part of the Kurds. The DTP's (Demokratik Toplumsal Partisi = Democratic Society Party) substantial gains vis-à-vis the AKP during the 2009 local elections in the Southeast and the PKK's alternative proposals for a solution of the Kurdish issue as well as impulses from the Kurdish diaspora in Europe prompted the AKP to initiate the Kurdish Opening in order to secure Kurdish vote(r)s. These developments will be illustrated in more detail below.

a) The Military and the Ergenekon Investigations

The military's standing had already suffered before the Ergenekon investigations as a significant portion of society had come to consider the above mentioned e-memorandum an excessive and inappropriate move. Subsequently, the AKP government seized the opportunity of having been victimized by the military via the e-coup attempt and promptly called for early general elections in July 2007. In a sense it was thereby asking the society to judge its performance on the one hand and the military's intervention discourse on the other hand. The AKP won 46.6 % of the votes which is a remarkable result by Turkish electoral standards and according to Aydınli also fairly concrete evidence of the Turkish society demonstrating its growing opposition to the military's involvement in politics. It was a powerful message sent to the Turkish military, and it seemed to have an effect. Following the

general elections, Chief of General Staff General Büyükanıt's and other force commanders' public attitudes and statements on Abdullah Gül's ultimate election to the presidential post in the same year were relatively cooperative (Aydınlı 2011: 230s).

The Ergenekon²⁴ investigations that ensued additionally curbed the power of the military and the Kemalist establishment in general as it raised the public's awareness of its machinations: Despite the fact that the existence of shadowy networks with connections to state institutions had been common knowledge for decades, the ongoing Ergenekon investigations have depicted a clandestine organization of such proportions that it deeply unsettled the Turkish public (Cornell 2009: 5).

Mainly rooted in the Turkish armed forces, the collusive organization – as outlined by initial findings of the investigation and legal proceedings – is a wide network made up of individuals within – in addition to the military –the judiciary, academia, bureaucracy, media, parliament, intelligence agencies, and civil society (Kaya 2009: 105). This network commonly termed 'deep state' has allegedly been doing the state's 'dirty work' and is responsible for a wide range of extra-judicial activities such as staging false-flag terrorist attacks and targeting PKK sympathizers with extra-judicial killings (id: 99). Furthermore, it has had close ties to organized crime thus undermining Turkish democracy in an additional way (Cornell 2009: 5). These interconnections have shown Ergenekon to be a powerful clandestine network that has paramount influence on the workings of the Turkish state and society (Kaya 2009: 106).

The investigations into Ergenekon started in June 2007 and have continuously been widened until the present day. Charges include attempting to overthrow the government and to instigate armed riots; additionally, ammunition and weapons were discovered in the course of the investigations. Several trials are ongoing with defendants including high-ranking retired generals. By the end of 2011 the number of defendants has risen to 238; 53 of them are under arrest (European Commission 2011_a: 6).

²⁴ The name Ergenekon comes from a mythical valley in Central Asia. There are different versions of *The Myth of Ergenekon*; however, all versions share the theme of how a she-wolf 'rescued' the Turkish nation. The myth is thus compatible with the prevalent Kemalist guardianship role in Turkish politics (Kaya 2009: 99). This is why the collusive network made up of Kemalists was named Ergenekon.

This is the first case in Turkey to probe into a coup attempt and the most extensive investigation ever on an alleged criminal network aiming at destabilizing the democratic institutions. Furthermore, for the first time a former Chief of Staff testified voluntarily as a witness (Aydınlı 2011: 232/ European Commission 2009: 6/ ibid 2011_a: 6). According to the European Commission, the Ergenekon investigations – and the investigations into other alleged coup plans that have ensued – have therefore become an opportunity for Turkey to shed light on alleged criminal activities against democracy and to strengthen confidence in the proper functioning of its democratic institutions and the rule of law (2011_a: 7). Kaya agrees by stating that democratization demands and the exposition of the deep state are “two processes that mutually reinforce one another” (2009: 110).

Aydınlı furthermore argues that the findings of the Ergenekon investigations, namely the illegal activities of the military and other groups and the resulting coup potential, have created wide acceptance of the need for a major transformation of the role the Turkish military plays in politics and society, both psychologically and institutionally (2011: 234).

Presumably, high ranking militaries realized that as well. The then Chief of General Staff General Büyükanıt’s speeches have revealed not only his own transformation from a hard-liner to a more liberal stance, but also a shift within the military as a whole to more liberalism. According to Aydınlı, Büyükanıt has often spoken of the contemporary era as one of change: He emphasized that change was unavoidable and, therefore, leaders must adopt a strategy of controlled change. This reference to the acceptance of change is interpreted by Aydınlı as the sign of a call to the civilianization of the armed forces – albeit in a controlled manner (2011: 231).

