

2013

Europeanization of Minority Policies under Conditionality: A Comparative Study of Latvia, Bulgaria and Turkey.

Emel Elif Tugdar

Follow this and additional works at: <https://researchrepository.wvu.edu/etd>

Recommended Citation

Tugdar, Emel Elif, "Europeanization of Minority Policies under Conditionality: A Comparative Study of Latvia, Bulgaria and Turkey." (2013). *Graduate Theses, Dissertations, and Problem Reports*. 9919. <https://researchrepository.wvu.edu/etd/9919>

This Thesis is protected by copyright and/or related rights. It has been brought to you by the The Research Repository @ WVU with permission from the rights-holder(s). You are free to use this Thesis in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you must obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/ or on the work itself. This Thesis has been accepted for inclusion in WVU Graduate Theses, Dissertations, and Problem Reports collection by an authorized administrator of The Research Repository @ WVU. For more information, please contact researchrepository@mail.wvu.edu.

**Europeanization of Minority Policies under Conditionality: A Comparative Study of Latvia,
Bulgaria and Turkey**

Emel Elif Tugdar

**Dissertation submitted to the Eberly College of Arts and Sciences
at West Virginia University
in partial fulfillment of the requirements
for the degree of**

**Doctor of Philosophy
in
Political Science**

Donley T. Studlar, Ph.D., Chair

Graeme Donovan, Ph.D.

Robert D. Duval, Ph.D.

Cyanne E. Loyle, Ph.D.

Karleen A. West, Ph.D.

Department of Political Science

Morgantown, West Virginia

2013

Keywords: Europeanization, minority rights, Latvia, Bulgaria, Turkey

Copyright 2013 Emel Elif Tugdar

UMI Number: 3576302

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI 3576302

Published by ProQuest LLC (2013). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

ABSTRACT

Europeanization of Minority Policies under Conditionality: A Comparative Study of Latvia, Bulgaria and Turkey

Emel Elif Tugdar

This study analyzes the impact of domestic factors on the Europeanization of minority protection policies in Latvia, Bulgaria and Turkey. The study argues that domestic conditions have significant impact on the decision of the candidate states on fulfilling the EU requirements in the field of human rights issues during the candidacy period. The study specifically analyzes the impact of 'governments', 'significant institutions' and 'mobilization of ethnic minorities' as domestic factors during the time frame between the official candidacies to accession to the European Union. The methodology combines a review of official European Union documents such as progress reports, accession documents and human rights reports, press articles, speeches, and academic literature. The study found that Europeanization can occur with the support of domestic factors in the field of human rights/ minority protection.

ACKNOWLEDGEMENTS

It would not have been possible to write this dissertation without the help and support of the kind people around me. I would like to show my most sincere gratitude to all those who helped me to write this dissertation.

First and foremost, my sincere appreciation goes to Prof. Donley T. Studlar. This dissertation would not have been possible without the help, support, patience and encouragement of my advisor Prof. Donley T. Studlar.

I also wish to thank my other committee members Prof. Karleen A. West, Prof. Graeme W. Donovan, Prof. Cyanne Loyle, and Prof. Robert D. Duval for their invaluable comments and encouragement throughout the research process. I also appreciate all faculty members that contributed towards upgrading my academic capabilities through course work in the Department of Political Science at West Virginia University.

I would like to acknowledge the kind support of our former Graduate Director Prof. Jeffrey Worsham, our current Graduate Director Prof. Jason MacDonald and Department Chair Prof. R. Scott Crichlow.

A special thank you is addressed to Ronny Thompson, the Administrative Secretary and LeeAnn Greathouse, the Office Manager of Department of Political Science for their kind helps.

My acknowledgment would not be complete without acknowledging all my friends whose support and friendship make my years in West Virginia University more enjoyable. Further, I wish to express my gratitude to the many good friends that I met in Morgantown, West Virginia; specifically my colleagues at the Department of Political Science. I also wish to recognize all of my Turkish colleagues at West Virginia University, specifically my 'political cohort' Seda Yildirim Babakiray, Sercan Babakiray and Murat Gul for both their support and precious friendship.

Lastly, I would also like to thank my mother Emine Tugdar and my father Zeki Tugdar, and my brother Emre Tugdar, who have been always supporting me and encouraging me with their best wishes.

CONTENTS

CHAPTER 1: INTRODUCTION

1.1.	Introduction.....	1
1.2.	Research Question.....	2
1.3.	Membership Conditionality in European Union.....	3
1.4.	Human Rights Policies of the European Union.....	5
1.5.	Structure of the Dissertation	7

CHAPTER 2: THEORY & METHODS

2.1.	Theoretical Framework.....	8
2.1.1.	Europeanization Theory.....	8
2.1.2.	European Union and Minority Protection Policies.....	14
2.1.3.	Approaches explaining EU's impact.....	17
	Rational Institutionalism.....	18
	EU membership as external incentive.....	21
	Domestic Factors.....	22
2.1.4.	Explanatory Model of Europeanization.....	23
	External Incentives Model.....	23
2.1.4.	Modeling Europeanization: : An Application of External Incentives Model.....	24
	Main Hypothesis and Variables.....	26
	Conceptualization of Independent Variables.....	26
	The Position of the Governments.....	26
	Significant Institutions.....	28
	Mobilization of Minorities.....	29

Selection of Independent Variables.....	30
2.2. Research Design, Case Selection and Methodology.....	32
2.2.1. Research Design	32
2.2.2. Case Selection.....	34
2.2.3. Methodological Considerations and Data Collection.....	35
2.2.4. Limits of Comparative Analysis.....	36
 CHAPTER 3: LATVIA: ETHNIC RUSSIANS	
3.1 Loss of Latvian Identity in Soviet Era.....	38
3.2. Post-Cold War Era and Latvian Independence.....	39
3.3. Independence of Latvia and the Suppression of Russians.....	40
3.4. European Union's Pre-Accession Conditionality and Demands on the Minority Protection and Human Rights Policies.....	44
3.4.1. The Naturalization Procedure.....	45
3.4.2. The Social and Political Integration of Ethnic Minorities.....	46
3.5 Analysis: Latvia's Compliance with the ' <i>Acquis Communautaire</i> ' on Minority Protection.....	49
3.5.1. The position of the government	49
3.5.2. Significant Institutions.....	56
The Presidents.....	56
The Constitutional Court.....	59
3.5.3. Mobilization of the minorities.....	62
3.6. Post-Accession Developments in Latvia on Minority Issues.....	66
3.7. Conclusion: Europeanization of Minority policies in Latvia: Integration vs. Assimilation.....	70

CHAPTER 4: BULGARIA: TURKS AND ROMA

4.1. Roma and Turkish Population During Ottoman Era.....	74
4.2. Independence of Bulgaria and the Results for the Turks and Roma.....	76
4.3. Zhivkov Government and the Revival Process (1983-89).....	79
4.4. Collapse of Zhirkov Regime and the Restoration of the Ethnic Identities.....	80
4.5. European Union’s Pre-Accession Conditionality and Demands.....	82
4.5.1. Social Integration of the Ethnic Minorities.....	84
4.5.2. Economic Challenges for the Ethnic Minorities.....	88
4.6. Analysis: Bulgaria’s Compliance with the ‘ <i>Acquis Communautaire</i> ’ on Minority Protection	88
4.6.1. The position of the government	88
4.6.2. Significant Institutions.....	92
The Presidents.....	93
The Constitutional Court.....	93
4.6.3. Mobilization of the minorities.....	95
4.7. Post-Accession Developments in Bulgaria about Minority Protection.....	99
4.8. Conclusion: Europeanization of Minority Protection Policies in Bulgaria and the Integration of the Turks and Roma.....	103

CHAPTER 5: KURDS IN TURKEY

5.1. Brief History of Kurds in Turkish Republic.....	108
5.2. Political and Violent Struggle after 1980s.....	109
5.3. European Union’s Pre-Accession Conditionality and Demands from Turkey on Minority Protection Issues.....	113
5.3.1. Cultural Rights.....	113
5.3.2. Political Participation.....	114

5.4. Analysis: Turkey's Compliance with the ' <i>Acquis Communautaire</i> ' on Minority Protection.....	115
5.4.1. The position of the government	115
5.4.2. Significant Institutions.....	122
The President.....	122
The Constitutional Court.....	124
5.4.3. Mobilization of the minorities.....	126
5.5. Conclusion:	129

CHAPTER 6: CONCLUSION

6.1. Introduction.....	135
6.2. Theoretical and Methodological Framework.....	136
6.3. Europeanization of Minority Protection Policies Across Three Cases.....	137
The position of the governments.....	137
Significant Institutions.....	140
The mobilization of minorities.....	142
6.4. Limitations of the Analysis.....	144
6.5. Conclusion and Agenda for Future Research.....	145

BIBLIOGRAPHY.....148

Appendix A: Conclusions of the Presidency, Copenhagen, 21-22 June 1993.....169

Appendix C: The European Framework Convention for the Protection of National Minorities, Council of Europe, 1998.....170

LIST OF FIGURES & TABLES

Figure 2.1. Dimensions of Domestic Change: Polity, Policy, and Politics.....	10
Table 2.1. Conceptual Framework for Rational Institutionalism.....	20
Figure 2. 2. Model of Europeanization of Minority Policies in Member States.....	25
Table 2.2. Comparison of Basic Facts across Three Cases.....	32
Table 2.3. Total Population and the Percentage of Ethnic Minorities.....	35
Table 3.1. Timeline of Important Political Events in Latvia.....	42
Table 3.2. Ethnic Population in Latvia in Numbers.....	47
Table 3.3. Major Political Parties and Their Ideologies in Latvia.....	50
Figure 3.1. Naturalization Rates in Latvia.....	52
Table 3.4. European Court of Human Rights (9 April 2002).....	55
Table 4.1. Total Population and the Percentage of Ethnic Minorities in Bulgaria.....	74
Table 4.2. Timeline of Important Events in Bulgaria.....	77
Table 4.3. Historical Demographic Change of Turks and Roma in Bulgaria.....	82
Table 4.5. Major Political Parties and Their Ideologies in Bulgaria.....	90
Table 5.1.Total Population and the Percentage of Ethnic Minorities in Turkey.....	109
Table 5.2. Timeline of Important Political Events in Turkey.....	111
Table 5.3. Major Political Parties and Their Ideologies in Turkey.....	116

ABBREVIATIONS AND ACCRONYMS

Bulgarian Communist Party (BCP)
Bulgarian Socialist Party (BSP)
Bulgarian Peasants' Party (BANU)
Citizens for European Development of Bulgaria (GERB)
Council of Europe (COE)
Democracy Party (DEP)
Democratic People's Party (DEHAP)
Democratic Society Party (DTP)
European Network against Racism (ENAR)
European Roma Rights Centre (ERRC)
European Union (EU)
Fatherland and Freedom party (FF)
Higher Education Board's (YÖK)
Internally Displaced Persons (IDP)
Iraqi Kurdistan Parliament (IKP)
Justice and Development Party (AKP)
Kurdistan Regional Government (KRG)
Kurdistan Worker's Party (PKK)
Latvian Association for Support of Schools with Russian Language of Instruction (LASSRLI)
Latvia First Party (LPP)
Latvian National Independence Movement (LNNK)
Latvian Way (LW)
National Action Party (MHP)
New Era Party (JL)
Organization for Security and Co-operation in Europe (OSCE)
Partiya Karkerên Kurdistan (PKK)
People's Democracy Party (HADEP)
People's Labor Party (HEP)
People's Party (TP)
Republican People's Party (CHP)
Russian Community of Latvia (RCL)
Russian Society of Latvia (RSL)
Social Democratic Populist Party (SHP)
Turkish Movement of Rights and Freedoms (MRF)
Turkish Public Television (TRT)
United Congress of the Russian Community of Latvia (OKROL)
Union of Democratic Forces (UDF)
United Macedonian Organization (OMO)
United Nations High Commissioner for Refugees (UNHC)

CHAPTER 1

INTRODUCTION

1.1. Introduction

European Union membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, human rights, the rule of law and respect for and protection of minorities.¹

The European Union links the 'membership conditionality' to minority protection, which refers to the policy changes and legislative reforms in the candidate states that are determined by the 'Copenhagen criteria' in 1993. These criteria included the rule of law, stable democratic institutions, human rights and respect for minorities. The candidate states of the EU are required to make policy changes in these areas before they become an official member. This policy transfer is called Europeanization. Europeanization is a two way process which involves both bottom-up and top-down dimensions. The member states of the European Union can upload their policies in specific policy areas to the European level. They can download policies from European level to their state level as well (Kurzer 2001; Bulmer and Padgett 2004; Bulmer and Radaelli 2005; Featherstone and Radaelli 2005; Börzel and Risse 2006).

Although Europeanization is a two way process, this not valid for the candidate states. For the candidate states Europeanization is a top-down process through the *acquis communautaire* (Rose 2005). As a condition of admission, applicant countries are required to accept the EU practices in all policy fields. This process forces the candidates to reexamine their policies and check member states' policies with best practices in the EU. These best practices come from the policies of 'leader' states, who are also referred as pace-setters (Börzel 2002). Leader states can

¹ "The political criteria for EU membership", Conclusions of the Presidency, Copenhagen June 21-22 1993, accessed January 20, 2012, http://www.europarl.europa.eu/summits/copenhagen/co_en.pdf

shape European policies according to domestic preferences. It is the process that the domestic policies are exported to the European level and then adopted by other Member States.

Because Europeanization has occurred as a top-down process, the EU 'member conditionality' has attracted many criticisms. These critiques include the ambiguity of the conditions and their inconsistent applications. Besides, there are arguments in the literature that state that the EU is more demanding to candidate countries than to its members (Grabbe 2006; Huges et al 2004; Schimmelfennig & Sedelmeier 2005; Börzel & Buzogany 2009). This is one of the discussions that my analysis is based on. In this analysis, I expect to see how effective Europeanization is for the minority policies of my three different cases. Therefore I ask "in the minority protection issues, which domestic factors lead to Europeanization of minority policies" in the cases I choose. With an in depth comparative case study analysis of three cases, this research makes an analysis of Europeanization of minority policies in Latvia, Turkey and Bulgaria.

1.2. Research Question

The purpose of this research is to contribute to the literature on Europeanization of minority protection policies. Focusing on human rights and minority issues as the policy area, this study analyzes the effect of Europeanization in Latvia, Turkey and Bulgaria. In this research, I aim to answer the questions that "under which domestic conditions are the minority protection measures adopted and maintained in the EU member/candidate states?"

The transformation of the character of the European Union since its foundation and the diffusion of European norms facilitated a significant improvement of minority rights. The declaration of the Copenhagen Criteria in 1993 marked respect for minority rights as a condition for EU membership. However, the asymmetry between current and past EU membership criteria brings diverse experiences of Europeanization in the field of minority rights, which in turn makes

comparison difficult. Therefore, this study aims to compare the impact of Europeanization on the minority policies of two recently acceded states, namely Latvia and Bulgaria, and Turkey as a current candidate.

Vachudova (2005) argues that minority rights protection is one of the areas where the asymmetry of power between the EU member states and the candidates is most in evidence. That is because the candidates are being required to meet goals that the member states have not set for themselves.² To see these possible changes, this study covers three different cases two of which are member states and third the candidate. This gives me an opportunity to make predictions about the future of EU minority rights policies regarding both current member states and possible candidate states.

1.3. Membership Conditionality in European Union

The European Union operates comprehensive approval procedures that ensure new member states are admitted only when they can demonstrate they will be able to play their part fully as members. This means complying with all the EU's standards and rules, having the consent of the EU institutions and EU member states and having the consent of their citizens as expressed through approval in their national parliament or by referendum.

The Treaty on the European Union states that any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them. The first step is for the country to meet the key criteria for accession. These were defined at the European Council in Copenhagen in 1993 and are hence referred to as 'Copenhagen criteria'.

² Milada Anna Vachudova: *Europe Undivided: Democracy, Leverage. Integration After Communism*, (Oxford: Oxford University Press, 2005),182.

The EU Summit in Copenhagen in June 1993 decided to open EU membership to the Central and East European countries. The established criteria are those to be followed by all countries applying for membership of the EU.³ The conditions are:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- ability to take on the obligations of membership including adherence to the aims of political, economic & monetary union.⁴

After initial transitional periods, countries must undertake all the obligations of the EU. At the Copenhagen Summit in December 2002, it was agreed to initiate negotiations on EU membership with ten applicant countries. The agreement was signed in Athens, 16 April 2003. The new members joined the EU on 1 May 2004.

The conditions and timing of the candidate's adoption, implementation and enforcement of all current EU rules in other words the "*acquis communautaire*" are divided into 35 policy fields such as environment, economy, transportation, etc., that are negotiated separately. Throughout the negotiations, the Commission monitors the candidate's progress in applying EU legislation and meeting its other commitments, including any requirements. This gives the candidate additional guidance as it assumes the responsibilities of membership, as well as an assurance to current members that the candidate is meeting the conditions for joining. The Commission also keeps the EU Council and European Parliament informed throughout the process, through official

³ Elena Fierro. *EU's Approach to Human Rights Conditionality in Practice*. (Netherlands: Kluwer Law International, 2003), 168.

⁴ Ibid, 18.

documents such as strategy papers, annual progress reports and clarifies the conditions for the candidate state the conditions for further progress.⁵

1.4. Human Rights Policies of the European Union

*"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."*⁶

The European Union gives great importance to respect for human rights. Its human rights principles are set out in the Treaty on European Union and the Charter of Fundamental Rights. Based on several initiatives and programs, the EU's action focuses on combating discrimination, racism and xenophobia and on protecting vulnerable groups, such as children, women and minorities. The European Fundamental Rights Agency monitors respect for the Union's core values. In particular, it provides assistance and expertise to Member States and the Union bodies implementing EU law on fundamental rights.

Since the foundation of the European Union, the human dignity, freedom, democracy, equality, the rule of law and respect for human rights are the values that have been embedded in the EU treaties.⁷ Today, they have been reinforced by the Charter of Fundamental Rights in the EU. The 2012 Strategic Framework & Action Plan on Human Rights and Democracy is one of the

⁵ Elena Fierro. *EU's Approach to Human Rights Conditionality in Practice*. 8.

⁶ "Treaty of Lisbon", accessed March 8 2013, <http://eurlex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>

⁷ Philip Alston, Mara Bustelo, James Heenan, eds., *E.U. and Human Rights*, (Oxford: Oxford University Press, 1999), 175.

initiatives designed to improve the effectiveness and consistency of EU human rights policy as a whole.⁸ The adoption of the EU Strategic Framework on Human Rights and Democracy represents a watershed in EU policymaking. Since its foundation, the EU has developed a range of 'guidelines' and other policy guidance on human rights issues, but it is the first time that a unified strategic document has been adopted. In order to contribute to implementation of the Strategic Framework and the Action Plan, the High Representative has proposed the appointment of an EU Special Representative on Human Rights. Again in 2012, Lambrinidis was appointed as the first EU Special Representative for Human Rights to enhance the effectiveness and visibility of the EU external human rights policy.⁹ Furthermore, the EU publishes an Annual Report on application of the EU Charter of Fundamental Rights and human rights and democracy in the world.

Within the EU, fundamental rights are guaranteed at state level by each member state's constitutional system and at EU level by the EU Charter of Fundamental Rights that was adopted in 2000. Based on the rights given, the EU citizens may bring a case before the European Court of Human Rights, although it is not an EU body. Other EU institutions such as the Commission, Parliament and Council play a role in human rights protection as well. They are assisted by the Fundamental Rights Agency, which identifies and analyses major trends in the field of fundamental rights.

The European Union promotes the human rights through their foreign policy as well. Therefore, the EU has put the human rights issue at the forefront of its relations with other countries and regions. All agreements on trade or cooperation with non-EU countries include a

⁸ "EU adopts Strategic Framework on Human Rights and Democracy", *EU Press Release*, accessed March 10 2013, http://europa.eu/rapid/press-release_PESC-12-285_en.htm

⁹ "Stavros Lambrinidis appointed first EU Special Representative for Human Rights", accessed March 10 2013, http://eeas.europa.eu/top_stories/2012/250712_euenvoy_en.htm

human rights clause stipulating that human rights are an essential element in relations.¹⁰ There are now more than 120 such agreements. Furthermore, the EU has imposed sanctions for human rights problems on a number of countries including Belarus and Iran. The EU also undertakes human rights dialogues with over 40 countries and organizations, including Russia, China and the African Union.¹¹

In the face of a political and economic crisis affecting the European Union and many of its member states, protection of human rights is not a priority. Especially those negatively affected are marginalized or unpopular groups, such as Roma, migrants, and asylum seekers. Thus, it EU institutions can be argues to largely fail to live up to the promise of the EU Charter of Fundamental Rights, with the European Council particularly reluctant to hold member states to account for abuse. The findings of my analysis of Latvia, Bulgaria and Turkey are consistent with this current attitude of the EU towards human rights as well.

1.5. Structure of the Dissertation

The structure of this research is as follows. After the introductory chapter which broadly covers the research question(s) and brief survey of the human rights policies of the European Union, the next chapter (Chapter 2) presents conceptualization and theoretical framework for Europeanization and other concepts with main argument and hypotheses, research design, and methodology. Chapter 3 analyzes the case of Latvia which is followed by Chapter 4 that focuses on the case of Bulgaria. Chapter 5 makes and in depth analysis of Turkey. Finally, chapter 6 concludes the study by summarizing the findings with a special focus on the most recent developments on minority issues in three cases and points out avenues for future research.

¹⁰ Georg Wiessala, *Re-Orienting the Fundamentals: Human Rights and New Connections in EU-Asia Relations*, (England: Ashgate Publishing Limited, 2006), 102.

¹¹ Ibid, 55.

CHAPTER 2

THEORY & METHODS

2. Theory and Methods

2.1. Theoretical Framework

The European Union links the 'membership conditionality' to minority protection, which refers to the policy changes and legislative reforms in the candidate states that are determined by the 'Copenhagen Criteria' in 1993. These criteria included the rule of law, stable democratic institutions, human rights and respect for minorities. The candidate states of the EU are required to make policy changes in these areas before they become an official member. This policy transfer is called Europeanization, which is the major concept for my analysis.

2.1.1. Europeanization Theory

Europeanization has become one of the most widely used theoretical approaches for studying the EU and its influence on the current and future EU member states, which has emerged as an 'academically developing industry'.¹² There is a wide range of literature on conceptualizing the term and identifying how this process might shape a country's internal politics. While there is considerable debate about how to define 'Europeanization' (Börzel 2002; Börzel and Risse 2003, 2007; Cowles et al. 2001; Featherstone and Radaelli 2003; Ladrech 2010; Mair 2000; Radaelli 2003), the term is generally used with regard to "the domestic impact of the EU"¹³ and thus constitutes a crucial concept for analyzing the Union's transformative power through diffusion of ideas, namely rules, values and norms (Börzel and Risse, 2008).

¹² J. P. Olsen, "The Many Faces of Europeanization", *Journal of Common Market Studies*, 40:5 (2002): 921.

¹³ Ulrich Sedelmeier, "Pre-accession Conditionality and Post-accession Compliance in the New Member States: a Research Note" in *Après Enlargement: Legal and Political Responses in Central and Eastern Europe*, ed. Wojciech Sadurski et al. (Italy: European University Institute, 2006), 145.

Europeanization is the key concept of this study. In the literature, Europeanization is mostly defined as the interactions and impact of the EU on domestic actors and structures.¹⁴ Europeanization is a two way process that involves both bottom-up and top-down dimensions. The member states' governments both shape European policy outcomes and adapt to them. The top-down approach refers to how member states respond to a growing European impact on their domestic level of policy.¹⁵ This notion of Europeanization is described by Cowles et al (2001) as the emergence and development at the European level of district structures of governance, that is, political, legal, and social institutions associated with political problem solving that formalize interactions among actors and of policy networks specializing in the creation of authoritative European rules.

The literature in Europeanization studies has historically focused on a top-down perspective, analyzing the impact of its transformative power on the countries that have already joined the EU (Cowles et al. 2001; Radaelli 2000, Goetz and Hix, 2001). According to Börzel (2002) uploading is also a way to minimize the costs that the implementation of European norms and rules may impose on member states' constituencies.¹⁶ Therefore, member states have an incentive to upload their domestic policies to the European level in order to minimize the costs of EU adaptation.¹⁷ The member states seek to shape European policy-making according to their interests. Börzel and Risse (2006) explain Europeanization as a process of construction, diffusion and institutionalization of rules, procedures and policy paradigms and shared beliefs and norms, which are first defined and consolidated in the making of EU public policy and politics and then

¹⁴ Lee McGowan, "Europeanization unleashed and rebounding: assessing the modernization of EU cartel policy", *Journal of European Public Policy* 12:6, (2005): 996.

¹⁵ Ibid.

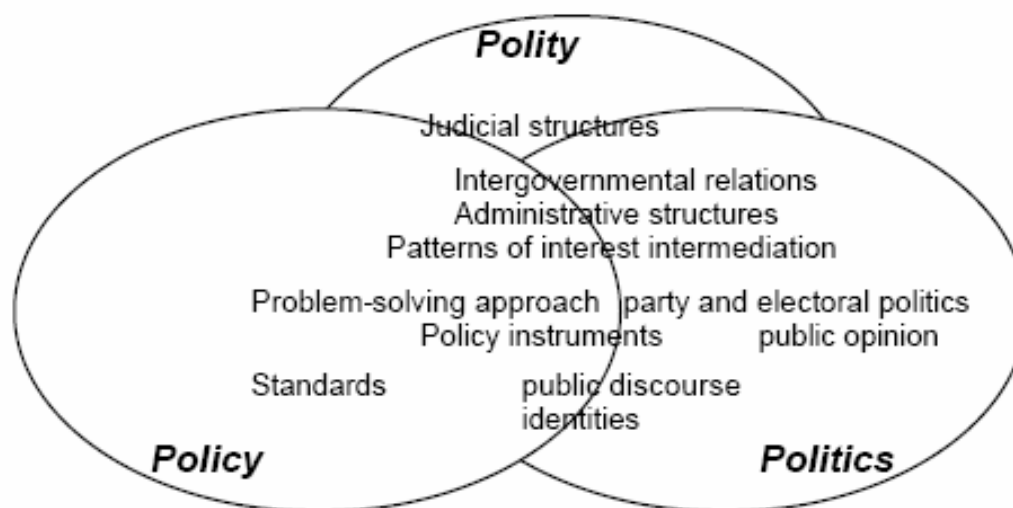
¹⁶ Tanja Börzel, "Pace-setting, foot-dragging and fence-setting: member states' responses to Europeanization" *Journal of Common Market Studies*.40:2 (2002): 212.

¹⁷ Ibid.

incorporated in the logic of domestic discourse, identities, political structures and public policies.

(See Figure 2.1)

Figure 2.1: Dimensions of Domestic Change: Polity, Policy, and Politics¹⁸



EU has an impact on the cultural norms and national identities of the candidate and the member states as well (Kurzer 2001, Olsen 2002). Therefore, Europeanization is not limited to changes in political and administrative structures and policy changes, but European values are also to some degree internalized at the domestic level, shaping discourses and identities (Olsen 2002). Kurzer (2001) also defined Europeanization as an institutional adjustment to wider European rules, structures, and styles and the diffusion of informal understandings and meanings of EU norms. This argument is based on the idea that further political integration is necessary for a closer union. Featherstone and Radaelli (2003) called this 'domestic assimilation' and stressed the importance of the change in the logic of political behavior in the member states. They argued that Europeanization involves the domestic assimilation of EU policy and politics. Similarly, Bulmer

¹⁸ Source: Tanja Börzel, "How the EU interacts with its member states", *Riehe Politikwissenschaft, Political Science Series*, 93 (2003):4.

and Radaelli (2005) argued that the concept of Europeanization is different from EU policy making. The concept of Europeanization is about the impact of European policy within member states. The creation of a shared understanding of policy through learning on the part of the states is important for the success of Europeanization.

Bulmer and Padgett (2004) bring an institutionalist perspective to policy transfer in EU. They show how the policy transfer process and the outcomes are institution-dependent. The differences in the transfer types are due to the diversity of governance structures. Bulmer and Padgett (2004) name the three models of policy transfer as transfer by hierarchy, negotiated transfer, and transfer by facilitated unilateralism. According to Bulmer and Padgett (2004), hierarchy is the most productive form of EU governance for policy transfer. It is about the EU level regulation that emphasizes the supranational authority and applies European law to enforce these regulations. The exercise of this supranational authority in hierarchical governance brings strong forms of policy transfer.

Although Europeanization is a two way process, for the candidate states the transfer occurs differently. Rose (2005) stated that for the candidate states Europeanization is a top-down process through *acquis communautaire*. This process forces the applicants to reexamine their policies and look to the member states with best practices in the EU. These best practices come from the policies of 'leader' member states. Börzel (2002) talks about how the member states with different policy preferences respond to Europeanization. She claims that their responses are shaped initially by their policy preferences and then by their action capacity. Both of the reasons depend on the level of economic development in this state. Börzel (2002) draws three strategies that European Union members follow while responding the Europeanization. The pace-setters are the 'leaders' of this policy transfer. They shape European policies according to domestic

preferences. It is through this process that the domestic policies are exported to the European level and then adopted by other member states.

However, for the new member states, uploading policy preferences is less possible compared to old members as Europeanization occurs as a top-down process through the EU conditionality, which attracts many criticisms in literature. These critiques include the ambiguity of the conditions and their inconsistent applications. In addition, there are arguments in literature that state that the EU is more demanding to candidate countries than its members (Grabbe 2006, Huges et al 2004, Schimmelfennig & Sedelmeier 2005, Börzel & Buzogany 2009). Glenn (2004) defines Europeanization as simply the domestic impact of EU integration. Analyzing the patterns of adaptation process during candidacy, Glenn (2004) clearly points out the success of policy transfer from the EU to the candidate states during negotiation process. However, whether these adaptations would be long-lasting cannot be envisioned or guaranteed. To analyze this, I compare pre-accession and post-accession processes of two member states and pre-accession period of a candidate states during the process of Europeanization.

Similarly Grabbe (2006) states that the EU's long-term influence works primarily through persuasion and voluntary adaptation rather than exclusion and coercion. After accession, the future of policies cannot be envisioned clearly. Grabbe (2006) refers to Europeanization as an ambiguous process despite the EU's enormous potential to influence the public policy in candidate countries. Therefore, for the Central and Eastern European members Europeanization started as "a process of meeting of accession requirements and the adoption of EU norms, policies and institutional models" although it aimed to be a process of "moving beyond communist legacies and regaining a full role in the European political and economic space"¹⁹. Focusing on

¹⁹ Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, (Hampshire and New York: Palgrave Macmillan, 2006), 5.

the policy areas concerned with regulating the movement of persons in all Central and Eastern European countries between 1989 and 2004, Grabbe (2006) finds that requirements had not been fully fulfilled in Central and Eastern Europe due to the inconsistency and lack of precision in the Union's membership criteria.

Börzel and Buzogany (2009) also show that the implementation and application of the EU environmental *acquis* has imposed significant costs on the accession countries in the field of integrated pollution control and nature protection and has posed serious challenges both to state and non-state actors in Hungary, Poland, and Romania. Therefore, the findings confirmed that the pressure of EU compliance may be necessary but not sufficient to empower non-state actors, which in turn make the future of the policy voluntary.

Other studies are more cautious in their evaluation of the impact of EU conditionality at the domestic level of the new members of the European Union. Olsen (2003) argues that although the effect of Europeanization is undeniable, there has been neither a revolutionary change in any of the state systems nor a convergence towards a common institutional model. Featherstone (2003) states that, although it may differ between different policy areas, convergence as a result of Europeanization is far from being inevitable. About the domestic adaptation, Risse, Cowles & Caporaso (2001) conclude that there is neither wholesale convergence nor continuing divergence of national policy structures, institutions and other relationships. According to Schimmelfennig et al (2002), 'conditionality' does not imply a clear causal relationship, but it is rather reinforcement of democratization. Hughes et al. (2004) have argued that there is only a weak clear-cut causal relationship between conditionality and policy or institutional outcomes (Hughes et al. 2004).

The results of my analysis of Europeanization process, specifically in Latvia and Bulgaria is consistent with the 'conditionality' argument of Hughes et al (2004) and Schimmelfennig et al (2002), as the non-perfect compliance of both states were ignored by the European Union and

could not block their way for accession. However, it should be noted that the impact of conditionality is directly related with the policy area as stated by Featherstone (2003). Human Rights and Minority Protection is one of these policy areas that the states' perception of the EU conditionality is more likely to take form of interference to sovereignty.

2.1.2. European Union and Minority Protection Policies:

*The European Union's one boundary is democracy and human rights. The Union is open only to countries which uphold basic values such as free elections, respect for minorities and respect for the rule of law.*²⁰

The term 'minority' is another important concept in our study. Preece (2005) describes minorities as those who may be denied or prevented from enjoying the full rights of membership within a political community because their religion, race, language, or ethnicity differs from that of the official public identity.²¹ Besides, minorities are often described as being 'non-dominant' groups that are not in a position of control or authority within a political community. Although the term 'minority' may refer to different aspects, for my analysis of Latvia, Bulgaria and Turkey I take only 'ethnic minorities' into consideration.

According to Connor (1994) ethnicity is the most important factor for the definition of the national identity. Thus, he refers to the term 'ethno-nationalism' instead of nationalism for defining nationalist attitude. Thus, according to Connor's approach, ethnicity remains the most central and powerful element in the development of nationalism. The term 'ethnicity' is explained as a perception in definition of 'ethno-nationalism'. Connor (1994) stresses the subjective and psychological quality of this perception, rather than its objective 'substance'.²² More generally,

²⁰ "The Future of the European Union: Laeken Declaration", December 5, 2001, accessed January 12, 2012, http://europa.eu.int/futurum/documents/offtext/doc151201_en.htm,

²¹ Jennifer Jackson Preece, *Minority Rights*, (Cambridge and Malden, MA: Polity Press, 2005), 10.

²² Walker Connor, *Ethnonationalism: The Quest for Understanding*, (Princeton: Princeton University Press, 1994), 174.

'identity does not draw its sustenance from facts but from perceptions, perceptions are as important or more than reality when it comes to ethnic issues'.²³

The concept of the 'ethnic minority' depends on the perception within the state as well. Kylimca (2004) gives two different understanding of minority in different states; 'a challenge for national security' and 'a quest for the justice and fairness'. In the case of oldest European Union member states, although the term minority refers to a matter of 'justice'; it is mostly a 'security' matter in Central and Eastern Europe.²⁴ Apparently, after the Cold War, compared to the Western Europe, Central and Eastern European states used to have security deficit. Both the EU and NATO have a deep stake in the peace and stability of the Central and Eastern states which led to the 2004 accession. The strengthening of the EU contributed greatly towards the construction of a Europe where all states share basic values and norms of democratic governance, market economy and rule of law. Thus, EU succeeded in attracting the states of this region that are often described as authoritarian, which in turn relates to their Soviet past. While most of the Central and Eastern European states "consistently aimed towards European integration" to solidify their economic and political status as liberal democracies, they first had to reconcile Western European norms regarding the protection of minority rights with their own laws and standards.²⁵

In the literature, analysis of 'Europeanization' of Central and Eastern Europe generally focuses on the interplay of contemporary international and domestic conditions. The 'external incentives model' that provide an explanation for this process suggests that the adoption of democratic and human rights norms as well as EU legal norms depends on the size and credibility

²³Walker Connor, 'Ethnic Identity: Primordial or Modern?' in *Separatism*, Trude Andersen et al., eds, (Norway: University of Bergen Press, 1997), 33.

²⁴Will Kylimca, "Justice and Security in Accommodation of Minority Nationalism" in *Ethnicity, Nationalism, and Minority Rights*, Stephen May et al., eds, (New York: Cambridge University Press, 2004), 144.

²⁵David J. Galbreath, "European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights," *Journal of Contemporary European Studies* 14: 1 (2006): 69.

of tangible, material incentives provided by external actors as well as on the political costs that target governments occur when adopting and implementing these rules domestically (Schimmelfennig & Sedelmeier 2005).

Many of these countries that used to belong to the Iron Curtain have problems with democratic ideals. Therefore, adoption of the rules about the protection of minorities required by documents like the EU's Copenhagen criteria and the Council of Europe's Framework Convention for the Protection of National Minorities is not easy. In addition to these difficulties, Central and Eastern European states face the dilemmas existing within the Union itself about minority protection policies. Rechel (2008) lists these problems within the European Union's minority rights policy itself as the lack of minority rights standards within the EU; superficial monitoring of candidate states; more concern for regional stability rather than for actual minority protections; and the double standard that require Central and Eastern European states to adopt minority rights policy while Western European states were not required to previously.²⁶

Despite these problems within the Union, the literature about the 'Europeanization' of minority rights generally points out the success in the states of Central and Eastern Europe. Vachudaova (2005) states that many of the scholars agree that the EU insistence on minority protection led to the improved treatment of ethnic minorities in Eastern and Central Europe as one of the most vivid cases of successful EU conditionality.²⁷ Similarly, Schwellnus et al (2009) make a cross-country analysis of the formal adoption and sustainability of minority protection rules in four new EU member states that are namely Poland, Romania, Estonia, and Latvia over a twelve-year period including pre- and post-accession phases (1997-2008). Their results show a clear distinction of the developments in five minority protection related issue areas between pre

²⁶ Bernd Rechel, "What Has Limited the EU's Impact on Minority Rights in Accession Countries?" *East European Politics & Societies* 22:1 (2008): 171.

²⁷ Vachudova, *Europe Undivided*, 145.

and post accession periods of these countries. However, the study of Schwellnus et al (2009) reveals that the impact of Europeanization on the minority protection policies of the new members is considered as successful but with limitations.

