

**T.C.
UNIVERSITY OF BAHÇEŞEHİR**

**THE INSTITUTE OF SOCIAL SCIENCES
THE EUROPEAN UNION RELATIONS PROGRAM**

**TURKEY'S ACCESSION PROCESS: THE POLITICAL
TRANSFORMATION IN CASE OF ACCESSION PROCESS TO
EU COMPARISON BETWEEN GREECE AND TURKEY**

M.A. THESIS

Ahmet İlkey Ceyhan

ISTANBUL, JUNE 2007

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**Thesis Supervisor:
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ABSTRACT

TURKEY ACCESSION PROCESS: THE POLITICAL TRANSFORMATION IN CASE OF
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AHMET ILKAY CEYHAN

M.A. in European Union Relations

Thesis Supervisor: Özgür Ünal, Asst. Prof. Dr.

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In contemporary times, the European Union gives the advance to its integration process by the including the political structure alongside of its economical structure and it become most important supranational organization with the principle that it adopted as the human rights, rule of law, freedom of speech, freedom of expression, etc.

Turkey's wish to participate in this advanced integration process of EU by full membership is the most important political issue in last decade in the Turkish Political structure. Turkey gives advance to its "democratization" process toward the full membership of EU.

This thesis aims to explain the process of "Europeanization" by using the minority issue and cultural rights concept and analyze how the states integrate themselves to the "Europeanization" process by a comparison of Greece and Turkey and an evaluation of Turkey's full membership condition in this context.

Keywords: Europeanization, Europeanization and Administrative Convergence, Greece's minorities, Greece's minority policies, Turkey-EU relations, Turkey's minority perception.

ÖZET

TÜRKİYE’NİN MÜZAKERE SÜRECİ: AB’YE KATILIM SÜRECİNDE POLİTİK DÖNÜŞÜM YUNANİSTAN TÜRKİYE KARŞILAŞTIRMASI

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Günümüzde, Avrupa Birliği, ekonomik yapısı içerisinde siyasal bir yapı ve İnsan Hakları, hukukun üstünlüğü, ifade özgürlüğü gibi değerleri de ekleyerek, birleşme sürecine önem vermeye başlamış, bu süreç içerisinde uluslar üstü bir organizasyon olma yolunda önemli adımlar atmıştır.

Türkiye’nin politik geçmişi içerisinde, AB’ye katılım süreci önemli bir yer kaplamaktadır. Türkiye, son on yılını, birleşme süreci içerisinde girmiş olan AB’ye tam üye olabilme çabası içerisinde geçirmiştir. Türkiye, bu süreç içerisinde, “demokratikleşme” kavramına önem vermiş ve tam üyelik yolunda önemli adımlar atmıştır.

Bu tezin amacı, azınlık ve kültürel haklar konuları çerçevesinde, AB’ye üye olmaya çalışan Türkiye ve AB üyesi Yunanistan örnekleri arasında karşılaştırmalar yaparak, “Avrupalılaştırma” sürecini ve devletlerin AB içine adaptasyonunu açıklamaktır.

Keywords: Europenizasyon, Europeanizasyon ve Yönetimsel Uyum, Yunanistan azınlıkları, Yunanistan azınlık politikası, Türkiye-AB ilişkileri, Türkiye’nin azınlık algılayışı

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INTRODUCTION

The “European Idea” (broadly, the belief that, regardless of historical, cultural and linguistic differences, Europe constitutes a single political community) was born long before 1945. However, this “Idea” was established after Second World War, over the ashes of bad memories this war.