Indeed, the European Commission observed a decrease in the number of incidents where the armed forces exerted formal and informal influence on political issues beyond their remit for three consecutive years (2010: 11).

Another indication of the gradual liberalization of the TAF was the en masse resignation of top military leaders (due to the ongoing Ergenekon investigations) in August 2011 and the subsequent swift appointment of their successors by the government. This was the first time a civilian government decided who would command the powerful armed forces affirming increasing civil control over the military (BBC 2012: 8/ European Commission 2011_a: 13).

According to Çandar, the ongoing Ergenekon investigations are thus also a very important element that paved the road to the Kurdish opening. According to him, with such a staunchly

anti-Kurdish network still holding key positions within the military-security apparatus and the civilian bureaucracy, any sort of Kurdish opening would have been deterred from starting at all or been doomed to failure from its very beginning. Curbing the power of these elements within the state establishment through the Ergenekon investigations enhanced the AKP government's freedom of action and thus facilitated the prospects for addressing the Kurdish issue through non-military means (Çandar 2009: 16).

b) The Kurdish Movement²⁵ as Competition to the AKP

In the appraisal of the substance and timing of the Kurdish Opening, the March 29, 2009 local elections need to be taken into consideration as well. Building on its success in the 2007 national elections, when it was able to send 21 MPs to parliament (independent candidates to circumvent the 10% threshold), the main Kurdish party DTP achieved a dramatic increase in its share of the votes and consequently in its control of local governments. In terms of total city and district mayorships, for example, it made a relative gain of over 60 percent, nearly doubling its 2004 vote in several provinces, and winning back support that had previously gone over to the AKP (Çandar 2009: 16 / Casier/Jongerden/Walker 2011: 108). Equally noteworthy is the depth as well as breadth of DTP support in the provincial assemblies vote. In very high turnouts (70-85%), the DTP polled almost half of all votes cast in the ten provinces that it won, ending up with four of the top five percentage votes in the entire country²⁶ (Casier/Jongerden/Walker 2011: 109).

In the Southeast, third parties basically became irrelevant and the elections therefore turned into a competition between the AKP and the DTP. Rival claims were made by those two principal protagonists in what became a referendum to determine who represented the people's 'real' interests, with the AKP stressing practical economics and conservative (Islamic) values, and the DTP emphasizing a regionally politicized ethno-nationalist (Kurdish) identity. In the end, it was the DTP that won the popular vote across nearly the whole of Turkey's Southeastern corner (ibid).

²⁵ Here Kurdish Movement is defined as the combination of the pro-Kurdish organizations PKK and DTP/BDP, i.e. the respective Kurdish political party in existence (Casier/Jongerden/Walker 2011: 105).

²⁶ In Hakkari, the DTP achieved the highest share of the popular vote (74%) for any party in any province in Turkey, in Şırnak the second highest (61%), Diyarbakır 3rd (59%), and Batman 5th (53%) (NTV-MSNBC cited in Casier/Jongerden/Walker 2011: 109)

Diyarbakır, the only metropolitan city in the Southeastern region, serves as an illustrating example. It had been publicly targeted by the AKP during the election campaign, with Prime Minister Erdoğan vowing to take the city and the DTP mayor responding by claiming that it was their ‘fortress’. In the end, Diyarbakır not only stayed with the DTP, but did emphatically so: DTP: 59% vs. AKP: 32% (Casier/Jongerden/Walker 2011: 108).

Placing this within the national context, Çarkoğlu noted that “the DTP emerged as the most successful party in attracting [...] votes at the expense of the AKP at the provincial level” (2009: 4). He suggests that in the first electoral setback for the AKP, after a decade of ever-increasing success at the polls, it was the gains of the Kurdish movement that were of more immediate concern than those of the principal national opposition (Çarkoğlu 2009: 4). Significantly, Çarkoğlu analyzes the dynamic in the Southeast thus: “The reason for the declining support of the AKP was most likely the ethnic identity issues [...] The military operations that followed the AKP’s electoral success in the region in the July 2007 elections [incursions into Iraq, mostly against the PKK mountain bases] appear to have tilted the electoral balance in favor of the DTP” (id: 12). In other words, it would seem that, when people were forced to choose between the AKP and the PKK, they went for the latter, expressed at the ballot box through support for the DTP (Casier/Jongerden/Walker 2011: 110). The March 2009 local elections can therefore be interpreted as a clear victory for the DTP and as one of the major reasons why the AKP initiated the ‘Kurdish Opening’ (Çandar 2009: 16/ Casier/Jongerden/Walker 2011: 108).