Before their accession many concerns existed about the implementation of minority rights policy or its possible effect on strengthening nationalist oriented parties in Central and Eastern European states.²⁸ Due to the requirements of the Copenhagen Criteria and the necessity to ensure protection of minority rights to obtain EU membership, countries such as Latvia and Estonia have now adopted some citizenship, language, and educational legislation directed towards their Russian minorities; Hungary and Slovakia have been directed to address issues such as discrimination, education, and poverty in their own minority Roma population; and Romania has pursued efforts to improve the educational and cultural restrictions on its Hungarian minority.²⁹ It is interesting to note that the pressure that the EU placed on the governments of Romania and Slovakia was probably the most intense of all, considering violence going on in the Balkans. Negotiating processes actually led to the agreements that are respectful of the ethnic minorities in Romania, Slovakia and Hungary.³⁰ The position of the Roma in the Czech Republic and of ethnic Russians in the Baltic States improved because these states were required to regularize their treatment of minorities in order to join the European Union.³¹

2.1.3. Approaches explaining EU's impact

²⁸ Vachudova, *Europe Undivided*, 187

²⁹ "The EU and minority policy: does enlargement signal the end of influence?", accessed December 13, 2012, <http://www.euractiv.com/en/enlargement/eu-minority-policy-enlargement-signal-influence/article-110088>

³⁰ Vachudova, *Europe Undivided*, 145

³¹ Tom Gallagher, "Minorities in Central and South-Eastern Europe." *Europa Regional Surveys of the World: Central and South-Eastern Europe 2008*, (London and New York: Routledge Taylor & Francis Group, 2007), 12.

Approaches for explaining Europeanization of member/candidate states emphasizing can be grouped around two theoretical approaches that draw on different strands of neo-institutionalist reasoning: rationalist institutionalism and constructivist institutionalism (Börzel 2005; Börzel and Risse 2003; Cowles et al. 2001). Rationalist institutionalism suggests that the EU's domestic impact follows 'logic of consequences' rather than a 'logic of appropriateness' (March and Olsen 1989). The pressure for adoption of the policies from the EU changes the opportunity structure for utility-maximizing domestic actors. It empowers certain actors by offering legal and political resources to pursue domestic change. Formal domestic institutions and significant domestic institutions are the main factors impeding or facilitating changes in response to EU adjustment pressures. By contrast, constructivist institutionalism emphasizes that such responses follow 'logic of appropriateness' (March 1994). The EU's domestic impact results from a process of socialization in which domestic actors internalize the EU norms. According to Sedelmeier (2011) the domestic norm entrepreneurs, as well as the normative resonance between EU rules and domestic cultural understandings and informal institutions, are key mediating factors explaining the engagement of domestic actors in a social learning process through which EU rules redefine their interests and identities.

Rational Institutionalism

Rational Institutionalism (Rational Choice) is a theoretical approach, which argues that the political actors use institutions to maximize their utility under the rule-based constraints of the institutional environment, which influence their behavior (Hall and Taylor 1996). Rational Choice Institutionalism assumes that political actors within the institutional setting have their own set of preferences, thus they behave by making strategic cost-benefit calculation (Hall and Taylor 1996). According to Hall and Taylor (1996), the institutions define the rules of the game, and the range of available strategies. Thus, the institutional environment provides the information that

reduces uncertainty for each actor about the corresponding behavior of others (Hall and Taylor 1996).

Rationalist institutionalism focuses on the EU's use of conditionality to influence candidate countries (Hall and Taylor 1996). Rationalist approaches discard processes of socialization and persuasion as a mechanism for the EU's domestic impact. However, the constructivist institutionalism can also analyze this process. According to the social constructivist model, the governments thus adopt the EU's rules regardless of the material incentives that the EU might offer for doing so (Sedelmeier 2011). Thus, for this research I assume that application of a constructivist approach is not fruitful for the analysis of either the most recent members from Central and Eastern European states or the candidates, whose priority is the ultimate reward of EU membership. At that point, for the analysis of the minority protection policies, comparative analysis of EU rule adoption in Latvia, Bulgaria and Turkey requires rational institutionalist explanation. The nature of the research and the research question can better be analyzed by adopting the rationalist external incentives model, which shows the relationship between Europeanization and domestic policies. Table 2.1 below depicts the key independent variables analyzed as explanatory variables for the effectiveness of the EU's influence.

Table 2.1. Conceptual Framework for Rational Institutionalism³²

	Rational Institutionalism
EU Strategy	Conditionality
External Factors	clarity of EU demands · credibility of conditionality (including consistency of application, and intra-EU consensus on rewarding compliance)

³² Source: Ulrich Sedelmeier, "Europeanization in new member and candidate states". *Living Reviews in European Governance* 6: 1 (2011): 13.

	<ul style="list-style-type: none"> · size of rewards and power asymmetry · temporal proximity of rewards · linkages to Western Europe · monitoring capacity
Domestic Factors	<ul style="list-style-type: none"> · domestic costs of adopting rules for governments (for political conditions: <ul style="list-style-type: none"> – party system (liberal/illiberal) – quality of political competition at moment of regime change – ethnic policy preferences in parliament; more generally: <ul style="list-style-type: none"> – veto players – internationalization of policy sector) · societal mobilization · supportive formal institutions · administrative capacities

EU membership as an external incentive

As discussed before, the rationalist external incentive is the model that matches better with the nature of the research question of this analysis, because the model clearly sets the ultimate goal or the reward for the candidate/member states. Clarity means that the candidate states know what they need to do if they decide to comply with the EU rules and conditions. It applies both to whether a certain issue area is included in the EU’s conditionality and what particular rules the candidates need to adopt in order to become member states (Schimmelfennig and Sedelmeier 2005). Uncertainty might stem from evolving rules in the EU, such as the Schengen *acquis* (Grabbe 2003, 2005) or from the absence of a single EU model in many policy

areas. Uncertainty also arises from internal conflict within the Commission and among the member states about the application of conditionality (Schimmelfennig and Sedelmeier 2005).

The application of conditionality requires that the candidates must be certain that they will receive the promised reward, that is, EU membership after meeting the EU's demands. Yet they also must believe that they will only receive the reward if they fully meet the requirements. Thus, credibility depends on a consistent, successful application of conditionality by the EU.³³ According to Sedelmeier (2011) conditionality suffers if the EU makes candidate states doubt that the EU will deliver the promised rewards as in the debates about the possible accession of Turkey, thus making the credibility problematic. Credibility also suffers if candidates suspect that other factors lead the EU to reward candidates who do not meet all the requirements, as in the cases of Bulgaria, Romania, or Croatia (Sedelmeier 2011), especially after the EU set a date for their accession (Dimitrova and Steunenberg 2007). The EU sought to overcome this problem in the accession of Bulgaria and Romania by maintaining monitoring after accession. The credibility of conditionality is also linked to the ability of the EU to monitor effectively the fulfillment of its requirements.³⁴ Especially in the case of Central and Eastern European enlargement, the EU has made significant investment into its monitoring capacity.

Domestic factors

Rationalist institutionalism also specifies a number of factors at the domestic level that mediate the EU's influence to explain Europeanization process. These factors are in parallel with the rationalist institutionalist argument that the EU's influence works through empowering domestic actors that benefit from EU legislation (Jacoby 2006; Kubicek 2003). Rationalist

³³Frank Schimmelfennig and Ulrich Sedelmeier, eds. *The Europeanization of Central and Eastern Europe*. (London: Cornell University Press 2005),13-6; Paul J. Kubicek, *The European Union and Democratization*, (London: Routledge, 2003),18.

³⁴ Ibid, 15.

approaches to Europeanization suggest that in order to have influence; the EU needs to have domestic allies in candidate countries (Jacoby 2006; Kubicek 2003).

As another domestic factor, the adjustment cost for target governments is also important. The governments can expect benefits in domestic politics from adopting the EU rules in case of low domestic adjustments. About the human rights and minority protection policies, Vachudova (2005) and Schimmelfennig (2005) identify the presence of a liberal democratic government as a key factor in which the major political parties agree on liberal reforms and integration into the European Union, because for such governments, the costs of meeting the EU's demands are not high. More specifically, Kelley (2004b) relates the domestic costs with regard to the EU's demands for minority rights as the presence of authoritarian leaders, or the dominance of nationalists in the parliament. The number of veto players in a policy area is a key facilitating factor as well (Schimmelfennig and Sedelmeier 2005). In turn, the number of actors opposed to the EU's demands is likely to be low if a policy area does not have strong institutional setting (Hughes et al. 2004).

Adjustment costs are not the only domestic factors explaining Europeanization. Other examples from the literature suggest that the alignment of candidate states might not only depend on their domestic adjustments costs, but also on their administrative capacities. Toshkov (2008) provides evidence that both government capacities and political preferences have a strong effect on the transposition of EU law in the candidate states. Furthermore, other studies pointed to the importance of administrative capacities to argue that the effective implementation of EU rules in candidate countries require both strong states and strong civil societies that have the capacity to mobilize (Dimitrova 2010; Sissenich 2007, 2010; Börzel 2010; Börzel and Buzogany 2010; Sedelmeier 2008).

2.1.4. Explanatory Model of Europeanization

External Incentives Model

The external incentives model, which is based on a rationalist approach, focuses on the size and speed of rewards, credibility of conditionality as well as significant domestic institutions and domestic costs of adaptation (Cowles et al. 2001). Accordingly, the external incentives model requires EU conditionality in which the EU sets its rules as conditions that the target states have to fulfill in order to receive EU rewards.³⁵ The starting point of the external incentives model is the misfit between European and domestic processes, policies and institutions (goodness of fit) which puts adaptation pressure on states (Cowles et al. 2001, Börzel and Risse, 2000). The model assumes that the EU conditionality challenges the domestic status quo by providing incentives for rule adoption and changes the domestic opportunity structure.³⁶

According to Vachudova (2006), the model allows the EU to use the threat of exclusion from the next stage of the process on candidate countries that are not fulfilling the required reforms, and then rewards states depending on the progress in complying with the EU laws and conditions. Therefore, the major assumption of the external incentives model of conditionality is that "a state complies with the norms of the EU if the benefits of the rewards exceed the domestic adoption costs and the level of credibility of incentives is high."³⁷ In sum, this cost-benefit balance depends on the size and credibility of the rewards, on the one hand, and the size of domestic adoption costs, on the other (Cowles et al. 2001).

2.1.6 Modeling Europeanization: An Application of External Incentives Model

³⁵ Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe". *Journal of European Public Policy* 11:4 (2004): 661-79.

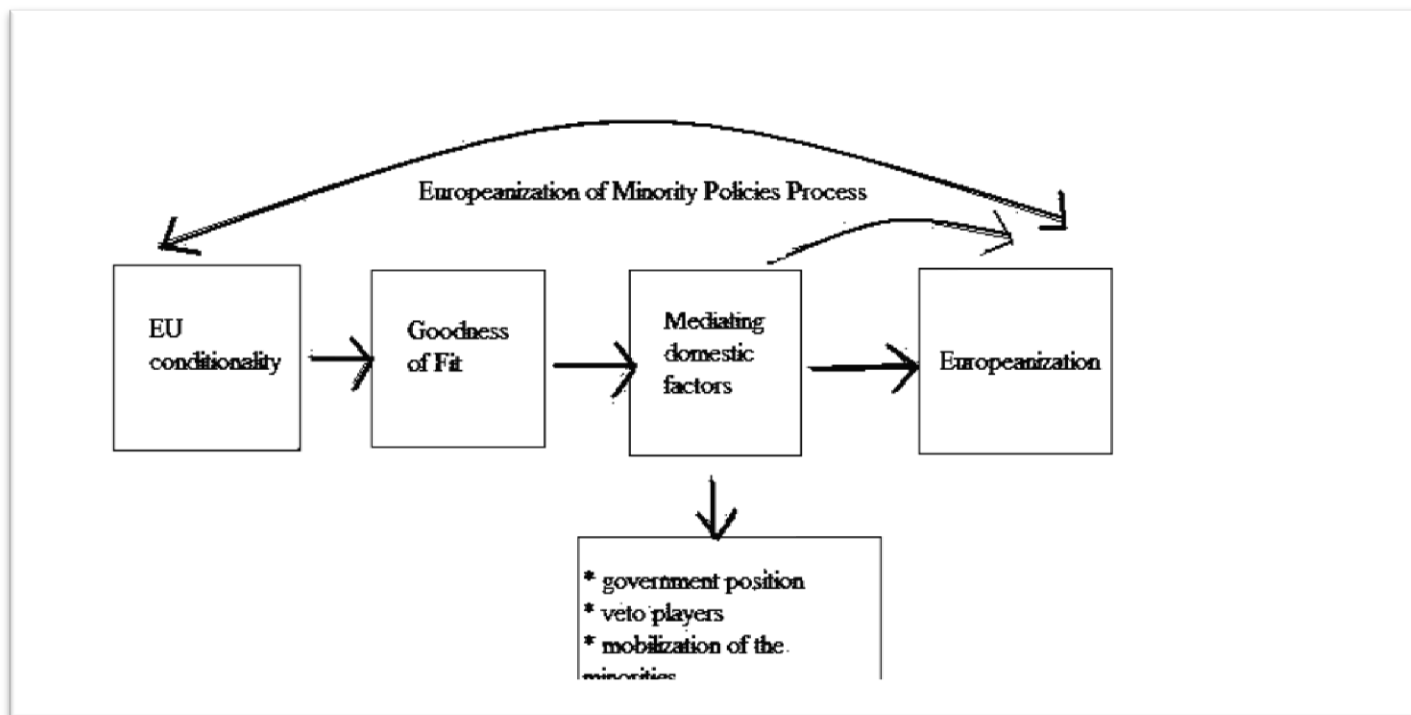
³⁶ Schimmelfennig and Sedelmeier, *The Europeanization of Central and Eastern Europe*, 15.

³⁷ Frank Schimmelfennig, "The International Promotion of Political Norms in Eastern Europe. A Qualitative Comparative Analysis", *Central and Eastern Europe Working Papers* 61, (2005): 4.

There are a number of factors that plausibly affect compliance in the European Union as discussed before. For the analysis of the minority protection policies of three case studies of Latvia, Bulgaria and Turkey, I apply Cowles et al. (2001)'s rationalist external incentives model, which shows the interaction between the domestic factors and Europeanization process under the impact of membership conditionality, thus capable of testing my hypotheses related (See Figure 2.2).

I conceptualize the domestic factors that might facilitate or even in itself sufficiently cause rule adoption through three different conditions: first, the government position, whose policy preferences can be either in favor of (in the case of a government with a pro-minority orientation or under inclusion of the minorities themselves), indifferent or opposed to minority protection measures (the latter in case of nationalists forming or taking part in the government); second, the existence of significant institutions that might block either positive proposals or the attempted revocation of existing rules depending on their policy preferences; third, mobilization of the minorities, which can be interpreted as an indicator of the salience as well as possible financial costs of minority protection. These factors will be further specified below in the part dealing with the conceptualization of the independent variables.

Figure 2.2. Model of Europeanization of Minority Policies in Member States³⁸



Main Hypotheses and Variables

The main hypothesis based on the external incentive model is that; 'a state resist adopting the norms of the EU if the domestic adoption costs exceed the benefits of the rewards and level of credibility of incentive is low'. The external incentive model proposes two factors which have impact on resistance to comply with EU requirements: EU incentives and domestic factors.

The dependent variable of the study is 'rule adoption'. For 'rule adoption', I follow the description of Schimmelfennig and Sedelmeier (2005) that names the dependent variable as 'formal rule adoption'. This adoption refers to change (positive or negative) in rule adoption compared to the previous status quo at any given point in time. Formal rule adoption 'consists in the transposition of EU rules into national law or the establishment of formal institutions and

³⁸ Source: Maria Cowles et al., "Europeanization and Domestic Change: Introduction", in *Europeanization and Domestic Change: Transforming Europe*, M. Cowles et al., eds., (London: Cornell University Press, 2001),6

procedures in line with EU rules.’³⁹ Formal rule adoption is a decision taken at the political level and most often consists in the passing of legislation.

The conceptualization of independent variables

The position of the governments:

The likelihood of adoption decreases with net political or power costs of governments from fulfilling the EU requirements. Political actors in the candidate states calculate whether the rewards offered by the EU are worth the costs of adaptation. The size of domestic adoption costs, in this sense, determines whether they will accept or reject the conditions. When the political costs of compliance are high for the target government, that is, when fulfilling EU conditions threatens the security or integrity of the state, or the survival of the regime or the government’s domestic power base, and its core political practices for power preservation, even credible membership incentives turns out to be ineffective.⁴⁰ Vachudova (2006) shows that, although EU began to implement the conditionality of the pre-accession process, it had little success in changing domestic policies in illiberal democracies in the Western Balkans where ‘governments turned their backs on the benefits of EU membership to protect their power, autonomy and rent-seeking opportunities.’⁴¹

In terms of Europeanization of minority policies, policy preferences of a government can be either in favor of adopting EU standards for minority protection if the government has a pro-minority orientation and/or includes representatives from minorities within the government. As the adoption of rules do not bring high adoption cost at the domestic level for the government, the adoption of the EU rules are likely. On the other hand, in case of a government with

³⁹ Schimmelfennig, “The International promotion of Political Norms in Eastern Europe”, 8.

⁴⁰ Frank Schimmelfennig, “Entrapped Again: The Way to EU Membership Negotiations with Turkey”, *UCD Dublin European Institute Working Paper 08:8*, (2008): 921.

⁴¹ Milada Anna Vachudova, “Democratization in Post-Communist Europe: Illiberal regimes and the leverage of International actors”. *CES Working paper*, 139 (2006), 2.

nationalists taking part and/or with a nationalist orientation, the likelihood of the government to postpone the adoption of minority protection due to the fear of political failure in elections is high. The nationalist oriented parties are generally based on single-ethnic platform that constitute the majority of the population in a state. Typically, the nationalist oriented parties are right-wing and oppose rights and recognition of minorities.

According to Kelley (2004a, 2004b), the inclusion of minority parties representing an ethnic group on the one hand and right-wing pro-nation parties on the other in government is an important factor in determining the state policy towards minorities and the reaction to external demands to protect minorities. Coalition governments with the inclusion of parties representing national minorities are likely to be willing to implement minority rights, unlike governments with a strong nationalist influence are likely to resist this. The straight-forward rationale behind this intuitive hypothesis is that political decisions follow directly the policy preferences of the ruling decision-makers.

H#1: Existence of pro-minority parties (or even minority parties) in government or coalition is positively associated with rule adoption in minority protection policies.

H#2: Existence of nationalist parties in government or coalition is negatively associated with rule adoption in minority protection policies.

Significant Institutions

At the domestic level, there are various institutions that contribute to the process of Europeanization in the field of minority protection either positively or negatively. These institutions may include political, judicial, or even military institutions, depending on the state analyzed. According to Tsebelis (2002), 'the difficulty for a significant change of the status quo

increases in general with the number of veto players and with their distances.’⁴² Veto player theory predicts increasing policy stability with a higher number of veto players, because it becomes increasingly likely that a change from the status quo will be blocked.

Compliance with the EU requirements therefore becomes a challenge if there is a high number of veto players who are institutionalized in domestic structures with vested interests in protecting the old normative order (Sedelmeier 2011). Thus, when Europeanization process threatens the interest of these forces or limits their autonomy, the costs of rule adoption would be too high, and Europeanization would not be supported by these institutions.

In terms of the analysis of the minority protection policies, to be able to compare the three cases, and test the hypotheses equally, instead of focusing on the number of veto players affective in the process, as required by the veto players theory, I make an in-depth analysis of significant institutions that exist in all three cases. Thus, I consider Presidents and Constitutional Courts to be two significant institutions to be analyzed as domestic factors to have impact on the process of Europeanization. Depending on their policy preferences, these institutions might either block positive proposals or attempt to revoke existing rules or support the required change.

H#3 Existence of significant institutions with policy preferences contrary to those of the EU on minority protection is negatively associated with rule adoption in minority protection policies.

H#4 Existence of significant institutions with policy preferences similar to those of the EU on minority protection is positively associated with rule adoption in minority protection policies.

The mobilization of minorities:

⁴² George Tsebelis, *Veto players: How Political Institutions Work*, (NY: Princeton University Press, 2002), 37.

Bottom-up mobilization against reluctant governments is a central factor for compliance research in the field of human rights (Keck and Sikkink 1998; Risse et al. 1999). It has been argued that the lack of civil society and relatedly the ability to mobilize in favor of societal demands is generally low in former-authoritarian Central and Eastern European countries, thus rule adoption is mainly government-driven (Schimmelfennig, Engert and Knobel 2006). Large and well organized minority groups can be expected to be much more able to exert pressure on governments than small and poorly organized ones. To be able to measure the concept of 'minority mobilization', I consider two indicators: (1) the size of the ethnic minority group, which is the percentage of the overall population and (2) the number of organizations founded on the grounds of protection of ethnic minorities and lobbying for their cultural and political rights and recognition, which do not directly measure mobilization but indicate the capability of a minority group to do so.

H#5: Existence of large ethnic minorities in a state with domestic organizations representing their rights is positively associated with rule adoption in minority protection policies.

H#6: Existence of small ethnic minorities in a state without domestic organizations representing their rights is negatively associated with rule adoption in minority protection policies.

Selection of Independent Variables

Europeanization requires strong external incentives that are supported by favorable domestic conditions. According to my assumption for the analysis, for Latvia, Bulgaria and Turkey, the EU membership is the strong incentive that can enforce changes at the domestic level. This is based on the fact that Latvia and Bulgaria are former Soviet states of the Eastern Europe with the

frequently expressed intention of becoming part of Western Europe since their foundation. Turkey is another case with significant desire to accede to European Union since 1960s.

Although the ultimate goals of these states are taken as the EU membership, I expect the domestic factors in these states to have impact in the negotiating as well. The domestic political structure constitutes various factors, many of which are likely to have impact in a process of change. To be able to trace the impact of each domestic variable in an in-depth analysis, I take only three of them for the comparative study of Latvia, Bulgaria and Turkey.

As the relationship between the European Union and the candidate/member state is primarily in the agenda of the government during the negotiating process, 'position of the governments' is an inevitable factors as a variable. Thus, when a new governing coalition places pro-European actors, then the government would seem to be willing and able to move on a number of important issues including the minority protection or vice versa. Without the support of the governments, any change at the domestic structure is impossible.

On the other hand, the significant institutions, affective at the domestic level also have the power and capability to either block or support the change at domestic structure. Thus, compliance with the EU requirements therefore becomes a challenge if domestic structures have various interests in protecting the old normative order. There are a number of significant institutions that can be included in this list such as political elites, military and judiciary actors, bureaucrats etc. The power and variety of the institutions can depend on the structure of the state as well, which in turn requires a special attention for an in depth analysis in a research. Thus, in order to measure the variables equally in each cases and a better comparative analysis, I limited these bodies as two actors from both institutional and judicial background. The authority of the President and the Constitutional Court over the governments and their ability to have impact on the decisions of the governments are the reasons that make the significant institutions necessary

variables for consideration in the analysis of the process of Europeanization in Latvia, Bulgaria and Turkey.

A better understanding of the process of Europeanization of minority protection in a state requires an analysis of the situation of that specific minority group as a domestic variable. An organized and successful ethnic minority group can either support or oppose the position of the governments and the significant institutions, which in turn may even lead to change in policy preferences of these two actors. Thus, whereas the impact of 'governments' and 'significant institutions' can be explained as 'top-down' approach within the domestic structure, 'mobilization of minorities' constitute the bottom-up dimension of this process. To conceptualize the term 'mobilization' for a better measurement, I consider two indicators, namely the size of ethnic minorities in the target state, and the number of domestic organizations serving for rights of that ethnic group. Thus, I expect a large ethnic group with support through human rights organizations to be able to counter the unfavorable stand from both the governments and the significant institutions.

In the next section, I will explain the details of the methodology by introducing the rationale behind choosing my research design, how to test the hypotheses, the importance of case selection and the set of criteria that lead me to select Latvia, Bulgaria and Turkey as case studies for conducting a cross-country analysis of Europeanization of minority protection policies.

2.2. Research Design, Case Selection and Methodology

2.2.1. Research Design

The research design is a 'comparative case study' which is equipped with a strong theoretical background and an extensive empirical analysis. This type of comparison has also been referred to as 'case-oriented' since the state is the unit of analysis, and the aim is to test hypotheses for differences or similarities between states in order to generate a deeper

understanding of a topic.⁴³ Comparing three cases that share similar features but have different political outcomes (Most Similar Systems Design –MSSD) allows me to figure out the common elements from diverse states that have greater explanatory power for outcome. This system is based on Mill’s method of agreement which seeks to identify those features that are same among different countries in an effort to account for a particular outcome (Landman 2008). (See Table 2.2)

Table 2.2. Comparison of Basic Facts across Three Cases⁴⁴

	LATVIA	BULGARIA	TURKEY
Population	2.3 million (2012)	7.6 million (2012)	79.4 (2012)
GDP per capita	\$18,600 (2012)	\$14,500 (2012)	\$15,200 (2012)
Religion	Lutheran 19.6%, Orthodox 15.3%, other Christian 1% unspecified 63.7% (2006 census)	Eastern Orthodox 59.4%, Muslim (Sunni) 7.4%, Muslim (Shia) 0.4%, others (including Catholic, Protestant, Armenian Apostolic Orthodox, and Judaism) 1.7%, other (unknown) 27.4%, none 3.7% (2011 census)	Muslim 99.8% (mostly Sunni), other 0.2% (mostly Christians and Jews) (2012 estimated)
Capital	Riga	Sofia	Ankara
Official Languages	Latvian, Liv	Bulgarian	Turkish

⁴³ Todd Landman, *Issues and Methods in Comparative Politics*. (London: Routledge 2008),28.

⁴⁴Sources: “Member Countries”, <http://europa.eu/about-eu/countries/member-countries>, accessed July 2nd 2013 ; “The World Factbook”, <https://www.cia.gov/library/publications/the-world-factbook>, accessed July 2nd, 2013.

Government Type	Parliamentary Democracy	Parliamentary Democracy	Parliamentary Democracy
Legal System	Civil Law	Civil Law	Civil Law
Independence	1991	1878	1923
Year of EU candidacy	1998	1997	1999
Year of EU Accession	2004	2007	Still candidate

Case study method provides a richer empirical analysis and more accurate description and explanation of the phenomenon in question, and thus also contributes to theory-testing in the social sciences (Babbie et al. 2007, Flick 2006). For the analysis of the cases, this research employs a traditional linear approach which follows a hypothetical-deductive strategy. This forms a linear process where specific hypotheses are derived from the external incentives model, with data then collected and tested in relation to those hypotheses (Babbie et al. 2007, Flick 2006). Focusing on domestic factors, such as position of governments, significant institutions and mobilization of minorities as the independent variables in explaining adoption of minority protection policies of the EU, I derive hypotheses from the external incentives model. Thus, in general the research is designed as theory-testing case studies to assess the domestic conditions of effective incentive (EU membership), and to determine which of them are necessary or sufficient Europeanization of minority policies in the target countries that are Latvia, Bulgaria and Turkey.

The independent variables constitute the domestic conditions and are organized as a simple model which exemplifies the impact of domestic conditions on Europeanization patterns of countries. For each case, a similar basic template is used, which begins with initial conflict and different issues of minority protection violations in the target country, and then turns to European demands and conditions. The analysis finalizes with the outcome part, where the rule adaption patterns of states are analyzed.

2.2.2. Case Selection

A strategic selection of cases is necessary for a research in order to test the hypotheses and reach to generalizable results.⁴⁵ Case selection therefore is an important part of a good research strategy to achieve well-defined objectives of the study. Hence the primary criteria for case selection is whether it has relevance to the research objective of the study, that is theory testing, and provides rich opportunities for improving understanding of the primary phenomena or processes under research.⁴⁶

The case selection for this research follows two criteria. The first one is significant conflict between EU rules and the initial situation about the minority protection issues in the candidate/member state. I select 'hard cases' for the methodological reason that the democratic conditionality and its effects are more easily observable than in 'easy cases'. I will be able to learn more about the conditions of its effectiveness and ineffectiveness since the challenge to conditionality is higher in cases of significant conflict.⁴⁷ The second criterion of case selection is the size of minorities. For a better analysis, I select cases with size of ethnic minorities greater than 15% of ethnic minorities within whole population. Table below summarizes the size of ethnic minorities in the selected cases.

Table 2.3. Total Population and the Percentage of Ethnic Minorities⁴⁸

<i>Country</i>	<i>Population (million) *</i>	<i>Percentage of Ethnic Minorities in overall Population *</i>
----------------	-------------------------------	--

⁴⁵ Alexander L George, and Andrew Bennet. *Case Studies and Theory Development in the Social Sciences*, (Cambridge: MIT Press, 2005), 83.

⁴⁶ Robert K. Yin, *Case Study Research: Designs and methods*, (UK: Sage Publications, 2003), 34.

⁴⁷ Frank Schimmelfenning et al. "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey", *Journal of Common Market Studies* 41:3, (2003): 501.

⁴⁸ Sources: "The EU Countries", accessed January 10 2012,

http://europa.eu/abouteu/countries/index_en.htm;

"CIA World Fact Book", accessed January 10 2012, <https://www.cia.gov/library/publications/the-world-factbook/>

LATVIA	2.3	Russian 27.8% Belarusian 3.6% Ukrainian 2.5 % Polish 2.4 % Lithuanian 1.3 %
BULGARIA	7.6	Turk 9.4 % Roma 4.7 % Others 2 %
TURKEY	79.4	Kurds 18 % Others 7 %

2.2.3. Methodological Considerations and Data Collection

I complement the analysis of conditions and compliance with a process-tracing analysis through examining the histories, official documents, and other sources to “trace the links between possible causes and observed outcomes.”⁴⁹ Process tracing is an indispensable tool of theory-testing, which attempts to identify the intervening causal relation between an independent variable and the dependent variable.⁵⁰ It allows analyzing the effect of different independent variables and the effect of variance in the independent variables across cases.⁵¹ Taken together, these methods ensure to better assess which domestic factors really matter for adoption of minority protection policies under EU conditionality.

In order to measure the adoption of democratic conditions of EU as the dependent variable, I primarily focus on analysis of official EU documents. The core of the empirical research consist the analysis of official documents. These documents are European Commission’s annual progress reports, Accession Partnership Documents and National Programs for Adoption of *Acquis*, Commission’s DG Enlargement reports and European Commission’s Mechanism for Cooperation and Verification (CVM) and daily news services which allows keeping close track the demands of the EU and reactions of the target governments. In addition to primary (official

⁴⁹ George and Bennet, *Case Studies and Theory Development*, 6.

⁵⁰ *Ibid*, 206.

⁵¹ *Ibid*, 75-81.

documents, speeches, press releases) sources, the analysis relies on the rich collection of secondary sources (academic literature).

The European Commission's annual progress reports, Accession Partnership Documents and National Programs for Adoption of *Acquis*, Commission's DG Enlargement reports are annual strategy documents explaining the policy on EU enlargement and report the political and economic developments in each candidate or potential candidate country. In general, the reports assess the ability of the candidate states to transpose and implement EU legislation and the progress of the candidate countries in adopting EU standards and in fulfilling other specific conditions. For the analysis of Europeanization of minority protection policies, these official reports are utilized for each case study.

2.2.4. Limits of Comparative Analysis

There are some limitations of this comparative analysis. Initially, Europeanization is still an ongoing process for all three cases. However, both Latvia (2004) and Bulgaria (2007) have already become member states while Turkey is still a candidate. Thus, it is not completely accurate to compare the Europeanization in all three cases. Secondly, all three cases have different historical backgrounds in terms of length of democracy. Yet another issue that makes a comparison between Latvia, Bulgaria and Turkey somewhat problematic concerns the differences in the Europeanization experiences of the three countries. Turkey's relations with Europe dates back to 1950s. Turkey has been treated as a credible candidate since the 1980s. The Helsinki Summit of the European Council in 1999 offered Turkey the concrete prospect of full membership, more than four decades after its application for association with the European Economic Community in 1959. This put general project of Westernization into a different and more concrete context of Europeanization. Thus, a strong identification with Europe has been and is a core feature of modern Turkey. On the other hand, Bulgaria is a former communist state whose relationship with

the EU dates back to 1990s. Latvia is also a former Soviet state that has gained democratic independence only in 1990s.

Thirdly, compared to other two cases, Turkey has a significantly larger overall population. Whereas Turkey has a population of 79 million, Latvia has 2.3 million, Bulgaria has 7.6 million. Although, in this study I take percentage of ethnic minorities into consideration, this large difference among three cases in terms of population is a limitation of the study.

Despite all these limitations, it should be noted that the differences between three cases are also advantageous for an enriched, in-depth comparative analysis. Since the main question of this dissertation is whether domestic factors matters for Europeanization of minority policies, it is relevant to compare Turkey, Bulgaria and Latvia that have significant problems with the ethnic minority population.

CHAPTER 3

LATVIA: ETHNIC RUSSIANS⁵²

Latvia had been under Soviet occupation for half a century until its independence in 1991. This strong influence of the authoritarian heritage impacted the policies leading to suppression of different identities. However, with the fall of the Soviet regime and the independence of Latvia in 1991, Latvia's focus has been both the fear of losing Latvian identity and joining the European Union. Addressing the nationalist standing of the governments, significant institutions, and the mobilization of the suppressed ethnic Russians, I argue that, the lessons learned from the Latvian case point to a more general conclusion about the relationship between domestic factors and Europeanization.

3.1. Loss of 'Latvian identity' in Soviet Era

Latvia is a small Baltic state with a population of approximately 2.3 million people. Although Latvia originally gained its independence in 1918, during and after the Second World War Latvia lived under the occupation of the Soviet Union for half a century. Ethnic Latvians represent approximately 58.2 percent of the population, and their mother tongue is the Latvian language. The largest ethnic minorities are mostly Russian speaking and include Russians (27.8 percent), Belarusians (3.6 percent) and Ukrainians (2.5 percent). Ethnic groups representing less than 2.5 percent of the population include Poles, Lithuanians, Roma and Estonians.⁵³

The history of minority related issues in Latvia was heavily influenced by the Soviet occupation of Latvia. Similar to the other two Baltic States, Latvia was occupied by the Red Army and was incorporated into the Soviet Union by 1940. However, a resistance movement against

⁵² Part of this chapter is previously published in Emel E. Tugdar, "Europeanization of Minority Protection Policies in Latvia: EU Conditionality and the Impact of Domestic Factors on the Rights of Ethnic Russians, *CEU Political Science Journal* 8:1, (2013): 31-53.

⁵³ "Latvijas Statistika", Central Statistical Bureau of Latvia, accessed November 13, 2013, <http://www.csb.gov.lv>

Soviet control continued for several years after the Second World War. By 1953, about 120,000 people had been killed, imprisoned or deported to labor camps in Siberia. Soviet population policies during the Cold War caused major demographic shifts, with the number of Russian-speaking minorities within the country growing from around 33% during Cold War to 48% by the end of the 1980s.⁵⁴ The proportion of ethnic Latvians in the country declined from 77 per cent in 1935 to 52 per cent by 1989. As a result of this, according to the 1989 census, Latvians had become a minority in the eight largest cities.⁵⁵

As a result of this large demographic shift, the proportion of language usage had significant changes. In the major cities of Latvia, the dominant language was Russian and throughout all of Latvia, statistics show that while around 60 percent of Latvians knew Russian, only 18 percent of non-Latvians knew the Latvian language.⁵⁶ With regard to Soviet occupation, Latvian ended up becoming a minority language by the end of the Cold War.

3.2 Post-Cold War Era and Latvian Independence

The implementation of Mikhail Gorbachev's policies of glasnost and perestroika allowed Latvia to declare its independence in 1989. Despite the objections from the Soviet authorities, Latvia declared the renewal of its independence in 1990 and after a period of transition, completed as of 1991 with a declaration of the full restoration of Latvian state authority. Both the 1990 declaration of restored Latvian independence and the declaration of de facto independence proclaimed the authority of the 1922 constitution, thus stressing the continuity of independence.⁵⁷ (See Table 3.1)

⁵⁴ David J. Galbreath, "The Politics of European Integration and Minority Rights in Estonia and Latvia," *Perspectives on European Politics and Society* 4:1 (2003): 37.

⁵⁵ Judith G. Kelley, *Ethnic Politics in Europe: The Power of Norms and Incentives*, (NJ: Princeton University Press, 2004a), 73.

⁵⁶ Ibid.

⁵⁷ Daina Stukuls Eglitis, *Imagining the Nation: History, Modernity and Revolution in Latvia*. (PA: Pennsylvania State University Press, 2002), 110.

Independence and the restoration of the old constitution brought significant changes to the policies regarding minorities. With the regained independence, Latvia granted automatic citizenship only to those residents who were citizens prior to the commencement of the Soviet occupation in 1940 and their descendants. A large proportion of Latvia's significant Russian-speaking minority were given Latvian citizenship.⁵⁸

Since 1999, Latvia's official languages have been the Latvian language and the Liv language, the latter being an indigenous language close to extinction.⁵⁹ Any other language used in Latvia, especially Russian, was declared as a 'foreign language'. The State Language Law of 1999 proposed 'the preservation, protection and development of the Latvian language', and 'the integration of national minorities into Latvian society'.⁶⁰

3.3. Independence of Latvia and the Suppression of Russians

With the declaration of independence and reentry of the previous Constitution into force, Latvia started seeking strict policies against the Russian-speaking minority. The reasons behind this strictly controlled usage of language are related to the Latvian fear of losing 'Latvian identity'.⁶¹ Initially, the major reason was the demographic fears of ethnic Latvians arising from half a century of Soviet occupation. At the end of the Second World War, 83 percent of Latvia's population was Latvians. However, during the Soviet occupation between 1940 and 1991, Latvia experienced mass immigration from other Soviet territories, mostly ethnic Russians. Therefore, Latvian percentage among the population of Latvia dropped to 52 percent by the end of the Cold War and ethnic Latvians became almost a minority on their own land.⁶²

⁵⁸ Eglitis, *Imagining the Nation*, 110.