The adventure of European Union (EU) that started with the need for economic reconstruction in war-torn Europe through cooperation and the creation of a larger market, thus preventing any return protectionism and economic nationalism and desire to preserve peace by permanently resolving the bitter Franco-German rivalry that stemmed from the creation of a united Germany in 1871 after the Franco-Prussian War (1870-71) and led to war in 1914 and 1939. In addition to this, the recognition that “German Problem” (the structural instability in the European state system caused by emergence of the powerful and ambitious central European power) could be tackled only by integrating Germany into a wider Europe. Moreover, the desire to safeguard Europe from the threat of Soviet expansionism and to mark out for Europe independent role and identity in a bipolar world order, the wish of USA to establish a prosperous and united Europe, both as a market for US goods and as a bulwark against the spread of communism and Soviet influence and the widespread acceptance, especially continental Europe, that the sovereign nation-states was the enemy of peace and prosperity, and that it had therefore to be superseded by supranational structure, led the evolution of transition from “community” to “union” (Heywood 2002:147).

The EU is a very difficult political organization to categorize. Although it’s characteristic, without doubt, European Union is the world’s most advanced experiment in regional integration. Indeed, as an economic, monetary and, to a significant extent, political union brought about through voluntary cooperation amongst states, it is a unique political

body. The transition from Community to Union, achieved via the Treaty European Union, not only extended intergovernmental cooperation into areas such as foreign and security policy, home affairs and justice, and immigration and policing, but also established the notion of EU citizenship through the right to live, work and be politically active in any member state (Heywood 2002: 148).

As EU is a part of the contemporary political culture, it's also leader of the major cultural trends that has transformed the world and public values. Modernization/Europeanization is the one of these values. For almost two century now, the secularizing influences of science and control over nature have altered economic and social system and shaped political cultures, first in the West and increasingly throughout the world. This trend toward cultural modernization continues to have powerful effects as it penetrates societies (or part of societies) that have been shielded from it (Almond, Powell, Strom, Dalton, 2002:64).

These changing values have also shaped the policy agenda of industrial democracies; more citizens are asking government to restore the environment, expand social and political freedoms, and emphasize policies to ensure social equality. However, in this case, a much different response to modernization has been resurgence of ethnicity, or ethnic identities. As citizen skills and self-confidence have increased, formerly suppressed ethnic groups have begun to express their identities and demand equal treatment. Development of education and communication skills may encourage a flourishing of literature in a local language whose previous tradition has been informal and oral. This development can further intensify awareness of common symbols and history. While resurgence of distinctive local cultures enriches the global society, clashes between cultures and subcultures can also be particularly deadly bases of political conflict (Almond, Powell, Strom, Dalton, 2002:65).

By the effect of Modernization/Europeanization, in the last decade the major new development has been trend toward democracy in Eastern Europe, East Asia, and the other parts of the developing world. This democratization trend reflects long-term responses to modernity as well as immediate reactions to current events. Modernization/Europeanization gradually eroded the legitimacy of non-democratic ideologies, while the development of citizens' skills and political resources made their claim to equal participation in policymaking (at least indirectly) more plausible. Ironically, as democratic values have begun to take root in Eastern Europe, citizens in many Western democracies have become increasingly skeptical about politicians and political institutions.

In frame of this entire trend and with the disappearance of Soviet threat, USA's protective role has become superfluous and it gives the advance of EU integration in the light of trends that we was mentioned. However, in this integration process, institutionalizing of European Union with 1993 Copenhagen Criteria was started to acquire a different shape. The first one wants Europe to be (again) an important power factor in the world. The second one, in the partial opposition the first one, conceives a social Europe underlining human rights and democracy. A third one, in opposition to both former projects, attempts to defend the existing national states or world even prefer to strengthen them (Jacobs, Maier 2002: 13-34).

In the light of expressions that we was mentioned, thought a subject that was enclosed an important place in the evolution process of a young country. When we was analyzed last 50th years of Turkish Political History, is the one of landscape that the effort being full member to European Union that we can see.

In this thesis, in the frame of the Europeanization, the aim to try analyzing Turkey's European Union process that starting to negotiations with European Union in the date 17 December 2004. Especially, in the subject of "foreign policy" and "minorities" which are the weakest subjects of the European Union, we will compare between Greece, the member state

of EU, and Turkey. The aim to choose Greece for the examination in this thesis is the common history of these countries, the similar political evolution and their similar cultural past.