The reason for the Kurdish Movement’s having become staunch competition for the AKP government in the Southeast is that it has developed sound political concepts aimed at solving the Kurdish Issue peacefully. In the following a short overview over its recent history and political concepts will be given.

The Kurdish Movement is characterized by the combined efforts of the Kurdish party and the PKK to develop structures of self-government at local and regional levels (Casier/Jongerden/Walker 2011: 105). Large parts of the Southeast have been under the ideological influence of the PKK since the end of the 1980s (id: 111) and participation in the political process since 1990 has provided the Kurdish Movement with a legitimate structure and recognized basis for public gathering, legal protection from prosecution, new access to domestic and international audiences, and new means to engage in symbolic politics, such as

the Kurdification of place names and the establishment of Kurdish cultural centers (Watts 2006: 133).

Consequently, from 1990 to present, successive Kurdish political parties close to the PKK – the HEP, DEP, HADEP, DEHAP, DTP, and now the BDP²⁷ (Barış ve Demokrasi Partisi = Peace and Democracy Party), each founded as its predecessor was closed by the state, or threatened with closure – have steadily increased their power and confidence (ibid: 134). In form of the DTP, the Kurdish party managed to become the third party in the national parliament in the 2007 election, before going on to re-establish itself as the primary party in the region in 2009 (Casier/Jongerden/Walker 2011: 112).

This growing strength of legitimate, albeit continuously de-legitimized, political power was reinforced with the local development of a Kurdish civil society, both drawing inspiration as well as human resources from the PKK (ibid). In the municipalities, strong relationships and cooperation have been fostered in recent years between the party officials, their administrations, and the DTP/BDP-friendly NGOs and local entrepreneurs, giving shape to tight knots of local power-sharing through which relationships with the Kurdish constituencies have been developed (Casier 2009 cited in Casier/Jongerden/Walker 2011: 112). These localized socio-political networks of cooperation reinforce the power of the municipalities and the Kurdish Movement more generally, as they enable—through the provision of various social services and an engagement with a diverse repertoire of symbolic politics—a reaching out to the local constituents and development of ties of reciprocated loyalty (Watts 2009 cited in Casier/Jongerden/Walker 2011: 112).

Furthermore, in 2005 the KCK (Koma Civaken Kurdistan = Union of Communities in Kurdistan) was founded as an organization within the PKK complex²⁸. It is formally headed by Murat Karayılan, with decision-making councils composed of representatives of the different parts of the Kurdistan region (spread over Turkey, Iraq, Syria, and Iran) and the Kurdish Diaspora in Western Europe (KKK Sözleşmesi 2005 cited in Casier/Jongerden/Walker 2011: 112).

²⁷ The BDP replaced the DTP after the DTP was closed by verdict of the Constitutional Court at the end of 2009. This will be elaborated on in a later chapter.

²⁸ For the development of the PKK's organizational structure in the 2000s see Akkaya/Jongerden 2011: 147-151.

The KCK can be regarded as a political project, one that builds, to paraphrase Öcalan, “on the self-government of local communities and is organized in the form of open councils, town councils, local parliaments and larger congresses” (Akkaya/Jongerden 2011: 153). The KCK in Turkey is active in several spheres of public life. It has a legal committee, which is involved in the establishment of local councils at village, quarter, and city level, ‘people’s courts’, a committee for civil society organizations that implements projects to activate civil society, and a language and education committee responsible for implementing projects to develop the usage of Kurdish as a written language (KKK Sözleşmesi 2005 cited in Casier/Jongerden/Walker 2011: 112).

The KCK is to be seen within the framework of the ‘democratic triangle’ concept developed by Abdullah Öcalan. Outlined from his island jail through his lawyers, this democratic triangle is intended to function as a ‘strategic dispositive’ – that is, to orient and organize Kurdish political demands – and thereby resolve the conflict in Turkey’s Southeast (Casier/Jongerden/Walker 2011: 115).

According to Öcalan, the democratic triangle needs to be composed of three interrelated projects: the democratic republic, democratic autonomy, and democratic confederalism (ibid). The project for a democratic republic aims at the establishment of a new, reformed Turkish Republic with equal rights for all citizens through disassociation of democracy from nationalism. It is in the context of this project that the drafting of a new constitution²⁹ became a tangible political demand on the part of the Kurdish movement (Akkaya/Jongerden 2011: 152 / Casier/Jongerden/Walker 2011: 115).