⁵⁹ Section 4 of the State Law states that "the State shall ensure the maintenance, protection and development of the Liv language as the language of the indigenous (autochthon) population".

⁶⁰ Article 1. State Language Law adopted by the Parliament of the Republic of Latvia in 1999.

⁶¹ Eglitis, *Imagining the Nation*, 113.

⁶² Boris Tsilevich, "The Development of the Language Legislation in the Baltic States," *International Journal on Multicultural Societies* 3:2 (2001): 137.

In addition to the demographic reasons, Latvian control over the language was also a part of 'state-building'.⁶³ During the Soviet occupation of Latvia, Russian was approved as the official language. The Latvian language was tolerated in the public sphere. However, although there was no legal restriction for using Latvian language in the public sphere, Latvians faced insults directed by the ethnic Russian population toward those who used Latvian in public places.⁶⁴ The nineteenth article of the 1977 Constitution asserts that the "Soviet state promotes the intensification of the social 'homogeneity' of the society".⁶⁵ The *sblizheniye* (drawing together) policy of Soviet Russia, supported by the Constitution, ensured the dominance of the Russian language.⁶⁶ With independence, the reassertion of the Latvian language in the public sphere became vital as the language plays an important role as a symbol of the state. Therefore, the status of the Russian language became an 'unofficial' language despite the significant percentage of Russians among the whole population. Despite the fact that Russian-speaking minorities accounted for approximately 29.2% of the population, while the Livonian language, which gained an official language status, is the first language of approximately 200 speakers.⁶⁷

The third reason is the Latvian fear about identity, and specifically about the preservation of a distinct Latvian culture.⁶⁸ The cultural landscape of Soviet Latvia allowed for a politically passive population of Latvians with loose ethnic ties. Despite all suppressions, a strong Latvian identity was still present in most of the families with a Latvian background. Therefore, the private sphere allowed for the transfer of culture to younger generations. These cultural activities

⁶³ Eglitis, *Imagining the Nation*, 28.

⁶⁴ *Ibid*, 30.

⁶⁵ John S. Reshetar Jr, *The Soviet Polity: Government and Politics in the L'SSR*, (New York: Harper & Row, 1989), 176.

⁶⁶ Richard Mole, *The Baltic States: from Soviet Union to European Union*, (London: Routledge, 2008), 54.

⁶⁷ "Livonian Language", accessed November 14, 2012, http://ec.europa.eu/languages/euromosaic/lat5_en.htm

⁶⁸ Eglitis, *Imagining the Nation*, 26.

included celebration of Latvian holidays, family traditions, decorative art, folk dancing and ethnic music.⁶⁹ The language is at the center of this cultural heritage. Therefore, usage of Latvian language was of vital importance for reawakening the Latvian 'identity'.

Finally, ethnic Latvians felt offended due to the comparatively adverse economic position of ethnic Latvians to ethnic Russians, whose language dominated the economy and the administration for decades. Soviet 'equality' in Soviet citizenship had privileged ethnic Russians in terms of housing, jobs, language and power.⁷⁰ After independence, the law required employees of the state and of all 'institutions, enterprises, and institutes' to know sufficient Latvian to carry out their profession.⁷¹

Table 3.1. Timeline of Important Events in Latvia

Year	Political Event
1990	The Declaration of Independence
1991	Soviet Union collapses and Russian Federation recognizes Latvia as sovereign state.
1994	Citizenship Law Adopted
1998	Official Candidacy of Latvia for the EU membership
1999	Vaira Vīķe- Freiberga is elected as the first woman president.
2003	Latvian European Union Membership Referendum

⁶⁹Eglitis, *Imagining the Nation*, 26-7.

⁷⁰Ibid, 115.

⁷¹Article 6 of State Language Law adopted by the Parliament of the Republic of Latvia in 1999.

2004	Latvia became part of European Union and NATO.
2006	New citizenship laws introduced requiring people to have good knowledge of Latvian.
2006	Parties in coalition government led by Aigars Kalvitis together won parliamentary majority in general election.
2007	Prime Minister Kalvitis resigned, Ivars Godmanis became the new prime minister.
2008	Latvian parliament approved European Union's Lisbon Treaty
2009	Valdis Dombrovskis formed a new six-party coalition government.
2009	Pro-Russian party Harmony Center secured win in Riga municipal elections. Nils Ušakovs became the first Russian to be Major of Riga.
2010	Dombrovskis formed government with Union of Farmers and Greens
2011	The President Valdis Zatlers dissolved the parliament
2011	The pro-Russian party "Harmony Center" won the elections but failed to enter the leading coalition as Dombrovskis forms a coalition

	government that excludes it.
2012	The referendum for Russian as the second official language took place. Majority of voters turned down the referendum.

3.4. European Union's Pre-Accession Conditionality and Demands on the Minority Protection and Human Rights Policies

Within the legal framework of the EU accession process, the European Commission is the primary body of the European Union for monitoring of the pre-accession conditionality. In accordance with Article 49 of the Treaty on European Union⁷² the Commission presented its Opinions on the applications for membership together, with Agenda 2000, an elaborated strategy paper on the policies of the Union and the impact of enlargement, on 17 July 1997.

The relationship between the European Union and Latvia can be considered to be relatively healthy compared to other candidate states during negotiations. Despite all of the other conditions required for membership, human rights specifically minority rights and protection issues, had the greatest potential to block the entry of Latvia into European Union. To sum up the situation between the European Union and Latvia as of 1997, the Commission reported that in Latvia 'the non-citizens continue to be affected by various types of discrimination'.⁷³

The main two factors that the European Union demanded for change in Latvia regarding the minority policies were the naturalization process and the integration of minorities.

⁷² Article 49 of the EU Treaty defines the procedure for the accession of new states to the European Union and explicitly recalls the principles of democracy, human rights and the rule of law agreed in Copenhagen.

⁷³ "Agenda 2000: Commission Opinion on Latvia's Application for Membership of the European Union", accessed November 16, 2012, ec.europa.eu/enlargement/archives/pdf/dwn/opinions/latvia/la-op_en.pdf.

Concerning the fate of the Russian-speaking population in Latvia, the Commission concluded that 'they have problems of accessing to certain professions in Latvia'.⁷⁴ Furthermore, the Commission observed that 'the rate of naturalization of non-citizens has been slow in Latvia and recommended the acceleration of this process 'to ensure the integration of non-citizens'.⁷⁵ Besides, the country report for Latvia attributed these problems to the relative difficulty of the tests for naturalization, the high enrolment fees of the examination, and the fact that non-possession of Latvian citizenship may bring advantages such as not taking the duties of citizenship of military serving in Latvia or easy entry to Russia.⁷⁶

3.4.1. The naturalization procedure

The naturalization process has been the concern of the European Union as it was directly related to the ethnic Russians that constitute almost 29 percent of the whole population in Latvia. The main problem the European Union declared to be the speed of naturalization process as noted in the 1997 Commission Opinion.⁷⁷ According to the Commission report, this situation could be attributable to a variety of factors including the restrictions in the 1994 Citizenship Law as well as certain advantages of not possessing Latvian citizenship.⁷⁸

Another point that the Commission Opinion on Latvia criticized was the so called 'window system', which restricted the right to apply for naturalization according to age brackets. The system of age brackets, initially devised as a way of preventing the administration from being overwhelmed by a flood of applications, had an inhibiting effect. The 'window system' limited until 2003 the numbers of those who could apply for citizenship on the basis of age criteria and

⁷⁴ "Agenda 2000: Commission Opinion on Latvia's Application for Membership of the European Union", accessed November 16, 2012, ec.europa.eu/enlargement/archives/pdf/dwn/opinions/latvia/la-op_en.pdf,

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

gave priority to younger age groups.⁷⁹ As of 31 August 1998 only about 10,260 persons had been naturalized under the 1994 Citizenship Law. This means that of the 148,000 people eligible under the first three 'windows' up to 1998, only around 6 percent have actually applied for citizenship.⁸⁰ After the publication of the European Commission's Opinion in 1998, 3,669 people requested citizenship in a year versus 2,572 during 1996.⁸¹ (See Figure 3.1) These numbers justified the concerns of the European Commission that 1994 Citizenship Law is likely to bring advantages of not possessing Latvian citizenship such as no military service obligation, and ease of travel to the countries of the former USSR thanks to the old Soviet passport.⁸²

In addition to criticizing the 'window system', European Commission also pointed to the situation of stateless children.⁸³ The Latvian authorities must consider ways to make it easier for stateless children born in Latvia to become naturalized, in order that the European Convention on Nationality concluded by the Council of Europe could be applied as soon as possible.⁸⁴

3.4.2. The social and political integration of ethnic minorities

Another point that the European Commission declared about minorities is the fact that non-citizens are barred from certain occupations, as well as the lack of political participation, even in local elections, and the poor protection of non-citizens' fundamental rights.⁸⁵

⁷⁹ "European Commission's Annual Progress Report on Latvia 1998", accessed November 18, 2012,,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ "Agenda 2000: Commission Opinion on Latvia's Application for Membership of the European Union", accessed November 18, 2012,,

ec.europa.eu/enlargement/archives/pdf/dwn/opinions/latvia/la-op_en.pdf,

⁸⁴ According to Article 1 of the UN Convention on the Reduction of Statelessness and in line with the Convention on the Rights of the Child and Article 24 of the International Covenant on Civil and Political Rights, states are under an obligation to grant citizenship to children born in their territories who would otherwise be rendered stateless.

⁸⁵ "European Commission's Annual Progress Report on Latvia 1998", accessed November 10, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

Today, in Latvia, minorities, including non-citizens, account for nearly 44 percent of the population, including 29 percent Russians, 4 percent Belarusians and 3 percent Ukrainians. Latvians are a minority in seven of the country's eight largest towns.⁸⁶ Within that 44%, 28% of the population, i.e. some 685 000 people, do not have Latvian citizenship and a large proportion of that group, consisting of former citizens of the USSR, have no citizenship at all.⁸⁷ The present situation is largely attributable to the Soviet Union's post-1945 policy of encouraging the settlement of Russian-speakers.⁸⁸

Table 3.2. Ethnic Population in Latvia in Numbers⁸⁹

ETHNIC GROUP	1989	2000	2011
Latvians	1.387.757	1.370.703	1.285.136
Russians	905.515	703.243	557.119
Belarusians	119.702	97.150	68.202
Ukrainians	92.101	63.644	45.798
Poles	60.416	59.505	44.772
Lithuanians	34.630	33.430	24.479
TOTAL	2.666.567	2.377.383	2.070.371

Initially, non-citizens are barred from certain occupations. While some of these bars are not unusual, such as in the case of civil service duties that have a bearing on national sovereignty, others are far less comprehensible, such as lawyers, airline crews, fire-fighters, or pharmacists. In addition, "non-citizens" cannot directly acquire ownership of land and have no right to vote, even in local elections, even though that would be a powerful factor for encouraging integration. Lastly, some of their fundamental rights are less well protected; they are, for example, excluded

⁸⁶ "European Commission's Annual Progress Report on Latvia 1998", accessed November 10, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Source: "Latvijas Statistika", Central Statistical Bureau of Latvia, accessed November 19, 2012,, <http://www.csb.gov.lv>.

from the scope of the 1995 amnesty law. The European Commission asked Latvia to reduce these differences as a part of pre-accession conditionality.⁹⁰

In regards to the problematic situation of the Russian-speaking minority, regardless of whether they possess Latvian citizenship or not, the main criticism concerns the fact that Latvia has not yet introduced legislation on education for the minorities which would provide a solid framework for approaching this matter and planning for the medium term.⁹¹ This sort of situation provokes some fears among the minorities concerning the permanence of the measures currently taken by the public authorities to promote their educational establishments.⁹² The 1995 amendment of the Education Act introduced the obligation for schools to increase the number of lessons taught in Latvian. Also, in higher education, students have to pass a test in Latvian before being admitted.⁹³

On the issue of ethnic languages, European Commission points to the facts that there exist some obstacles for those who have no knowledge of Latvian such as the need to know Latvian to receive unemployment benefit, and the obligation to pass a high-level language test to be able to stand for election.⁹⁴ Finally, the European Commission points out the fact that the minorities have no special parliamentary representation. However, a Consultative Council of the Nationalities set up in 1996 brings together the representatives of eleven ethnic minorities and is responsible for monitoring the situation and proposing necessary reforms. On the cultural level, the Association of National Cultural Societies, which spans some twenty organizations, strives to promote tolerance and good relations between the various communities.⁹⁵

⁹⁰ "European Commission's Annual Progress Report on Latvia 1998", accessed November 19, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ "European Commission's Annual Progress Report on Latvia 1998", accessed November 19, 2012,

3.5. Analysis: Latvia's Compliance with the '*Acquis Communautaire*' on Minority Protection

This case study covers Latvia's Europeanization process since Latvia became an official candidate state for European Union membership in 1998 until its accession to the European Union in 2004. I look at the influence of the 'position of the government', 'significant institutions' and 'mobilization of minorities' on the Europeanization of minority protection policies in Latvia.

3.5.1. The position of the government

Latvia is a parliamentary republic. The supreme legislative body is the *Saeima* (Parliament), the 100 members of which are elected for a four-year term. The president is head of state, however, executive power is held by the Cabinet of Ministers, which is headed by the prime minister. The prime minister is appointed by the president based on parliamentary support; the remaining members of the cabinet are nominated by the prime minister.

The statistics about the elections show that Latvian administrations since its independence in 1991 have generally not been very long-lasting, as party coalitions shift, party lists disintegrate and reform, and individual politicians change allegiances.⁹⁶ This unstable political environment of Latvia has been effective on shaping the process of Europeanization of minority protection policies in Latvia.

In the 1998 elections, Andris Skele's newly formed center-right party called People's Party (TP), Latvian Way, and Fatherland and Freedom/Latvian National Independence Movement came first, second and third. However, due to conflicts and scandals, these parties were not able to put together a coalition government. The period 1998-2000 saw the collapse of two governments

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

⁹⁶ "European Election Database", accessed November 20, 2012.

www.nsd.uib.no/european_election_database/country/latvia

before the four-party coalition of Andris Bērziņš (Latvian Way) was installed.⁹⁷ (See Table 3.3 for parties and ideologies in Latvia)

Table 3.3. Major Political Parties and Their Ideologies in Latvia⁹⁸

Name	Abbreviation	Ideology
Harmony Center	SC	Pro-Russian Minority Party
National Alliance	NA	Right-wing
Union of Green and Farmers	ZZS	Center
Latvia's First Party/Latvian Way	LPP/LC	Center-right
Zatlers' Reform Party	ZRP	Center-right
For Human Rights in United Latvia	PCTVL	Left-wing
Unity	V	Center-right

In terms of the minority protection policies, the 1998 amendments to Latvia's citizenship law were the clearest indication of the effectiveness of minority rights conditionality of the EU during the center-right coalition led by Andris Bērziņš.⁹⁹ Obviously, the amendments were primarily due to external pressures in other words EU conditionality. After submitting its EU membership application in 1995, Latvia was excluded from accession talks at the end of 1997, given the slow progress of naturalization.¹⁰⁰ With the support from Latvian Way and oppose from Fatherland and Freedom/Latvian National Independence Movement, both of which formed the

⁹⁷ Helen M. Morris, "President, Party and Nationality Policy in Latvia, 1991-1999." *Europe-Asia Studies* 56: 4 (2004): 557.

⁹⁸ Source: Donnacha Ó Beacháin, Vera Sheridan, Sabina Stan (eds), *Life in Post-Communist Eastern Europe After EU Membership: Happy Ever After?*, (New York: Routledge, 2012)

⁹⁹ Morris, "President, Party and Nationality Policy in Latvia, 1991-1999", 553.

¹⁰⁰ *Ibid*, 557.

coalition, Latvian government succeeded in passing the amendment on the Citizenship Law, which signified a positive attempt towards integration of minorities, especially Russians. This big development in Latvian politics brought the end of the window system and the inclusion of stateless children born after 21 August 1991, and Latvia simplified the naturalization process for its then 700,000 non-citizens provided that they can write and talk in the state language and know the country's constitution and history.¹⁰¹ (Figure 3.1. shows the significant change in the naturalization rates after 1998)

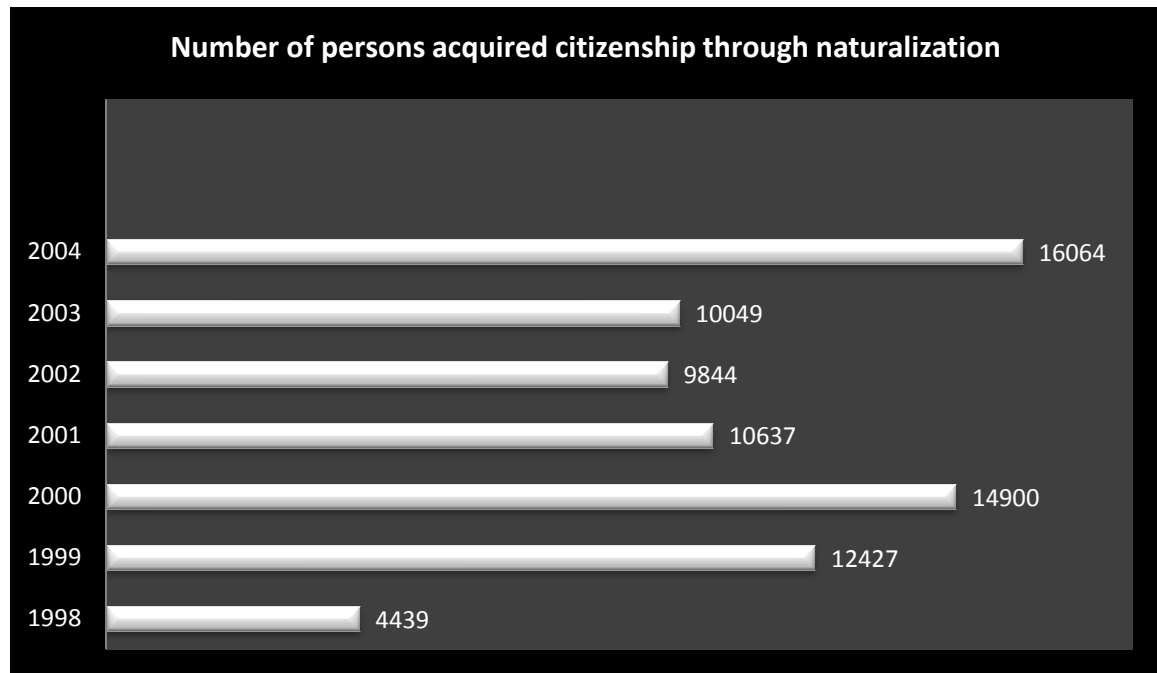
The European Commission's annual progress reports stated European Union's satisfaction with the new amendments. These decisions of the government were important in order to speed up the citizenship and naturalization procedures, in response to recommendations in the 1997 Commission Opinion, which were given as a significant step for accession. Besides, the amendments approved by Parliament were put to a referendum in October. In the referendum, 53% voted in favor of the liberalization of the Citizenship Law.¹⁰² The changes approved in the referendum are expected to facilitate an acceleration of the naturalization process, which would allow for the further development of an integrated Latvian society.¹⁰³ The 53 percent approval for these changes in a referendum signaled significant public support. However, the reason behind the 'yes' vote would be likely to come from the desire to join the EU and NATO rather than general realization that resident Russians must be accepted.

¹⁰¹ Nikolai Lashkevich, "Lines for Citizenship Forming in Latvia," *The Current Digest of the Post-Soviet Press* 50: 47 (1998): 20.

¹⁰² "European Commission's Annual Progress Report on Latvia, 1998", accessed November 21, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

¹⁰³ Ibid.

Figure 3.1. Naturalization Rates in Latvia¹⁰⁴



In regard to the integration of the minorities, Commission reports pointed to some of the attempts of the government to abolish restrictions in the area of employment. As of 1998, the government abolished the restrictions on non-citizens against working as fire-fighters, airline staff, pharmacists and veterinary pharmacists.¹⁰⁵ However, other restrictions continued to be problem for professional employment as pilot, and army. The knowledge of the 'official' Latvian language remained to be sufficient for employment which brought the minorities two options; to join the Latvian language program under the National Program for the Integration of Society that was developed in order to accelerate the 'integration' process; or to remain unemployed, which requires knowledge of the Latvian language in order get employment benefits.¹⁰⁶

¹⁰⁴ Source: "Naturalization Rates in Latvia", Office of Citizenship and Migration Affairs in Latvia, accessed on November 21, 2012, <http://www.pmlp.gov.lv/en/Citizenship/Naturalizacija.html>

¹⁰⁵ "European Commission's Annual Progress Report on Latvia, 1998", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf

¹⁰⁶ Ibid.

Although the developments, especially in the field of employment were appreciated by the European Union, the Latvian parliament amended the Language Law in July 1999 in a way that can be interpreted as an intention to reverse Soviet-era policies. (See Table 3.3) With virtually unanimous support from the four parties comprising the new governing coalition (People's Party, Latvia's Way, and the FF/LNNK coalition), the law demanded those working in the service sector, both employees and the self-employed must know and use the state language to the extent necessary to perform their duties.¹⁰⁷

Despite these positive developments, the Law adopted could not sufficiently integrate standards of proportionality and still considered the mandatory use of the state language in the private sector that was problematic for the exercise of rights and freedoms guaranteed under the Europe Agreement, such as the exercise of business activities for enterprises from the European Union.¹⁰⁸ Thus, the progress report was a declaration of a demand of revision from Latvian government. Due to external pressure, newly-elected President Vaira Vike-Freiberga returned the language law to parliament for reconsideration. She criticized the law for going against Latvia's constitution and international commitments as well as for lacking legal precision, the Parliament approved a revised law in December 1999 taking into account Vike-Freiberga's criticisms.¹⁰⁹

The national election in 2000 brought a four-party coalition. The President Andris Berzins' four-party coalition lasted until parliamentary elections in October 2002. However, this coalition was not able to bring significant developments in the field of minority protection. Nonetheless, the European Commission pointed to the law on Television and Radio, which holds that all films to

¹⁰⁷ Lieven, Anatol, "No Russian Spoken Here". *New York Times*, July 16, 1999, accessed November 22, 2012, <http://www.nytimes.com/1999/07/16/opinion/no-russian-spoken-here.html?src=pm>

¹⁰⁸ "European Commission's Annual Progress Report on Latvia, 1999", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/latvia_en.pdf

¹⁰⁹ Helen M. Morris, "President, Party and Nationality Policy in Latvia, 1991-1999", 548.

be shown on television were required to be in the state language or have Latvian subtitles.¹¹⁰ Besides, the Election Law prescribes language requirements for Members of Parliament. Several other elements limiting the integration of non-citizens still persist in the economic sphere as the non-citizens still not allowed practicing some professions such as lawyer, armed security guard, and private detective on the grounds of state security.¹¹¹

Despite these criticism, European Commission report of 2000, showed support for the policies of Latvian government in the Education Law of 1998 that brought the transition to bilingual education. According to the law, teachers working at minority schools had to demonstrate a certain level of proficiency in Latvian. As of 2004, all state funded schools would provide secondary education (from 10th grade onwards) in the state language only. Minority education would continue to be available at public schools until 9th grade only.¹¹² In June 2001, amendments to the Administrative Violations Code were adopted, which stipulated fines for eleven different violations related to the implementation of the Language Law, with fines up to € 447 (250 LVL).¹¹³ On the issue of citizenship, Latvian governments followed restrictive policies as well. Although, Latvia signed the European Convention on Nationality, several reservations on certain aspects related to the acquisition of Latvian citizenship was introduced.¹¹⁴

Prior to the 2002 elections, two new parties entered the stage: New Era (JL) and Latvia First Party (LPP). Both advocated the fight against corruption and came first and fourth in the

¹¹⁰ "European Commission's Annual Progress Report on Latvia, 2000", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/latvia_en.pdf; "European Commission's Annual Progress Report on Latvia, 2001", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/latvia_en.pdf

¹¹¹ Ibid.

¹¹² Commission's Annual Progress Report on Latvia, 2001", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/latvia_en.pdf

¹¹³ Commission's Annual Progress Report on Latvia, 2001", accessed November 22, 2012, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/latvia_en.pdf

¹¹⁴ Ibid.

elections. The New Era Party gained the most seats and formed a four-party coalition government. The outcome of the 2002 elections thus seemed to be a direct response to public demand that Latvia develop a new era in its politics. However, this coalition was not successful at making significant changes about the minority issues as it failed to ratify the Council of Europe Framework Convention for the Protection of National Minorities¹¹⁵ and the Framework Convention.¹¹⁶

Due to this perspective of the government, Latvia faced cases in the European Court of Human Rights as well. In April 2002, the European Court of Human Rights ruled that Latvia had violated the rights of Latvian citizen of Russian origin, who had not been allowed to stand as a candidate in the 1998 parliamentary elections due to an alleged insufficient knowledge of the official language, despite the fact that the candidate had previously presented the required language proficiency certificate.¹¹⁷ (See Table 3.4) As Latvia violated the right of its citizen to become a candidate in a free election, the Court ordered Latvia to pay € 9000. At the same time, the European Court of Human Rights also found that the purpose of the legislation on parliamentary elections barring citizens without an advanced degree of proficiency in the national language from standing for election was to ensure the proper functioning of the Latvian institutional system.¹¹⁸

Table 3.4. European Court of Human Rights (9 April 2002)¹¹⁹

¹¹⁵ The European Framework Convention for the Protection of National Minorities is the most comprehensive multilateral treaty devoted to minority rights. Under the Council of Europe, it provides a number of principles according to which States are to develop specific policies to protect the rights of minorities.

¹¹⁶ "European Commission's Annual Progress Report on Latvia 2000", accessed January 25, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/latvia_en.pdf

¹¹⁷ "Report on Human Rights in Latvia in 2002", *Latvian Centre for Human Rights and Ethnic Studies* (March 2003), 12

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

Case: Podkolzina v. Latvia (9 April 2002)	Decision
Ingrida Podkolzina, a member of the Russian-speaking minority in Latvia, complained that the removal of her name from the list of candidates for parliamentary elections on the ground that she had an inadequate command of Latvian, the official language of Latvia, infringed her right to stand as a candidate in elections.	Violation of Article 3 of Protocol No. 1 (right to free elections)

The next government approved by the Latvian Parliament (*Saeima*) in 2004 with the support of leftist parties, was a minority government led by Greens and Farmers Union leader Indulis Emsis. Although the left wing parties are expected to be in favor of policy for the rights of minorities, the main focus of this new government was Latvia's entry into NATO and the European Union, both of which took place in the first half of 2004. Although Latvia ended up with getting the ultimate incentive which is European Union membership as of 2004, the governments serving before and during the accession were still reported to be difficult in complying with the European Union conditions on human rights and minority protection policies.¹²⁰ A comprehensive monitoring report on Latvia's preparations for membership that was published in 2003 stated that Latvia had important shortcomings with regard to the full transposition of the *acquis*.¹²¹ In this context, Latvia was strongly encouraged to promote integration of the Russian minority by, in particular, continuing to accelerate the speed of naturalization procedures, and by taking other measures to increase the rate of naturalization. It was also expected to ensure sufficient flexibility regarding transition to bilingual education in minority schools, and to ensure that at all levels the

¹²⁰ "European Commission, Comprehensive Monitoring Report on Latvia's Preparations for Membership 2003", accessed January 25, 2013, http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_lv_final.pdf

¹²¹ Ibid.

implementation of the language law respects the principle of justified public interest and proportionality, as well as Latvia's international obligations.¹²²

3.5.2. Significant Institutions

The Presidents

The presidents are one of the major actors that have influence on the political setting. The analysis of the performance of the presidents in regards to minority issues points to the effective involvement that leads to changes. The major impact of the President could be supporting or rejecting legislation in minority rights issues. According to Article 71 of the Latvian Constitution, the Latvian President can return legislation to the *Saeima* for further deliberation.¹²³ For the time frame that is analyzed in this chapter, Latvia had two presidents namely Guntis Ulmanis (served between 1993 and 1999) and Vaira Vike-Freiberga (served between 1999 and 2007).

The first President of the analysis, Guntis Ulmanis, used to be a member of the Latvian Farmers' Union party. As the time frame analyzed for Latvia here starts with 1998, the most of the time that Guntis Ulmanis served as President is not included in this case study. However, as mentioned in the previous part, Ulmanis held the Presidency during the parliamentary debate within the People's Party, Latvia's Way, and the FF/LNNK coalition about the amendment of the Latvian Citizenship Law.

Thus, the President Guntis Ulmanis's first interference with the minority related policies is his decision to return the citizenship law. As mentioned before, Latvia's citizenship law adopted a 'window system' limiting the number who could apply each year and were designed give citizenship primarily to those who had held it prior to the Soviet occupation in 1940 as well as

¹²² "European Commission, Comprehensive Monitoring Report on Latvia's Preparations for Membership 2003", accessed January 25, 2013,

http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_lv_final.pdf

¹²³ "The official English translation of the Latvian Constitution", accessed January 27, 2013

http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html

their descendants. This law, however, left approximately one third of the country's population stateless unless they could demonstrate sufficient command of Latvian language, show familiarity with the constitution, prove residence for 16+ years in the country, and take an oath of allegiance.¹²⁴

These strict laws could be seen as a reaction to the injustices of the Soviet past that privileged Russians. However, becoming a part of the Europe politically required policy changes in many areas including minority protection issues. Organizations such as Council of Europe and Organization for Security and Co-operation in Europe (OSCE) demanded significant changes in the human rights issues in Latvia as a prerequisite for membership before Latvia's candidacy to the European Union. As a matter of fact, Latvian President Guntis Ulmanis then returned the law to parliament for reconsideration, a move that enabled Latvia to join the Council of Europe in 1995, and signaled Latvia's change in the direction of harmonizing with EU norms.¹²⁵

Another act of significant influence from the President as a significant institution is the amendments made about the naturalization process. After submitting its EU membership application in 1995, Latvia was excluded from accession talks at the end of 1997, given the slow progress of naturalization.¹²⁶ The two main reason of this problems were Fatherland and Freedom party (FF) and the Latvian National Independence Movement (LNNK) that were in coalition. These two right wing and ethnic Latvian parties were against the idea of speeding up this process. It was only after a long debate that the Latvian Saeima (Parliament) succeeded in its third attempt to adopt the amendments. Urged along by President Guntis Ulmanis, MPs from the ruling Latvian Way party, along with a few others, prevailed over the opposing FF/LNNK.¹²⁷

¹²⁴ Helen M. Morris, "President, Party and Nationality Policy in Latvia, 1991-1999", 552

¹²⁵ Ibid, 554.

¹²⁶ Ibid, 557.

¹²⁷ "Four Parties Back Latvian Language Law", *The New York Times*, July 08, 1999.

Another significant impact of the President can be seen about the problematic language law. The president Vaira Vike-Freiberga, who came to office in 1999 and served until 2007, encountered external pressures from the European institutions about the strict nature of the language law in Latvia. Therefore, the newly-elected President returned the language law to parliament for reconsideration. She criticized the law for going against Latvia's constitution and international commitments as well as for lacking legal precision. More specifically, she urged that the law: (1) should restore Latvian as the country's dominant language but should lead integration of non-Latvians by allowing them to use their own languages; and (2) abolish the parts restricting the education and freedom of expression of non-Latvians, and to allow state interference in the private sphere only when going against the public interest.¹²⁸ Taking Vike-Freiberga's criticisms into account, the Parliament approved a revised law on 9 December 1999.¹²⁹

Constitutional Court

The second institution analyzed is the Constitutional Court of Latvia. *Latvijas Republikas Satversmes Tiesa* (Constitutional Court of the Republic of Latvia) is an independent court, which was established in 1996 on basis of the Constitution of Latvia made in 1994. The Constitutional Court consists of 7 judges, 3 of which are nominated by *Saeima* members, 2 by Cabinet ministers, and 2 by Supreme Court. All of the judges are confirmed by *Saeima* with majority vote, which gives the Constitutional Court an ideological stand. The presidents and vice presidents of the Constitutional Court serve in their positions for 3 years. The Constitutional Court of Latvia intervened to the Europeanization process in minority policies to some degree.

The *Mentzen* or *Mencena* judgment of the Latvian Constitutional Court of 21 December 2001 has been one of the most relevant domestic court cases in Latvia. The surname of Mentzen, a

128 Benjamin Smith, "Latvia's language law nears passage". *The Baltic Times*. December 02, 1999, accessed January 28, 2013, <http://www.baltictimes.com/news/articles/1971/>

129 Helen M. Morris, "President, Party and Nationality Policy in Latvia, 1991-1999", 548.

Latvian citizen who acquired it through marriage to a German national, was “Latvianized” to “Mencena” in her Latvian IDs. Thus, Mentzen asked the Constitutional Court to declare the legislation as unconstitutional. Names and surnames in Latvian-issued documents are formed in Latvianized form, according to Section 19 of the language law.¹³⁰ Juta Mencena submitted a claim to the Constitutional Court because, after marrying a citizen of the German Federal Republic, Ferdinand Carl Friedrich Mentzen, the Department of Citizenship and Migration Affairs issued her a passport, spelling her surname Mencena.¹³¹ The Constitutional Court declared the legitimacy of article 19 of the state language law which states that “names of persons shall be presented in accordance with the traditions of the Latvian language and written in accordance with the existing norms of the literary language, observing the provisions of paragraph two of this section.”¹³² Paragraph two, together with Regulation of the Cabinet of Ministers No. 295 of 22 August 2000, belongs to the case invoked by Ms. Mentzen (or Mencena), stating that:

“There shall be set out in a passport or birth certificate, in addition to the name and surname of the person presented in accordance with the existing norms of the Latvian language, the historic family name of the person, or the original form of the personal name in a different language, transliterated in the Roman alphabet, if the person or the parents of a minor person so wish and can verify such by documents.”¹³³

Another similar case is *Kuhareca v. Latvia* that was rejected by the Constitutional Court of Latvia in 2001 and later by European Court of Human Rights in 2004. Again in this case, the

¹³⁰ “Latvian State Language Law”, accessed January 28, 2013, http://www.valoda.lv/en/downloadDoc_436/mid_566

¹³¹ “Report on Human Rights in Latvia in 2001” *Latvian Centre for Human Rights and Ethnic Studies*, March 2004.

¹³² “Latvian State Language Law”, accessed January 28, 2013, http://www.valoda.lv/en/downloadDoc_436/mid_566

¹³³ “The English version of the judgment Case No.2001-04-0103”, accessed January 30, 2013, <http://www.satv.tiesa.gov.lv/upload/2001-04-0103E.rtf>,

Latvian Constitutional Court had found these provision of the language law constitutional. The complaint of the applicant was an entry in her non-citizen's passport. In the surname section, her Russian surname was spelled as "Kuharec" although the original name was "Kuhareca". However, her complaints were rejected on the basis of Article 11 of Regulations of the Cabinet of Ministers No 49 on "Latvian Non-citizens' Passport" which states that a surname in a passport should be spelt according to the grammar and orthography of the Latvian language.¹³⁴

Both of the court cases are strong evidence of continuing practice of "Latvianization" of personal names and surnames remains in force, which affects ethnic Russians rights mostly. Another interesting point is the appeal of these cases to European Court of Human Rights (ECHR). Despite the fact that, the European Commission warned Latvia for respecting minority languages, the European Court of Human Rights has turned down the cases Mentzen vs. Latvia and Kuharec vs. Latvia filed against Latvia over the spelling of surnames in passports. The court said in its ruling it was not in the court's competence to decide upon Latvia's system for spelling the names of persons in Latvian.¹³⁵ Furthermore, according to ECHR the use of Mencena and Kuhareca 's the Latvian language version for the two surnames 's has not prevented their holders from exercising all their political, economic and social rights, the court ruled.¹³⁶ The court also found that, while transforming the surnames Mentzen and Kuharec to comply with Latvian grammar peculiarities, the surnames changed only minimally.¹³⁷ These two different attitudes from two different EU bodies, explains both insistence of Latvia's Constitutional Court not to support the process of

¹³⁴"Report on Human Rights in Latvia in 2002" *Latvian Centre for Human Rights and Ethnic Studies*, March 2004.

¹³⁵"Latvija in Brief", *The Baltic Times*. February 09, 2005, accessed April 27, 2013, <http://www.baltictimes.com/news/articles/11928/>

¹³⁶"Latvija in Brief", *The Baltic Times*. February 09, 2005, accessed April 27, 2013, <http://www.baltictimes.com/news/articles/11928/>

¹³⁷Ibid.

Europeanization of minority protection policies and the accession of Latvia to the European Union despite its lack of competence in human rights issues.

Relatedly, the original Law on Electronic Media of Latvia requires that films aired in any channel to be in Latvian language or with Latvian subtitles. Besides, the TV broadcasts in languages other than Latvian, except news, live events, language learning broadcasts and retranslated content, must be subtitled in Latvian.¹³⁸ The same concerns movie theatres, according to Section 17 of State Language Law. However, on 6 June 2003, the Constitutional Court in Latvia published a decision abolishing the rule providing that no more than 25% of programming broadcast on electronic mass media may be in foreign languages.¹³⁹ This decision, which cannot be appealed, has led to an amendment of the Law on Radio and Television. The Court affirmed that “the restrictions as regards the use of foreign languages envisaged by the said rule may not be considered as necessary and proportionate in a democratic society”.¹⁴⁰ The Court also stated that it would have been possible to achieve the aim of integration of society by other means less restrictive of the individual rights of people. Obviously, the aim of the rule had been to increase the influence of the Latvian language upon the cultural environment in Latvia and to speed up the integration of the ethnic minorities not the way that European Union demands as in the *“acquis communautaire”* but the way that Latvia prefers.

