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## **AKP Policies Regarding Kurdish Political & Cultural Rights Towards EU Accession**

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## I.INTRODUCTION

*This article aims to review the accession process to EU starting with Justice and Development Party's (AKP) coming into power, and the reforms on cultural and political rights of minorities, namely Kurdish community.*

Turkey is one of the oldest candidates in the history of European Communities (EC)- later on EU. A tedious process that had started with Ankara Agreement 1963, later on, the accession objective materialized in 1987 with formal application, and continuing with Customs Union in 1996 and Turkey's eligibility for candidacy established in Helsinki Summit, 1999. In 2005, formal accession negotiations began.<sup>1</sup>

EU Council conclusions made in Copenhagen Summit, also known as Copenhagen Criteria basically foresaw the completion three divisions for candidate countries: political criteria, economic criteria and completion of *acquis communautaire*. The political criteria consisted of four main elements, which were democracy, rule of law, human and minority rights<sup>2</sup>. The political aspect has been the hardest issue for Turkey given its turmoil past with ethnic and religious minorities.

We can chronologically separate the EU accession process into two phases: as pre-2005 and post-2005. The difference lies in the decrease of the power of EU conditionality and Turkey's recalculated cost-benefits when the negotiations started in 2005. Main problems with Turkey membership lies in with regards to Cyprus issue, military presence in politics and minorities; even though according to European Convention of Human Rights EU has no exclusive powers with regards to minority policies of member countries (Yıldız, 2004, pp. 74-75), it is stipulated in the *acquis communautaire* that a basic standard must be fulfilled in human rights and minority rights. Turkey sees this as a breach of its sovereignty and the Turkish Constitutional Court declined to refer to the Convention in the interpretation of constitution (ibid., p.76,) hence the status quo of the sensitive issues.

In the Lausanne Treaty of 1923, minority definition was based on religious differences, not ethnic<sup>3</sup>. This leaves Kurdish population out of the equation when it comes to having cultural& political rights inside Turkey's borders. The state policy since the establishment of Turkish Republic, had been one of assimilation and oppression (Yıldız, 2004, pp. 13-14).

Starting from 2001, important amendments were made to the 1982 *coup d'etat* constitution to

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<sup>1</sup>See, <http://www.avrupa.info.tr/en/turkey-the-eu/history.html>

<sup>2</sup> Conclusions of the Presidency – Copenhagen, 1993. 7.A.iii

<sup>3</sup>Lausanne Treaty (1923), Section III, Art.s 37-38

comply with Copenhagen Criteria. In 2001, coalition government made 29 constitutional amendments whose subject matter included liberties, trial procedures, right to organize labour unions etc.<sup>4</sup>

### Pre-2005 Reforms

With the coming into power of Justice and Development Party (AKP) , a new phase began with regards to EU accession and AKP swiftly began to make reforms in the constitutions, especially de-militarization of executive and judiciary with 8 harmonization packages between 19 February 2002- 14 July 2004. The packages included reforms on areas of personal freedoms, granting broadcasting rights to Kurdish language, opening up language courses for Kurdish and naming children Kurdish names. These packages made some changes in the strengthening of rights pertaining to assembling, protests and establishing organizations, widening of cultural rights and strengthening democratic situation overall. Among the legislations passed at the parliament during 58., 59., 60. and 61<sup>st</sup> governments ( all AKP party governments) included; closing of State Security Courts (Devlet Güvenlik Mahkemeleri) , extending the rights of association, making closing political parties more difficult. These regulations interested Kurdish groups greatly and were important reforms for them. The implementation of these legislations were harder and in reality the problems ensued. Shutting down of HADEP (People's Democracy Party) in 2003 by the Constitutional Court is a primary example on the difficulties of implementation and mindset of state bureaucracy on Kurdish issue. The European Court of Human Rights<sup>5</sup> condemned the decision made by Turkish Constitutional Court and consider it a breach of Article XI of the European Convention of Human Rights. This did not stop Turkish Constitutional Court from banning HADEP's successor party, DTP (Democratic Society Party) on similar grounds. We can conclude from this episode that the political parties law and engendering of freedoms pertaining to the law is not being implemented correctly . We can compare these two cases with a different application in which the allegation that there was a breach of constitution from AKP, narrowly escaped the same conclusion that happened to these two pro-Kurdish parties.

In 17 December 2004, EU Council Brussels Summit, accession talks began when Turkey's efforts in political criteria were deemed adequate. In 2004, 10 constitutional amendments passed the National Assembly where Art. 143 regulating State Security Courts (DGM) was removed

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<sup>4</sup>Kalaycıoğlu, E. (2011). "The Turkish–EU odyssey and political regime change in Turkey." South European Society and Politics **16**(2), p. 61 , Table 1

<sup>5</sup> CASE OF HADEP AND DEMİR v. TURKEY (Application no. 28003/03)

from the constitution which was an improvement to the judicial system.