While the project of the democratic republic centers on individual rights, the project of democratic autonomy focuses on the collective rights of the population. Those collective rights are to include both cultural and religious rights (Casier/Jongerden/Walker 2011: 115). Finally, democratic confederalism is a project for local self-organization. This democratic confederalism is described as an alternative project of democratization, one which is to be organized bottom-up, from the local level (Akkaya/Jongerden 2011: 153).

It was this ‘democratic triangle’ project which implied that political and ideological struggles be given priority over armed conflict, developments confirmed in 2009 through one of the main PKK militant-activist magazines *Serxwebun* (Casier/Jongerden/Walker 2011: 115).

²⁹ Article 66 of the present Turkish Constitution equates citizenship with Turkishness.

Overall, it can thus be concluded that the Kurdish movement cannot be reduced to the PKK's armed struggle any more. On the contrary, it has developed sound political concepts aiming at a peaceful solution of the Kurdish issue. Thus it has become severe competition and an impetus for the AKP to become active again itself to achieve a peaceful resolution of the Kurdish issue.

c) **The Kurdish Diaspora³⁰ and Roj TV**

The Kurdish diaspora in Europe posed additional competition for the AKP. Ayata therefore argues that the Kurdish diaspora, that is the Kurdish satellite TV station ROJ-TV in Europe, has had significant influence on the positive developments with regard to the Kurdish issue, in particular on the emergence of Turkey's first state sponsored Kurdish-speaking television channel TRT 6 (2011: 524). This can be explained as follows.

Given the restrictive political conditions for Kurds in Turkey, politics in exile has become an important characteristic of Kurdish mobilization. Due to several waves of (forced and voluntary) migration, nowadays an estimated 1.5 million Kurds are living in Europe making Europe a Kurdish stronghold (Ember et al: 2004 cited in Ayata 2011: 525). Consequently, it was in Europe that the first-ever TV station broadcasting in the Kurdish language was founded. With the inauguration in 1995 representing a milestone within Kurdish history, ROJ-TV has continuously grown. Today, it broadcasts via satellite in seventy countries around the world, reaching not only 30 million Kurds in Turkey and the Middle East but also Jewish Kurds in Israel as well as Kurdish refugees in Australia and Japan (Ayata 2011: 526). With such a large audience, ROJ-TV poses a problem for the Turkish state on several levels. Not only has it been broadcasting in the Kurdish language— a language that had been banned from the public sphere in Turkey until recently – for almost two decades, ROJ-TV also promotes cultural minority rights through its programs. It offers programming in the four Kurdish dialects (Kurmanci, Sorani, Zazaki, and Hamravi) as well as daily news in Turkish, Arabic, Farsi, and in English. In addition, weekly programs for religious minorities such as Alevis, Yezidis, and Assyrians are produced (id: 529).

³⁰ The author is aware that including the Kurdish diaspora into the domestic context seems to be a contradiction at first. The fact that the Kurdish diaspora is based in Europe would speak for assigning it to the European context. However, in this paper the European context is exclusively defined as influence exerted by the EU. On the other hand, when it comes to ideology, the Kurdish diaspora and especially Roj TV is strongly influenced by the Kurdish movement in Turkey. While it would be more correct to place it somewhere in between the European and the domestic context, for the sake of simplicity it is attributed to the domestic context only.

Even more important is the fact that ROJ-TV's broadcasting occurs outside of Turkish state control and jurisdiction enabling it to provide news and opinions about the Kurdish conflict uncensored by Turkish authorities (id: 526). Most importantly, ROJ-TV breached the Turkish military's monopoly of information regarding the internal war in the Kurdish region. Unlike its Turkish media counterparts, ROJ-TV has not relied on military briefings as its sole source of information; instead, regarding the Kurdish conflict, the main source has been the PKK, with its key leaders and militants participating via phone from the mountains or training camps (id: 527).

Furthermore, ROJ-TV was also the only TV station that reported constantly about the destruction of Kurdish villages and Turkey's depopulation policy in the Kurdish region at a time when the mainstream media in Turkey was completely silent on these issues (ibid). By highlighting the suffering of Kurdish civilians, the station has fundamentally undermined the language of terrorism employed since 1990 by the Turkish state and the mainstream media, and provided the first unrestricted public counter-discourse (Ayata 2011: 526).

Hence, the founding of the first Kurdish TV-station was not simply a cultural activity, but a profoundly political action that not only facilitated Kurdish mobilization in Europe and in Turkey, but also challenged the Turkish state in unprecedented ways: In addition to the military battle in the Kurdish mountains with weapons, the State was now facing a new challenge carried out on airwaves from TV studios in Europe reaching Kurdish households in Turkey (id: 527).