3.5.3. Mobilization of Minorities

Latvian citizenship policies prevented non-citizens from participating in the public and political life of the state by alienating these individuals from direct access to political or other

¹³⁸ Article 19 of the Radio and Television Law, originally enacted in 1995, provided initially that a broadcaster's foreign language programs could constitute no more than 30 percent of its air time per month.

¹³⁹ “The English version of the judgment Case No. 2003-02-0106”, accessed January 30, 2013, www.satv.tiesa.gov.lv/upload/2003-02-0106E.rtf

¹⁴⁰ Ibid.

forms of participation. The only means of collective action against the state came in the form of Russian cultural associations in the early years of independence. Therefore, the Russian non-governmental organizations became the most important platforms for mobilization of the Russian community in Latvia. However, these organizations failed to become platforms for successful political mobilization.

Some of these cultural oriented Russian organizations are Latvian Society of the Russian Culture, or the Latvian Association of Teachers of the Russian Language and Literature.¹⁴¹ Furthermore, there are non-governmental organizations for the human rights issues such as Latvian Human Rights Committee, the Latvian Association of Independent Experts, the Union of Citizens and Non-citizens.¹⁴² However, these organizations do not apparently back any disadvantaged Russian in human rights violations in Latvia, but rather stay as symbolic. Thirdly, there is a Russian non-governmental organization concerned specifically with the Russian language in Latvia due to Constitutional restrictions. Latvian Association for Support of Schools with Russian Language of Instruction (LASSRLI) is founded as a result of the increased role of the Latvian language as the language of instruction at national minorities' schools.¹⁴³ There are other non-governmental organizations as well that support the social life of Russians in Latvia. This group comprises organizations such as the Russian Community of Latvia (RCL), the Russian Society of Latvia (RSL), and the Liepaja Russian Community.¹⁴⁴ Currently, there are 28 ethnic Russian NGOs in Latvia.¹⁴⁵ Thus, the organizations are generally based on non-political platform. On the other hand, the associations of these non-governmental organizations are providing a platform for political participation as they are related to the few Russian political parties. The political

¹⁴¹ "NGOs of Latvia's Ethnic Minorities", Latvian Human Rights Committee, accessed on February 2, 2013, <http://www.lhrc.lv/index.php?lang=en&mendes=men8#gr1>

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

agenda of the pro-Russian political party 'For Human Rights in the United Latvia' greatly influences the associations such as the Russian Society of Latvia and Latvian Association of Russian Societies¹⁴⁶

Despite this fact, it should be noted that both the titular majority in Latvia and the Russian speaking minority demonstrate low levels of civic participation in state affairs. According to the study of Ijabs (2006), only 60 percent of Latvians and 62 percent of the Russian speaking community had membership in a "religious, professional, political or cultural organization" in 2004.¹⁴⁷ Despite this low level of participation, Russian cultural associations emerged in response to the exclusion of this group from the Latvian state. The Russian Community of Latvia is one these NGOs founded in an attempt to advocate on behalf of the Russian-speaking minority. Similarly, the United Congress of the Russian Community of Latvia (OKROL) was a mobilization against the proposed education reforms.¹⁴⁸

As the Russian community in Latvia constitutes almost 27.8 percent of Latvia's population whether they have received their citizenship or not, the number of NGOs may increase the chance of the potential mobilization of Russians. However, due to the language law, the presence of the Russian minority is restricted in Parliament, which means that the only option for the Russian minority to influence the government is through demonstration in the streets as happened on the day Latvia acceded to the EU.

The Minorities at Risk project shows that the Russian minority has mobilized around collective issues such as citizenship, education and language although the level of mobilization is low. The analysis of the election results of 'For Human Rights in United Latvia' reveals this low

¹⁴⁶ "Party Program of "For Human Rights in the United Latvia", accessed February 2, 2013, <http://www.pctvl.lv/?lang=en>

¹⁴⁷ Ivars Ijabs, "Russians and Civil Society", in *Latvian-Russian Relations: Domestic and International Dimensions*, Nils Muiznieks, ed., (LU: Latvijas Universitate, 2006), 75.

¹⁴⁸ *Ibid*, 81.

level of mobilization. Before the 7th Saeima elections (1998-2002), the People's Harmony Party, the Socialist Party of Latvia and the Movement for Social Justice and Equal Rights founded the block of "For Human Rights in the United Latvia".¹⁴⁹ The Russian Party also joined the block. "For Human Rights in the United Latvia" won 16 seats (16 percent) in the 7th *Saeima*.¹⁵⁰ In 2000 the Movement for Social Justice and Equal Rights was renamed "Equal Rights" with leaders T. Zhdanok and V. Buzajev. The Russian Party left the association in 2001 before the municipal elections.¹⁵¹

In the 8th Saeima (2002-2006) "For Human Rights in the United Latvia" had 25 seats (25 percent).¹⁵² Notwithstanding the good results in the parliamentary elections, "For Human Rights in the United Latvia" remained in opposition, same as in the previous Saeima. In 2003 the People's Harmony Party and the Socialist Party of Latvia left the association. Some parliament members who had belonged to "For Human Rights in the United Latvia" joined the People's Harmony Party. As a result, there were only six members of "For Human Rights in the United Latvia" left as members of the parliament/deputies.¹⁵³ The analysis of these parliamentary elections reveals types of behavior of the Russian electorate in Latvia.

3.6. Post-Accession Developments in Latvia on Minority Issues

The analysis of pre-accession period of Latvia revealed that Latvia acceded to the European Union in 2004 despite the fact that it failed to fully comply with "*acquis communautaire*", specifically on human rights and minority protection issues.

Similar to the pre-accession period, the post-accession period in Latvia is politically unstable, which prevented governments from paying attention to the minority protection issues.

¹⁴⁹ Helen M. Morris, "President, Party and Nationality Policy in Latvia, 1991-1999", 548.

¹⁵⁰ The seats for the People's Harmony Party 6; the Equal Rights 5; the Socialist Party of Latvia 4; the Russian Party 1.

¹⁵¹ "European Election Database", accessed February 9, 2013, www.nsd.uib.no/european_election_database/country/latvia

¹⁵² The seats for the People's Harmony Party 12; the Socialist Party of Latvia 5; the Equal Rights 8.

¹⁵³ "European Election Database", accessed February 9, 2013,, www.nsd.uib.no/european_election_database/country/latvia

After accession to the European Union, the government collapsed and a new coalition government, led by Prime Minister Aigars Kalvitis, took office in 2004, which was re-elected on in 2006. Both general elections secured the victory for the ruling center-right coalition led by the People's Party. Coalition parties included the Centre Party; the Latvian Peasants Union and the Green Party. Consistent with my hypothesis on the 'position of governments', the center-right coalition further toughened up the legislation on citizenship in 2006. Candidates who fail a Latvian language test three times will be denied citizenship. People without citizenship are entitled neither to vote nor to obtain an EU passport.¹⁵⁴

The economic stability with the help of recession shadowed the policies of Kalvitis government, and thus the priorities of both the government and the public remained as the economy. Thus, Latvia's economy grew by 50 percent between 2004 and 2007 but the global financial crisis in 2008 and 2009 hit the country hard, and Latvia endured one of the worst recessions in the EU.¹⁵⁵ Although Kalvitis was forced to step down in December 2007, the four-party center-right coalition government continued in office, headed by Prime Minister Ivars Godmanis. However, the global financial crisis which caused a severe contraction of Latvia's economy brought about the government's collapse and the fall of the Godmanis government in February 2009.¹⁵⁶

Meanwhile, a pro-Russian party Harmony Center secured win in Riga municipal elections and Nils Ušakovs became the first Russian to be Major of Riga which is a significant success of

¹⁵⁴ "Latvia in Profile", BBC News, February 2013, accessed February 11, 2013
<http://www.bbc.co.uk/news/world-europe-17522134>

¹⁵⁵ "Latvia in Profile", BBC News, February 2013, accessed February 11, 2013
<http://www.bbc.co.uk/news/world-europe-17522134>

¹⁵⁶ "European Election Database", accessed February 11, 2013,
www.nsd.uib.no/european_election_database/country/latvia

Russians in politics, although not at national level.¹⁵⁷ Following the collapse of two center-right coalitions and political stability, Latvia's Parliament, *Saeima* continued to be headed by another center-right coalition government which composed of New Era, the People's Party, the Union of Greens and Farmers, For Fatherland and Freedom. Valdis Dombrovskis, a former Finance Minister and a Member of the European Parliament for New Era since 2004 was the Prime Minister of this coalition. The People's Party left the coalition government in March 2010, but Prime Minister Dombrovskis continued in office and formed a majority coalition government composed of a new Unity coalition in 2010.¹⁵⁸ However, in 2011, then-President Valdis Zatlers used his constitutional power to dissolve Parliament, which ended up with a new coalition government of Unity, Reform Party and the right-wing National Alliance headed again by Dombrovskis.¹⁵⁹

Analyzing the post-accession political parties in Latvia, it was not until 2011 that a minority party became strong. During the 2011 elections, pro-Russian Harmony Centre Party emerged as the largest party, however, the coalition headed by Dombrovskis excluded it and the Russian community failed to be represented in the Parliament in Latvia. The problems of the ethnic Russians in Latvia and minority protection issues became more significant after a pro-Russia party, Harmony Center, won the most seats in Parliament but was excluded from the governing coalition by the ruling Unity Party, which instead cut a deal with a Latvian nationalist group. Seven years after the accession to the European Union, Latvia continued discriminating Russians politically.

Following 2011 elections, the most significant evidence of non-compliance of Latvia to the "acquis" of the European Union was the referendum held in 2012. It was a constitutional

¹⁵⁷ "Usakovs to be Riga Mayor", *The Baltic Times*, June 19, 2009, accessed February 11, 2013, <http://www.baltictimes.com/news/articles/23072/>

¹⁵⁸ Ibid.

¹⁵⁹ "European Election Database", accessed February 11, 2013, www.nsd.uib.no/european_election_database/country/latvia

referendum on the amendments to the Constitution of the Republic of Latvia to make changes in Articles 4, 18, 21, 101 and 104 of the Constitution of Latvia to make Russian as the second official language. However, the referendum was rejected by a large margin. Nearly 75 percent, or 821,722 people, opposed the referendum, while 25 percent, or 273,347 voters, were in favor of Russian as a second language in Latvia.¹⁶⁰

The reactions to the referendum show that post-accession period in Latvia is consistent with the pre-accession developments, specifically if 'position of governments' and 'significant institutions' are taken into consideration. Following the referendum, the Latvian President Andris Berzins stated that voting on a second state language endangered one of the most sacred foundations of the Latvian Constitution, which is the state language.¹⁶¹ Unsurprisingly, the Prime Minister Dombrovskis, who actively opposed the referendum and previously excluded pro-Russian party in the coalition, was grateful to Latvian voters for resoundingly rejecting it. Furthermore, according to Dombrovskis, the "Native Tongue" movement, which initiated the idea of referendum, was playing a political game with a fundamental question.¹⁶²

Unlike the other two variables, the findings of the analysis of 'mobilization of minorities' in post-accession period Latvia contradicts with those in pre-accession period. The 2012 referendum is the most significant development led by the mobilized ethnic Russians. The vote was initiated by the "Native Tongue" movement, which collected enough signatures to prompt the vote by Russian lobby groups aimed at mobilizing the Russian minority and force the government to open a dialogue with the 'national minorities'. The referendum failed, but its significance lies in the polarization of Latvian politics on the minority protection issues, which revealed by the election

¹⁶⁰ "Latvians Reject Russian as a Second Language", *The New York Times*, February 19, 2012, accessed February 11, 2013, http://www.nytimes.com/2012/02/20/world/europe/latvia-rejects-bid-to-adopt-russian-as-second-language.html?_r=0

¹⁶¹ Ibid.

¹⁶² Ibid.

result of 2011, when the centrist parties refused a coalition with the main pro-Russian party and the election winner, Harmony Centre and instead went into a coalition government with a radical right-wing party.¹⁶³

The exclusion of the pro-Russian Harmony Center started a mobilization that could not be seen in the pre-accession period of Latvia. Thus, a top-down mobilization occurred for Russians with the former leader of the Latvian branch of the National Bolshevik Party Vladimir Linderman, the leader of the radical-left Osipov's party Yevgeny Osipov, and the youth movement "United Latvia". This petition collected 187,378 signatures, more than the necessary 10% needed to trigger a referendum.¹⁶⁴ Thus, this mobilization led to the referendum in 2012. Although, it is not possible to expect a referendum in Latvia, that asks Russian as a second language to succeed, the result can be counted as a success, because it launched the most significant mobilization among ethnic Russians since the independence of Latvia.

3.7. Conclusion: Europeanization of Minority policies in Latvia: Integration vs. Assimilation

On the day that Latvia acceded to the European Union, ethnic Russians preferred to organize a protest against the government while the Latvians were celebrating it. Ethnic Russians in Latvia held a huge rally in defense of their language rights as the ex-Soviet state Latvia formally joined the EU with nine other states. The protests were due to the fact that with the education law, at least 60% of classes must be taught in Latvian in public schools, including the ethnic schools. The answer of the President to these protests was summarizing the process of the Europeanization of minority protection policies in Latvia until accession. The President Vaira Vike-Freiberga went on Latvian radio to defend the language and education law and stated that "...laws, in every respect, from every side, have been examined and found to be compatible with

¹⁶³ "What's my language?", *The Economist*, February 14, 2012.

¹⁶⁴ "Latvia's Failed Referendum", *The Economist*, February 21, 2012.

human rights. Europe is not going to reject us, whether or not our schoolchildren protest in the streets.”¹⁶⁵

The language and education have been considered as two important factors in the state-building in the independent Latvia. The Latvian educational system has, therefore, been described as ‘the most important driving force of the integration process. The National Program of “The Integration of Society in Latvia” was one of these efforts to integrate the ethnic Russians into the society. The Russian-speaking community, on the other hand, has been concerned about the increasing limit of the right of education in the minority language.

The results of this case study of Latvia reveal that the influence of the domestic factors on the Europeanization of the minority protection policies. During the time frame between 1998 and 2004, the political sphere in Latvia allowed a low level of rule adoption. The unstable governments and coalitions during this period and restrictions due to the language law prevented a successful Europeanization of minority protection in Latvia. The European Commission reports between 1998 and 2003 include warnings regarding minority issues that criticize governments. However, the analysis of the governmental activities about minority issues during this time period shows that the governments of Latvia have not significantly considered these reports for development in minority issues. The unstable political environment in Latvia in the pre-accession period supported short-term coalition, mostly lead by center-right political parties that either ignore or oppose the Europeanization of minority protection policies. The post-accession analysis of the governments is consistent with the pre-accession period, as the unstable political environment was further consolidated with economic recession. Although 2011 elections brought

¹⁶⁵ “Protests mark Latvia's EU entry”, *BBC News*, 1 May 2004, accessed on February 11, 2013, <http://news.bbc.co.uk/2/hi/europe/3677383.stm>

success for the pro-Russian Harmony Center, it was excluded from the coalition led by right-wing parties, which in turn ended up with Language Law referendum in 2012.

The analysis of the significant institutions of the case study also shows the influence of the President and the Constitutional Court on the Europeanization of minority policies in Latvia. Regarding the analysis of the related cases decided by the Constitutional Court, we see that the legislation and practices were not disapproved. There are two significant cases about minority issues decided by the Constitutional Court during the period between 1998 and 2004. The decisions about the *Mencena* and *Kuhareca* cases, the Constitutional Court supports the parliamentary activities about the minority related legislation.

On the other hand, the President's activities contradicted the governments. During the time period of my analysis, there are two presidents served for Latvia. To increase the slow progress of naturalization the President Guntis Ulmanis supported the MPs from the ruling Latvian Way party along with a few others against the opposing nationalist FF/LNNK coalition. Similarly, the president Vaira Vike-Freiberga who came to office in 1999 returned the language law to parliament for reconsideration as she encountered external pressures from the European Commission. The post-accession analysis of the 'significant institutions' contradicts with the pre-accession period in Latvia. Thus, the reaction of the Latvian President Andris Berzins to the referendum on language law in 2012 was supportive of the government against it.

As the final independent variable, 'the mobilization of minorities' can be considered to have influenced the Europeanization process in Latvia. The analysis of minority activities during the time period between 1998 and 2004 suggests that a successful mobilization is required for Europeanization process. However, because of the lack of participation from the ethnic Russian community, the level of mobilization is low and not significantly effective either through social or political mobilization. On the other hand, in the post-accession period a top-down mobilization

launched by the Russian leaders on the minority protection. The success of the pro-Russian Harmony Center in the 2011 elections and the movement led to 2012 referendum are two most important examples of mobilization, although could not succeed in bringing the demanded changes.

These evolutions are important in the light of the European Commission recommendations. According to the 2003 monitoring report on Latvia's preparations for EU membership, Latvia is expected to ensure 'sufficient flexibility' regarding transition to bilingual education in minority schools.¹⁶⁶ This rather general and unclear provision signifies the European Commission's reluctance to actively engage in discussions about the Russian minorities in Latvia. The result of this policy brought the accession of Latvia in the European Union in 2004 despite the criticism about the minority-related issues. These obvious ongoing problems provoke allegations that the EU is using 'double standards' in the field of minority policies which will be analyzed by the comparison of the same process in the other cases in this dissertation, namely Bulgaria and Turkey.

¹⁶⁶ "European Commission, Comprehensive Monitoring Report on Latvia's Preparations for Membership", accessed February 11, 2013, http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_lv_final.pdf

CHAPTER 4

BULGARIA: TURKS AND ROMA

Bulgaria is a parliamentary democracy with a legal system based on civil law. Due to suppression of ethnic minorities Bulgaria has long suffered from problems as a post-Soviet state. The process starting with Bulgaria's candidacy to the European Union pointed to the need for revisions in the Bulgaria's policies in minority protection and human rights. Regarding the situation of the ethnic minorities and the process of the Europeanization in the human rights and minority protection issues in Bulgaria, this chapter analyzes the situation of two largest ethnic minority groups in Bulgaria: Roma and Turks.

According to the demographic sources the majority group constitutes about 84 percent of the total population in the country. The largest minorities are the Turks, who constitute about 9.4 percent of the total population. The Turkish population is concentrated in three of the nine administrative regions of Bulgaria. The second largest ethnic minority group is the Roma population who constitute about 4.6 percent of the population, according to official statistics.¹⁶⁷ The Roma population lives in different parts of the country across Bulgaria. The Russian, Armenian, Macedonians, Greeks, Ukrainians, Jews, and Romanians constitute less than one percent of the total population in Bulgaria.¹⁶⁸ (See Table 4.1)

¹⁶⁷ "Census 2011", National Statistical Institute of Republic of Bulgaria, accessed February 12, 2013, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf

¹⁶⁸ Ibid.

Table 4.1. Total Population and the Percentage of Ethnic Minorities in Bulgaria¹⁶⁹

	Population	Percentage of Ethnic Minorities in overall Population
BULGARIA	7.6 million	Turk 9.4 % Roma 4.6 % Others (Russian, Armenian, Macedonians, Greeks, Ukrainians, Jews, and Romanians) 2 %

4.1. Roma and Turkish Population during the Ottoman Era

The presence of the Turks and Roma in Bulgaria dates back to 14th century when the Ottoman Empire was the major power in the region. In pursuit of the Ottoman state policy, many Muslims from Eastern Anatolia were settled in the Balkans. Within a short time they gained a dominant position in the region. Around the end of the 14th century, the first large groups of ethnic Turks began to settle in Bulgaria (Troebst 1994) as well as Roma people (Kenrick 1993).

As the Roma accompanied the Ottoman army, the numbers of Roma in the Bulgarian lands increased with the Ottoman invasion in the Balkans in 14th and 15th century. The status of the Roma during the Ottoman period was very particular because they could not fit in either the Muslim or the non-Muslim groups.¹⁷⁰ As the Roma were both Muslim and Christian, they lived as a separate, ethnically determined group, while the rest of the population lived in religiously

¹⁶⁹ Source: "Census 2011", National Statistical Institute of Republic of Bulgaria, accessed February 12, 2013, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf

¹⁷⁰ Elena Marushiakova and Vesselin Popov, *Gypsies in the Ottoman Empire*. (Paris: University of Hertfordshire Press, 2001), 20.

determined ones.¹⁷¹ Their situation within the Ottoman Empire was thus better than elsewhere in Europe, although they were still at the bottom of the society.¹⁷²

4.2 Independence of Bulgaria and the Results for the Turks and Roma

The independence of Bulgaria and the founding of the modern Bulgarian state in 1878 brought major changes into the lives of the ethnic minorities. Initially, the demography changed in favor of the Bulgarians while around one million Turks were uprooted from their homes and some 350,000 were killed or died of hunger and epidemics.¹⁷³ As a result of the disintegration of a multi-national Ottoman Empire and the drawing of new state borders, the Turkish minority in Bulgaria, that until then dominant in political life became isolated and weaker than the other groups in the newly founded state.¹⁷⁴

The intensification of the Bulgarian identity in the 19th century not only strengthened the national spirit of the Bulgarians but also affected the situation of Roma population as well as the Turks. The independence of Bulgaria increased the prejudices against the Roma, especially against Muslim Roma, because the ethnic Bulgarians were mostly Christians.¹⁷⁵ The end of the Ottoman Empire and the establishment of the Bulgarian state posed new problems to the Roma, despite both the Berlin Treaty of 1878 and the Constitution of Bulgaria that contained clauses regarding the protection of ethnic and religious minorities.¹⁷⁶

Under this circumstance, both the Turks and Roma followed different ways to integrate into the Bulgarian society. With the foundation of new Bulgaria, the Roma's desire to fit into the

¹⁷¹ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 20.

¹⁷² Ali Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, (New York: Routledge 1997), 115.

¹⁷³ Halit Mollahuseyin, "Muslims in Bulgaria: A Status Report", *Journal of the Muslim Minority Affairs* 5:1 (1984): 73.

¹⁷⁴ Valery Stoyanov, "The Turks of Bulgaria," in *Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria*, (Sofia: International Centre for Minority Studies and Intercultural Relations Foundation, 1994), 268.

¹⁷⁵ David Crowe, *A History of the Gypsies of Eastern Europe and Russia*, (London: I.B. Tauris Publishers, 1996), 8.

¹⁷⁶ Ibid.

mainstream society strengthened. They began to give up their own identity in exchange for a place in the social structure.¹⁷⁷ The first Roma organization in Bulgaria was founded in 1901 with the aim to lead the Roma in their struggle for integration into Bulgarian society. Roma-organized activities intensified during the first decade of the 20th century in response to a discriminatory election law passed by the Bulgarian Parliament.¹⁷⁸

Despite the integration efforts of Roma, during and after the Balkan wars and the First World War, Turkish emigration increased.¹⁷⁹ According to a Bulgarian estimate, approximately 350,000 left between 1880 and 1911. Between the World Wars, some 150,000-200,000 Turks emigrated, mainly on the basis of the Turkish-Bulgarian agreement of 1925.¹⁸⁰ The period 1936-1937 saw the signing of an agreement between the two governments for the long-term limited emigration of 10,000 Turks annually.¹⁸¹ According to Eminov (1997), the Bulgarian governments in the period between the foundation of Bulgaria and the Second World War (1878-1944) tried to honor the provisions of international and bilateral agreements guaranteeing the rights of minorities.¹⁸² Thus, there was no open legal discrimination or political oppression of the Turkish and Muslim communities. However, the practice of these rights within the country was different than the legal provisions. Thus, the Turks enjoyed better situation compared to the Roma.¹⁸³ The economic troubles during and after the Balkan Wars and the First World War affected the Roma more than the Bulgarian population on average.¹⁸⁴ However, after the end of the First World War and the establishment of the Peasants' Party (BANU), government allowed Roma to demand the

¹⁷⁷ Ibid, 13.

¹⁷⁸ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 44

¹⁷⁹ Eminov, *Turkish and Other Muslim Minorities in Bulgaria* 48.

¹⁸⁰ Wolfgang Hoepken, "From Religious Identity to Ethnic Mobilization: The Turks of Bulgaria Before, Under and Since Communism," in *Muslim Identity and the Balkan State*, Hugh Poulton and Suha Taji-Farouki, eds., (London: Hurst and Company 1997), 55.

¹⁸¹ Stoyanov, "The Turks of Bulgaria", 270-1.

¹⁸² Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, 49.

¹⁸³ Stoyanov, "The Turks of Bulgaria," 269.

¹⁸⁴ Crowe, *A History of the Gypsies of Eastern Europe and Russia*, 15.

restoration of their rights and, more importantly, to benefit from the social reforms of the government.¹⁸⁵

The launch of Communist party era in Bulgaria brought changes to the situation of ethnic minorities after the Second World War. The pressure was heavily on religion, but at the same time education and modernization was encouraged. Basically, all religious communities in the country were exposed to the same amount of atheist pressure from the secular government.¹⁸⁶ Thus, Dimitrov government undermined the religious practices of both Muslims and Christians in Bulgaria, which resulted in the sudden emigration of 155,000 Turks to Turkey in 1950.¹⁸⁷ Similarly, in the early 1950s all local Roma organizations and cultural institutions were dissolved, and the most strong Roma representative in the National Assembly was sent to a concentration camp.¹⁸⁸ Around 5,000 Muslim Roma were forced to immigrate to Turkey in 1950-51.¹⁸⁹

These policies towards minorities were followed by more nationalist attitudes in Bulgaria in 1960s. The Bulgarian Communist Party (BCP) held a campaign to undermine not only religious affiliation, but also the separate ethnic identity of these minority groups for a homogenous Bulgaria with a single ethnic type. As of 1971, a new Constitution was adopted which referred minorities as 'citizens of non-Bulgarian extraction'.¹⁹⁰

¹⁸⁵ Ibid,16.

¹⁸⁶ Hoepken, "From Religious Identity to Ethnic Mobilization", 64

¹⁸⁷ Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, 51-2.

¹⁸⁸ Crowe, *A History of the Gypsies of Eastern Europe and Russia*,21.

¹⁸⁹ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 92.

¹⁹⁰ Vera Mutafchieva, "The Notion of the 'Other': the Gypsy" in *Relations of Compatibility and Incompatibility Between Christians and Muslims in Bulgaria*, Antonina Zhelyazkova, ed., (Sofia: International Centre for Minority Studies and Inter-Cultural Relations, 1994), 35.

Table 4.2. Timeline of Important Political Events in Bulgaria

Year	Political Event
1878	The Declaration of Independence from Ottoman Empire
1914-1918	World War I. Bulgaria allied itself with Germany.
1939-1945	World War II - Soviet army invaded German-occupied Bulgaria in 1944. Soviet-backed political party Fatherland Front took power
1946	Monarchy abolished and republic declared. Communist Party won election.
1947	One party system, new constitution declared along Soviet lines, economy nationalized.
1971	Zhivkov became the President.
1984	Revival process began. Zhivkov government forced Turkish minority to assimilate and take Slavic names. Many resisted and around 300,000 Turks left the country.
1989	Communist Zhivkov Regime Collapsed, multi-party system introduced.
1990	Communist Party appeared as Bulgarian Socialist Party (BSP) and won parliamentary elections.
1991	New constitution declared Bulgaria a parliamentary republic and provided broad range of freedoms.
1992	Zhelev became Bulgaria's first directly-elected president.
1997	Official Candidacy of Bulgaria for the EU membership declared.

2004	Bulgaria became part of NATO
2007	Bulgaria became part of European Union
2009	General elections won by the center-right Citizens for European Development of Bulgaria (GERB) party led by Boiko Borisov. 26 Turks and one Roma succeeded in taking seats in Parliament. A Turkish minister started serving in the cabinet.
2010	France and Germany blocked Bulgaria from joining Schengen passport-free zone, due to its failure to fight against corruption and organized crime
2011	Rosen Plevneliev, from the center-right Citizens for European Development of Bulgaria (GERB) party of Prime Minister Borisov, beat the Socialist candidate in the presidential election.
2012	Anti-Roma demonstrations launched in Sofia following the death of a youth by a Roman.
2012	National Roma Integration Strategy of the Republic of Bulgaria 2012-2020 was adopted by the National Assembly.

4.3. Zhivkov Government and the Revival Process (1984-89)

The Revival Process (a.k.a process of rebirth) marked an assimilation period for the ethnic Turks in Bulgaria as part of Zhivkov government. The Bulgarian government started excluding the term “Turk” from official discourse, and replacing it with “Muslim Bulgarian citizens” implying that the “Turks” were “Bulgarians” in origin.¹⁹¹ The main motivation behind was the rapidly growing

¹⁹¹ Bonka Boneva, “Ethnic Identities in the Making, the Case of Bulgaria,” *Cultural Survival Quarterly* 19: 2 (1995): 78.

size of the Turkish community in the late 1960s and 1970s as an influential ethnic group.¹⁹² Also, the government claimed that the Turkish minority were not related to the Turks in the motherland.¹⁹³

As part of the Revival Process, the Communist Party launched a direct attack on the identity of the Turkish population. It forcefully changed their names to Bulgarian ones, and banned public use of the Turkish language and Muslim religious rituals.¹⁹⁴ Thus, the reconstruction of the Bulgarian names would weaken the Turkish influence in society and lead to a peaceful Bulgaria without contradiction.¹⁹⁵ This process affected mostly the Bulgarian Turkish minority, but also had an effect on the Roma population, who had Muslim names and spoke Turkish.¹⁹⁶

According to the reports of Amnesty International, the name-changing campaign in Bulgaria received attention from the international community as well, especially from Turkey. In July, 1989 the Senate of the 101st Congress of the USA voted unanimously on an amendment that expressed "the sense of the Congress condemning Bulgaria's brutal treatment of its Turkish minority", and it allocated about \$10 million as assistance to the Republic of Turkey, in order for the latter to cope with the huge influx of refugees.¹⁹⁷ As a reaction to the international community interest on the issue, Zhivkov addressed the Bulgarian public on national television and appealed to Turkey to open up its borders to every Bulgarian Muslim willing to immigrate, which resulted in half of the work force in Bulgarian agriculture being lost due to the "Big

¹⁹² Ibid.

¹⁹³ Mehmet Saray, *What is the Bulgarian Government Trying to Prove by Denying the Historical Facts*, (Ankara: Turk Tarih Kurumu Basimevi, 1988), 183.

¹⁹⁴ Hoepken, "From Religious Identity to Ethnic Mobilization", 67-9.

¹⁹⁵ Stanko Todorov, in *From Stalinism to Pluralism/ A Documentary History of Eastern Europe Since 1945*, Gale Srokes, ed., (Oxford: Oxford University Press, 1991), 233-4.

¹⁹⁶ Marushiakova and Popov, *Gypsies in the Ottoman Empire*, 91.

¹⁹⁷ "Senate Record Vote Analysis 101st Congress", Foreign Relations Authorization/Bulgaria, Human Rights Violations, 1989, accessed on February 16, 2013, <http://voiceinnumbers.com/VoteDetail.vin?id=101100120&state>,

Excursion" in 1989.¹⁹⁸ In a few months almost 340 thousand people left for Turkey. However, after the collapse of the Communist Party and Zhivkoc regime in 1989, 42 per cent of the total number of emigrants returned to Bulgaria.¹⁹⁹

4.4. The Collapse of Zhivkov Regime and the Restoration of the Ethnic Identities

With the downfall of the Zhivkov regime these policies were officially ended in 1989. With the return of a part of the Bulgarian Turks from Turkey, the government allowed restoration of the Turkish and Arabic names through the Names of Bulgarian Citizens Act in March 1990. During this process, more than 600,000 Turks, Bulgarian Muslims and Roma people applied for re-appropriation of their old 'Islamic-Arabic' names.²⁰⁰ However, despite this positive developments after the fall of communism, ethnic Turks in Bulgaria still faced some problems that resulted from the neglect of their minority status in the country. The segregation of and discrimination against the Roma minority as well was still a problem.

Although the post-Communist party era in Bulgaria gave the names and identities back to the ethnic minorities, the growing gap in wellbeing between the minorities and mainstream society in Bulgaria increased. The poverty was dramatically concentrated among certain population groups. Ethnic minorities comprised over 60 per cent of the poor population in the country, with Roma being ten times more likely to be poor and Turks four times more likely to be poor than ethnic Bulgarians.²⁰¹ Although end of 20th century brought the identities back, it also put the ethnic minorities in a disadvantaged status in cycle of poverty in addition to the social and economic discrimination, restricted education, and poor access to health care.²⁰²

¹⁹⁸ Stoyanov, "The Turks of Bulgaria", 203.

¹⁹⁹ Ibid, 204.

²⁰⁰ Hoepken, "From Religious Identity to Ethnic Mobilization", 72.

²⁰¹ Iliana V. Kohler and Samuel H. Preston, "Ethnic and religious differentials in Bulgarian mortality 1993–98" *Population Studies* 65:1 (2011): 92.

²⁰² Bernd Rechel, *The Long Way Back to Europe: Minority Protection in Bulgaria*, (Stuttgart: Ibidem, 2008), 150.

The wave of European Union accession in the Central and Eastern European countries marked a new era for the ethnic minorities in Bulgaria. With the EU candidacy of Bulgaria as of 1998, the European Union institutions and the community became interested in the minority protection policies in the country. In the next part, I will discuss the demands of the European Union about ethnic minorities in Bulgaria as part of the EU membership requirements.

Table 4.3. Historical Demographic Change of Turks and Roma in Bulgaria²⁰³

Census Year	Total Population of Bulgaria	Number of Turks	Number of Roma
1878 (independence of Bulgaria from Ottoman Empire)	3,154,375	607,331 (19.3%)	(No Data Available)
1920 (after WWI)	4,846,971	520,339 (10.7%)	98,451 (2%)
1946 (after WWII)	7,029,349	675,500 (9.6%)	170,000 (2.4 %)
1992 (after Zhivkov regime and revival process)	8,487,317	800,052 (9.4%)	313,396 (4 %)
2001 (first census after the EU candidacy)	7,928,901	746,664 (9.4%)	370,908 (4.7 %)
2011	7,364,570	588,318 (9.4%)	325,343 (4.6 %)

4.5. The European Union's Pre-Accession Conditionality and Demands

The European Commission's Opinion on the EU Membership of Bulgaria reported the missing policies in the field of human rights and minority protection in the country regarding the *acquis communautaire* for EU membership. Bulgaria was criticized for not being a signatory of the

²⁰³ Sources: R.J. Crampton, *Bulgaria*, (Oxford: Oxford University Press, 2007), 424; R. J. Crampton, *A Short History of Modern Bulgaria*, (London; Cambridge University Press, 1987), 71 ; Piotr Eberhardt, *Ethnic Groups and Population Changes in Twentieth-century Central-Eastern Europe: History, Data and Analysis*, (New York: M.E. Sharpe Inc. 2003), 415-19; "Census 2001", National Statistical Institute of Republic of Bulgaria, accessed February 12, 2013,, <http://www.nsi.bg/Census/Ethnos.htm> ; "Census 2011", National Statistical Institute of Republic of Bulgaria, accessed February 12, 2013, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf

Council of Europe's Framework Convention on Minorities and the Recommendation 1201 of the Parliamentary Assembly of the Council of Europe, which provides for the collective rights of minorities although it was not legally binding.²⁰⁴

In terms of the minority protection policies, the European Commission pointed to the situation of two ethnic minority groups in Bulgaria: Turks and the Roma population. The situation of the Turkish minority, which had suffered considerable discrimination before 1989 under the Communist regime, improved after the collapse of the Zhivkov government. The Turkish minorities gained representation in the parliament in 1990s. As of 1997, 15 members of the Turkish minority were representing their community in Parliament.²⁰⁵ In terms of linguistic rights, the Turkish minority had the right to receive education in their own language. However, restriction of the ethnic languages to be used for official communications in areas specifically where minorities represent a significant percentage of the population was reported to be a problem in Bulgaria.²⁰⁶ In addition to these problems, poverty and economic inequalities are documented to be the major problems facing the ethnic minorities in Bulgaria.

Although, Turks were seen to be more integrated, the Roma population was reported to suffer considerable discrimination in daily life, including violence either directly by the police or by individuals whom the police did not always prosecute.²⁰⁷ Their social position was difficult, though here sociological factors played a part alongside the discrimination they suffered from the rest of the population.²⁰⁸ The European Commission Annual Progress Reports on Bulgaria

²⁰⁴ "European Commission's Opinion on the EU Membership of Bulgaria 1997", accessed February 12, 2013,, http://ec.europa.eu/bulgaria/documents/abc/bu-op-1997_en.pdf

²⁰⁵ Herbert Kitschelt et al., *Post-Communist Party Systems: Competition, Representation and Inter-Party Cooperation*, (London: Cambridge UP, 1999), 125.

²⁰⁶ "European Commission's Opinion on the EU Membership of Bulgaria 1997", accessed February 16, 2013, http://ec.europa.eu/bulgaria/documents/abc/bu-op-1997_en.pdf

²⁰⁷ Ibid.

²⁰⁸ Ibid.

consistently analyzed the minority protection policies and respect for human rights issues under two topics; social integration and economic situation.