CHAPTER I

1. UNDERSTANDING OF EUROPEAN UNION AND ITS INTEGRATION:

THE POLITICS OF EUROPEANIZATION

After the collapse of the Communist regime in East Europe and diminish the effect of communism over these countries and the decision of EU “re-gaining of East” and “re-democratize” these countries with the enlargement process, bring in the term of “Europeanization” to the world political system and literature.

In this volume, we aimed to define what means the term of “Europeanization”, how it defined by political literature and the effect of adaptation this “term” to the administrative system.

1.1 Europeanization Defined

The term of Europeanization has gained importance in political science literature over the past decade. As scholar tried to understand the politico-economic-societal transformation required in European integration, especially in the cases of states acceding to EU after existing from non-democratic (fascist or communist) and in some cases after violent (outright war or ethno-secessionist conflict). Europeanization may be seen as working through three kinds of mechanism which interact synergistically:

- *Legal obligations* in political and economic domains flowing from the requirements for accession to the EU, and/or from Council of Europe membership and to its Convention on Human Rights and Fundamental Freedom;
- *Objective changes* in economic structures and the interests of individuals as a result of integration with Europe; and

- *Subjective changes* in the beliefs, expectations and identity of the individuals, feeding political will adopt European norms of business, politics and civil society.¹

The term of “Europeanization” –like “globalization”- can be a useful beginning point for g understanding of important changes that occurring in the politics and society of Europe. The obligation of the researchers is to give a precise meaning “Europeanization” has little value if it merely repeats an existing notion. It is not a simple synonym for European regional integration or even convergence; through it does overlap with aspect of both. As a term for social sciences, it can range over history, culture, politics, society and economics. It is a process of structural change, variously affecting actors and institutions, ideas and interests. In a maximalist sense, the structural changes that it entails must fundamentally be of a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, “Europe”. Minimally, “Europeanization” involves a response to the policies of the EU.²

On the other hand, Europeanization mechanism can be identified as the combination of rational institutionalism through policies of conditionality and sociological institutionalism through norm diffusion and social learning.

If we focused the EU context, we can see that Europeanization is an interactive process in which member states affected by the process of European integration are at the same time the players who initiate and shape process. There is a two-way process between structure and agency. In the frame of European, the dynamics of Europeanization are different. In the European, states are the actors that affected by the process do not have the institutional means to codetermine decision of the EU that affect them. In this context, Europeanization takes on the aspect of an EU foreign policy instrument.

¹ Michael Emerson and Gergana Noutcheva, “Promoting Democracy and The rule of Law: EU and US strategies and Instruments”, conference of the Center for Democracy, Development and The Rule of Law, Stanford University, 4-5 October 2004

² Kevin Featherstone and Claudio M. Radaelli, *The Politics of Europeanization*, Oxford University Pres, 2003, P: 3

By the concept of Europeanization, it has a structure that has a further specific application in the pursuit of conflict settlement and resolution in the European periphery. The solidarity and interdependency between democratization and conflict settlement has a important place in the agenda of Europeanization. In a recent study of several unresolved conflicts of South East Europe we have defined Europeanization in the field of secessionist conflict settlement and resolution as a “process that is activated and encouraged by European Institutions, primarily the EU, by linking the outcome of the conflict to a certain degree of integration of the parties involved in it into European structures. This link is made operational by means of specific conditionality and socialization measures, which are built into the process of Europeanization”.³

In other words, we can identify the aim of European integration, literally Europeanization, is the increase and expansion of institutionalization at the EU level, means the development of EU’s competence and coordination in foreign and security policy, the adjustment evident in the institutional setting, in terms of incorporating the norms, rules, identities and interests of actors within a structured set of relationships at the level of member states and consequent on EU obligations and the adjustment evident, in similar respects, in states that are not EU members, but which are closely linked to it.