As there was a wide reception by Kurds who saw themselves represented and talked about as 'Kurds' for the first time on TV, on the one side, and a strong negative reaction by the Turkish state on the other side (id: 529), it became clear for all parties involved very early that – as Ferda Cetin, former director of programming at ROJ-TV, stated in an interview with Bilgin Ayata – “television is more powerful than weapons” (2006 cited in Ayata 2011: 529). Consequently, the Turkish state has incessantly been trying to have ROJ-TV shut down claiming that it was a propaganda outlet of the PKK, financed by illegal transactions of the outlawed organization (Ayata 2011: 526). The producers of ROJ-TV claim that the station is financed through donations of Kurdish immigrants in Europe and that the Turkish government

simply wants to prevent Kurdish broadcasting from outside of Turkey, just as it does within Turkey³¹ (ibid).

In an effort to evade the reach of the Turkish state, the station was, from the beginning, a transnational undertaking. The main studios were set up in Belgium, but some programs were produced in Sweden and Germany. The license and the transponder had been obtained from several countries, among them the UK (Ayata 2011: 528). When the diplomatic efforts of the Turkish state bore fruit in 1999 and ROJ-TV's predecessor's broadcasting license was revoked by the UK, a new station was set up within several months in France. In 2004, when that station's license from France was revoked as well, ROJ-TV was founded in the same year, with a broadcasting license from Denmark. Since 2004, the Turkish government has prepared over twenty files on the station and sent them to the Danish authorities, demanding the closure of the station because of its alleged links with the PKK (Firatnews cited in Ayata 2011: 528).

Ayata argues that the AKP's Kurdish Opening and the subsequent launching of a 24-hour broadcast in the Kurdish language on TRT 6 in 2009 is directly related to the lack of success of the AKP's efforts to have ROJ-TV shut down (2011: 530). Since the Turkish State Television TRT has been a key institution in the maintenance of the Turkish nation-state along the official state ideology of Kemalism, a nationwide Kurdish broadcast on state television is an unprecedented step for the Turkish state with regard to its Kurdish population and has to be evaluated in the context of the Turkish State's simultaneous efforts to close down ROJ-TV (Ayata 2011: 530). Rather than fighting ROJ-TV by diplomatic means only – which has proven largely unsuccessful for the past fifteen years – according to Ayata, the Turkish state has now entered into a competition with ROJ-TV through TRT 6 (2011: 530). Following the argument that the best way to counter ROJ-TV is by offering an alternative Kurdish channel in Turkey (Laciner 2010 cited in Ayata 2011: 530), the AKP government has now “shifted battles to airwaves” (Zaman 2009 cited in Ayata 2011: 530).

³¹ However, the Court of Copenhagen delivered a verdict on 10 January 2012 that Roj TV is an instrument of the Kurdistan Workers Party (PKK) with respect to their financial, structural and operational ties. On 19 January 2012, the respective satellite company Eutelsat Communications consequently decided to suspend the presence of Roj TV on its satellites in order to avoid incurring criminal liability as an accomplice to terrorist activities (Eutelsat Communications 2012: 1).

It can therefore be concluded that the existence of a Kurdish TV station outside of Turkey – defying the Turkish narrative on the Kurdish issue and promoting minority rights – has significantly contributed to the AKP government’s feeling pressured to become active again on the Kurdish issue (Ayata 2011: 531).

3.4.5. From the ‘Kurdish Opening’ to the ‘Democratic Initiative’

The Turkish public reacted quite encouragingly to the Kurdish Opening. SETA (Siyaset, Ekonomi ve Toplum Araştırmaları Vakfı = Foundation for Political, Economic and Social Research) and POLLMARK (Piyasa ve Kamuoyu Araştırmaları = Market and Public Opinion Studies) conducted a comprehensive public opinion study shortly after the AKP government had launched its Kurdish Opening in 2009. Two findings of this study were of particular importance. First of all, the AKP has gained ground vis-à-vis the military regarding the Kurdish problem. While it still values the military highly, the public has also come to trust in the political institutions to solve the Kurdish issue. In this survey, 71% of the respondents stated that in their opinion military means applied over the last 25 years had not been successful in solving the Kurdish issue and 41.2% and 39.5% respectively had the most trust in the parliament and the government to find a peaceful political solution for the problem (SETA/POLLMARK 2009: 58).