4.5.1. Social Integration of the Ethnic Minorities

According to the European Commission reports on the human rights issues in Bulgaria published between 1998 and 2007, the ethnic minorities in Bulgaria faced discrimination in all spheres of social life including political representation, education health and housing issues. The current Bulgarian Constitution forbids the establishment of parties on ethnic and religious basis. The article 11 of the Constitution states that “political parties may not be founded on ethnic, racial or religious basis”.²⁰⁹ Enforcement of this provision led to the disqualification of several minority parties from participation in the electoral process. Nevertheless, the Roma population had a few representatives in the Bulgarian Parliament under the main stream parties. However, as these representatives were elected as candidates of the mainstream parties, they failed to bring the problems about Roma population to the parliament because of the fear of losing their position. Although the non-governmental organizations have been the most active parties in the struggle for improvement of the Roma’s situation in Bulgaria, they did not succeed in bringing attention to the situation of Roma. Turks followed a different way in political participation. The Movement for Rights and Freedoms (MRF), although it is predominantly Turkish, has never admitted this openly in official documents or in its public activity.²¹⁰

As the crimes conducted by the Roma were often presented in the media widely, the image of the Roma as the only criminals was deep-rooted in the Bulgarian society. Thus, the bad image of the Roma has been prominent despite the various attempts from the Bulgarian Roma

²⁰⁹ “Constitution of the Republic of Bulgaria”, accessed February 16, 2013, http://www.vks.bg/english/vksen_p04_01.htm

²¹⁰ Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, 172.

organizations to end the ethnically related stereotyping.²¹¹ The negative portrayal of Roma by the society has largely contributed to the prejudiced attitude of both the society and the authorities towards the Roma.²¹² The high crime rate among the Roma population and the media-promoted image of Roma as criminals have increased the rate of the abuse of Roma by the police in Bulgaria, which was one of the factors attracted attention from the European Commission.²¹³

According to the reports by the European Roma Rights Centre, Roma have been subject to severe beatings and the use of threats by the police and were detained on remand far more often than non-Roma citizens, being kept there for inordinately long periods.²¹⁴ ERRC claim that Bulgarian courts followed a xenophobic attitude toward the minorities. Minor crimes carried out by the Roma are punished more severely than the more serious crimes carried out by non-Roma.²¹⁵

Despite the discriminative attitudes toward Roma, the linguistic rights have not been seen as a big problem. According to Tomova (1995), in Bulgaria, 90 per cent of the Roma population speaks Romani, which is the highest percentage among the European countries, but only roughly 50 per cent of them speak Romani at home on a regular basis.²¹⁶ With the collapse of the Zhivkov government, Roma have been free to use Romani at home and in minority communication. However, ECCR reports showed that an interesting regulation regarding language was the prohibition of the use of any language other than Bulgarian during visitation hours in prisons, and

²¹¹ Krassimir Kanev, "The double sin; The Framework Programme for the Integration of Roma in Bulgarian Society is not implemented", *Obektiv 4* (2000): 2.

²¹² *Ibid*, 2

²¹³ "EU Regular Report on Bulgaria's Progress Towards Accession 2002", accessed February 18, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/bu_en.pdf

²¹⁴ "Profession: Prisoner, Roma in Detention in Bulgaria", (Budapest: European Roma Rights Centre (ERRC), December 1997), 37

²¹⁵ *Ibid*, 41.

²¹⁶ Ilona Tomova, *The Gypsies in the Transition Period*, (Sofia: International Centre for Minority Studies and Inter Cultural Relations, 1995), 26.

also allowing the use of a translator at the expense of the imprisoned.²¹⁷ According to Tomova (1995), because of their ease in accepting the surrounding language traditionally and the assimilation policies in the past, most Roma speak Bulgarian, Turkish or Vlach, because these mainstream languages are considered to be more “prestigious” and claimed to be the “mother tongue” by Roma in various surveys.²¹⁸ Similarly, the ethnic Turkish minority had been free to express itself in its mother tongue in private and in public before Bulgaria’s EU candidacy. Furthermore, ethnic Turks were not allowed to display traditional local names, street names and other topographical indications in their mother tongue, in contradiction to the Council of Europe’s Framework Convention on the Protection of National Minorities.²¹⁹

Getting education in their language was not possible for Roma before the collapse of the Communist regime in Bulgaria, despite the fact that Romani is defined as a “mother tongue” by the Constitution, and thus could be studied up to four hours per week as an elective course in schools.²²⁰ Before EU candidacy of Bulgaria, the governments agreed that the lack of qualified teachers to teach in the Roma language, and the lack of desire on behalf of the Roma to have their children study Romani, have prevented the spread of the initiative for ethnic education.²²¹ Although the restrictions on the Turkish language were also lifted after the collapse of the Communist regime, the teaching of minority languages at school was not implemented evenly. Although, Turkish minority activists expressed their desire to improve mother tongue teaching by including it in the regular school curriculum and also by teaching some subjects in Turkish, the

²¹⁷ “Profession: Prisoner, Roma in Detention in Bulgaria”, ERRC, 60.

²¹⁸ Tomova, *The Gypsies in the Transition Period*, 26.

²¹⁹ Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, 157.

²²⁰ “Human Rights in Bulgaria in 1996,” *Obektiv*, Special Edition, (Sofia: Bulgarian Helsinki Committee, 1997), 10

²²¹ Ibid.

Minister of Education, Ilcho Dimitrov, clearly stated that Turkish schools would not be allowed to exist in Bulgaria and that Turks were free to go to Turkey if they wanted so.²²²

The issue of minority broadcast media is also related to the linguistic rights in Bulgaria. The post-1989 legislation allows for a relatively broad freedom of the press in Bulgaria. The Turkish-dominated Turkish Movement of Rights and Freedoms (MRF), founded in 1990, asked for broadcasting in ethnic languages. The Bulgarian National Radio started some programs in Turkish in 1993, but this practice was terminated in 1994. Programming in Romani has not been considered.²²³ The 1996 Law on Radio and Television put an end to any hopes for broadcasts in minority languages as it included a requirement that country wide broadcasts can only be transmitted in Bulgarian.

4.5.2. Economic Challenges for the Ethnic Minorities

The discrimination towards the Roma population in society, which is mostly shaped with the prejudice due to high crime rate among the Roma population depends on poverty and poor economic conditions especially.²²⁴ Job discrimination is part of the reason behind the Roma's poverty, and is consistently referred in European Commission Annual Progress Reports on Bulgaria between 1998 and 2007. The Roma's economic situation, which has never been good, deteriorated sharply after 1989 as a consequence of the general economic crisis in Bulgaria. The unemployment rate of Roma population increased to a level much higher than the country's average.²²⁵ Besides being less educated and less skilled, Roma suffered from the prejudices discussed in the Bulgarian society.

²²² Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, 158.

²²³ Dina Yordanova, 'Still Looking Forward: Restructuring of Bulgarian TV', January 5, 1998, accessed February 18, 2013, http://www.utexas.edu...ts/eems/BFI_Text_.html

²²⁴ Tomova, *The Gypsies in the Transition Period*, 69.

²²⁵ *Ibid*, 72.

Similar to the Roma population, the economic strains were the major problems that the Turkish ethnic minorities were facing according to European Commission documents. Most of the ethnic Turks live in the countryside in Bulgaria and have less access to work opportunities, educational, cultural and health-care facilities. According to Minority Rights Group International report in 1991, towards the end of Communist regime the Turkish minorities in Bulgaria constituted from 15 to 20 per cent of the work force in the tobacco growing areas in the south and the wheat growing areas in the northeast.²²⁶ It was these branches of agriculture that suffered most from the massive immigration of Turks to Turkey in 1989. Also, there have been conflicts between Turkish tobacco producers and the state monopoly for tobacco (Bulgartabak) over the low price paid to the producers, which was intervened by the pro-Turkish party, the Movement for Rights and Freedoms (MRF) for higher prices.²²⁷ The law on privatization of farmland passed in 1992 also had negative effects on the Bulgarian Turks. As a result from this hard economic situation, a new wave of emigration started in the summer of 1992 that was perceived as a threat by the Movement for Rights and Freedoms (the party of the Bulgarian Turks) for losing a large part of its electorate through immigration.²²⁸ According to Hoepken, economic emigrants reached 50,000 in 1991-1992.²²⁹

4.6. Analysis: Bulgaria's Compliance with the '*Acquis Communautaire*' on Minority Protection

This case study covers Bulgaria's Europeanization process since Bulgaria became an official candidate state for European Union membership in 1998 until its accession to the European Union

²²⁶ "World Directory of Minorities", (London: Minority Rights Group International 1991), 126

²²⁷ Stefa Troebst, "Ethnopolitics in Bulgaria: The Turkish, Pomak, Macedonian and Gypsy Minorities," *Helsinki Monitor Quarterly on Security and Cooperation in Europe* 5:1 (1994): 32-42.

²²⁸ Hoepken, "From Religious Identity to Ethnic Mobilization", 80.

²²⁹ Ibid.

in 2007. I look at the influence of the 'position of the government', 'significant institutions' and 'mobilization of minorities' on the Europeanization of minority protection policies in Bulgaria.

4.6.1. The position of the government

The collapse of the Communist regime in Bulgaria in 1989 was the beginning of the democratization process. Thus, EU candidacy further consolidated the process. In 1997 the government established a consultative body on minority issues, called the National Council on Ethnic and Demographic Questions and many minority groups have been represented on the Council. In the same year, Bulgaria ratified the Council of Europe's Framework Convention for the Protection of National Minorities.²³⁰

Controversially, the 1991 constitution stated that 'political parties may not be founded on ethnic, racial or religious bases'.²³¹ Although the enforcement of this provision is a violation of international conventions, it succeeded in disqualifying several ethnic minority parties from participation in the electoral process, including initially the Turkish Movement for Rights and Freedoms (MRF). However, the Movement for Rights and Freedoms was able to claim that it was a 'movement' and not a party to gain legal recognition. However, Roma representatives could not go beyond being part of main parties in Bulgaria and kept their identities for themselves. Although the European Commission reports of 1997 and 1998 brought attention to the problem of political representation for ethnic minorities, this was ignored by the Bulgarian governments at that time. A Macedonian party founded in 1999 was banned in 2000. Apart from 28 Turks, the 240-seat Bulgarian National Assembly had only three other minorities in 2005, only one of whom was Roma.²³² (See Table 4.5 For political parties and ideologies in Bulgaria)

²³⁰ Rechel, *The Long Way Back to Europe: Minority Protection in Bulgaria*, 239.

²³¹ "Constitution of the Republic of Bulgaria", accessed February 23, 2013, http://www.vks.bg/english/vksen_p04_01.htm

²³² "European Commission's Opinion on the EU Membership of Bulgaria 1997", accessed February 23, 2013, http://ec.europa.eu/bulgaria/documents/abc/bu-op-1997_en.pdf; "EU Regular Report

Table 4.5. Major Political Parties and Their Ideologies in Bulgaria²³³

Name	Abbreviation	Ideology
Bulgarian Communist Party	BCP	Communism
Bulgarian Socialist Party	BSP	Left-wing, Social Democrat
Citizens for European Development of Bulgaria	GERB	Center-right
National Union Attack	ATAKA	Far-right, nationalist party
Movement for Rights and Freedoms	MRF	Pro-Turkish Minority Party
Bulgarian Agrarian People's Union	BZNS	Left-wing, Center-right

The governments serving after the collapse of the Zhivkov government were considerably more reluctant even to recognize the discussion on ethnic parties despite significant external impetus to address the issue. In 2006, the International Helsinki Federation concluded that the governments of Bulgaria consistently denied the demand from the ethnic minorities for political representation and that all the Bulgarian political parties in the parliament backed this policy.²³⁴

Following EU candidacy of Bulgaria, there have been some efforts to a better Roma policy by Bulgarian governments. In early 1997, for example, the Council of Ministers adopted a Program

on Bulgaria's Progress Towards Accession 1998", accessed February 23, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/bu_en.pdf

²³³ Source: "Bulgaria: Major Political Parties", <http://www.balkananalysis.com/bulgaria/major-political-parties/>, accessed on July 3rd 2013.

²³⁴ "International Helsinki Federation Annual Report on Human Rights Violations", Bulgaria: International Helsinki Federation for Human Rights (IHF), June 8, 2006, accessed February 23, 2013, <http://www.unhcr.org/refworld/docid/469392860.html>

for Resolution of the Problems of Roma in the Republic of Bulgaria, preceded by a report on the situation of Roma in Bulgaria.²³⁵ In 1998, the government established a National Council on Ethnic and Demographic Issues, part of whose job was to draft a program, in coordination with Roma leaders, for the improvement of the opportunities available to Bulgarian Roma.²³⁶

Later in 1999, the government came to an agreement with Roma representatives on a Framework Program for Equal Integration of Roma.²³⁷ The Roma NGOs in particular took advantage of an anti-discrimination law passed in 2003, which allows civil society organizations to file public-interest lawsuits.²³⁸ Right before Bulgaria's accession to the European Union in 2007 the government adopted a number of measures aimed at improving minority rights, especially for Roma. Whilst Roma in particular remain under-represented at the national level, their representation at municipal level has increased markedly in recent years.²³⁹

In addition to political representation, the European Commission reports published between 1997 and 2007 have indicated that the linguistic rights have been reported to be problematic in Bulgaria. Although Bulgaria allows education in minority languages, inadequate government resources have restricted its availability. Turkish, Armenian, Hebrew, Greek and Roma are offered as elective courses at the primary and secondary level education. Also, public broadcasting is to be available in languages other than Bulgarian by law, but in practice, such public television and radio programming is only available to a limited extent in Turkish. Romani

²³⁵ "EU Regular Report on Bulgaria's Progress Towards Accession 1998", accessed February 23, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/bu_en.pdf

²³⁶ 'Bulgaria To Adopt Programs for Roma' *Reuters*, April 7, 1998.

²³⁷ "EU Regular Report on Bulgaria's Progress Towards Accession 2000", accessed February 24, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/bu_en.pdf

²³⁸ "EU Regular Report on Bulgaria's Progress Towards Accession 2004", accessed February 24, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/bu_en.pdf; "EU Regular Report on Bulgaria's Progress Towards Accession 2005", accessed February 24, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/bu_en.pdf

²³⁹ "EU Regular Report on Bulgaria's Progress Towards Accession 2007", accessed February 24, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2007/bu_en.pdf

language teaching has not been available; however, in 2003 two universities introduced training programs for Romani-language teachers. In 2006 the government adopted regulations aimed at reducing segregation of Roma in schools.²⁴⁰

Furthermore, in 2000, the European Court of Human Rights (ECHR) claimed that the Bulgarian Government had violated European human rights standards in the case of Velikova v. Bulgaria. The case concerns the death in police custody of a 49-year-old Romani man named Slavcho Tsonchev in September, 1994.²⁴¹ In its ruling, the European Court held unanimously that Bulgaria had committed violations of Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention on Human Rights. The European Roma Rights Center (ERRC), an international public interest law organization which monitors the situation of Roma in Europe and provides legal defense in instances of human rights abuse, provided the applicant, Anya Velikova, with legal counsel throughout the proceedings before the European Court of Human Rights.²⁴² In another case in 2004, the ECHR ruled that by its failure to investigate violence and killings of Roma by Bulgarian police, Bulgaria had violated the right to life and the prohibition on discrimination given in Convention Articles 2 and 14.²⁴³

4.6.2. Significant Institutions

The Presidents

The Presidents are the chief of the state in Bulgaria, who is elected by popular vote for a five-year term and eligible for a second term. With the EU candidacy, Bulgaria has started to seek

²⁴⁰ "EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2006/bu_en.pdf

²⁴¹ "EU Regular Report on Bulgaria's Progress Towards Accession 2001", accessed February 25, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/bu_en.pdf

²⁴² "European Court of Human Rights Finds Bulgaria in Breach of European Human Rights Standards in Police Abuse Case", European Roma Rights Centre (ERRC), Press Release, 19 May 2000.

²⁴³ "EU Regular Report on Bulgaria's Progress Towards Accession 2005", accessed February 25, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/bu_en.pdf

more friendly relations between the state and the ethnic minorities, specifically with Turks. In 1997 the newly elected president, Peter Stoyanov, delivered a speech to the Turkish National Assembly asking for forgiveness for what had been done to the Turkish minority in Bulgaria.²⁴⁴ A question concerning the delimitation of part of the border between Bulgaria and Turkey and the territorial waters in the Black Sea was resolved after forty years of negotiations, through an agreement signed in December 1997.²⁴⁵

Despite this attempt of better relations, political representation rights for the ethnic groups, which are banned by the Constitution, have been a continuing problem in Bulgaria. Ratification of the Framework Convention for the Protection of National Minorities signed by the Bulgarian President in 1997 and ratified by the Parliament in 1999, caused a major controversy in Bulgarian politics due to the use of the word 'minorities'. According to the Bulgarian Socialist Party, the "Bulgarian realities, historical and contemporary, alike, provide unambiguous testimony to the fact that despite the differences in the ethnicity, culture, language and religion on the Bulgarian territory, no national minorities have been shaped out".²⁴⁶ The former authoritarian Soviet background of Bulgaria and accordingly the lack of civil society did not allow the 'minorities' to define themselves in Bulgaria and get the required respect and recognition either in the Constitution or in the society.²⁴⁷

Thus, the President's positive attitude, supported with the legal framework could not succeed in drawing the lines for the term 'minority'. This is mostly because of the ambiguity in the legal framework in the human rights and minority protection issues in Bulgaria. Although, the President signed the Framework Convention for the Protection of National Minorities and the

²⁴⁴ Ömer Lütem, 'The Past and Present State of the Turkish-Bulgarian Relations'. *The Foreign Policy Quarterly* 23 (2001): 5, accessed February 12, 2013, http://www.foreignpolicy.org.tr/ing/articles/olutem_v23.htm

²⁴⁵ Ibid,6.

²⁴⁶ Bernd Rechel, ed., *Minority Rights in Central and Eastern Europe*, (NY: Routledge, 2010), 81.

²⁴⁷ Ibid.

Parliament ratified in 1999, the Constitutional restrictions on the rights of minorities contradicted with these new provisions.

The Constitutional Court

The Constitutional Court in Bulgaria consists of 12 members, who are selected by the President, thus have an ideological stand. Although the Constitution forbids the formation of political parties along religious, ethnic or racial lines, the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) is represented in Parliament, and the other major parties generally accept its right to participate in the political process. By way of contrast, in February 2000, the Constitutional Court ruled that the United Macedonian Organization (OMO) political party is unconstitutional on the grounds that it promotes separatism.²⁴⁸

Additionally, there have been several unsuccessful attempts on the part of the Socialist (former Communist) Party to challenge the Turkish Movement for Rights and Freedoms Party (MRF) before the court. Between 1990 to 1996, the Socialists once approached the Constitutional Court with questions about the MRF's legitimacy and made petitions. However, the choice of proportional representation created a situation in which the MRF provided the swing vote in the first elections (1990 – 1994).²⁴⁹ Hence, both major parties, the Bulgarian Socialist Party and the Union of Democratic Forces, followed policies designed to make them a plausible coalition partner of the MRF.²⁵⁰

The Constitutional Court also rejected the claim by MRF Party on the 1996 Law on Radio and Television. Although the law did not ban minority languages clearly, it required broadcasting

²⁴⁸ Lilia Petkova, "The Ethnic Turks in Bulgaria: Social Integration and Impact on Bulgarian–Turkish Relations, 1947-2000", *The Global Review of Ethnopolitics* 1: 4 (2002): 51.

²⁴⁹ Antonina Zhelyazkova, 'The Social and Cultural Adaptation of Bulgarian Immigrants in Turkey' in *Between Adaptation and Nostalgia: The Bulgarian Turks in Turkey*, Antonina Zhelyazkova, ed., (Sofia: International Center for Minority Studies and Intercultural Relations, 1998), 5.

²⁵⁰ Ibid.

in Bulgarian only.²⁵¹ This showed how easily the Turkish television and radio channels in Bulgaria at the local and regional level would be banned. However, the Constitutional Court did not find this article challenging. The amendments of the law introduced in 1997 did not address the issue of minority media.²⁵² However, the law was limited to the state radio and television, which indirectly opens the possibility for the creation of regional and local minority media. It was not until July of 1998 that the Bulgarian Parliament added a provision allowing for the broadcast of programs in foreign languages aired for Bulgarian citizens whose mother tongue is not Bulgarian.²⁵³ Although this has been a good opportunity for the Turkish minorities, the unfavorable economic situation of the Roma and the lack of support from a mother country, in contrast to the case of the Turkish minority, did not allow the creation of Roma broadcast channels. With the recommendations from the European Commission, in October 2000 Bulgarian national television launched Turkish-language newscasts.²⁵⁴

4.6.3. Mobilization of the Minorities

In the case of Bulgaria, the major difference between the two ethnic groups analyzed here, appears to be their ability to mobilize. The ethnic groups that succeeded in getting support from international community to advocate their interests in Bulgaria at both local and national level, mostly took the advantage of the negotiating period before Bulgaria's entry to the European Union.

For the ethnic Turks, the Movement for Rights and Freedoms has been the main advocate. One of the main lines of activities of the Movement for Rights and Freedoms in Parliament was to

²⁵¹ "European Commission's Opinion on the EU Membership of Bulgaria", accessed February 25, 2013, http://ec.europa.eu/bulgaria/documents/abc/bu-op-1997_en.pdf

²⁵² "EU Regular Report on Bulgaria's Progress Towards Accession 1999", accessed February 25, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/bu_en.pdf

²⁵³ Ibid.

²⁵⁴ "EU Regular Report on Bulgaria's Progress Towards Accession 2001", accessed February 25, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/bu_en.pdf

introduce the Turkish language as a compulsory subject in some municipal schools. This idea began to be a movement supported by Turks after the collapse of the Communist regime. As of 1991, the Movement for Rights and Freedoms supported a boycott of the schools, which was aimed at the institution of the study of Turkish as a mother tongue against the prevention of teaching minority languages in Turkish districts of Kurdzhali and Razgrad.²⁵⁵ This movement can be considered as the roots of the fact that Turkish became an unrestricted language either in education or in broadcasting with the EU candidacy of Bulgaria. With the efforts of MRF, education in Turkish language in the municipal schools has always been in the political agenda.

Especially during the Communist regime in Bulgaria, Turkish activists were imprisoned frequently. In the 1970s, there were reports of imprisonment of Turkish teachers and prominent Turkish intellectuals for protesting against the closure of the Turkish language schools. In 1976, there were reports of joint demonstrations of Turks and Bulgarian Muslims in the Plovdiv area for the discrimination against the Muslims in employment and at the closing of mosques.²⁵⁶ The legal ground for these arrests were Articles 108 and 109 of the Bulgarian Criminal Code, dealing respectively with “anti-state agitation and propaganda” and “forming or leading an organization aimed at committing crimes against the People’s Republic of Bulgaria.”²⁵⁷

The MRF is essentially a party of the Bulgarian Turks, though it has never admitted it openly in official documents or in its public activity. Almost 90 per cent of its membership and more than 90 per cent of its voters are ethnic Turks. There are other Turkish parties, which are not

²⁵⁵ “Chronology for Turks in Bulgaria 2004”, Minorities at Risk Project, accessed February 26, 2013, <http://www.refworld.org/docid/469f38702.html>

²⁵⁶ “Bulgaria: Imprisonment of Ethnic Turks/ Human rights abuses during the forced assimilation of the ethnic Turkish minority”, (London: Amnesty International, 1986), 6.

²⁵⁷ “Bulgarian Criminal Code”, accessed February 26, 2013, http://www.vks.bg/english/vksen_p04_04.htm

so successful and have ideological and political arguments with the MRF.²⁵⁸ The traditional moderate attitude of the MRF between the BSP (Bulgarian Socialist Party) and the UDF (Union of Democratic Forces), which was founded in 1989 as a union of several political organizations in opposition to the communist government of Zhivkov has made the movement successful.²⁵⁹ Also, the MRF got involved in the adoption of some draft legislation that affected the socioeconomic interests of that community.²⁶⁰ The success of the MRF depended on its relations with the major political parties. For instance, in 1991-2, the MRF supported the UDF (Union of Democratic Forces) minority government and later on it had contributed to the downfall of this same government.²⁶¹ After that, together with the BSP (Bulgarian Socialist Party), it supported a non-partisan expert government where the MRF got one ministerial seat.²⁶² All this shows that the MRF became a platform which provided ground for political mobilization of ethnic Turks. However, the MRF have never demanded for territorial autonomy and stressed its wish for cultural rights to be able to last longer in the restrictive political environment of Bulgaria.²⁶³

The analysis of the Roma community compared to that of Turks in Bulgaria shows that the situation of the Roma community was even worse, since they do not have strong political representation.²⁶⁴ Thus, the Roma population in Bulgaria has been subject to discrimination in all spheres of social life. This situation is a result of both the government policies and of the general negative attitudes towards the Roma in the Bulgarian society. Furthermore, all types of

²⁵⁸ Gerd Nonneman et al., *Muslim Communities in the New Europe*, (UK: Garnett Publishing, 1997), 124.

²⁵⁹ Herman Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe*, (Chicago: The University of Chicago Press, 2000), 167

²⁶⁰ Petar Emil Mitev, *Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria*, (Sofia: International Centre for Minority Studies and Intercultural Relations Foundation, 1994), 203.

²⁶¹ Nonneman et al, *Muslim Communities in the New Europe*, 125.

²⁶² Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe*, 168.

²⁶³ Ibid, 172.

²⁶⁴ Leigh Hall, "Post-Communist Developments in the Media in Bulgaria", January 7, 1998, accessed February 27, 2013, <http://www.utexas.edu/ftp/pub/eems/bulgaria.html>

discrimination have been consolidated with lack of mobilization among ethnic Roma in Bulgaria. This lack of mobilization among Roma has been an obstacle for implementation of policies. Thus, for example, implementation of the Framework Program for the Integration of Roma in Bulgarian Society were ignored until 2002, which was adopted with a decision of the Bulgarian Council of Ministers in April 1999 after the agreement between representatives of the more than 70 Roma associations and the Bulgarian government.²⁶⁵

This Framework requires fighting ethnic discrimination in education, health care, regional and urban planning, and sports through the introduction of effective anti-discriminatory clauses.²⁶⁶ It also required formation of a commission to investigate complaints against illegal discriminatory actions by police officers, desegregation of Roma schools and the study of the mother tongue as well training Romani language and fighting racism at school.²⁶⁷ Obviously the governments have been unwilling, however, Roma failed to mobilize for becoming citizens with equal rights in Bulgaria.

Although they failed to actively engage in lobbying for the rights of Roma, various NGOs for the protection of Roma rights have been established. The Roma Democratic Union/United Roma Organization was the first Roma organization established after 1989.²⁶⁸ It was founded in 1990 and had some 50,000 members by 1991. It has declared itself as a non-party union of all Roma in Bulgaria, interested in the housing and education problems, as well as the political and

²⁶⁵ Rumyan Russinov, "The Bulgarian Framework Programme for Equal Integration of Roma: participation in the policy-making process", European Roma Rights Center, August 15, 2001, accessed February 27, 2013, <http://www.errc.org/article/the-bulgarian-framework-programme-for-equal-integration-of-roma-participation-in-the-policy-making-process/1729>

²⁶⁶ Rechel, *Minority Rights in Central and Eastern Europe*, 88.

²⁶⁷ Russinov, "The Bulgarian Framework Programme for Equal Integration of Roma". <http://www.errc.org/article/the-bulgarian-framework-programme-for-equal-integration-of-roma-participation-in-the-policy-making-process/1729>

²⁶⁸ Janusz Bugajski, *Political Parties of Eastern Europe: A Guide to Politics in Post-Communist Era* (New York: M.E. Sharpe Inc. 2002), 870.

social representation of Roma.²⁶⁹ Although it could not register as an ethnic political party according to the Bulgarian Constitution, it was allowed to function as a social and cultural organization.²⁷⁰

Another non-governmental organization, the Human Rights Project founded in 1992, is known as the most active group working for the protection of Roma rights in Bulgaria. It was the first organization of its kind in Bulgaria that aims to monitor respect for the human rights of the Roma, their violation, and to provide legal help.²⁷¹ One of the few cases, in which Roma organizations have been active is the Assenov vs. Bulgaria case, in which a Roma sued a state because of police maltreatment, in which the European Court of Human Rights decided in favor of Assenov by stating that his rights were violated.²⁷²

4.7. Post-Accession Developments in Bulgaria about Minority Protection

As discussed above, the experiences of Turks and Roma population had been different in the candidacy period of Bulgaria. While the Turks succeeded in getting recognition, representation and more rights, the Roma population of Bulgaria consolidated their disadvantaged position in terms of economic prosperity, political rights and social integration. Thus, similar to the findings of the Latvian case, the analysis of pre-accession period of Bulgaria showed that Bulgaria acceded to the European Union in 2007 without fully adapting the "*acquis communautaire*", specifically on human rights and minority protection issues.

The analysis of the post-accession period between 2007-2012 shows that Roma in Bulgaria continued facing discrimination in all spheres of social life including high unemployment rate, bad economic conditions, and the lack of proper education. European Network against Racism

²⁶⁹ Bugajski, *Political Parties of Eastern Europe: A Guide to Politics in Post-Communist Era*, 870.

²⁷⁰ Janusz Bugajski, *Ethnic Politics in Eastern Europe*, (New York: M.E. Sharpe Inc. 1995), 257.

²⁷¹ Zoltan Barany, *The East European Gypsies: Regime Change, Marginality, and Ethnopolitics*, New York: Cambridge University Press, 2002, 168.

²⁷² "Assenov vs. Bulgaria", European Roma Rights Center, October 28, 1998, accessed February 28, 2013, <http://www.errc.org/cikk.php?cikk=3856>

(ENAR), which is a network of European NGOs that combats racism and promotes anti-racist policy development in the European Union describes Roma as the group most discriminated against in Bulgaria.²⁷³ ENAR also notes that the Roma's "access to basic human rights, social inclusion, and personal development, is hindered by long-lasting poverty, and a hostile public climate".²⁷⁴

The reports of several human rights agencies such as Amnesty International and Bulgarian Helsinki Committee state that the most stringent problem of the state and Roma relation is the ill treatment and excessive use of force by the police against the Roma. Thus, the high crime rate among the Roma population has been the biggest factor determining their relations with the state and the rest of society. A violent anti-Roma launched in September 2012, which was related to the Roma stereotype perception of the Bulgarian society after an incident in Katunitza, in which a Bulgarian teenager was killed by a Roma driver.²⁷⁵ The far right-wing party Ataka held demonstrations and demanded tough action from the government, even calling for the death penalty to be reinstated in Bulgaria.²⁷⁶ Although incitement to racial hatred and discriminatory public communication are prohibited under Bulgarian law, lack of enforcement for these provisions are widespread in Bulgaria, which can be counted as one of the most important reasons for Bulgaria's non-compliance with the EU "acquis" in human rights issues, even five years after the accession.

The positions of the governments are also very important in these types of racist movements, which may increase or ease the tensions. Thus, in this specific case of anti-Roma movement in Bulgaria, the tensions increased with the ignorant attitudes of the government led

²⁷³ Elena Dyankova and Valeria Ilareva. *Racism and Related Discriminatory Practices in Bulgaria*. ENAR Report (March 2012), 12.

²⁷⁴ Dyankova and Ilareva. *Racism and Related Discriminatory Practices in Bulgaria*, 12.

²⁷⁵ Amnesty International, *Amnesty International Annual Report 2013-Bulgaria*, (May 2013), accessed March 1, 2013, <http://www.amnesty.org/en/region/bulgaria>

²⁷⁶ Ibid.

by Prime Minister Boyko Borisov. Although the situation of Turks has been considered to be better than Roma based on the various reports of human rights groups, any anti-Roma movement in Bulgaria cause panic among other minorities especially the Turks as the largest ethnic group. Thus, after the anti-Roma rallies in 2012, the far-right Ataka Party provoked clashes with Muslims, who gathered for Friday prayer at a mosque in Sofia, protesting against the use of loudspeakers to issue the call to prayer.²⁷⁷ However, shortly after, the ruling center-right political party Citizens for European Development of Bulgaria (GERB) proposed a declaration adopted by the parliament which condemned the attack on the mosque.²⁷⁸

Despite these negative developments, the National Roma Integration Strategy of the Republic of Bulgaria 2012-2020 was adopted by the National Assembly in March 2012.²⁷⁹ The Strategy states that it follows the EU framework for National Roma Integration, and it is reportedly in keeping with the National Action Plan for the Decade of Roma Inclusion 2005-2015.²⁸⁰ Thus, Bulgaria is a participant in the Decade of Roma Inclusion 2005-2015, which is an international initiative of 12 European countries to improve the socio-economic conditions of Roma in partnership with NGOs and intergovernmental agencies including, the World Bank, the UNDP and the Council of Europe.²⁸¹

As discussed in the findings of pre-accession period, the 'mobilization of ethnic minorities' appeared to be a significant variable to explain the impact of domestic factors in Europeanization process. The political representation, which is directly related to the mobilization of ethnic minorities explains the current situation of Roma in Bulgaria. According to the results of the most

²⁷⁷ Amnesty International, *Amnesty International Annual Report 2013-Bulgaria*, (May 2013), accessed March 1, 2013, <http://www.amnesty.org/en/region/bulgaria>

²⁷⁸ Ibid.

²⁷⁹ "National Social Report", European Commission, Jan 29, 2013, accessed March 1, 2013, ec.europa.eu/social/BlobServlet?docId=7836&langId=en

²⁸⁰ Ibid.

²⁸¹ Ibid.

recent parliamentary elections in 2009, there were 29 members of minority groups, who were 26 ethnic Turks, and one Roma representative in the National Assembly. There was one ethnic Turkish minister in the cabinet.²⁸² Thus, while the ethnic Turkish minority was well represented, Roma were underrepresented, particularly in appointed leadership positions.

Although, both the ethnic Turks and Roma held elected positions at the local level, anti-Roma incidents shadowed their success. For instance, in June 2012, a bomb placed in a bag exploded in Sandanski in front of a cafe owned by the local leader of pro-Roma political party called Evroroma.²⁸³ Thus, in the post-accession period of Bulgaria, despite the lack of mobilization among Roma due to fear, economic instability and lack of support, we see a rise in far-right extremism in Bulgaria that promoted anti-Roma sentiment.²⁸⁴ For example, the Bulgarian National Guard, which was established in 2007, states its mission as protecting Bulgarians against Roma 'terror'.²⁸⁵ According to the UNHCR report, the Guard participates in a weekly television show and publishes a monthly newspaper, without being punished for their anti-Roma rhetoric and calling Roma people as 'gypsy parasites'.²⁸⁶ The other anti-Roma political party Ataka is described as 'ultra-nationalistic', 'far-right nationalist' or 'xenophobic'.²⁸⁷ Although, the party promotes anti-Roma sentiments, it finished fourth in both the 2005 and 2009 elections, securing 21 seats in both years and even won 2 seats in the 2009 election for the European Parliament.²⁸⁸

²⁸² "Bulgaria opposition wins election", *BBC News*, July 6, 2009, accessed March 1, 2013, news.bbc.co.uk/2/hi/8134851.stm

²⁸³ "Rights Wing Terrorism, 2013", European Police Office, accessed March 2, 2013, https://www.europol.europa.eu/sites/default/files/publications/europol_te-sat2013_lr_0.pdf

²⁸⁴ Dyankova and Ilareva. *Racism and Related Discriminatory Practices in Bulgaria*, 35.

²⁸⁵ "Bulgaria: Situation of Roma, including access to employment, housing, health care, and education; state efforts to improve the conditions of Roma", UNHCR, October 19, 2012, accessed March 2, 2013, www.unhcr.org/refworld/country,,,BGR,,50a9ed2f2,0.html

²⁸⁶ Ibid.

²⁸⁷ "Human Rights in Bulgaria in 2011", Bulgarian Helsinki Committee, (Sofia: Bulgarian Helsinki Committee, 2012), 47.

²⁸⁸ Ibid.

The analysis of minority protection issues in the post-accession period of Bulgaria shows that the ethnic groups, namely Turks, which succeeded in taking advantage of Europeanization in the pre-accession period continued to mobilize and get political representation. As mentioned above, the Turks ended up with 29 representatives in the National Assembly and one minister in the cabinet in 2009 elections in Bulgaria. On the other hand, the Roma population has one representative in the National Assembly today in Bulgaria. The anti-Roma attitudes supported with the right-wing parties worsened with ignorant center-right governments after 2007. Despite the several provisions ratified by the governments between 2007 and 2012 such as the National Roma Integration Strategy of the Republic of Bulgaria 2012-2020, lack of enforcement for these provisions constructs situation of Roma as of 2012.

4.8. Conclusion: Europeanization of Minority Protection Policies in Bulgaria and the Integration of the Turks and Roma

The accession negotiations of the EU with Bulgaria were successfully concluded in December 2004 and the Accession Treaty was signed in April 2005. Thus, Bulgaria became a member of European Union on January 1st 2007. The last reports that declared the successful accession of Bulgaria in European Union still addressed the problems needing to be solved about ethnic minorities.²⁸⁹ Although the candidacy process of Bulgaria supported ethnic Turks to become integrated in the society, improvements for Roma population were still needed according to the European Commission.

The analysis of the domestic factors show that the governments served during the time frame of analysis have not been interested in minority protection policies although the EU membership has been on the agenda of all of them. According to the European Commission Monitoring Report of 2006, some progress was made in the area of the protection and integration

²⁸⁹ "EU Regular Report on Bulgaria's Progress Towards Accession 2003", accessed March 2, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/bu_en.pdf

of the Roma minority.²⁹⁰ However, substantial efforts were still needed to promote the social inclusion and integration of Roma into Bulgarian society. Living conditions need to be improved. Further efforts were needed to combat all forms of intolerance, particularly by fully applying existing legislation on broadcasting and other activities aiming to combat any form of racism, discrimination, or xenophobia. Also, the health status of the population and the lack of access to health care, especially at the regional level and among poorer socioeconomic groups and minorities, were criticized by the European Commission.²⁹¹ Concerning anti-discrimination, there were several attempts in pre-accession period such as the Commission for Protection against Discrimination was established in 2005 in Bulgaria, Framework Program for Equal Integration of Roma in Bulgarian Society or the independent Commission for Protection against Discrimination.²⁹² Furthermore, a strategy focusing on the education of school children of minorities including amendments to the National Education Law, came into force, starting from the school year 2003/2004 and the Ministry of Education and Science issued instructions for desegregation of Roma in schools both in 2002 and 2003.²⁹³ Similarly, there have been other efforts from the center-right governments in the post-accession period, such as National Roma Integration Strategy of the Republic of Bulgaria 2012-2020. However, the analysis of both pre-accession and post-accession periods of Bulgaria lack reveals that lack of enforcement for the provisions related to minority protection issues mostly have been affecting Roma population in Bulgaria. In other words, ignorant position of the governments served between 1997-2007 and 2007-2012 hindered Europeanization of minority protection policies in Bulgaria.