1.2 Europeanization as a Historic Phenomenon

“Europeanization” has taken on different meaning throughout modern history (Mjoset 1997). This word has adverted to the export of European authority and social norms: imperial control, institutional organization and practice, social and cultural beliefs, values and behaviors. “Europeanization” is used in way by historians to describe the export of cultural norms and patterns (e.g. Kohout 1999). However, in contemporary time, when we examine the concept of “Europe” and the terms of “European” that constitute by the “Europeans” and

³ Quotation from G. Noutcheva, N. Tocci, T. Kovziridze et al., “Europeanization and Conflict Resolution: Theories and Paradigms”, in chapter 2 of B. Coppieters, M. Emerson et al., op. Cit.

“Europeanization” has not acceded the basis, historically, of the separation of social identities and interests within the broad geographical area understood today as “Europe”. Anthropologists, for example, use “Europeanization” to characterize changes in early human society and the shift of ethnic groups (Cesnys 1991, Poruciuc 1994, Featherstone & Radaelli 2003). In later history, religious cleavages reinforced such points of distinction. The religious affiliations of Southern Europe, for example, would in the past have been both mutually exclusive and the basis of a clear divide with the present “core” EU states, questioning the meaning of “Europe” and “Europeans”. Orthodox Greece, Muslim Turkey, Catholic Italy, Spain and Portugal stand in contradistinction to the mix of Catholicism and Protestantism in the north. In the modern period, “Europeanization” has often meant adaptation to west European norms and practices (Featherstone & Radaelli 2003:7), acknowledging the “pull” to convergence of the major powers of the region (Diamandouros 1994).

1.3 Europeanization as a Transnational Cultural Diffusion

“Europeanization” is being examined by different categories; this category of application focused that “Europeanization” as increasing transnationalism: that is, the diffusion of cultural norms, ideas, identities and patterns of behavior or cross-national basis with Europe (Featherstone & Radaelli 2003). In this category, “Europeanization” identified very broadly. At a cultural level, “Europeanization” has been applied to a shift in drinking habits in Iceland (Olafsdottir et al. 1997) and identities in relation to engagement with football (Maguire et al.1999). “Europeanization” affects wider social activities such as education (Seitter 1993). It has been used to describe change in political culture (Pamir1994, Borneman and Fowler 1997) and more specifically, a redefinition of citizenship (Joppke 1995) and a shift in ideology (Gransow 1982). An interesting case of “Europeanization” is that involving the cultural assimilation of European-based notion of human rights and citizenship by Turkish immigrants in Germany (Soysal 1994). In each of these examples, the factors prompting

“Europeanization” appear to have at best an indirect linkage to the activities of the EU. (Featherstone & Radaelli 2003)

1.4 Europeanization as Institutional Adaptation

When we examine the nowadays political culture and political system, we can see that “Europeanization” is associated with the domestic adaptation to the pressures emanating directly or indirectly from EU membership. This viewpoint can be defined as refracting the integration-building process underway at the EU level or as part of a “second-image” reserved” process (Gourevitch 1986).

“Europeanization” is used to express how public administrative institutions at the centre have adapted to the obligations of EU membership (Benoit 1997, Wessels 1998, Agh 1999, Harmsen 1999, Bulmer and Burch 2001). Historical institutionalism lends itself to studies in which domestic (and/or EU) institutions have an intervening effect on an actor preferences and interest in the short term, and a sufficiently stronger impact over the longer term, to establish distinct paths of development in policies and institutions. (Bulmer and Burch 1998, Featherstone and Radaelli 2003).

In addition to this,” Europeanization” is identified with the adaptation of other institutional actors in domestic political process (Featherstone & Radaelli 2003). This explanation is made up with the conception that EU is encouraging “the emergence of – multilevel governance- (...) some previously centralized functions of the states up to the supranational level and some down to the local/regional level” (Marks 1993:392).