As a political party that put EU accession as a top priority, it was inevitable AKP would make certain changes. Changes to the political infrastructure were imperative in order to comply with Copenhagen Criteria. While the economic progress was clearly visible, compliance in the political sphere wasn't that easy for Turkey. Between years 2002-2005 19 constitutional amendments had been made and most of them were related to liberties and rights and freedoms of citizens (Kalaycıoğlu, 2011, p.61). For example the lifting of OHAL (martial law in Eastern provinces that had been established first in 1987) has made a significant impact on eastern regions, also for the community living there. Also lifting the ban on Kurdish broadcasting and establishment of a Kurdish branch of national state television (TRT) are some of the reforms made in the progress. Although these reforms are small in reality, their political significance is greater; compared to previous governments' denial policy on this issue. It makes AKP's initiative seem like a great step, even though these are most basic products of established democracies<sup>6</sup>. Yıldız views these as the inconsistency of the government, it can also be said they are closely related to the progress made on EU accession and the two are interconnected. Main problem with the reforms are, even though the sentiments expressed are positive and aimed at conflict resolution, the actual steps, at the implementation, aren't effective as they are promised, and are viewed by some as classical propaganda of a political party, though it is not as easy to stall EU with populist propaganda that can do the trick for the electorate; where the progress reports clearly express their doubts on the viability of the reforms made<sup>7</sup>.

### Post-2005 Reforms

After the actual accession negotiations began, the political deadlocks began to emerge. Member countries such as Cyprus, Austria, France and Germany put serious blocks on the chapters of the acquis, currently only 13 out of 35 chapters had been opened, and only one – chapter 25 on science and research- was able to be closed<sup>8</sup>.

With the political deadlock, a general decrease was seen in the Turkey's willingness of the whole process compared with the initial period. Although we can see a more specific approach to the Kurdish issue, with the initiation of 'Kurdish Opening' in 2009 which is aimed at finding a democratic and non-violent solution for both parties; but the specific course of action is yet to be established. The reasons lying behind this can be attributed to focusing on domestic aims rather

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<sup>6</sup>Yıldız, K. Turkey's Kurdish Conflict: Pathways to Progress., p.153

<sup>7</sup> EU Commission, progress report 2012 p.19,21,22

<sup>8</sup>[http://ec.europa.eu/enlargement/countries/detailed-country-information/turkey/index\\_en.htm](http://ec.europa.eu/enlargement/countries/detailed-country-information/turkey/index_en.htm)

than complying with EU conditions.

The 2010 constitutional amendments were related to the composition of Constitutional Court and High Council of Judges and Prosecutors (HSYK) (Kalaycıoğlu, 2011, p.67). These amendments can be interpreted as part of democratization process, but it is doubtful whether an emphasis can be attributed solely on EU accession objective.

Policy initiatives such as national broadcasting in Kurdish is an important development, but as Kerim Yıldız noted the heavy restriction on usage of non-turkish languages in political sphere still remains intact (Yıldız, 2012, p.158) . Which begs the question on how genuine the AKP government's policies are? AKP government may have 'recognized ' the Kurdish people in political arena, which seems like a huge step when we look at Turkey's official view which previously rested on denial and assimilation (ibid. 152). But recognizing doesn't mean the government will in any way compromise and jeopardise country's geographical unity. In order for EU to realize the sincerity of the policies and reforms taken, concessions should be viable options. A legal framework must be established within these 'promises of democracy' and some real legal insurance must be given to the Kurdish people.

AKP government also initiated a project called ' National Unity and Brotherhood Project (Milli Birlik ve Kardeşlik Projesi)' under 'Democratic Opening' which aimed to resolve problems related to minorities, ethnic groups and various religious sects<sup>9</sup>. While its ambitions are great, one of the main issues amongst cultural rights, education in mother-tongue for Kurds, is not put on AKP'S agenda; Kurdish broadcasting is allowed, but the official and educational language will remain to be Turkish<sup>10</sup>. This is not satisfactory for most Kurdish political parties, hence the project can be seen as a populist approach to Kurdish question with little intentions of conceding on crucial issues for Kurdish groups.

Under the project, one of the achievements for the region people is shown as establishment of language courses for Kurdish. This is relatively unnecessary, considering people in those regions have no problem in speaking Kurdish, but rather they don't speak Turkish. These courses were closed down after a while due to lack of funding and some obstacles<sup>11</sup>

## II. CONCLUSION

Kurdish issue remains a problem in Turkey. During the first period of accession, between

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<sup>9</sup> Demokratik Açılım Süreci, Milli Birlik ve Kardeşlik Projesi , published by AKP's Publicity and Media branch

<sup>10</sup> AKP Party programme, 2001, East and South East section

<sup>11</sup><http://www.koprudergisi.com/index.asp?Bolum=EskiSayilar&Goster=Yazi&YaziNo=847>

2001- 2005 , we have seen a trend in reforms regarding social and cultural rights of groups with different religious associations or ethnicity. After 2005, the trend has dissappeared, Turkey became disillusioned with the accession , with the political deadlock constituted in the talks -, and the recent financial crisis Europe is dealing has given Turkey an upper hand in economic relations and a recalculation of cost-benefits occurred. The EU conditionality no longer has the previous effect on the country and slowing down of the cultural&social reforms are due to this. The reforms made had a superficial and populist quality; where a Kurdish TRT (TRT Şeş) didn't prevent two pro-Kurdish political parties' dissolution or banning radio broadcast of a radio station by RTUK (Radio& Television Broadcasting Council)<sup>12</sup>.

Claiming that there were no reforms for cultural and human rights in the post-2005 process would be false; but we can say their reasons shifted from EU to domestic concerns (Hale, 2011). The more government lost its predilection for EU, the less stress was put on human rights and idea of co-habitation with Kurdish community. As stated in the AKP party programme in 2001, AKP would not sympathise with an alternative approach based on quasi-federalism , or Spanish type autonomous communities in the resolving of Kurdish problem.

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<sup>12</sup><http://www.ekurd.net/mismas/articles/misc/localradiosuspension.htm>

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