²⁹⁰ "EU Regular Report on Bulgaria's Progress Towards Accession 2006", accessed March 2, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2006/bu_en.pdf

²⁹¹ "EU Regular Report on Bulgaria's Progress Towards Accession 2007", accessed March 2, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2007/bu_en.pdf

²⁹² "EU Regular Report on Bulgaria's Progress Towards Accession 2006", accessed March 2, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2006/bu_en.pdf

²⁹³ "EU Regular Report on Bulgaria's Progress Towards Accession 2006", accessed March 2, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2006/bu_en.pdf

The Constitutional Court as the effective institution has been acting against the European Union's requirements for minority protection with its decisions. The ban on the United Macedonian Organization (OMO) political party as unconstitutional on the grounds that it promotes separatism and the rejection of the claim by the MRF Party concerning the 1996 Law on Radio and Television, which banned broadcasting in minority languages as it included a requirement that broadcasts can only be transmitted in Bulgarian are two major decision by the Constitutional Court of Bulgaria that slowed down the Europeanization of minority protection policies in Bulgaria.

On the whole, my analysis on Europeanization of minority protection policies in Bulgaria during the time frame between 1997-2007 continue to address the situation of the ethnic minorities, in particular, Roma population, as they are affected not only by actors of the governments and the significant institutions but also from their inability to mobilize in contrast to the ethnic Turks. Taking advantage of the integration of Bulgaria to the Europe and European Union, the Turkish minorities succeeded to be integrated into political life through elected representation at national and local levels in Bulgaria. However, as stated in all European Commission progress reports between 1997-2007, it is not possible to talk about a perfect compliance for Bulgaria to the human rights and minority protection *acquis* of the European Union although it ended up with accession similar to the case study of Latvia. This analysis is consistent with the developments during post-accession period of Bulgaria. As discussed before, the Turkish population continued gaining more seats in the Parliament, as well as recognition and rights due to successful mobilization, while the Roma community remained in their disadvantaged situation. As a matter of fact, the analysis of Bulgaria also supports my theory of the impact of domestic factors on Europeanization process, as it shows the significance of the domestic factors

on the Europeanization process in minority protection despite the EU conditionality for membership.

CHAPTER 5

KURDS IN TURKEY

Turkey is a republican parliamentary democracy. As part of the EU accession process, Turkey is required to adopt the legal framework on anti-discrimination to harmonize its legal framework with the EU *acquis communautaire* like all other candidate states. However, the Turkish constitution has no reference to the word 'minority'. The status of minorities in Turkey is established by the 1923 Treaty of Lausanne, which defines minorities on the basis of religion.²⁹⁴ Therefore it only covers non-Muslims not Kurds who are also Muslim.²⁹⁵ Thus, there is no legislative framework for minorities in Turkey, either directly through laws granting minority rights or indirectly through an anti-discrimination law. So, the rights of every citizen are protected under a general equality provision by law which is not applied to all circumstances in practice.

Nevertheless, as the Constitution does not recognize ethnic minorities, the Kurds who are the largest minority group in Turkey have been ignored both politically and legally, despite the fact that Turkey is the state that has the biggest Kurdish population in Middle East.²⁹⁶ Thus, the political space of Turkey has been ethnically restrictive, which prevented Kurds to mobilize as an ethnic group.²⁹⁷ The state policy of Turkey throughout history towards the Kurds can be best explained by the speech of Turgut Ozal. As one of the former Prime Minister and President of Turkey, Turgut Ozal, who supported the limited rights for Kurds, stated that the best solution for this problem would be assimilation of Kurds.²⁹⁸ These suppressive policies of Turkey provided a ground for the Kurdish guerilla group, Kurdistan Worker's Party, or in Kurdish, *Partiya Karkerên*

²⁹⁴ Sule Toktas, and Bulent Aras, "The EU and Minority Rights in Turkey". *Political Science Quarterly* 124: 4 (2009): 705.

²⁹⁵ Ali Carkoglu, and Barry Rubin, eds., *Turkey and the European Union: Domestic Politics, Economic Integration and International Dynamics*, (London: Frank Cass and Company, 2003), 109.

²⁹⁶ Robert L. Brenneman, *As Strong As Mountains: A Kurdish Cultural Journey*. (Illinois: Waveland Press, 2007), 125.

²⁹⁷ Denise Natali, *The Kurds and the State*. (New York: Syracuse University Press, 2005), 92.

²⁹⁸ Brenneman, *As Strong As Mountains: A Kurdish Cultural Journey*, 46.

Kurdistan (PKK) to gain support from the Kurds, who have problems of living their identity.²⁹⁹

5.1. Brief History of Kurds in Turkish Republic

The Kurds have been the most important minority group in Turkey since the foundation of the Republic in 1923. The size of the Kurdish population has been perceived as a threat for the unity of the state. Also, the presence of the Kurdish population in the neighboring states further consolidated the fear of Kurdish identity in Turkey. Since the 1930s, Kurds have resisted government policies to assimilate them.³⁰⁰ The governments' main strategy for assimilating the Kurds has been language suppression. Yet, despite official attempts over several decades to spread Turkish among them, most Kurds have retained their native language specifically Kurmanji, which is used by the majority of Kurds, and Zazaki, which is spoken in southeastern Turkey as well as in parts of Iran.³⁰¹

Despite these policies, during the 1960s and 1970s, Kurdish intellectuals attempted to publish Kurdish-language journals and newspapers. However, none of these publications survived for more than a few issues because of legal bans.³⁰² Prior to the 1980 military coup, government authorities considered Kurdish one of the unnamed languages banned by law. Use of Kurdish was strictly prohibited in all government institutions, including the courts and schools.³⁰³ Between 1980 and 1983, the military government passed several laws expressly banning the use of Kurdish and the possession of written or audio materials in Kurdish.³⁰⁴

²⁹⁹ Christopher Houston, *Islam, Kurds and the Turkish Nation State*, (New York: Berg, 2001), 108.

³⁰⁰ David McDowall, *A Modern History of the Kurds*, (UK: IB Tauris & Co, 2007), 209.

³⁰¹ Nedar Entessar, *Kurdish Politics in the Middle East*, (UK: Lexington, 2010), 5.

³⁰² Aliza Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence*, (New York: New York University Press, 2007), 126.

³⁰³ Zehra F. Arat Kabasakal, ed., *Human Rights in Turkey*, (Philadelphia: UP Pennsylvania, 2007), 254.

³⁰⁴ Entessar, *Kurdish Politics in the Middle East*, 130.

Table 5.1.Total Population and the Percentage of Ethnic Minorities in Turkey³⁰⁵

YEAR: 2012	Population	Percentage of Ethnic Minorities in overall Population
TURKEY	79.4 million	Kurds 14.29 million (18 %) Others (Armenian, Greek, Roma, Jews, Laz, Georgian, Bulgarian, Azeris) 5.55 million (7 %)

5.2. Political and Violent Struggle of Kurds after 1980s in Turkey

After the unsuccessful attempts for integration of the Kurdish population into the society by the discriminatory policies towards Kurds, since 1984 Kurds followed both a peaceful political struggle and a violent armed movement to obtain rights in Turkey. The leaders of the nonviolent struggle have worked within the political system for the recognition of Kurdish cultural rights, such as linguistic rights for using Kurdish in public, reading, writing, and publishing. Prior to 1991, these Kurds operated within the mainstream political parties of left wing such as Social Democratic Populist Party (SHP) and Republican People's Party (CHP).³⁰⁶ Although the Kurdish representatives succeeded in getting seats in the Parliament by joining these parties, they could not fight for the rights of Kurds due to legal obstacles and public opinion. Following the parliamentary elections in 1991, famous Kurdish deputies, including Hatip Dicle, and Leyla Zana, formed the People's Labor Party (HEP), a party with the explicit goal of campaigning within the National Assembly for the equal rights for the Kurds.³⁰⁷

In Ozal government, that served between 1983 and 1989, the term Kurd was used for

³⁰⁵ Sources: "The EU Countries", accessed March 3 2013, http://europa.eu/abouteu/countries/index_en.htm; "CIA World Fact Book", accessed March 3 2013,, <https://www.cia.gov/library/publications/the-world-factbook/>

³⁰⁶ Marcus, *Blood and Belief*, 124.

³⁰⁷ McDowall, *A Modern History of the Kurds*, 414.

describing the people living in eastern part of Turkey.³⁰⁸ However, the term 'Kurd' or 'Kurdish' in was still prohibited in government institutions such as the courts and schools. Right after the death of Ozal in 1993, the Constitutional Court issued its decision, declaring People's Labor Party (HEP) as an illegal political party.³⁰⁹ In anticipation of this outcome, the Kurdish deputies had resigned from the People's Labor Party (HEP) only days before and formed a new organization, the Democracy Party (DEP). When the DEP was banned in June 1994, Kurdish deputies formed the new People's Democracy Party (Halkin Demokrasi Partisi or HADEP).³¹⁰

The initiation of armed insurrection by the Kurdistan Workers' Party (Partiya Karkere Kurdistan or PKK) in 1984 was the beginning of recognition of the minority problem by Turkey's political elite as well.³¹¹ The Kurdistan Workers' Party (PKK), which does not represent all of the Kurds, sought to establish an independent Marxist state in southeastern Turkey, where the majority of the Kurdish population lives. The armed attacks targeted mostly the Turkish army units and elite police forces.³¹² The violence increased after 1991, with PKK guerrillas from camps in Syria, Iran, and Iraq, as well as from inside Turkey itself, attacking Turkish military and police outposts and targeting civilian community leaders and teachers.³¹³ In the later years, the Kurdistan Workers' Party (PKK) sought military targets outside the southeastern region of Turkey as well as Turkish diplomats and businessmen in West European cities, particularly in Germany, where more than one million Kurds live.³¹⁴ The extreme violence of the Kurdistan Workers' Party (PKK)'s methods enabled the government to portray the PKK as a terrorist organization and to

³⁰⁸ Murat Somer, "Ethnic Kurds, Endogenous Identities, and Turkey's Democratization and Integration with Europe," *Global Review of Ethnopolitics* 1: 4 (2002): 86.

³⁰⁹ Marcus, *Blood and Belief*, 227.

³¹⁰ McDowall, *A Modern History of the Kurds*, 209.

³¹¹ *Ibid*, 450.

³¹² Entessar, *Kurdish Politics in the Middle East*, 122.

³¹³ *Ibid*, 199.

³¹⁴ Joost Jongerden, *The Settlement Issue in Turkey and the Kurds: An Analysis of Spatial Policies, Modernity and War* (Netherlands: Koninklijke Brill NV, 2007), 173.

justify its own discriminatory policies including the destruction of about 850 border villages and the forced removal of their populations to western Turkey. The peak of violent attacks of the Kurdistan Workers' Party (PKK) had been between 1984 and 1990, when the governments forcibly displaced a large number of residents from the villages in the southeast. The statistics show that there were from one to three million Internally Displaced Persons (IDPs) during this process.³¹⁵

Table 5.2. Timeline of Important Political Events in Turkey

Year	Political Event
1923	Foundation of Republic of Turkey
1952	Turkey abandoned Kemalist neutralist policy and joins Nato.
1960	Military Coup against ruling Democratic Party.
1961	New constitution established two-chamber parliament.
1963	Association agreement signed with European Economic Community (EEC).
1974	Turkish troops invaded northern Cyprus
1980	Military Coup
1982	New constitution created seven-year presidency, and single house Parliament.
1983	General election won by Turgut Ozal's Motherland Party (ANAP).
1984	Kurdistan Workers' Party (PKK) launched separatist guerrilla war in Southeast Turkey.
1987	Turkey applied for full EEC membership.
1992	20,000 Turkish troops entered Kurdish safe havens in Iraq in anti-PKK operation.
1993	Tansu Ciller became Turkey's first woman prime minister, and the ceasefire with Kurdistan

³¹⁵ McDowall, *A Modern History of the Kurds*, 440.

	Worker's Party (PKK) broke down.
1995	Turkey entered EU customs union.
1996	Welfare Party leader Necmettin Erbakan headed first pro-Islamic government since 1923.
1997	Coalition resigned after campaign led by the military, replaced by a new coalition led by the centre-right Motherland Party.
1998	Pro-Islamist Welfare Party banned.
1999	PKK leader Abdullah Ocalan captured in Kenya, received death sentence, later commuted to life imprisonment.
2000	Ahmet Necdet Sezer became the President.
2001	Constitutional Court banned opposition pro-Islamic Virtue Party, saying it had become focus of anti-secular activities.
2002	Parliament approved reforms aimed at securing EU membership such as removing death sentence and bans on Kurdish education and broadcasting.
2002	Islamist-based Justice and Development Party (AKP) won elections.
2003	For the EU membership, Parliament passed laws easing restrictions on freedom of speech, and Kurdish language rights.
2004	State TV broadcasted first Kurdish-language program, and four Kurdish activists, including former MP Leyla Zana, freed from jail.
2005	EU membership negotiations officially launched.

2006	Kurdish separatist group, the PKK, declared a unilateral ceasefire in operations against the military.
2006	EU partially froze Turkey's membership talks because of Ankara's failure to open its ports and airports to Cypriot traffic.
2007	AK Party won parliamentary elections, and Abdullah Gul is elected as President.
2008	Petition to the Constitutional Court to have the governing AKP banned for allegedly undermining the secular constitution failed by a narrow margin.
2009	Prominent Kurdish politician Ahmet Turk defied Turkish law by giving speech to parliament in his native Kurdish. State TV cut live broadcast, as the language is banned in Parliament.
2011	Ruling Justice and Development Party (AKP) won resounding victory in general election, and 35 Kurdish parliamentarians took seat as well.

5.3. European Union's Pre-Accession Conditionality and Demands from Turkey on Minority Protection Issues

The annual progress reports of the European Commission, which are published for tracing the Europeanization in various policy areas, focuses on the human rights and minority protection under two titles for the case of Turkey. The two specific topics related to minority protection in Turkey are specified as cultural rights and political rights.

5.3.1. Cultural Rights

The European Commission states that as far as the cultural rights, especially use of languages other than Turkish is concerned for no particular problems have been reported for

citizens belonging to minorities covered by the 1923 Lausanne Treaty, including Jews, Armenians, Greeks. However for those belonging to groups that are outside the scope of the Lausanne Treaty, such as the Kurds, can not enjoy cultural rights.

As a candidate for the European Union since 1999, Turkey has never been willing to consider any ethnical groups with a cultural identity and common traditions as “national minorities”, and thus members of such groups have been clearly still largely denied certain basic rights.³¹⁶ Cultural rights for all Turks, irrespective of their ethnic origin, such as the right to broadcast in their mother tongue, to learn their mother tongue, or to receive instruction in their mother tongue, are not guaranteed. Ethnic minorities, especially Kurds, are not allowed to give their children names of their choosing. In practice, some names are sometimes not accepted by the population registrar's personnel.³¹⁷

Furthermore, other issues related to language such as broadcasting and education have been problems for Kurds as well. The state law Number 3984 stipulates that radio and television broadcasts will be in Turkish, with an exception for languages that will contribute to the development of universal culture and science.³¹⁸ In the field of education at all levels, no language other than Turkish is allowed for teaching purposes.³¹⁹ The European Commission requires Turkey to allow the enjoyment of cultural rights for all Turks irrespective of their ethnic origin, in particular the population of Kurdish origin.

5.3.2. Political Participation

In addition to the problems with the cultural rights, the European Commission progress reports on Turkey since 1999 has indicated that, the Kurds, as the citizens of Turkey, are not given

³¹⁶ “EU Commission’s Regular Report on Turkey’s Progress Towards Accession 1999”, accessed March 4, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf

³¹⁷ Ibid.

³¹⁸ Carkoglu, and Rubin, eds., *Turkey and the European Union: Domestic Politics*, 118.

³¹⁹ Entessar, *Kurdish Politics in the Middle East*, 124.

opportunities to express their views on such issues. In the case of Turkish citizens of Kurdish origin, it should be mentioned that the expression of pro-Kurdish views was still problematic for the Turkish State. There are examples of imprisonment of several Kurdish politicians for expressing their demand for cultural and political rights. Many mayors from the Southeast belonging to the pro-Kurdish political party are accused of being linked to the PKK and imprisoned. The executives of the Kurdish political parties are generally sentenced to imprisonment for their activities, such as ongoing demonstrations or initiating hunger strikes following Ocalan's capture, who is the leader of Kurdistan Worker's Party (PKK).³²⁰ In addition to the problems in participation, several newspapers and magazines have been forbidden that represented the Kurdish population and aimed at demanding the rights of this ethnic minority group. Similarly, certain pro-Kurdish associations have been closed in the region under emergency rule.³²¹

5.4. Analysis: Turkey's Compliance with the '*Acquis Communautaire*' on Minority Protection

This case study covers Turkey's Europeanization process since it became an official candidate state for European Union membership in 1999 until the most recent European Commission's annual progress report in 2012. I look at the influence of the 'position of the government', 'significant institutions' and 'mobilization of minorities' on the Europeanization of minority protection policies in Turkey.

5.4.1. The position of the governments

The governments that have served after Turkey's official candidacy to European Union have been influencing Europeanization process in human rights issues. Although the minority protection policies in Turkey have been Europeanized slower than required by the European

³²⁰ "EU Commission's Regular Report on Turkey's Progress Towards Accession 1999", accessed March 6, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf

³²¹ Ibid.

Union, the developments accelerated with the Justice and Development Party (AKP) government after 2002. (See Table 5.3 for political parties and their ideologies in Turkey)

Table 5.3. Major Political Parties and Their Ideologies in Turkey³²²

Name	Abbreviation	Ideology
Justice and Development Party	AKP	Right-wing
Republican People's Party	CHP	Center-right
National Action Party	MHP	Right-wing, Nationalist
Peace and Democracy Party	BDP	Pro-Kurdish Party
Democrat Party	DP	Center-right

During the Ecevit government between 1999 and 2002, the European Commission's annual progress reports on Turkey drew a negative picture of Turkey in terms of human rights and the protection of minorities, especially Kurds. Initially, Turkey's restriction on the Kurdish language is referred to an obstacle for Kurds using and sustaining their native language which is a part of their cultural traditions.³²³ Thus, TV broadcasting in Kurdish at least for non-political programs should be tolerated and officially allowed, according to the European Commission.³²⁴ Accordingly, the Ecevit government had not been interested in signing the Council of Europe

³²² Source: "Turkey: Major Political Parties", <http://www.balkananalysis.com/turkey/major-political-parties/>, accessed on July 3rd 2013.

³²³ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2000", accessed March 6, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/tu_en.pdf

³²⁴ "EU Commission's Regular Report on Turkey's Progress Towards Accession 1999", accessed March 6, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf

Framework Convention for the Protection of National Minorities and recognizing minorities other than those defined by the Lausanne Treaty, which are only non-Muslims.³²⁵

The political participation right was another matter of concern as a few parliamentarians of Kurdish origin was imprisoned. Regarding freedom of expression, the reports are consistently more pessimistic, especially in the aftermath of the Öcalan's capture in 1999.³²⁶ According to the European Commission, using certain terminology in relation to the Kurdish question in press releases and publications by public institutions and organizations was restricted by the government.³²⁷ The expression of pro-Kurdish views was still against the Turkish Constitution. Accordingly, the political participation of Kurds was still problematic. At that time, three mayors from the Southeast belonging to the pro-Kurdish HADEP Party were accused of being linked to the Kurdistan Worker's Party (PKK) and imprisoned. People's Democracy Party (HADEP) as a minority political party also frequently faced difficulties from the authorities, including police investigations.³²⁸ Several newspapers and magazines have been forbidden and certain pro-Kurdish associations have been closed in the region.³²⁹ Although the celebration of the Newroz (Kurdish New Year) in that region without major incident was important, it was still banned elsewhere, including Istanbul.³³⁰

As a center-right conservative political party, the Justice and Development Party (AKP) government, that has served from 2002 until today has brought acceleration to Europeanization

³²⁵ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2000", accessed March 6, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/tu_en.pdf

³²⁶ "Turkey Celebrates Capture of Ocalan", *The Washington Post*, February 19, 1999, March 6, 2013, www.washingtonpost.com/wp-srv/inatl/daily/feb99/ocalanturkey18.htm

³²⁷ "EU Commission's Regular Report on Turkey's Progress Towards Accession 1999", accessed March 7, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf

³²⁸ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2000", accessed March 7, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/tu_en.pdf

³²⁹ Ibid.

³³⁰ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2001", accessed March 7, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/tu_en.pdf

process in minority protection issues in Turkey. One of these positive signs is regarding the enjoyment of cultural rights in the Southeast Turkey, such as a festival with no ban on bands singing in Kurdish. Also, previously banned journals and newspapers were allowed to publish again. Thus, 2002 is important as the state of emergency was lifted from the Southeastern region at this time. Certainly, the imprisonment of Ocalan and, accordingly, the weakening of the Kurdistan Worker's Party (PKK) had a big impact on these improvements.³³¹ However, in terms of political representation, the electoral system is criticized by the European Commission for making it difficult for minorities to be represented in Parliament. In the election of November 2002, for example, the Democratic People's Party (DEHAP) did not reach the ten percent threshold, despite receiving over 45 percent of the votes in five of Turkey's 81 provinces.³³²

Despite the problems in political representation, the AKP government launched a new policy for Kurdish guerilla group. In 2003, the Parliament adopted a "Reintegration Law" offering reduced prison sentences to combatants belonging to the PKK and other terrorist organizations as identified by the Government, in case they agree to lay down their weapons and provide information to authorities.³³³ Just three days after the law, 760 people who were either prisoners or active militants already applied for benefits under the law.³³⁴ Although the AKP government have been seeking a peaceful solution for the armed mobilization of Kurds to some degree, political participation continued to be problematic, especially during the first years of the AKP government. The Government restricted the activities of some political parties and leaders, closed

³³¹ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2002", accessed March 7, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/tu_en.pdf

³³² "EU Commission's Regular Report on Turkey's Progress Towards Accession 2003", accessed March 8, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf

³³³ Zerrin Ozlem Biner, "From Terrorist to Repentant: Who Is the Victim?", *History and Anthropology* 17: 4 (2006): 340.

³³⁴ *Ibid*, 343.

the pro-Kurdish People's Democracy Party (HADEP), and sought to close the related Democratic People's Party (DEHAP).

In terms of the cultural rights, the Justice and Development Party (AKP) governments' policies have been towards the removal of the restrictions although the implementation of the policies in local governments has been problematic. Kurds were prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. In 2003, the Parliament amended an article of the Census Law that had been used to prevent the use of Kurdish names. This amendment included a different wording for explanation of the "names" that opened a door for using Kurdish names.³³⁵ The original law prohibited the use of names contrary to the 'culture' or 'customs and traditions', but the amended law instead prohibited names contrary to 'moral norms' or that 'offend the public'.³³⁶ The revised wording was intended to ease the restrictions. However, according to the human rights advocates the local authorities failed to adjust these practices.³³⁷

The year 2004 is when Turkey started negotiations with the EU in order to become a member. The 2004 report of European Commission is one of the longest reports on Turkey in terms of its references to minority rights. In regard to the protection of cultural rights, the Constitution has been amended, lifting the ban on the use of languages other than Turkish. Legislative changes have been introduced, allowing for radio and TV broadcasting and teaching in languages other than Turkish, including Kurdish.³³⁸ Besides, a regulation entitled 'Teaching in Different Languages and Dialects Traditionally Used by Turkish Citizens in their Daily Lives'

³³⁵ Kabasakal, ed., *Human Rights in Turkey*, 79.

³³⁶ Ibid.

³³⁷ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2003", accessed March 9, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf

³³⁸ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2004", accessed March 9, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf

entered into force which allowed for the first time private courses in Kurdish.³³⁹ Six private schools started teaching Kurdish with some restrictions. Also, the Newroz celebrations were authorized everywhere. On the other hand, some Kurdish politicians were prosecuted for speaking Kurdish during the campaign for the March 2004 local elections.³⁴⁰ However, the provisions that allow broadcasting in languages other than Turkish, giving private courses in Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives", generated some bureaucratic obstacles. The local authorities in Sanliurfa, Batman, and Van provinces withheld permission to open Kurdish language courses on a number of technical issues, including a requirement that the applicants change the names of the institutions.³⁴¹

On the other hand, the Turkish Public Television (TRT) started broadcasting in five languages, including Kurdish although the duration and scope of its national broadcast is very limited. For instance, broadcasting educational programs teaching the Kurdish language are not allowed. As all the private schools teaching Kurdish were closed, and the public schools were not allowed to teach Kurdish, the opportunities for learning Kurdish has been almost impossible in Turkey, which in turn further supported the assimilation of the Kurds by forcing them using only Turkish.³⁴²

Despite all the problems in implementation of the laws that the Justice and Development Party (AKP) government introduced, the perception of the government by the Kurdish population has been positive. During Prime Minister Erdogan's visit to Diyarbakir in 2005, that is the most

³³⁹ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2004", accessed March 9, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² "EU Commission's Regular Report on Turkey's Progress Towards Accession 2006", accessed March 9, 2013, http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf

important Kurdish city in Turkey, because of its population, he was welcomed due to the relatively more open and tolerant approaches of the AKP government to Kurdish rights and identity.³⁴³

However, due to lack of enforcement for these new provisions in Turkey, the popularity of the AKP government has been decreasing among the Kurdish community. Because of the slow pace of reform in the following years, the attitudes towards the AKP government faced a massive boycott during visits to the Southeastern part of Turkey.³⁴⁴ This growing Kurdish reaction was reflected in the municipal elections in 2009 when AKP lost in the Southeast Turkey to the Democratic Society Party (DTP), the main pro-Kurdish party, which campaigned on a platform of Kurdish cultural identity. The DTP captured mayoral seats in nine provincial capitals out of 81 provinces and took control of 19 municipalities in Eastern part of Turkey, where the majority of the Kurds are living.³⁴⁵

The poor performance of Justice and Development Party (AKP) in the cities of large Kurdish population, and the pressure from the European Union required addressing ethnic minorities' problem specifically Kurdish concerns more seriously. The result was the government's 'Kurdish Opening' strategy that can be considered as the most important the initiative to address the Kurdish issue since the foundation of the Turkish Republic.³⁴⁶ Under this strategy, the Higher Education Board (YÖK) endorsed the application from a Turkish University to establish a 'Living Languages Institute' which would provide post graduate education in Kurdish.³⁴⁷ Thus, during the

³⁴³ Umit Cizre, ed., *Secular and Islamic Politics in Turkey: The Making of the Justice and Development Party*, (New York: Routledge, 2008), 97.

³⁴⁴ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2010", accessed March 10, 2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

³⁴⁵ Mustafa Akyol, 'Kurdish Nationalism on the Rise, Ballot Suggests', *Hurriyet Daily News and Economic Review*, May 31, 2009.

³⁴⁶ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2010", accessed March 10, 2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

³⁴⁷ "Top Turkish education boards approves Kurdish language program". *Hurriyet Daily News*, September 3, 2010, accessed March 10, 2013,

local election campaign, politicians and political parties used Kurdish in political activities. Although the use of any language other than Turkish in political life is illegal under the Law on Elections and Political Parties, in most such cases no legal action was launched. Restrictions on the private local and regional TV and radio programs were still valid.³⁴⁸

Although the 'Kurdish Opening' initiative of the Justice and Development Party (AKP) government has been perceived as a very positive step by the European Union and the international community, AKP government has not been successful in managing the integration of the Kurdish problem within the Turkish community through the 'Kurdish Opening' strategy. A majority of the Turks perceive Kurds as terrorists and their demand for cultural and political rights as threats against the Turkish Republic.³⁴⁹ Due to the electoral concerns, AKP government could not push for further developments in the minority issues significantly.

5.4.2. Significant Institutions

The presidents

The president is elected directly for a five-year term, who is also eligible for a second term in Turkey. The profiles of the two presidents, who served during the time frame of the analysis between 1999 and 2012, are significantly different. Ahmet Necdet Sezer was the tenth president of the Turkish Republic that served between 2000 and 2007. The President Sezer had a Kemalist institutional background in the judiciary, and his presidency was in many ways defined by a mission to prevent the right wing AKP government's policies.³⁵⁰ The ideology of Kemalism, that

<http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=yok-says-yes-to-master8217s-program-on-kurdish-language-and-culture-2010-09-03>

³⁴⁸ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2009", accessed March 11, 2013,

http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf

³⁴⁹ Marlies Casier, "Designated Terrorists: The Kurdistan Workers' Party and its Struggle to (Re)Gain Political Legitimacy", *Mediterranean Politics* 15:3 (2010): 343.

³⁵⁰ Umit Cizre, ed., *Secular and Islamic Politics in Turkey*; 90.

depends on founder of Turkish Republic, Mustafa Kemal Atatürk's views requires a secular state united as a single ethnic society, namely as Turkish.³⁵¹

As a strong supporter of the Kemalist state ideology, the President Sezer never recognized AKP governments' policies towards Kurdish minorities. Even the presence of Kurds in the neighboring states and Kurdistan Regional Government (KRG) was ignored by the President Sezer.³⁵² Kurdistan Regional Government (KRG) is the governing body of the Kurdistan Region in the Northern Iraq, where the majority of the Kurds live, with a unicameral Iraqi Kurdistan Parliament (IKP) with 111 seats. Since the foundation of Kurdistan Regional Government (KRG) in 1992, the Turkish military strongly opposed formal contact with the Kurdistan Regional Government (KRG), which is an attitude shared by many high ranking Kemalist officials.³⁵³ During his presidency, Ahmet Necdet Sezer refused to officially receive his counterpart Kurdistan Regional Government (KRG) President Massoud Barzani, as he was rather a 'tribal chief' and thus not an acceptable partner for a dialogue with high-ranking Turkish officials.³⁵⁴

The next president, Abdullah Gul, has been serving after 2007 as the 11th President of the Turkish Republic. Before inauguration, the President Abdullah Gul served as the Prime Minister of AKP government in 2002-2003. As he was one of the founders of the Justice and Development Party (AKP) and not from a political background of Kemalist ideology, his presidency has been supportive of the provisions and policies that AKP government introduced for the rights of the ethnic minorities.

³⁵¹ Kuru, Ahmet, and Stepan, Alfred C., eds., *Democracy, Islam, and Secularism in Turkey*, (New York: Columbia University Press, 2012), 75.

³⁵² Kabasakal, ed., *Human Rights in Turkey*, 166.

³⁵³ Entessar, *Kurdish Politics in the Middle East*, 206.

³⁵⁴ Henri J. Abuket et al. eds., *Iraq, Its Neighbors, and the United States: Competition, Crisis, and the United States: Competition, Crisis and the Reordering of Power*, (Washington D.C: United States Institute of Peace, 2011), 49.

The AKP strategy of the 'Kurdish Opening' (a.k.a the Democratic Opening or Initiative), was announced by the Prime Minister Recep Tayyip Erdogan, with the support of the President Abdullah Gul in 2009. In his speech given to media, the President Gul declared that the biggest political problem of the Turkish Republic was the Kurdish question and the 'Kurdish Opening' was an opportunity that should not be missed as a plan designed to solve the problem.³⁵⁵

Thus, not only did the President Gul indicate his interest in the minority protection issues in Turkey, but he also showed it. Like the political party leaders, he has visited the Southeastern part of Turkey, where the majority of the Kurds are living. Thus, although Prime Minister Erdogan was encountered protests in the region during his visit, the Kurds' attitude towards the President has been warmer due to his speeches about the recognition and the protection of the rights of Kurds.³⁵⁶

Constitutional Court

The Constitutional Court of Turkey consists of 17 members who are appointed by the President from among candidates submitted by plenary assemblies of other courts, the Higher Education Council, senior government administrators, and lawyers. The judges are appointed for 12-year.³⁵⁷ With the impact of the President on the selection process, the Constitutional Court takes an ideological stand.

In the analysis of the impact of institutions in the process of Europeanization in Turkey, the Constitutional Court appeared as a variable that worked against the initiatives for the protection of the rights of the ethnic minorities. Under the 1982 Constitution of the Turkish Republic, which

³⁵⁵ Ayse Karabat, "Gul: The biggest problem of Turkey is the Kurdish question". *Today's Zaman*. May 11, 2009, accessed March 12, 2013,

http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=174922

³⁵⁶ Mümtazer Türköne, "Abdullah Gül and the state's new Kurdish policy", *Today's Zaman*, September 15, 2007, accessed March 12, 2013, <http://www.todayszaman.com/columnist-122156-abdullah-gul-and-the-states-new-kurdish-policy.html>

³⁵⁷ Ergun Ozbudun, and Ömer Faruk Gençkaya, *Democratization and the politics of constitution-making in Turkey*, (Hungary: Central University Press, 2009), 20.

came into force as a direct result of the 1980 military coup, Turkey's Constitutional Court is a stronghold of Kemalist-statist interests and an active defender of Turkey's militant secularism.³⁵⁸

It is vested with the power to order the closure of political parties, whose agenda is found to be "in conflict with the indivisible integrity of the State with its territory and nation, human rights, national sovereignty, and the principles of the democratic and secular Republic" or when "the internal functioning and the decisions of political parties contrary to the principles of democracy".

³⁵⁹ Based on the Kemalist state ideology, the Constitution does not allow political parties founded on the ground of ethnicity.³⁶⁰ Thus, the Constitutional Court has been one of the major obstacles for Europeanization of minority protection policies by preventing the political representation of the Kurds in the Parliament during the candidacy period of Turkey in 1999 until 2012. After deliberating on the issue for more than two years, in 2009 the Constitutional Court, suddenly banned the pro-Kurdish Democratic Society Party (DTP).³⁶¹

The reason behind this decision of the Constitutional Court was the close association of the party with the guerilla group Kurdistan Worker's Party (PKK). The Chairman Ahmet Türk and another legislator Aysel Tugluk were expelled from Parliament, and 35 other party members were banned from joining any political party for five years.³⁶² This decision from the Constitutional Court came right after the declaration of the Kurdish Opening initiative by the AKP government, strongly supported by the President Gul. Although another pro-Kurdish political party, the Peace and Democracy Party (BDP) quickly took the DTP's place, the state-ordered banning of the

³⁵⁸ Ibid.

³⁵⁹ "Article 143", Constitution of Turkish Republic, accessed March 13, 2013 http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf

³⁶⁰ Ozbudun, and Gençkaya, *Democratization and the politics of constitution-making in Turkey*, 25.

³⁶¹ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2010", accessed February 13, 2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

³⁶² "Turkish top court bans pro-Kurdish party", *BBC News*, December 11, 2009, accessed March 12, 2013, <http://news.bbc.co.uk/2/hi/europe/8408903.stm>

Democratic Society Party (DTP) has reinforced the 'constitutional' obstacles towards the equal treatment of ethnic minorities, even as practical initiatives proceed. Thus, this decision of the Constitutional Court slowed down the Democratic Initiative for a long time. The European Union released a statement, expressing concern over the court's ruling and urging Turkey to change its policies towards political parties which resulted with major protests throughout Kurdish communities in Turkey.³⁶³

Tracing the process of Europeanization in Turkey between 1999 and 2012, the Constitutional Court revealed as the most significant domestic variable, which had negatively affected the process based on the ignorant provisions of the current Constitution for the ethnic groups.

5.4.3. Mobilization of the Minorities

Mobilization of the ethnic minorities for cultural and political rights in Turkey has encountered restrictions and legal actions against that are supported by the Constitution of the Turkish Republic, accordingly the Constitutional Court. Despite all the legal and political obstacles, Kurdish activists follow two pathways for mobilization: political mobilization and armed insurgent action.

As the Kurdish issue has always been on the political agenda of the Justice and Development Party (AKP), the Kurdish community became more engaged in politics in Turkey after 2002. In July 2003, Parliament revoked Article 8 of the Anti-Terror Law, which prohibited the dissemination of separatist propaganda.³⁶⁴ However, the updated laws still restricted non-violent expression, and court cases were still being brought against Kurdish writers and publishers, who

³⁶³ "Kurdish unrest erupts in Turkey after DTP ban", *Hurriyet Daily News*, December 12, 2009, accessed March 12, 2013, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=kurdish-unrest-erupts-in-turkey-after-dtp-ban-2009-12-12>

³⁶⁴ Entessar, *Kurdish Politics in the Middle East*, 147.

sought for the rights of their community. Despite recent reforms, Turkish legislation still contains many restrictions on freedom of expression. As they prevent free discussion on the Kurdish question and possible solutions, these restrictions have led to many Kurdish politicians, mayors and non-governmental representatives being tried in courts and convicted.³⁶⁵ These restrictions on freedom of speech that prevent mobilization of the Kurds violate the European Convention on Human Rights and are against the EU's Copenhagen Criteria, thus blocking the process of Europeanization in Turkey.