The notion of power and participation being dispersed is also found in studies of EU policy making which identify actors engaged to policy network of a horizontal and vertical nature (Rhodes et al. 1996). In a most comprehensive accounts of this approach, Kohler-Koch and Eising (1999:268) have argued that “we are currently witnessing a transformation towards

a network mode of governance at the level of the European Community”. Given the peculiar characteristics of the EU polity (its multilevel structure; the combination of supranational and inter-governmental elements; the strength of the judiciary; the functional and technocratic style; the heterogeneity and fluidity of the actors involved over the different policy phases) the emergence of the predominantly network mode of governance- as opposed to pluralism, statism and corporatism- is seen as inevitable. The focus here is on how EU policies develop and the role of EU actors in the process, rather than domestic impacts and response. The precise impact of the new mode of governance on the distribution of power is not always closely defined, however, nor the appropriate “test” for the falsification of the argument (Featherstone and Radaelli 2003:9).

The restructuring of power within bargaining relations is most readily accounted for within the framework of “rational choice institutionalism” (e.g. Scharpf 1988, 1997, Tsebelis 1994, 1995; Garret and Tsebelis 1996). “Europeanization” emphasize how interests and capabilities might redefined across “two-level” bargaining structure (Putnam 1988) or as involving “nested games” (Tsebelis 1990). This complex interpenetration between the “domestic” and the “European” level create a variety of opportunities for actors to exploit. First, government can identify strategic advantages in being bound by EU commitments (Grande 1994, 1995; Moravscik 1994). Second, differentiation may be made between “core” and “peripheral” states according to their relative impact on bargaining and policy outcomes. Third, domestic actors may seek to be bound by EU constraints in order to obtain otherwise elusive reform at home and strategic advantage over their rivals, within or beyond government institution (Featherstone and Radaelli 2003:9).

1.5 Adaptation of Policies and Policy Process

The recognition of domestic inputs into EU policy making as “Europeanization” properly equates with more traditional notions of integration (Featherstone & Radaelli

2003). The truth of the matter in the use of “Europeanization” as a term has reflected the evolution of EU foreign policy coordination itself (Keating 1983:138). Another expression referred that the term of “Europeanization” as a synonym for regional cooperation, though it has a particular relevance juxtaposed to “Atlantism” (Featherstone & Radaelli 2003).

When we analyze the evolution the term of “Europeanization” we can see that the concept of “Europeanization” as a process of domestic adaptation in the area of foreign policy become a more frequently used term with the growing importance of the “European Political Cooperation” (EPC) process in the late 1980s, the development of the “Common Foreign and Security Policy” (CFSP) after Maastricht in 1991 and shifts consequent on the collapse of Communism (Featherstone & Radaelli 2003).

In sum up, many of case studies of national foreign policy in the EU use the “Europeanization” term as domestic adaptation for EU membership. Literally, the contrast that existed between the denotation of EU pressure in this frame and in many areas of economic and social policy, as a result of foreign policy cooperation is affecting the preserve of national sovereignty. Whilst “the delegation of policy competence (in foreign policy) (...) has had a limited impact on domestic policy choices” (Hix and Goetz 2000:6), the more general impact on EU membership, or even the prospect of it, has in some cases led to a profound national reorientation (Featherstone & Radaelli 2003). These more general effects are most glaring in states aspiring to join the EU.

CHAPTER II

EUROPEANIZATION AND ADMINISTRATIVE CONVERGENCE:

THE GREEK CASE

Greece is the country that became the 10th member of the European Union on January 1, 1981. Over the course of the last 25 years, and particularly during this past decade, Greece has experienced a remarkable economic and political growth. Widespread investments in industrial enterprises and heavy infrastructure as well as funds from the European Union and growing revenues from tourism, shipping and services have raised the standard of living to unprecedented levels.

In spite of the economical grow of Greece, that apart its full membership to EU, is not able to success by political within the EU. In this volume, we aimed to describe Greece public policy and administrative system, the political failure in the frame of Europeanization process and the minority issue in this country.