Secondly, the Turkish public reception of the AKP’s Kurdish Opening in general was positive. While the approval rate among people of Kurdish origin was significantly higher (75.7%) than among people of Turkish origin (40.8%), generally speaking the societal support for the Kurdish Opening was considerably high as 48.1% of the participants of the study considered it a positive step (ibid: 79s.). With regard to the AKP’s initiating the Kurdish-language broadcasting of TRT 6, the public was supportive as well. 51% of the respondents (67% of the Kurds and 48% of the Turks) considered it a positive development (id: 87). Consequently, SETA and POLLMARK interpreted those answers as an encouraging sign for the AKP government to continue its reforms (2009: 77).

Thus, with the AKP’s standing gone up and the general high approval rate of the Kurdish Opening, one would have expected pro-Kurdish reforms to continue rather smoothly. However, certain domestic events led to a halt in the AKP’s reform momentum.

As part of its Kurdish Opening the AKP had launched the so-called PKK Return Initiative which aimed at PKK fighters giving up armed struggle. In exchange they would be allowed

to return from PKK camps in Northern Iraq to their homes in Turkey. In October 2009, a total of 34 persons – of which eight were PKK guerrillas from the Qandil mountains and 26 from the Mahmur refugee camp in Northern Iraq – entered Turkey as a ‘peace group’ at the border town of Silopi (Casier/Jongerden/Walker 2011: 106). However, it was not a quiet undertaking. On the contrary, it was stage-managed by the DTP in such a manner that it appeared to be a PKK victory parade to the Turkish mainstream: The group members were welcomed by several ten thousand enthusiastic Kurds making victory signs in a welcoming ceremony organized by the Kurdish legal party DTP. Counterproductively, around the same time the PKK had launched a new round of its deadly attacks (ibid). These developments fueled the still prevalent fears of the Turkish population that ‘the Kurds’ wanted to divide the country (SETA/POLLMARK 2009: 80) linking ‘in the Turkish mind’ the Kurdish demands for more cultural rights directly to their alleged intention to found a separate Kurdish state (ibid: 98). Consequently, the AKP faced harsh criticism from opposition parties and had to halt the PKK Return Initiative in fall 2009. What is more, the AKP retreated with regard to the Kurdish Opening as a whole. It rephrased it as a project of national unity and subsumed it under a wider ‘Democratic Initiative’ aiming at including recognition of other minorities and minority rights within the traditionally non-pluralist Turkish state system (Casier/Jongerden/Walker 2011: 106). With the AKP’s position once again weakened, the security forces and the judiciary made new moves. On December 11th 2009, the Constitutional Court banned the Kurdish party DTP – that had performed so spectacularly well at the local elections in the Southeast just nine months earlier – in a rather sudden, not to say timely conclusion to a long-standing case (id: 107). In a unanimous decision, the Court found the DTP had become the center of activities aiming at destroying the unity of the state with its territory and nation, and that it had supported the terrorist organization PKK (Anayasa Mahkemesi Kararı 2009).

The DTP was simply one among many political parties representing citizens with a Kurdish ethnic identity that have been banned over the time and according to Köker its closure is another attempt on the side of the Kemalist establishment to render democratic representation for that part of Turkey’s citizenry impossible. This is especially true in the case of the DTP as it had a considerable number of seats in parliament and had just won the regional elections in spring 2009 as illustrated above (Köker 2010: 62).

Furthermore, after some fifty persons (mainly DTP officials) had been detained during a wave of police operations all over the Southeast in April 2009 (Casier/Jongerden/Walker 2011:

106), the Diyarbakir Chief Prosecutor's Office launched another operation on December 24th, 2009, resulting in the arrest of some eighty persons, mainly party officials and representatives of the DTP's newly-formed successor party BDP (Barış ve Demokrasi Partisi = Peace and Democracy Party). In mid-February 2010, there was another round of arrests, with dozens of BDP executive members taken into custody. The detainees of the April, December and February operations were all accused of being members of the Turkey Council of the KCK (Koma Civaken Kurdistan = Union of Communities in Kurdistan) and of running their municipalities under the direction of the PKK (id: 107).

Casier et al. call this dramatic rise in judicial investigations and arrests of political activists – alleged PKK members – in combination with the continuing military pressure on the PKK in Iraqi Kurdish territory “a legal-security attempt to muzzle the Kurdish movement at the organizational level” (2011: 107) and as an attempt to “crack down the PKK's urban wings” (2011: 104). Whatever the wording, it certainly is an (ongoing) endeavor to contain and reduce the political and societal influence of the PKK complex in the Southeast of Turkey (Casier/Jongerden/Walker 2011: 104).