In parallel with the AKP policies towards ethnic minorities, there have been important changes within the Kurdish community in Turkey. The support for the armed struggle has been declining among Kurds since 1980s.³⁶⁶ With the possibilities of political representation, the Kurds' demand for cultural and political rights grounded on the effective use of democratic means. This view is voiced more and more frequently within Kurdish civil society, which has become more active with the Kurdish Opening strategy of AKP government.³⁶⁷

The political rhetoric used by the Kurdish politicians and activists emphasize bilingualism in education, greater cultural rights, a general amnesty for Kurdistan Worker's Party (PKK), restoring Kurdish names in eastern and southeastern Turkey, and 'democratic autonomy' in areas where Kurds have a majority.³⁶⁸ These goals are officially declared by the Peace and Democracy Party (BDP), the largest Kurdish party, and the successor to the banned DTP, which is also considered to be the political wing of the PKK.³⁶⁹ Furthermore, the PKK has also changed its rhetoric since imprisonment of its leader Ocalan and began to emphasize the cultural-identity

³⁶⁵ Vera Eccarius-Kelly, *The Militant Kurds: a Dual Strategy for Freedom*, (California: Abc-Clio Llc, 2011), 31.

³⁶⁶ Aliza Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence*. (New York: New York University Press, 2007), 139.

³⁶⁷ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2012", accessed March 18, 2013, ec.europa.eu/enlargement/pdf/key.../2012/.../tr_rapport_2012_en.pdf

³⁶⁸ Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence*, 245.

³⁶⁹ Eccarius-Kelly, *The Militant Kurds: a Dual Strategy for Freedom*, 122.

dimension of the Kurdish problem instead of an independent Kurdish state. The ultimate goal of the group is consistently declared to be a degree of autonomy with Turkey.³⁷⁰

In addition to the legal obstacles for the mobilization of the ethnic groups in Turkey, the pressure from society and political groups against the Kurds are significant as well.³⁷¹ The two mainstream parties in the Turkish Parliament, the National Action Party (MHP) and the Republican People's Party (CHP) have been only strongly opposing the Kurdish Opening Initiative by AKP government but also the political presence of Kurds in the parliament.³⁷² The Republican People's Party (CHP), which is a strong supporter of the Kemalist and Nationalist view, accused AKP of backing PKK for its separatist goals and violating the constitution, as well as causing an ethnic polarization in the country. Thus, the National Action Party (MHP), which is the Turkish nationalist party in the Parliament have been opposing any policies proposed by either the AKP government or the European Union on the cultural and political rights of minorities in Turkey based on the view that all citizens of Turkey are 'Turkish'.³⁷³

The political opposition from the mainstream political parties in the Parliament was further consolidated by public opinion when the Kurdistan Worker's Party (PKK)'s 'peace group' returned home to Turkey with 34 guerillas from northern Iraq with huge welcoming receptions at the Habur Border with Turkey and later in Diyarbakir.³⁷⁴ These celebrations were broadcast throughout Turkey, provoking responses from even moderate ethnic Turks, who perceived the

³⁷⁰ Entessar, *Kurdish Politics in the Middle East*, 132.

³⁷¹ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2006", accessed March 18, 2013,

http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf

³⁷² "EU Commission's Regular Report on Turkey's Progress Towards Accession 2005", accessed March 18, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf

³⁷³ Carkoglu and Rubin, eds., *Turkey and the European Union: Domestic Politics*, 148.

³⁷⁴ "Turkish court releases all members of PKK peace group", *Hurriyet Daily News*, October 20, 2009, accessed March 23, 2013,

<http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=1020095350648-2009-10-20>

affair to be some sort of PKK victory parade. This peace group affair proved that neither the legal provisions nor the public and the political parties were ready to see the Kurds actively engaged in the political and cultural spectrum of the Turkish society.³⁷⁵ Thus, the mobilization of ethnic Kurds in Turkey can be defined as both a failure and success. As the 30 years of armed insurgency and growing political representation of Kurds still remain a reality in Turkey today, the mobilization among Kurds can be considered as successful, and thus supporting my hypothesis. On the other hand, as neither the PKK nor the political parties or NGOs have been successful enough to bring Kurds a full array of cultural and political rights, the mobilization of Kurds can be seen as a failure.

5.5. Conclusion

The policy of suppressing of the Kurdish identity and the problems related to this policy has been on the political agenda in Turkey since the foundation of the Republic of Turkey in 1923. The early assimilation policy of the Kemalist state in parallel with the Kemalist state ideology of a unified state with only 'one ethnic identity' met strong resistance among the Kurdish minority and sparked several outbreaks of unrest, which were violently suppressed, in the Eastern and Southeastern part of Turkey. In 1984 the issue took on a new dimension when the newly founded Kurdistan Workers' Party (PKK) began conducting terrorist attacks against Turkish territory from safe havens in the Qandil Mountains of Northern Iraq.³⁷⁶ The struggle against the Kurdistan Workers' Party (PKK) has so far cost 40,000 lives and has hurt both Turkey's internal development and its relations with its Western allies, especially the United States.³⁷⁷

Especially in the most recent years, pressures for greater political and cultural rights have visibly increased within the Kurdish community in Turkey. Since assuming power in 2002, the AKP

³⁷⁵ Ayşe Betül Çelik, "Ethno-political Conflict in Turkey: From Denial of Kurds to Peaceful Co-existence?" in *Handbook of Ethnic Conflict: International Perspectives*, Landis, Dan and Alber, Rosita D., eds., (New York: Springer 2012), 258.

³⁷⁶ Ibid, 263.

³⁷⁷ Marianna Charountaki, *The Kurds and US Foreign Policy: International Relations in the Middle East*, (New York: Routledge 2011), 230.

government has introduced a number of reforms designed to improve relations with the Kurdish minorities in Turkey. In August 2002, Kurdish-language broadcasting was introduced on a limited basis.³⁷⁸ As part of the same reform program, classes conducted in Kurdish were also approved on a limited basis. These reforms initially helped the AKP improve its political support among the Kurds, who make up about 20 percent of the Turkish population. In sum, the Justice and Development Party (AKP) government serving after 2002 has been actively engaged with the problem. In the aftermath of the 2011 election, which has been a victory for the AKP headed by Prime Minister Erdogan, as he earned more than 50 percent of the votes, the Kurdish issue is likely to move to the top of the Turkish political agenda as the country seeks to draft a new and more democratic constitution. As stated before, the current Turkish Constitution ratified in 1982 is the biggest obstacle for the recognition of another ethnic group other than Turks, as it came into force as a direct result of the 1980 military *coup*, and thus is a reflection of Kemalist-statist interests of a Turkish 'nation state'.³⁷⁹

The analysis of Europeanization of minority protection policies in Turkey during the time frame between 1999 and 2012, indicate that the legal framework of the minority protection policies is the major problem that blocks the process. Initially, because of the Constitution, the Kurdish community still is not considered to be recognized ethnic minorities in Turkey. However, in terms of cultural rights the developments have been promising after the declaration of Turkey's EU candidacy. The role of the 'position of the governments' are one of the significant variables that explain the impact of domestic factors on Europeanization process. Thus, the Justice and Development Party (AKP) government has formed the government in 2002 the Constitution has

³⁷⁸ "EU Commission's Regular Report on Turkey's Progress Towards Accession 2003", accessed March 22, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf

³⁷⁹ Ozbudun, and Gençkaya, *Democratization and the Politics of Constitution-Making in Turkey*, 20.

been amended, lifting the ban on the use of languages other than Turkish. This is a major development as Kurdish was not allowed to be used in 1999.³⁸⁰ However, there are still few problems concerning the registration of certain Kurdish names.³⁸¹ On the other hand, as part of cultural rights of minorities, celebrations of Newroz, the 'Kurdish New Year' are not banned by the government anywhere in Turkey, which used to be either allowed only in the cities that the government decides or not allowed at all.³⁸²

On the other hand, as in the previous two case studies on Latvia and Bulgaria, enforcement of the legal provisions on the rights of ethnic groups is problematic in Turkey. For instance, the improvements in the education right of Kurds are not necessarily applicable in practice. Although Turkey allowed private schools to teach Kurdish language with permission, all of these schools were closed by 2004, which limited the rights of Kurds to learn their language that is impossible in the public schools.³⁸³ The major reason was the financial problems that these schools encountered due to lack of support from the state funding, as they were private institutions and relatively disadvantaged economic situation of the Kurds.³⁸⁴ Thus, the educational reforms supported by the government lacked support from the Kurdish community due to their economic situation, and ended up with closure of these schools.

Nevertheless, broadcasting in the ethnic language is another part of cultural rights, which have been mentioned in all annual progress reports published by the European Commission between 1999 and 2012. The analysis of two different governments before 2002 and after 2002,

³⁸⁰ Çelik, "Ethno-political Conflict in Turkey: From Denial of Kurds to Peaceful Co-existence?", 250.

³⁸¹"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 22, 2013, ec.europa.eu/enlargement/pdf/key.../2012/.../tr_rapport_2012_en.pdf

³⁸² Ibid.

³⁸³"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 22, 2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_fi nal_progress_report_tr_en.pdf

³⁸⁴ Ibid.

shows that the 'position of the governments', in contrast to the 'significant institutions', especially before 2007 (Sezer Presidency), have been supportive of the process at the domestic level. Moreover, Justice and Development Party (AKP) government succeeded in removing the bans on newspapers, journals, TV, and radios.³⁸⁵ Initially, under pressure from the EU, the state owned-channel, TRT, began broadcasting documentaries and news in Kurdish in 2004 only for about 30 minutes each week.³⁸⁶ Later, Turkey has launched its first 24-hour Kurdish-language TV station, which is called a 'democratic new era' by the government for Kurdish minorities.³⁸⁷ Some legislative changes have been introduced allowing for radio and TV broadcasting as well and the Turkish Public Television (TRT) started broadcasting in Kurdish although some restrictions on the types of programs such as political ones were still kept.³⁸⁸

Accordingly, the restriction of Kurdish language has been a problem for the political participation of Kurds in Turkey as well. Kurdish politicians have been facing court cases because of giving speech in their own language, based on the Article 8 of the Constitution, the Anti-Terror Law, which prohibited the dissemination of separatist propaganda.³⁸⁹ As discussed before, the Constitutional Court caused many Kurdish politicians, mayors and non-governmental representatives being tried in courts and convicted.³⁹⁰ Thus, in the case of Turkey, the 'significant institutions' and the 'mobilization of minorities' have been two conflicting domestic factor

³⁸⁵"EU Commission's Regular Report on Turkey's Progress Towards Accession 2010", accessed March 23, 2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

³⁸⁶"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 22, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf

³⁸⁷"Turkey's Kurdish TV channel opens to mixed reviews", Reuters, January 2, 2009, accessed March 22, 2013, <http://www.reuters.com/article/2009/01/02/idUSL2352569>

³⁸⁸"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 22, 2013, ec.europa.eu/enlargement/pdf/key.../2012/.../tr_rapport_2012_en.pdf

³⁸⁹ Entessar, *Kurdish Politics in the Middle East*, 147.

³⁹⁰ Vera Eccarius-Kelly, *The Militant Kurds: a Dual Strategy for Freedom*, (California: Abc-Clio Llc, 2011), 31.

affecting Europeanization process. However, with the Kurdish Opening Initiative led by the Justice and Development Party (AKP) government, pro-Kurdish politicians and political parties used Kurdish in the most recent local elections in 2009 and no legal action was launched.³⁹¹

On the other hand, for political participation, the electoral system is also a problem that prevents minorities to be represented in the Parliament, which makes the mobilization for Kurds harder, and thus 'mobilization' as a variable to be less affective. In Turkey, 10 percent electoral threshold for political parties entering parliament is a level that Kurds cannot reach nationally. As this has made it difficult for Kurdish politicians to enter politics, they have been mobilizing as 'independent' candidates for the Parliament, who join the pro-Kurdish party after being elected. Thus, the rise of the pro-Kurdish Peace and Democracy Party (BDP), which has managed to gain 35 seats in the 550-member Parliament in 2011, has been one of the positive changes in recent years that provided ground for mobilization of Kurds.³⁹²

In sum, the analysis of the process of Europeanization in Turkey in the field of minority protection policies during the time frame between 1999 and 2012 indicate that the process has been under the impact of domestic factors despite the strong pressure from the European Commission for the application of the 'conditionality' for the EU membership. As discussed, the significant changes in the state policies towards the Kurdish minorities after 2002 shows that, the variable of the 'position of the governments' have strong influence on the process, which is outlined by the comparison of the governments before and after 2002 here. Thus, the analysis of 'significant institutions' is consistent with my hypothesis, claiming that both the President and the Constitutional Courts have been affective in the process. The two different Presidents, who served

³⁹¹"EU Commission's Regular Report on Turkey's Progress Towards Accession 2010", accessed March 23, 2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

³⁹² Pelin Turgut, "Turkey's Election Offers a Last Chance to Integrate the Kurds", *Time*, June 10, 2011, accessed March 25, 2013, <http://www.time.com/time/world/article/0,8599,2077069,00.html>

in this time frame, followed two different attitudes towards protection of Kurds. While the Constitutional Court have been blocking the process with its decisions at some points, the Justice and Development Party (AKP) government with the support of the President Gul have been significant actors for positive changes in the process. On the other hand, Turkey still employs restrictive measures on minority rights due to the reasons discussed about the Constitution, providing the Constitutional Court as a significant institution to be the major restrictor of Europeanization process in minority protection issues. In such a political settlement, the mobilization of the Kurds occurred in both political and insurgent way, which can be considered as a success, since in the most recent general elections in 2011, the Kurdish representatives took 35 seats in the Parliament and gained several cultural rights as discussed before.

CHAPTER 6

CONCLUSION: UNDER WHICH DOMESTIC CONDITIONS EUROPEANIZATION OCCURS IN MINORITY PROTECTION?

6.1. Introduction

'Europeanization' has been referring to top-down democratization process of the states in the enlargement track of the European Union, thus becoming one of the most widely used theoretical approaches for studying the EU and its influence on the current and future EU member states.³⁹³ While there is considerable debate about how to define the concept of 'Europeanization' (Börzel 2002; Börzel and Risse 2003, 2007; Cowles et al. 2001; Featherstone and Radaelli 2003; Ladrech 2010; Mair 2000; Radaelli 2003), the term is generally used as 'the domestic impact of the EU' through the diffusion of its ideas rules, values and norms (Börzel and Risse, 2008).

'Conditionality' is a concept placed at the center of the concept of 'Europeanization', which is based on reinforcement of the EU rules by the reward, EU membership. Thus, the analysis of the effectiveness of reinforcement by reward strategy under the 'conditionality' requires analyzing the reality of the impact of domestic factors during the Europeanization process. Thus, this research seeks to answer a highly related question that, whether the domestic variables have influence on the Europeanization of minority protection policies in the EU candidate states and to what extent it matters for three countries, Latvia, Bulgaria and Turkey.

The first part of this question addresses the impact of external incentives, namely the EU membership, on compliance patterns of the candidate states with the EU requirements to demonstrate the specific demands from the EU on minority protection policies. The second part of the question is related to impact of domestic characteristic, that carry different dynamics to

³⁹³ Olsen, "The Many Faces of Europeanization", 921.

Europeanization process. In this sense it is argued that the transformative power of the EU is filtered by the domestic factors, which in turn either supports or blocks the process of Europeanization in that state.

6.2. Theoretical and Methodological Framework

This dissertation tested hypotheses derived from the external incentives model to examine the conditions under which governments, significant institutions and ethnic minorities in Latvia, Bulgaria and Turkey have complied, or partially complied or rejected to comply with the political demands of the EU, which outlined different Europeanization patterns of these countries from the year of their candidacy to the year of accession to the European Union. The case study of Latvia is conducted for the time frame between 1997 and 2004, and Bulgaria's case study is framed between 1997 and 2007. The case study of Turkey is an exemption as that country is still a candidate for the European Union membership. Thus, the time frame of the analysis of Turkey is between 1999 and 2012.

For each case study, a similar basic template is used, which begins with initial conflict and different issues of violation in the field of human rights and minority protection in the target country, and continues with demands and conditions from the European Union under 'conditionality' requirements for the EU membership. The analysis finalizes with the outcome of the process of Europeanization where the compliance patterns of the states are analyzed from the year of their candidacy to the year of accession to the European Union. Furthermore, post-accession patterns in each country is analyzed to see the most recent developments in the field of minority protection, and to understand whether Europeanization is an ongoing process. The empirical analysis of the cases revealed that the reward offered as the ultimate goal, which is the European Union membership status, does not lead to complete compliance with the EU rules and norms or a long lasting reform process in that target country unless the domestic features provide

a fertile ground. Thus, the 'governments', 'significant institutions', and 'mobilization' appeared as domestic variables, which significantly affect the process of Europeanization in the field of minority protection in Latvia, Bulgaria and Turkey.

The case selection for these analyses is consistent with the goal of generalizability of the findings, which followed two criteria. The first one is significant 'conflict' between the EU rules and the initial situation in the candidate state in the field of minority protection. Thus, I selected 'hard cases' for the methodological reason that the EU conditionality and its effects are more easily observable than in 'easy cases', which acceded to the European Union with their already established legal provisions on the human rights issue. Nevertheless, by choosing 'hard cases', I was able to learn more about the domestic conditions and their effectiveness, since their challenge to conditionality would be higher in cases of significant conflict.³⁹⁴ The second criterion of case selection is the 'size of minorities'. For a better analysis, I selected cases with at least 15 percent ethnic minorities within whole population. This criterion was crucial for the case studies, because countries with small number of ethnic population would be an 'easy case', which would not be fruitful for an analysis. As discussed in each chapters, only the largest ethnic minorities are taken into consideration for the analysis.

6.3. Europeanization of Minority Protection Policies Across Three Cases

The position of the governments

In the field of minority protection, 'governments' are one of the inevitable domestic factors. The likelihood of adoption may decrease with net political or power costs of governments from fulfilling the EU requirements. Thus, the governments in the candidate states are likely to calculate whether the rewards offered by the EU are worth the costs of adaptation. The size of domestic adoption costs, therefore, determines whether they will accept or reject the conditions

³⁹⁴ Schimmelfenning et al. "Costs, Commitment and Compliance", 501.

(Schimmelfennig 2008). When the political costs of Europeanization are high for the target government, that is, when fulfilling EU conditions threatens the government's domestic power base, and its core political practices for power preservation, even credible membership incentives may turn out to be ineffective.³⁹⁵

From this perspective, in terms of Europeanization of minority policies, policy preferences of a government can be either in favor of adopting EU standards for minority protection if the government has a pro-minority orientation and/or includes representatives from minorities within the government. As the adoption of rules does not bring high adoption cost at the domestic level for the government, the adoption of the EU rules are likely (Schimmelfennig 2008). On the other hand, in case of a government with nationalist oriented parties, who are generally based on single-ethnic platform that constitute the majority of the population in a state, take part in the coalitions are likely to postpone the adoption of minority protection due to the fear of political failure in elections. According to Kelley (2004a, 2004b), the inclusion of minority parties representing an ethnic group on the one hand and right-wing pro-nation parties on the other in government is an important factor in determining the state policy towards minorities and the reaction to external demands to protect minorities. Thus, the coalition governments with pro-minority parties are likely to be willing to implement minority rights, unlike governments with a strong nationalist influence are likely to resist this.

The hypotheses tested about the position of the governments brought the similar findings across cases of Latvia, Bulgaria and Turkey in the field of minority protection. The nationalist standing of the unstable governments in Latvia is one of the strong conclusions of the hypotheses. The unstable political environment in Latvia in the pre-accession period supported short-term coalition, mostly lead by center-right political parties that either ignore or oppose the

³⁹⁵ Frank Schimmelfennig, "Entrapped Again: The Way to EU Membership Negotiations with Turkey", *UCD Dublin European Institute Working Paper 08:8*, (2008): 921.

Europeanization of minority protection policies. The post-accession analysis of the 'governments' is consistent with the pre-accession period. Although 2011 elections brought success for the pro-Russian Harmony Center, it was excluded from the coalition led by right-wing parties, which in turn brought Language Law referendum in 2012, that failed.

Bulgaria appeared as a case with similar facts and conclusions with Latvia. The analysis of the domestic factors show that the governments served during the time frame of analysis have not been interested in minority protection policies although the EU membership has been on the agenda of all of them. Despite several provisions and projects such as Commission for Protection against Discrimination, Framework Program for Equal Integration of Roma in Bulgarian Society or the independent Commission for Protection against Discrimination, amendments to the National Education Law, and the National Roma Integration Strategy of the Republic of Bulgaria, the analysis of both pre-accession and post-accession periods of Bulgaria reveals that lack of enforcement for the provisions related to minority protection issues mostly have been affecting Roma population in Bulgaria due to ignorant position of the governments served between 1997-2007 and 2007-2012.

Unlike the governments served for Latvia and Bulgaria, during the frame of my analysis, the governments of Turkey appeared as supportive of Europeanization process. Especially, in terms of cultural rights, the developments have been promising after the declaration of Turkey's EU candidacy due to the 'position of the governments', such as amendment of the Constitution to lift the ban on the use of languages other than Turkish, and the celebration of Newroz, the 'Kurdish New Year', allowing private schools to teach Kurdish language with permission, broadcasting in the ethnic languages by removing the bans on newspapers, journals, TV, and radios and launching the first 24-hour Kurdish-language TV station and most significantly the Kurdish Opening Initiative that suggested bringing a wide range of rights for the Kurds. For the

political structure of Turkey, these developments are significant enough to support my hypotheses about the impact of governments on Europeanization.

Significant Institutions

There are various institutions that contribute to the process of Europeanization in the field of minority protection either positively or negatively at the domestic level (Tsebelis 2002). These institutions may include political, judicial, or even military institutions, depending on the state analyzed. In terms of the analysis of the minority protection policies, to be able to compare the three cases, and test the hypotheses equally, instead of focusing on the number of veto players affective in the process, as required by the veto players theory, I focus on two significant institutions that exist in all three cases. I consider Presidents and Constitutional Courts to be two significant institutions to be analyzed as domestic factors to have impact on the process of Europeanization. Depending on their policy preferences, these institutions might either block positive proposals or attempt to revoke existing rules or support the required change.

Across all three cases, the two significant institutions analyzed, the Presidents and the Constitutional Courts appeared to have different positions towards the process of Europeanization. In the case of Latvia, the analysis of the 'significant institutions' brought two diverse attitudes, in which the Presidents appeared as more positive towards Europeanization process, while the Constitutional Courts further supported the legal provisions blocking the process.

Similarly, rights for the ethnic groups, which are banned by the Constitution, have been a continuing problem in Bulgaria. Ratification of the Framework Convention for the Protection of National Minorities signed by the Bulgarian President in 1997 and ratified by the Parliament in 1999, caused a major controversy in Bulgarian politics due to the use of the word 'minorities'. The former authoritarian Soviet background of Bulgaria and accordingly the lack of civil society did

not allow the 'minorities' to define themselves in Bulgaria and get the required respect and recognition especially in the Constitution. Thus, positive attitudes of the President's, could not succeed in drawing the lines for the term 'minority' due to lack of support with the legal framework, which is related to the ambiguity in the legal framework in the human rights and minority protection issues in Bulgaria. Although, the President signed the Framework Convention for the Protection of National Minorities and the Parliament ratified in 1999, the Constitutional restrictions on the rights of minorities contradicted with these new provisions.

Furthermore, the decision of the Constitutional Court, such as banning the pro-ethnic political parties on the grounds that it promotes separatism and the rejection of the claim by the pro-Turkish Party MRF concerning the 1996 Law on Radio and Television, which banned broadcasting in minority languages, slowed down the Europeanization of minority protection policies in Bulgaria. On the whole, the analysis on Europeanization of minority protection policies in Bulgaria during the time frame between 1997 and 2007 pointed out that inability of the Roma community to mobilize was the major factor that explain different outcome of Europeanization process for Turks and Roma.

The findings about the significant institutions in Turkey are consistent with those in Latvia and Bulgaria, which in turn supports my hypotheses on the significant institutions' impact on the process of Europeanization. Similar to other two cases, the analysis of Europeanization of minority protection policies in Turkey during the time frame between 1999 and 2012 revealed that the legal framework of the minority protection policies is the major problem that blocks the process of Europeanization. As a significant institution, the President served after 2007 further supported these initiatives from the government, while the previous President Sezer strongly opposed on the basis of the Kemalist ideology of a 'single ethnic' state. The support from the President Gul, who served after 2007, is directly related to his ideological link with the government as he used to be

the Prime Minister and led the Justice and Development Party government before. However, despite the President's support, the legal framework of the Turkey blocked the process of Europeanization through the Constitutional Court, specifically for the cultural rights and political representation. Many Kurdish politicians faced court cases because of giving speech in their own language, based on the Article 8 of the Constitution, the Anti-Terror Law and convicted.³⁹⁶

The mobilization of minorities

In case of reluctant governments and unsupportive institutions, we can expect a bottom-up mobilization to be a central factor for Europeanization in the field of human rights (Keck and Sikkink 1998; Risse et al. 1999). However, in literature it has been argued that the lack of civil society and relatedly the ability to mobilize in favor of societal demands is generally low in former-authoritarian Central and Eastern European countries, thus rule adoption is mainly government-driven (Schimmelfennig, Engert and Knobel 2006). On the other hand, a large and well organized minority group can be expected to be much more able to put pressure on unsupportive bodies than small and poorly organized ones. To be able to measure the concept of 'minority mobilization', I considered two indicators: (1) the size of the ethnic minority group, which is the percentage of the overall population and (2) the number of organizations founded on the grounds of protection of ethnic minorities and lobbying for their cultural and political rights and recognition.

The analysis of the findings across three cases revealed the significance of the 'mobilization of minorities' as a variable, thus supporting my hypotheses. In the case of Latvia, despite large number of Russians, the level of mobilization was low and not significantly effective either through social or political mobilization in Latvia because of the lack of participation from the ethnic Russian community. On the other hand, in the post-accession period a top-down

³⁹⁶ Entessar, *Kurdish Politics in the Middle East*, 147.

mobilization launched by the Russian leaders on the minority protection, such as the success of the pro-Russian Harmony Center in the 2011 elections and the 2012 referendum, both of failed in the end.³⁹⁷

Similarly, although Bulgaria acceded to the European Union in 2007, it is not possible to talk about a perfect compliance for the human rights and minority protection *acquis* of the European Union. These findings are also consistent with the developments during post-accession period of Bulgaria. As discussed before in Chapter 4, the Turkish population continued gaining more seats in the Parliament, as well as recognition and rights due to successful mobilization, while the Roma continued being in a disadvantaged situation. Consequently, showing two different paths followed by two equally disadvantaged ethnic group, the analysis of Bulgaria also supports my theory of the impact of 'mobilization' as a domestic factor on Europeanization process.

Turkey is another case under significant 'mobilization' impact among Kurds against the status quo. The findings of the analysis about Turkey revealed that the positive attitudes from the governments and the successful mobilization among Kurds supported the process of Europeanization in minority protection policies in Turkey, despite the Constitutional blocks through the Constitutional Court. Thus, the analysis showed that in the case of Turkey, the 'significant institutions' and the 'mobilization of minorities' have been two conflicting domestic factor affecting Europeanization process. However, despite the Constitutional restrictions and the electoral system with 10 percent threshold for political parties entering parliament, which is a level that Kurds cannot reach, Kurds succeeded in mobilizing as 'independent' candidates for the Parliament, who join the pro-Kurdish party after being elected. Thus, pro-Kurdish Peace and Democracy Party (BDP) managed to gain 35 seats in the 550-member Parliament in 2011 that

³⁹⁷ "Latvia's Failed Referendum", *The Economist*, February 21, 2012.

provided ground for political mobilization of Kurds, while the insurgent group Kurdistan Worker's Party (PKK) is still present. In sum, the analysis of the process of Europeanization in Turkey in the field of minority protection policies during the time frame between 1999 and 2012 indicate that the process has been under the impact of domestic factors despite the strong pressure from the European Commission for the application of the 'conditionality' for the EU membership.

6.4. Limitations of the Analysis

The comparative analysis of three cases in this dissertation has not been free of limitations. First of all, Europeanization, which is the major concept of the research, occurred differently for each case at different time frames. Thus, while both Latvia and Bulgaria acceded to the European Union, Turkey is still a candidate. Secondly, all three cases have different historical backgrounds in terms of length of democracy, and the politics of human rights and minority protection, which makes a comparison between Latvia, Bulgaria and Turkey somewhat problematic. While both Latvia and Bulgaria have Communist backgrounds, and are relatively young states, Turkey does not have this experience, and is an older state, founded in 1923. Another limitation is the significant difference in the population in each case. Whereas Turkey has a population of 79 million, Latvia has 2.3 million, Bulgaria has 7.6 million. Although, in this study I take percentage of ethnic minorities into consideration, this large difference among three cases in terms of population is a limitation of the study.

Despite all these limitations, the variations in the features of these three cases can be perceived as advantageous for an enriched, in-depth comparative analysis, since it is relevant to compare Turkey, Bulgaria and Latvia that have significant problems with the ethnic minority population, which is crucial for answering the main question of this dissertation about the impact of the domestic factors on Europeanization of minority policies.

6.5. Conclusion and Agenda for Future Research

The findings across three case studies supported my hypotheses about the impact of 'position of the governments', 'significant institutions' and 'mobilization of minorities' on the process of Europeanization in the field of minority protection. The unstable governments and coalitions of mostly center-right parties, unsupportive institutions, especially the decisions of the Constitutional Courts and lack of mobilization among Russians are three important domestic factors that led to unsuccessful Europeanization in the field of minority protection in Latvia. Although the governments and the significant institutions have been in a similar attitude in Bulgaria as in the case of Latvia, the 'mobilization of minorities' brought two different outcomes of Europeanization for Turks and Roma population. The findings of the analysis revealed that although the candidacy process of Bulgaria supported Turks to become integrated in the society and politically salient, due to lack of mobilization Roma community ended up with unsuccessful Europeanization process. Similar to successful mobilization of Turks in Bulgaria, the situation of Kurds in Turkey can be considered as improved in several occasions due to successful mobilization among Kurds. The positive attitudes of the governments served after 2002 and the President served after 2007 are two domestic facts that cannot be ignored; however, the strict legal framework and accordingly, the unsupportive decisions by the Constitutional Court have blocked Europeanization process in the field of minority protection. Thus, taking the present situation of Russians in Latvia, Turks and Roma in Bulgaria and Kurds in Turkey into consideration, 'mobilization' is the most significant domestic variable that brings either adoption of the *acquis communautaire* on human rights and respect for minorities in these case studies.

It is also important that future researchers investigate whether the findings in this study can be replicated in other European Union member or candidate states, in particular, recently acceded ones in Central and Eastern Europe. Romania, Lithuania, Hungary, and Estonia will be

ideal case studies since these countries share similar cultural and political attitudes, especially with Latvia and Bulgaria, and have significant numbers of ethnic minorities although not as large as the three cases analyzed here.

Future researchers can also find comparable data from the old member states with significant number of ethnic minorities and problems at the domestic level. However, the framework for these researches would not be on the basis of 'membership conditionality' of the Copenhagen Criteria, as this has been approved after 1993 and does not apply to the older members of the European Union. The most relevant case studies from the old members of the European Union could be Spain and U.K., in where there is significant conflict between the state and ethnic minorities. The comparison of the cases from old members, along with new members, would help scholars draw conclusions about the factors determining different attitudes on human rights and minority protection in these states. Furthermore, the different attitudes on policy transfer on human rights issues both at domestic and European level could be analyzed. For the cases that have violent conflict between the state and ethnic minorities, 'mobilization' of ethnic minorities would be a fruitful variable the future researchers to investigate the patterns of contentious politics in European states. Nevertheless, for future research, adding other domestic variables would be useful, such as the economic, social and cultural variables, to be able to look from a different perspective to the process of Europeanization in the field of human rights and minority protection in candidate/member states of the European Union, specifically in the most recent members acceded after 2004.

Based on the analysis of Europeanization strategy in all three cases during their candidacy, it is revealed that the conditionality strategy has been ineffective to achieve compliance under the constraints of the domestic factors. This does not only show the problems of Europeanization that the European actors must take into account of, but also reveals the importance of the

domestic variables as an influence mechanism in order to assure compliance and to promote Europeanization. Moreover, the role of the Presidents and the Constitutional Courts as a significant institutions resisting against the power of EU conditionality should also be taken into account since they apparently block the governments' attitudes towards a reformist trajectory. The active participation of the ethnic minorities in the minority related issues as the domestic actors is important as it helps strategizing the process of mobilization for Europeanization. Thus, the collaboration between governments, significant institutions and the mobilized ethnic minorities at domestic level is the key for the success of eventual Europeanization in a candidate/member state.

BIBLIOGRAPHY

- "Agenda 2000: Commission Opinion on Latvia's Application for Membership of the European Union", accessed November 16, 2012, ec.europa.eu/enlargement/archives/pdf/dwn/opinions/latvia/la-op_en.pdf
- Akyol, Mustafa. 'Kurdish Nationalism on the Rise, Ballot Suggests', *Hurriyet Daily News and Economic Review*, May 31, 2009.
- Alston, Philip, Bustelo, Mara, Heenan, James, eds., *E.U. and Human Rights*, Oxford: Oxford University Press, 1999.
- Amnesty International, *Amnesty International Annual Report 2013-Bulgaria*, (May 2013), accessed March 1, 2013, <http://www.amnesty.org/en/region/bulgaria>
- Arat Kabasakal, Zehra F. ed, *Human Rights in Turkey*. Philadelphia: UP Pennsylvania, 2007.
- "Assenov vs. Bulgaria", European Roma Rights Center, October 28, 1998, accessed February 28, 2013, <http://www.errc.org/cikk.php?cikk=3856>
- Babbie, Earl, Halley, Fried and Zano, Jeanne, *Adventures in Social Research: Data Analysis*. USA: Pine Forge Press, 2007.
- Barany, Zoltan, *The East European Gypsies: Regime Change, Marginality, and Ethnopolitics*, New York: Cambridge University Press, 2002.
- Barkey, Henri J., Lasensky Scott B. and Marr, Phebe, eds., *Iraq, Its Neighbors, and the United States: Competition, Crisis, and the United States: Competition, Crisis and the Reordering of Power*, Washington D.C: United States Institute of Peace, 2011.
- Beacháin, Donnacha Ó, Sheridan, Vera, and Stan, Sabina (eds), *Life in Post-Communist Eastern Europe After EU Membership: Happy Ever After?*, New York: Routledge, 2012.
- Bernd, Rechel, "What Has Limited the EU's Impact on Minority Rights in Accession Countries?" *East European Politics & Societies* 22: 1 (2008): 171-191.
- Biner, Zerrin Ozlem, "From Terrorist to Repentant: Who Is the Victim?", *History and Anthropology* 17: 4 (2006): 339-353

Boneva, Bonka, "Ethnic Identities in the Making, The Case of Bulgaria," *Cultural Survival Quarterly* 19: 2 (1995).

Börzel, Tanja A., "Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanization", *Journal of Common Market Studies* 40:2 (2002) 193–214.

_____, "How the EU interacts with its member states", *Riehe Politikwissenschaft, Political Science Series 93* (2003): 1-42.

Börzel, Tanja and Risse, Thomas, "Conceptualizing the Domestic Impact of Europe" in *The Politics of Europeanization*, Kevin Featherstone and Claudio M. Radaelli, eds., 55–78, Oxford University Press, 2003.

_____, "Europeanization: The Domestic Impact of European Union Politics" in *Handbook of European Union Politics*, K. E. Jorgensen et al. eds., 483-504 London: Sage, 2006.

_____, "Venus Approaching Mars? The EU as an Emerging Civilian Power", Paper presented at the Bi-Annual EUSA Conference, Montreal, Canada, 17-19 May 2007.

_____, "The Transformative Power of Europe Reloaded. The Limits of External Europeanization", *KFG Working Paper Series 11*, Kolleg-Forschergruppe (KFG), February 2010.

Börzel, Tanja A. and Aron Buzogany. "Greening the East: Weak States and Even Weaker Societies?", Paper prepared for the EUSA Eleventh Biennial International Conference, Los Angeles, California, April 23-25, 2009.

_____, "Governing EU accession in transition countries: The role of non-state actors", *Acta Politica*, 45:1-2 (2010): 158–182.

Brenneman, Robert L. *As Strong As Mountains: A Kurdish Cultural Journey*. Illinois: Waveland Press, 2007.

Brusis, Martin, "European Union Incentives and Regional Interest Representation in Central and East European Countries", *Acta Politica*, 45:1-2 (2010): 70-89.

Bugajski, Janusz, *Ethnic Politics in Eastern Europe*, New York: M.E. Sharpe, 1995.

_____, *Political Parties of Eastern Europe: A Guide to Politics in Post-Communist*

- Era*, New York: M.E. Sharpe Inc. 2002.
- “Bulgaria: Imprisonment of Ethnic Turks/ Human rights abuses during the forced assimilation of the ethnic Turkish minority”, London: Amnesty International, 1986.
- “Bulgarian Criminal Code”, accessed February 26, 2013,
http://www.vks.bg/english/vksen_p04_04.htm
- “Bulgaria opposition wins *election*”, *BBC News*, July 6, 2009, accessed March 1, 2013,
news.bbc.co.uk/2/hi/8134851.stm
- “Bulgaria: Situation of Roma, including access to employment, housing, health care, and education; state efforts to improve the conditions of Roma”, UNHCR, October 19, 2012, accessed March 2, 2013, www.unhcr.org/refworld/country,,,BGR,,50a9ed2f2,0.html
- Bulmer, Simon and Padgett, Stephen. “Policy Transfer in the European Union: An Institutional Perspective”. *British Journal of Political Science* 35(2004):103–126.
- Bulmer, Simon, and Lequesne, Christian. *The Member States of the European Union*, Oxford: Oxford University Press, 2005.
- Carkoglu, Ali and Rubin, Barry, eds., *Turkey and the European Union: Domestic Politics, Economic Integration and International Dynamics*, London: Frank Cass and Company, 2003.
- Casier, Marlies, “Designated Terrorists: The Kurdistan Workers' Party and its Struggle to (Re)Gain Political Legitimacy”, *Mediterranean Politics* 15:3 (2010): 393-413.
- “Census 2001”, National Statistical Institute of Republic of Bulgaria, accessed March 30, 2013,
<http://www.nsi.bg/Census/Ethnos.htm>
- “Census 2011”, National Statistical Institute of Republic of Bulgaria, accessed December 22, 2012, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf
- Charountaki, Marianna, *The Kurds and US Foreign Policy: International Relations in the Middle East*, New York: Routledge, 2011.
- Checkel, Jeffrey, “Norms, Institutions, and National Identity in Contemporary Europe”, *International Studies Quarterly* 43 (1999): 83-144.