3.4.6. Interim Conclusion 3

The purpose of this subchapter was to ascertain the factors that led to the Kurdish Opening and to the regress that followed suit. In a first step, it can be concluded that the EU has lost credibility and bargaining power and thus has not been able to influence Turkey's Kurdish policy in this time frame at all. Secondly, while the regional context, i.e. the improving relations between Turkey and the Kurdish Regional Government in Northern Iraq, had a non-negligible influence on the Kurdish Opening, this subchapter has shown that in this time frame the domestic context had the most profound impact on the (positive and negative) developments regarding the Kurdish issue: the weakening of the powerful veto player military through the Ergenekon investigations as well as the pressure applied by the Kurdish Movement within Turkey and the Kurdish Diaspora in Europe provided a significant impetus for the AKP government to resume its reform agenda. Conversely, it was the impairment of the AKP through the PKK's resumed violence that led to a reinvigoration of the anti-Kurdish Kemalist establishment.

4. Conclusion

With regard to the main research question of this paper – namely: has there been Europeanization of Turkey’s Kurdish policy in the years between 2002 and 2010? – the answer is, corresponding to the three-part analysis, threefold.

In the first time frame, i.e. 2002-2004, there has in fact been an isolatable influence of the EU on Turkey’s Kurdish policy. As Öktem puts it, “For a brief period, a window of opportunity emerged, bringing together the military establishment, the moderate Islamists of the AKP, Kurdish Nationalists, [...] and large segments of the Turkish electorate on a platform for EU membership” (2008: 4). The reforms adopted, to wit the (albeit very limited) rights to broadcast and teach private courses in Kurdish and other minority languages, are largely attributed to the EU. The EU’s significant influence can be explained mainly by the fact that at the time the EU’s credibility was very high as Turkey’s “full EU membership [was] indeed a real possibility” (Keyman/Önis 2004 cited in Aydın Düzgit/ Çarkoğlu 2009: 121)

In the second time frame, i.e. 2005-2008, it was analyzed whether the EU had a substantial influence on the lack of reforms. Indeed, it can be concluded that especially Turkey’s fading membership perspective in the post-2005 period caused the EU to lose credibility and thus the EU has not been able to positively influence change in Turkey in general and with regard to the Kurdish minority rights in particular. It can even be argued here, in an inversion of Börzel and Soyaltın’s argument that EU incentives strengthen pro-reform coalitions (2012: 8), that the EU’s fading credibility effectively weakened the reform-minded AKP government. Nonetheless, the result of this partial analysis is that it was actually a combination of factors that was responsible for the suspension of reforms in this time frame. In addition to the EU’s negative influence, the regional context in form of the perceived threat due to the emergence of the Kurdish Regional Government in Northern Iraq and the domestic context, namely the PKK’s resumption of armed conflict as well as the comprehensive reinvigoration of the guardian role of the military and the judiciary, were of utmost importance. Thus, the negative alignment of all those factors led to the incapacitation of the AKP government and its consequent deflection from its pro-Kurdish reform process.

For the third time frame, i.e. 2009-2010, it was shown that the EU has lost credibility and bargaining power and thus has not been able to influence Turkey’s Kurdish policy at all.

The purpose of this subchapter was to ascertain the factors that led to the Kurdish Opening – videlicet the establishment of the TV channel TRT6 that broadcasts in Kurdish 24 hours a day, partial restoration of Kurdish village names and the founding of a language institute

teaching Kurdish at a state-owned university – as well as to the regress (PKK-military clashes) that followed suit. It is concluded that, while the regional context, i.e. the improving relations between Turkey and the Kurdish Regional Government in Northern Iraq, had a non-negligible influence on the Kurdish Opening, in this time frame it was the domestic context that had the most profound impact on the (positive and negative) developments regarding the Kurdish issue: the weakening of the powerful veto player military through the Ergenekon investigations as well as the pressure applied by the Kurdish Movement within Turkey and the Kurdish Diaspora in Europe provided a significant impetus for the AKP government to resume its reform agenda. Conversely, it was the impairment of the AKP through the PKK's resumed violence that led to a reinvigoration of the anti-Kurdish Kemalist establishment.

Summarily, the EU's influence on Turkey's Kurdish policy has been declining continuously over the last decade until it was virtually non-existent. Instead the regional context, and what is more, the domestic processes have become primarily relevant both for progress and regress in this policy field. Thus, it can be concluded that “the EU is not the right address for solving the Kurdish question³²” and that it is up to domestic politics to find an answer.

5. Since the 2011 General Elections

As a matter of fact, the AKP has been given another chance at solving the Kurdish question as it was confirmed in office in the general elections of June 2011. Significantly, while increasing its vote in Turkey as a whole (49.9% in 2011 compared to 46% in 2007), the AKP was overtaken by the Kurdish party BDP in a good number of provinces in South-Eastern and Eastern Anatolia with large Kurdish populations (Yeğen 2011b: 148). The stagnation of the AKP's revisionist policy, the use of nationalist and threatening language by the Prime Minister when discussing the Kurdish question, and the perceived change of the liberal face the AKP had shown earlier had led to a considerable souring in the Kurdish sentiment towards the AKP (id: 161).