"Chronology for Turks in Bulgaria 2004", Minorities at Risk Project, accessed February 26, 2013,

<http://www.refworld.org/docid/469f38702.html>

Cirtautas, Arista Maria and Schimmelfennig, Frank, "Europeanization Before and After Accession: Conditionality, Legacies and Compliance", *Europe-Asia Studies* 62:3 (2010):421–441.

Cizre, Umit, ed. *Secular and Islamic Politics in Turkey: The Making of the Justice and Development Party*. New York: Routledge, 2008.

"Constitution of Turkish Republic", accessed March 10, 2013,

http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf

Connor, Walker, *Ethnonationalism: The Quest for Understanding*, Princeton: Princeton University Press, 1994.

"Constitution of the Republic of Bulgaria", accessed February 16, 2013,

http://www.vks.bg/english/vksen_p04_01.htm

Cowles, M. G., Caporaso, J. and Risse, Thomas, *Transforming Europe: Europeanization and Domestic Change*. London: Cornell University Press, 2001.

Crampton, R.J, *A Short History of Modern Bulgaria*, London: Cambridge University Press, 1987.

_____, *Bulgaria*, Oxford: Oxford University Press, 2007.

Crowe, David, *A History of the Gypsies of Eastern Europe and Russia*, London: I.B. Tauris Publishers, 1996.

Cumper, Peter and Wheatley, Steven Charles, eds., *Minority Rights in the 'New' Europe*. Hague: Kluwer Law International, 1999.

Dimitrova, Antoaneta L., "The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells?", *Journal of European Public Policy* 17:1 (2010): 137–148.

Dimitrova, Antoaneta L. and Steunenberg, Bernard, "Compliance in the EU enlargement process: The limits of conditionality", *European Integration Online Papers*, 11:5 (2007):1-22.

Dyankova, Elena and Ilareva, Valeria. *Racism and Related Discriminatory Practices in Bulgaria*.

ENAR Report (March 2012).

Eberhardt, Piotr, *Ethnic Groups and Population Changes in Twentieth-century Central-Eastern*

Europe: History, Data and Analysis, New York: M.E. Sharpe Inc. 2003.

Eccarius-Kelly, Vera, *The militant Kurds: a dual strategy for freedom*, California:

Abc-Clio Llc, 2011.

Eglitis, Daina Stukuls, *Imagining the Nation: History, Modernity and Revolution in Latvia*.

University Park, PA: Pennsylvania State University Press, 2002.

Eminov, Ali, *Turkish and Other Muslim Minorities in Bulgaria*, New York: Routledge, 1997.

Entessar, Nedar, *Kurdish Politics in the Middle East*. UK: Lexington, 2010.

"Ethnic Tolerance and Integration of the Latvian Society", Baltic Institute of Social Science, Riga

2004, accessed February 8, 2013,

http://www.biss.soc.lv/downloads/resources/Tolerance/Tolerance_Engl.pdf

"European Commission's Opinion on the EU Membership of Bulgaria", accessed February 16,

2013, http://ec.europa.eu/bulgaria/documents/abc/bu-op-1997_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 16, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/bu_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 23, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/bu_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 23, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/bu_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 23, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/bu_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 23, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/bu_en.pdf

"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013,

http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/bu_en.pdf
"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/bu_en.pdf
"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/bu_en.pdf
"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2006/bu_en.pdf
"EU Regular Report on Bulgaria's Progress Towards Accession", accessed February 24, 2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2007/bu_en.pdf
"European Commission's Annual Progress Report on Latvia", accessed November 7, 2012,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/latvia_en.pdf
"European Commission's Annual Progress Report on Latvia", accessed November 22, 2012,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/latvia_en.pdf
"European Commission's Annual Progress Report on Latvia", accessed November 22, 2012,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/latvia_en.pdf
"European Commission's Annual Progress Report on Latvia", accessed November 22, 2012,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/latvia_en.pdf
"European Commission's Annual Progress Report on Latvia", accessed November 7, 2012,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/latvia_en.pdf
"European Commission, Comprehensive Monitoring Report on Latvia's Preparations for
Membership", accessed November 10, 2012,
http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_lv_final.pdf
"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed
March 4, 2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/turkey_en.pdf
"EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 4,

2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/tu_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/tu_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/tu_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_tk_final_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013,
[http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426
_final_progress_report_tr_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf)
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013
http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013[http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progressre
ports_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/turkey_progressreports_en.pdf)
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013,
[http://ec.europa.eu/enlargement/pdf/press_corner/keydocuments/reports_nov_2008/tur
key_progress_report_en.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/keydocuments/reports_nov_2008/turkey_progress_report_en.pdf)
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013,
http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf
“EU Commission’s Regular Report on Turkey’s Progress Towards Accession”, accessed March 4,
2013, ec.europa.eu/enlargement/pdf/key.../2010/.../tr_rapport_2010_en.pdf

- "EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 4, 2013, ec.europa.eu/enlargement/pdf/key.../2011/.../tr_rapport_2011_en.pdf
- "EU Commission's Regular Report on Turkey's Progress Towards Accession", accessed March 4, 2013, ec.europa.eu/enlargement/pdf/key.../2012/.../tr_rapport_2012_en.pdf
- "European Election Database", accessed November 20, 2012, www.nsd.uib.no/european_election_database/country/latvia
- "European Court of Human Rights Finds Bulgaria in Breach of European Human Rights Standards in Police Abuse Case", European Roma Rights Centre (ERRC), Press Release, 19 May 2000.
- Evera Stephen Van, *Guide to Methods For Students Of Political Science*. Ithaca and London: Cornell University Press, 1997.
- Featherstone, Kevin and Radaelli, Claudio, eds., *The Politics of Europeanization*. Oxford: Oxford University Press, 2003.
- Fierro, Elena. *EU's Approach to Human Rights Conditionality in Practice*. Netherlands: Kluwer Law International, 2003
- Flick, Uwe, *An Introduction to Qualitative Research*. UK: Sage Publications, 2006.
- "Four Parties Back Latvian Language Law". *The New York Times*. July 08, 1999.
- Gabel, Matthew. "Public Support for European Integration: An Empirical Test of Five Theories", *The Journal of Politics* 60:2 (1998): 333-354.
- _____, "The Endurance of Supranational Governance: A Consociational Interpretation of the European Union", *The Journal of Comparative Politics* 30:4 (1998): 463-475.
- Galbreath, David J, "The Politics of European Integration and Minority Rights in Estonia and Latvia," *Perspectives on European Politics and Society* 4:1 (2003): 35-54.
- _____, "European Integration through Democratic Conditionality: Latvia in the Context of Minority Rights," *Journal of Contemporary European Studies* 14: 1 (2006):69-87.
- Gallagher, Tom, "Minorities in Central and South-Eastern Europe." *Europa Regional Surveys of the*

- World – Central and South-Eastern Europe*, London and New York: Routledge Taylor & Francis Group, 2007.
- George, Alexander L and Bennet Andrew, *Case Studies and Theory Development in the Social Sciences*, Cambridge, Mass: MIT Press, 2005.
- Glenn, J. K. "From nation-states to member states: accession negotiations as an instrument of Europeanization", *Comparative European Politics* 2:1 (2004): 3-28.
- Goetz, Klaus. H. and Hix, Simon, eds., *Europeanised Politics? European Integration and National Political Systems*, London: Cass, 2001.
- Grabbe, Heather, "How does Europeanization affect CEE governance? Conditionality, diffusion and diversity", *Journal of European Public Policy* 8:6 (2001) :1013–1031.
- _____, "Europeanization goes East: Power and Uncertainty in the EU Accession Process", in *The Politics of Europeanization*, Featherstone, Kevin, Radaelli, Claudio M. eds., 303–327, Oxford: Oxford University Press, 2003.
- Grabbe, Heather, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Hampshire and New York: Palgrave Macmillan, 2006.
- Hall, Leigh, "Post-Communist Developments in the Media in Bulgaria", January 7, 1998, accessed February 27, 2013, <http://www.utexas.edu/ftp/pub/eems/bulgaria.html>
- Haughton, Tim, "When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe", *Political Studies Review* 5:2 (2007): 233–246.
- Hoepken, Wolfgang, "From Religious Identity to Ethnic Mobilization: The Turks of Bulgaria Before, Under and Since Communism," in *Muslim Identity and the Balkan State*, Hugh Poulton and Suha Taji-Farouki, eds., London: Hurst and Company 1997.
- Hosmer David, Lemeshow Stanley, eds., *Applied Logistic Regression*. New York, New York, USA: A Wiley-Interscience Publication, 2000.
- Houston, Christopher, *Islam, Kurds and the Turkish Nation State*, New York: Berg, 2001.
- Hughes, James and Sasse, Gwendolyn, "Conditionality and Compliance in the EU's Eastward

- Enlargement: Regional Policy and the Reform of Sub-national Government", *Journal of Common Market Studies* 42:3 (2004): 523–551.
- Hudges, James, Gwendolyn Sasse, and Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality*. Houndmills, UK: Palgrave Macmillan, 2004.
- "Human Rights in Bulgaria in 1996," *Obektiv*, Special Edition, Sofia: Bulgarian Helsinki Committee, 1997.
- "Human Rights in Bulgaria in 2011", Bulgarian Helsinki Committee, Sofia: Bulgarian Helsinki Committee, 2012.
- "International Helsinki Federation Annual Report on Human Rights Violations", Bulgaria: International Helsinki Federation for Human Rights (IHF), June 8, 2006, accessed February 2, 2013, <http://www.unhcr.org/refworld/docid/469392860.html>
- Jacoby, Wade, "Inspiration, Coalition, and Substitution: External Influences on Postcommunist Transformations", *World Politics* 58:4 (2006): 623–651,
- Johns, Michael, "Do As I Say, Not As I Do: The European Union, Eastern Europe and Minority Rights." *East European Politics & Societies* 4:18 (2003): 682-699.
- Jongerden, Joost. *The Settlement Issue in Turkey and the Kurds: An Analysis of Spatial Policies, Modernity and War*. Netherlands: Koninklijke Brill NV, 2007.
- Kanev, Krassimir, "The double sin; The Framework Programme for the Integration of Roma in Bulgarian Society is not implemented", *Obektiv* 4 (2000): 2-3.
- Karabat, Ayse. "Gul: The biggest problem of Turkey is the Kurdish question". *Today's Zaman*. May 11, 2009, accessed March 12, 2013, http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=174922
- Karpat, Kemal. *The Turks of Bulgaria: the History, Culture and Political Fate of a Minority*, Istanbul: The Isis Press, 1990.
- Keck, Margaret E. and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press, 1998.

- Kelley, Judith G., *Ethnic Politics in Europe: The Power of Norms and Incentives*, NJ: Princeton University Press, 2004a.
- _____, "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions", *International Organization*, 3:58 (2004b): 425–457.
- Kenrick, Donald, *From India to the Mediterranean: The Migration of the Gypsies*, Paris: Gypsy Research Centre, 1993.
- Kitschelt, Herbert Zdenka Mansfeldova, Radoslaw Markowski and Gabor Toka, *Post-Communist Party Systems: Competition, Representation and Inter-Party Cooperation*. London: Cambridge UP, 1999.
- Kohler, Iliana V. and Preston, Samuel H., "Ethnic and religious differentials in Bulgarian mortality 1993–98" *Population Studies* 65:1 (2011): 91–113.
- Knill, Christoph and Lehmkuhl, Dirk, "The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms", *European Journal of Political Research*, 41:2 (2002): 255–280.
- Kubicek, Paul J., "International norms, the European Union, and democratization: Tentative theory and evidence", in *The European Union and Democratization*, Kubicek, Paul J. ed., 1–29, London: Routledge, 2003.
- "Kurdish unrest erupts in Turkey after DTP ban", *Hurriyet Daily News*, December 12, 2009, accessed March 12, 2013, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=kurdish-unrest-erupts-in-turkey-after-dtp-ban-2009-12-12>
- Kurtz, Marcus J. and Barnes, Andrew, "The Political Foundations of Post-communist Regimes: Marketization, Agrarian Legacies, or International Influences", *Comparative Political Studies* 35:5 (2002): 524–533.
- Kurzer, Paulette, *Markets and Moral Regulation: Cultural Change in the European Union*. Cambridge: Cambridge University Press, 2001.
- Kuru, Ahmet, and Stepan, Alfred C., eds., *Democracy, Islam, and Secularism in Turkey*, New York: Columbia University Press, 2012.

- Kylimca, Will, "Justice and Security in Accommodation of Minority Nationalism" in *Ethnicity, Nationalism, and Minority Rights*, May, Stephen, Modood, Tariq & Squires, Judith eds., New York: Cambridge University Press, 2004.
- Ladrech, Robert, *Europeanization and National Politics*, New York: Palgrave Macmillan, 2010.
- Landman, Todd, *Issues and Methods in Comparative Politics*. London: Routledge 2008.
- Landis, Dan and Alber, Rosita D., eds., *Handbook of Ethnic Conflict: International Perspectives*, New York: Springer 2012.
- Lashkevich, Nikolai, "Lines for Citizenship Forming in Latvia," *The Current Digest of the Post-Soviet Press* 50: 47 (1998).
- "Latvia's Failed Referendum", *The Economist*, February 21, 2012.
- "Latvian School Attendance Signals Greater Public Integration," *BBC Monitoring*, 27 September 2004.
- "Latvian State Language Law", accessed November 28, 2012, http://www.valoda.lv/en/downloadDoc_436/mid_566
- "Latvians Reject Russian as a Second Language", *The New York Times*, February 19, 2012, accessed April 29, 2013, http://www.nytimes.com/2012/02/20/world/europe/latvia-rejects-bid-to-adopt-russian-as-second-language.html?_r=0
- "Latvijas Statistika", Central Statistical Bureau of Latvia, accessed November 13, 2012, <http://www.csb.gov.lv>
- "Latvija in Brief", *The Baltic Times*. February 09, 2005, accessed April 27, 2013, <http://www.baltictimes.com/news/articles/11928/>
- "Latvia in Profile", *BBC News*, February 2013, accessed April 25, 2013 <http://www.bbc.co.uk/news/world-europe-17522134>
- Lieven, Anatol, "No Russian Spoken Here". *New York Times*, July 16, 1999, accessed November 22, 2012, <http://www.nytimes.com/1999/07/16/opinion/no-russian-spoken-here.html?src=pm>
- "Litvonian Language", accessed November 14, 2012,

http://ec.europa.eu/languages/euromosaic/lat5_en.htm

Ijabs, Ivars, "Russians and Civil Society", in *Latvian-Russian Relations: Domestic and International Dimensions*, Nils Muizneiks, ed. LU: Latvijas Universitate, 2006.

Lewis, Paul. "Changes in the party politics of the new EU member states in Central Europe: Patterns of Europeanization and democratization", *Journal of Balkan and Near Eastern Studies* 10:2 (2008): 151 – 165.

Lütem, Ömer, 'The Past and Present State of the Turkish-Bulgarian Relations'. *The Foreign Policy Quarterly* 23, 14 March 2001, accessed February 12, 2013, http://www.foreignpolicy.org.tr/ing/articles/olutem_v23.htm.

Mair, Peter, "The limited impact of Europe on national party systems", *West European Politics*, 23: 4 (2000): 27–51.

March, James G.; Olsen, Johann P. *Rediscovering Institutions. The Organizational Basis of Politics*. New York: The Free Press, 1989.

_____, *Primer on Decision Making: How Decisions Happen*. New York: Free Press, 1994.

Marks, Gray, Wilson, Carole J. & Ray, Leonard. "National Political Parties and European Integration". *American Journal of Political Science* 46:3 (2002): 585-594.

Marcus, Aliza. *Blood and Belief: The PKK and the Kurdish Fight for Independence*. New York: New York University Press, 2007.

Marushiakova, Elena and Vesselin Popov, *Gypsies in the Ottoman Empire*. Paris: University of Hertfordshire Press, 2001.

May, Stephen, Modood, Tariq & Squires, Judith, eds., *Ethnicity, Nationalism, and Minority Rights*. New York: Cambridge University Press, 2004.

Maveety, Nancy and Grosskopf, Anke, "Constrained Constitutional Courts as Conduits for Democratic Consolidation", *Law & Society Review* 38: 3 (2004): 463–488.

McDowall, David, *A Modern History of the Kurds*, UK: IB Tauris & Co, 2007.

McGowan, Lee, "Europeanization unleashed and rebounding: assessing the modernization of EU

- cartel policy", *Journal of European Public Policy* 12:6 (2005): 986-1004.
- Meehan, Elizabeth M., "European Integration and Citizen's Rights: A Comparative Perspective", *Publius* 26:4, (1996): 99-121.
- Mencena v. Latvia. *Latvijas Republikas Satversmes Tiesa*, accessed September 28, 2012.
<http://www.satv.tiesa.gov.lv/upload/2001-04-0103E.rtf>
- Mitev, Petar-Emil, *Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria*, Sofia: International Centre for Minority Studies and Intercultural Relations Foundation, 1994.
- Mollahuseyin, Halit. "Muslims in Bulgaria: A Status Report", *Journal of the Muslim Minority Affairs* 5:1 (1984): 136-144.
- Mole, Richard, *The Baltic States: from Soviet Union to European Union*. London: Routledge, 2008.
- Morris, Helen M. "President, Party and Nationality Policy in Latvia, 1991-1999." *Europe-Asia Studies* 56: 4 (2004): 543-569.
- Mutafchieva, Vera, "The Notion of the 'Other': the Gypsy" in *Relations of Compatibility and Incompatibility Between Christians and Muslims in Bulgaria*, Antonina Zhelyazkova, ed. Sofia: International Centre for Minority Studies and Inter-Cultural Relations, 1994.
- Natali, Denise. *The Kurds and the State*. New York: Syracuse UP, 2005.
- "National Social Report", European Commission, Jan 29, 2013, accessed March 1, 2013,
ec.europa.eu/social/BlobServlet?docId=7836&langId=en
- "Naturalization Rates in Latvia", Office of Citizenship and Migration Affairs in Latvia, accessed on November 21, 2012, <http://www.pmlp.gov.lv/en/Citizenship/Naturalizacija.html>
- "NGOs of Latvia's Ethnic Minorities", Latvian Human Rights Committee, accessed on February 2, 2013,, <http://www.lhrc.lv/index.php?lang=en&mendes=men8#gr1>
- Nonneman, Gerd, Niblock, Tim, Szajkowski, Bogdan. *Muslim Communities in the New Europe*.UK: Garnett Publishing, 1997.
- Öniş, Ziya, 'Domestic Politics, International Norms and Challenges to the State: Turkey-EU

- Relations in the post-Helsinki Era', *Turkish Studies* 4 (2003): 9-34.
- Olsen, J. P., "The Many Faces of Europeanization", *Journal of Common Market Studies* 40:5 (2002): 921-952.
- _____, "Europeanization", in *European Union Politics*, Cini, Michelle, ed., Oxford: Oxford University Press, 2003.
- Ozbudun, Ergun and Gençkaya, Ömer Faruk, *Democratization and the politics of constitution-making in Turkey*, Hungary: Central University Press, 2009.
- "Party Program of "For Human Rights in the United Latvia". accessed September 12, 2012, <http://www.pctvl.lv/?lang=en>
- Petkova, Lilia, "The Ethnic Turks in Bulgaria: Social Integration and Impact on Bulgarian– Turkish Relations, 1947-2000", *The Global Review of Ethnopolitics* 1: 4 (2002): 42-59.
- "Protests mark Latvia's EU entry", *BBC News*, 1 May 2004, accessed on February 11, 2013, <http://news.bbc.co.uk/2/hi/europe/3677383.stm>
- Preece, Jennifer Jackson, *Minority Rights*, Cambridge and Malden: Polity Press, 2005.
- "Profession: Prisoner, Roma in Detention in Bulgaria", Budapest: European Roma Rights Centre (ERRC), December 1997.
- Radaelli, Claudio M. "Whither Europeanization?: Concept stretching and substantive change". *European Integration Online Papers* 4: 8 (2002).
- _____, "The Europeanization of Public Policy", in *The Politics of Europeanization*, Featherstone, Kevin, Radaelli, Claudio M., eds., 27–56, Oxford: Oxford University Press, 2003.
- Rechel, Bernd, "What Has Limited the EU's Impact on Minority Rights in Accession Countries?" *East European Politics & Societies* 22:1 (2008): 171-188.
- _____, *The Long Way Back to Europe: Minority Protection in Bulgaria*. Stuttgart: Ibidem, 2008.
- _____, ed., *Minority Rights in Central and Eastern Europe*, NY: Routledge, 2010.

"Report on Human Rights in Latvia in 2002" *Latvian Centre for Human Rights and Ethnic Studies*, March 2003.

"Report on Human Rights in Latvia in 2002" *Latvian Centre for Human Rights and Ethnic Studies*, March 2004.

Reshetar Jr, John S. *The Soviet Polity: Government and Politics in the L' SSR*, New York: Harper & Row, 1989.

"Rights Wing Terrorism, 2013", European Police Office, accessed March 2, 2013,
https://www.europol.europa.eu/sites/default/files/publications/europol_tesat2013_lr_0.pdf

Risse, Thomas, Stephen C. Ropp and Kathryn Sikkink, eds., *The Power of Human Rights*.
Cambridge: Cambridge University Press 1999.

Risse, Thomas. Cowles, Michele. G. and Caporaso, J., "Europeanization and Domestic Change: Introduction", in *Transforming Europe. Europeanization and Domestic Change*, M. Green Cowles, J. Caporaso and T. Risse, eds., London: Cornell University Press, 2001.

Rohrschneider, Robert, "The Democracy Deficit and Mass Support for an EU-Wide Government",
American Journal of Political Science, 46:2 (2002): 462–475

Rohrschneider, Robert & Matthew Loveless, "Macro-Salience: How Economic and Political Contexts Mediate Popular Evaluations of the Democracy Deficit in the European Union".
Journal of Politics 72:4 (2010): 1–17.

Romano, David. *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity*.
Cambridge: Cambridge University Press, 2006.

Rose, Richard, *Learning From Comparative Public Policy*. New York: Routledge, 2005

Russinov, Russinov, "The Bulgarian Framework Programme for Equal Integration of Roma: participation in the policy-making process", European Roma Rights Center, August 15, 2001, accessed February 27, 2013, <http://www.errc.org/article/the-bulgarian-framework-programme-for-equal-integration-of-roma-participation-in-the-policy-making-process/1729>

Saray, Mehmet, *What Is the Bulgarian Government Trying to Prove by Denying the Historical*

Facts, Ankara: Turk Tarih Kurumu Basimevi, 1988.

Schimmelfennig, Frank, "The International promotion of Political Norms in Eastern Europe. A

Qualitative Comparative Analysis", *Central and Eastern Europe Working Papers* 61, Center for European Studies (2005).

_____. "Entrapped Again: The Way to EU Membership Negotiations with Turkey", *UCD Dublin European Institute Working Paper* 8:8 (2008).

Schimmelfennig, Frank, Stefan Engert and Heiko Knobel, "The Conditions of Conditionality: The

Impact of the EU on Democracy and Human Rights in European Non-Member States", Paper presented at workshop 4; "Enlargement and European Governance," ECPR Joint Session of Workshops, Turin, Italy, 22-27 March 2002.

_____. "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey", *Journal of Common Market Studies* 41:3 (2003): 495-518.

_____, *International Socialization in the New*

Europe: European Organizations, Political Conditionality, and Democratic Change. UK: Palgrave Macmillan, 2006.

Schimmelfennig, Frank and Ulrich Sedelmeier, "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe". *Journal of European Public Policy* 11:4 (2004): 669-687.

_____, eds., *The Europeanization of Central and Eastern Europe*. London: Cornell University Press, 2005.

Schrijvers, An, "What can Turkey learn from previous accession negotiations?" in *Turkey and EU:*

Prospects for a Difficult Encounter, Knut Erik Jorgensen and Esra Lagro, eds.. UK: Palgrave, 2007.

Schwartz, Herman, *The Struggle for Constitutional Justice in Post-Communist*

Europe, Chicago: The University of Chicago Press, 2000.

Schwellnus, Guido, Balázs, Lilla, Mikalayeva, Liudmila, "It Ain't Over When It's Over: The Adoption

and Sustainability of Minority Protection Rules in New EU Member States", *European Integration Online Papers (ELOP)* 13:2 (2009): 1-28.

Sedelmeier, Ulrich, "Pre-accession conditionality and post-accession compliance in the new

member states: a research note" in *Après Enlargement: Legal and Political Responses in Central and Eastern Europe*, Sadurski, Wojciech and Ziller, Jacques and Zurek, Karolina, eds., 145-160, Florence: European University Institute, 2006.

_____, "After conditionality: post-accession compliance with EU law in East Central Europe". *Journal of European Public Policy* 15:6 (2008): 806-25.

_____, "Europeanization in new member and candidate states". *Living Reviews in European Governance* 6: 1 (2011): 1-41.

"Senate Record Vote Analysis 101st Congress", Foreign Relations Authorization/Bulgaria,

Human Rights Violations, 1989, accessed on December 20, 2012.

<http://voiceinnumbers.com/VoteDetail.vin?id=101100120&state>,

Sissenich, Beate, *Building States without Society: European Union Enlargement and the Transfer of EU Social Policy to Poland and Hungary*, MD: Lexington Books, 2007.

_____, "Weak States, Weak Societies: Europe's East-West Gap", *Acta Politica* 45:1-2 (2010): 11-40.

"Signature of the Accession Treaty of the European Union (EU) with Croatia". *Europa Press*

Release, accessed on December 9, 2011

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/883>.

"Situation of Roma in Bulgaria", Sofia: Ministry of Foreign Affairs of the Republic of Bulgaria, February 1997.

Smith, Benjamin. "Latvia's language law nears passage". *The Baltic Times*. December 02, 1999, accessed October 7, 2012, <http://www.baltictimes.com/news/articles/1971/>

Smith, Karen E., "The use of political conditionality in the EU's relations with third countries: how effective?", *European Foreign Affairs Review*, 3:2 (1998): 253-274.

_____, "The Evolution and Application of EU Membership Conditionality", in *The Enlargement of the European Union*, Cremona, Marise, ed., 105-139, Oxford: Oxford University Press, 2003.

Somer, Murat. "Ethnic Kurds, Endogenous Identities, and Turkey's Democratization and Integration with Europe," *Global Review of Ethnopolitics* 1: 4 (2002): 74-93.

Stoyanov, Valery, "The Turks of Bulgaria," in *Relations of Compatibility and Incompatibility*

between Christians and Muslims in Bulgaria, Sofia: International Centre for Minority Studies and Intercultural Relations Foundation, 1994.

“The English version of the judgment Case No.2001-04-0103”, accessed January 30, 2013,

<http://www.satv.tiesa.gov.lv/upload/2001-04-0103E.rtf>,

“The English version of the judgment Case No. 2003-02-0106”, accessed January 30, 2013,

www.satv.tiesa.gov.lv/upload/2003-02-0106E.rtf

“The EU and minority policy: does enlargement signal the end of influence?”

Euractiv.com, accessed December 13, 2012,

<http://www.euractiv.com/en/enlargement/eu-minority-policy-enlargement-signal-influence/article-110088>

“The official English translation of the Latvian Constitution”, accessed August 12, 2012,

http://www.saeima.lv/Likumdosana_eng/likumdosana_satversme.html

Tocci, Nathalie, ‘Europeanization in Turkey: Trigger or Anchor for Reform?’, *South European*

Society and Politics 10:1 (2005): 73-83.

Todorov, Stanko, in *From Stalinism to Pluralism/ A Documentary History of Eastern Europe Since*

1945, Gale Srokes, ed., Oxford: Oxford University Press, 1991.

Toktas, Sule and Aras, Bulent, “The EU and Minority Rights in Turkey”. *Political Science Quarterly*,

124:4 (2009): 697-720.

Tomova, Ilona, *The Gypsies in the Transition Period*, Sofia: International Centre for Minority

Studies and Inter Cultural Relations, 1995.

“Top Turkish education boards approves Kurdish language program”. *Hurriyet Daily News*,

September 3, 2010, accessed February 20, 2013,

<http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=yok-says-yes-to-master8217s-program-on-kurdish-language-and-culture-2010-09-03>

Toshkov, Dimiter, “Embracing European Law: Compliance with EU Directives in Central and

Eastern Europe”, *European Union Politics* 9:3 (2008): 379–402,

Troebst, Stefa, “Ethnopolitics in Bulgaria: The Turkish, Pomak, Macedonian and Gypsy Minorities,”

Helsinki Monitor Quarterly on Security and Cooperation in Europe 5:1 (1994): 32-42.

- Trude Andersen, Beate Bull, and Kjetil Duvold, eds, *Separatism*, Norway: University of Bergen Press, 1997.
- Tsebelis, George, *Veto players: How Political Institutions Work*, NY: Princeton University Press, 2002.
- Tsilevich, Boris, "The Development of the Language Legislation in the Baltic States," *International Journal on Multicultural Societies* 3:2 (2001): 137-154.
- Turgut, Pelin, "Turkey's Election Offers a Last Chance to Integrate the Kurds," *Time*, June 10, 2011, accessed March 25, 2013, <http://www.time.com/time/world/article/0,8599,2077069,00.html>
- "Turkey Celebrates Capture of Ocalan", *The Washington Post*, February 19, 1999, accessed March 6, 2013, www.washingtonpost.com/wpsrv/inatl/daily/feb99/ocalanturkey18.htm
- "Turkey's Kurdish TV channel opens to mixed reviews", *Reuters*, January 2, 2009, accessed March 22, 2013, <http://www.reuters.com/article/2009/01/02/idUSL2352569>
- "Turkish top court bans pro-Kurdish party", *BBC News*, December 11, 2009, accessed March 13, 2013, <http://news.bbc.co.uk/2/hi/europe/8408903.stm>. 11 December 2009
- "Turkish court releases all members of PKK peace group", *Hurriyet Daily News*, October 20, 2009, accessed February 23, 2013, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=1020095350648-2009-10-20>
- Türköne, Mümtazer, "Abdullah Gül and the state's new Kurdish policy", *Today's Zaman*, September 15, 2007, accessed March 2, 2013, <http://www.todayszaman.com/columnist-122156-abdullah-gul-and-the-states-new-kurdish-policy.html>
- "Usakovs to be Riga Mayor", *The Baltic Times*, June 19, 2009, accessed May 3, 2013, <http://www.baltictimes.com/news/articles/23072/>
- Vachudova, Milada Anna, *Europe Undivided: Democracy, Leverage, & Integration After Communism*. Oxford and New York: Oxford University Press, 2005.
- _____. "Democratization in Post-communist Europe: Illiberal regimes and the

- leverage of International actors". *CES Working paper 139* (2006).
- Weber, Andy, 'Relations Between the State and Civil Society in Turkey: Does the EU Make a Difference?' in *Turkey and The European Union, Internal Dynamics and External Challenges*, Joseph, Joseph S. ed., 83-95, New York, Palgrave Macmillan, 2006.
- "What's my language?", *The Economist*, February 14, 2012.
- Wiessala, Georg. *Re-Orienting the Fundamentals: Human Rights and New Connections in EU-Asia Relations*, UK: Ashgate Publishing Limited, 2006
- "World Directory of Minorities", London: Minority Rights Group International 1991.
- Yin, Robert K. *Case Study Research: Designs and methods*. UK: Sage Publications, 2003.
- Yordanova, Dina, 'Still Looking Forward: Restructuring of Bulgarian TV', January 5, 1998, accessed January 19, 2013, http://www.utexas.edu...ts/eems/BFI_Text,_.html
- Zhelyazkova, Antonina, *Between Adaptation and Nostalgia: The Bulgarian Turks in Turkey*, Sofia: International Center for Minority Studies and Intercultural Relations, 1998
- Zielonka, Jan, Pettai, Vello eds., *The Road to European Union: Estonia, Latvia, and Lithuania*. UK: Manchester University Press, 2003.

Appendix A: Conclusions of the Presidency, Copenhagen, 21-22 June 1993³⁹⁸

7. Relations with the Countries of Central and Eastern Europe

A. The Associated Countries

i) The European Council held a thorough discussion on the relations between the Community and the countries of Central and Eastern Europe with which the Community has concluded or plans to conclude Europe agreements ("associated countries"), on the basis of the Commission's communication prepared at the invitation of the Edinburgh European Council.

ii) The European Council welcomed the courageous efforts undertaken by the associated countries to modernize their economies, which have been weakened by 40 years of central planning, and to ensure a rapid transition to a market economy. The Community and its Member States pledge their support to this reform process. Peace and security in Europe depend on the success of those efforts.

iii) The European Council today agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries. The European Council will continue to follow closely progress in each associated country towards fulfilling the conditions of accession to the Union and draw the appropriate conclusions.

17. Racism and Xenophobia

The European Council strongly condemned the recent attacks on immigrants and refugees in its Member States and expressed its deep sympathy with the innocent victims of such aggressions. The European Council reiterated its strong resolve to fight by all available means intolerance and racism in all its forms. It stressed that such intolerance and racism is unacceptable in our present day societies.

The European Council confirmed the commitment to protect everybody, including immigrants and refugees, against violations of fundamental rights and freedoms as embodied in constitutions and laws of Member States, the European Convention on Human Rights and other international conventions, including the United Nations Convention on the Elimination of all forms of Racial Discrimination.

The European Council recalled its previous declarations on racism and xenophobia and decided to intensify the efforts to identify and to root out the causes. It pledged that Member States will do their utmost to protect immigrants, refugees and others against expressions and manifestations of racism and intolerance.

³⁹⁸ Full text available at "Conclusions of the Presidency", Copenhagen June 21-22 1993, accessed January 20, 2012, http://www.europarl.europa.eu/summits/copenhagen/co_en.pdf

Appendix B: The European Framework Convention for the Protection of National Minorities, Council of Europe, 1998³⁹⁹

The Framework Convention for the Protection of National Minorities (Convention) was adopted by the Committee of Ministers of the Council of Europe in 1994 and entered Pamphlet No. 8 of the UN Guide for Minorities into force in 1998. It is the first legally binding multilateral instrument devoted to the protection of minorities and is regarded as the most comprehensive international standard in the field of minority rights so far. To a large extent, it transforms the political commitments of the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE) into legal obligations.

The Framework Convention may be ratified by member States of the Council of Europe, and non-member States may join at the invitation of the Committee of Ministers. Accession to the Convention is obligatory, at least politically, for States that apply for membership in the Council of Europe. As of May 2001, the Convention had been ratified by 33 countries: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina (non-member State), Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Malta, Moldova, Norway, Poland, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, and the United Kingdom of Great Britain and Northern Ireland.

The Substantive Provisions of the Convention

Article 4.1 of the Convention proclaims the fundamental principles of nondiscrimination and equality. Article 4.2 makes it clear that a State's obligations may also require affirmative action on the part of the government and not merely abstention from discrimination. States are to adopt, "where necessary", measures to promote "full and effective equality between persons belonging to a national minority and those belonging to the majority" taking "due account of the specific conditions" of national minorities. Article 4.2 is a key provision, since it provides the basis for the succeeding provisions that spell out in greater detail the measures that States should take in specific areas. Article 4.3 clarifies that any measures taken to promote effective equality are not to be considered as discrimination themselves.

The remaining substantive provisions of the Convention cover a wide range of issues, many of which may require that States adopt special measures. Ratifying States agree to:

- promote the conditions necessary for minorities to maintain and develop their culture and identity (Article 5)
- encourage tolerance, mutual respect, and understanding among all persons living on their territory (Article 6)
- protect the rights to freedom of assembly, association, expression, thought, conscience, and religion (Articles 7, 8, and 9)
- facilitate access to mainstream media and promote the creation and use of minority media (Article 9)
- recognize the right to use a minority language in private and in public and display information in the minority language (Articles 10 and 11)
- recognize officially surnames and first names in the minority language (Article 11)

³⁹⁹ Full text available at "European Framework Convention for the Protection of National Minorities", Council of Europe 1998, accessed January 20, 2012, [http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_H\(95\)10_FCNM_ExplanReport_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_H(95)10_FCNM_ExplanReport_en.pdf)

- “endeavour to ensure” the right to use the minority language before administrative authorities and to display bilingual topographical indications in the minority language in areas inhabited by national minorities “traditionally” or “in substantial numbers” (Articles 10 and 11)
- foster knowledge of the culture, history, language, and religion of both majority and minorities (Article 12)
- recognize the rights of minorities to set up and manage their own educational establishments and learn their own language (Articles 13 and 14)
- “endeavour to ensure” that there are adequate opportunities to be taught in the minority language, in areas traditionally inhabited by national minorities or where they live in “substantial numbers” (Article 14)
- “create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life, and in public affairs, in particular those affecting them” (Article 15)
- refrain from measures that alter the proportions of the population in areas inhabited by minorities (Article 16)
- not interfere with the rights to maintain contacts across frontiers and participate in the activities of national and international NGOs (Article 17)