Nonetheless, since the AKP was reelected for a third term, talk of democratic reforms and a new approach to the Kurdish issue has resurfaced (Hess 2012: 1). In an interview he gave the newspaper Sabah on December 27th, 2011, Beşir Atalay, former Minister for the Interior and

³² As stated by Asst. Prof. Dr. Lami Bertan Tokuzlu in his speech on ‘human rights in Turkey at European University Viadrina on 12 June 2012.

now deputy to Prime Minister Erdoğan, stated that “the Democratic Opening is about to go into its second phase” (Çandar 2011). And indeed, in 2012 the AKP came up with a renewed approach termed ‘New Kurdish Strategy’. What this strategy contains in detail is not quite clear. Apparently, the government is now ready to negotiate with political parties that ‘have the ability to make their own decisions and act independently’ but not with Abdullah Öcalan or the PKK (Hess 2012: 4). Selahattin Demirtaş, co-president of the Kurdish party BDP, however, said in an interview that this alleged New Kurdish Strategy “is actually nothing of the sort” (Hess 2012: 4) as it does not take the Kurdish demands for more rights and more democracy into account (ibid). Cengiz Çandar, renowned Turkish scholar and journalist, also argues that the government’s supposed strategy is not a strategy and it is not new. The AKP government refuses to negotiate with the PKK and Öcalan³³ – despite the fact that the PKK and Öcalan are important actors and counterparts for the Kurdish issue and therefore are “realities of the Kurdish issue” (Hess 2012: 5). And the government refuses to have the Kurdish identity – or any other identity besides the state-ascribed Turkish one – acknowledged in a possible new constitution. Therefore, Çandar ironically “welcome[s] [the] old security policy in new clothing” (Çandar 2012).

As a matter of fact, prospects remain grim as PKK-army clashes and political repressions of the Kurdish movement continue (Hess 2012: 1). Cizre argues that a rights-based discourse to end the corrosive Kurdish-Turkish state conflict “has been shoved offstage” (2011: 86) and in its place has come a “particularly nasty strain of a military solution”³⁴ (2011: 86).

Additionally, Turkey's overbroad definition of terrorism still allows for arbitrary imposition of the harshest terrorism charges against individuals about whom there is little evidence of logistical or material support for terrorism or of involvement in plotting violent activities. Those individuals mostly turn out to be either Kurds or Turks sympathizing with the Kurdish

³³ However, it seems that between 2009 and 2011 a delegation of state officials appointed by Prime Minister Erdoğan carried out a series of negotiations with jailed PKK leader Abdullah Öcalan. Negotiations between Turkish officials, PKK leaders and Western intermediaries appear to have occurred simultaneously, possibly in Oslo (Hess 2012: 1).

³⁴ For example, in August 2011 violence escalated when the Turkish government launched the first aerial bombardment of PKK bases in Iraqi Kurdistan since 2008 and the PKK stepped up its attacks on the military and police (HRW 2012). The official position of the PKK consists of a unilateral ceasefire with the right to “self-defense” in case of attack. It renounced its last unilateral ceasefire in March 2011 (Casier/Jongerden/Walker 2011: 124).

cause.³⁵ As Human Rights Watch reports in its *2012 World Report*, prosecutors frequently prosecute individuals for non-violent speeches and writings; politicians sue their critics for criminal defamation; and courts convict with insufficient consideration for the obligation to protect freedom of expression (HRW 2012).

Moreover, Article 301 of the penal code – criminalizing a simple insult to Turkishness – has been reinforced and is more mainstream than ever, according to Cizre (2011: 86). Summarily, “the broader social war in [Turkish] society against the Kurds seems to get uglier and uglier” (Cizre 2011: 86).

Despite all those disconcerting developments of recent times, prominent Kurdish politician Leyla Zana recently announced that “I believe that he [Prime Minister Erdoğan] will be able to solve this [Kurdish] issue. I have never lost my faith in him solving this issue. And I don't want to lose my faith in him” (Radikal 2012). Whether Zana’s trust in Erdoğan is indeed justified remains to be seen, however.

³⁵ Famous author Doğan Akhanlı knows from his own experience – due to his unlawful imprisonment in 2011 – that “the majority of inmates in Turkish prisons is Kurdish” (Informal statement made during his talk at European University Viadrina).

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