2.1 EU Public Policy and the Greek Administrative System

The Greek administrative system and style are characterized by a low degree of legitimacy and Institutionalization. The legitimacy deficit lies in the very process of state-building. The Greek policy-formation process took place through the exclusivity of governments acting against the largest park of Greek society. These were reinforced through the civil war (1944-47) and in the second half of the twentieth century, the seven years' military junta (1967-73) (Papadoulis 2005, p: 357).

The Greek administrative system and style are incapable of ensuring continuity. It is traditionally centralized and dominated by the main party in government and civil servants do not form elite comparable to that of France, the UK or the EU. Moreover, a high degree of corruption, patronage and clientelism, which characterize the Greek political and public policy process in general, undermine the both technical capacity (instrumentality) and

legitimacy of the Greek administrative system and style. In other words, the latter based on, firstly, party paternalism (*komatocratia*), in which dominant political parties in power dominate the public policy interest articulation process; secondly, clientelism and patronism, where private interests exercise political and/or public policy influence as clients and/or patrons of political dominant political parties; and thirdly, the endemic political and public policy corruption. (Beetham and Lord, 1998; Horeth, 1999; Lavdas, 1997; Papadoulis, 2002, p: 138-54, 2003, p: 147-74, Sotiropoulos, 1993; Sotiropoulos and Bourikos, 2002, Spanou, 1995, 1996, Spourdalakis, 1998).

In consequence, we can say that legalism and formalism do not necessarily mean standardization, formalization and predictability. Irrespective of formally centralized administrative cultures and structures, centrifugal political forces resist EU and Greek formal obligations imposed by modernization and post-modernization reforms; they maintain a high degree of fragmentation along with a selective respect for formal rules, while neutralizing control and sanction mechanism. Thus, informal practice, as well as unlimited discretionary powers and lack of accountability on the part of civil servant, very often oppose and ignore formal rules (Makridimitris, 1995; Papadoulis, 2002, p: 256-60, Spanou, 1996).

The eccentricity of Greek administrative system and style, by structural and cultural way, point that how it has to go fulfill the implicit expectations and convergence necessity of EU integration and Europeanization. The specific approach of Greek administrative system and style to the Europeanization process, by summarized, the increase of predictability has been relatively low in relation to the EU. If we analyzed circumstantial to this approach, we can include to this that the co-ordination and planning mechanism, the rebalancing of politics-administration relations, continuity, respect for and the strict implementation of formal rules and obligations, more decentralization, effective monitoring and control mechanism, and increasing transparency.

The study of administrative responsiveness to EU integration and Europeanization has usually focused on the domestic cultures and structures for EU public policy co-ordination. A brief glance at this scheme's features shows that the more general characteristic of the Greek political-administrative system have left their mark on the adjustments undertaken: a low degree of institutionalization, a gap between formal rules and informal frameworks adopted, none has really been put into effect and they are often marginalized without being officially replaced by an alternative (Iokimidis, 1993, Papadoulis 2005, p: 358).

The EU public policy co-ordination system in Greece was supposed to be centralized; in the practice it has proved to be decentralized and non-institutional. Worse, instead on being loose and decentralized it is fragmented, disorderly, disorganized and disoriented. Within this context, the Greek co-ordination of EU public policy often relies on ad hoc meeting and is more a matter of personalities and/or individualism than of formal/institutional mechanisms. This is a common phenomenon that applies not only to the Greek public administration, but also Greek governance and the public policy process in general (Lavdas, 1997; Metcalfe, 1998; Papadoulis, 2002, p: 151-4).

Reform proposal and decision tend to estimate the profound causes of this unsatisfactory situation, by suggesting the centralization of EU affairs' competencies in a specialized ministry (or minister) or collective governmental and inter-ministerial bodies. As observed earlier, none of the solutions, In adequate in itself, as long as the preconditions allowing EU public policy co-ordination are lacking throughout to the Greek political, public policy and , particularly, administrative system and style. The informal practices, such as the non-implementation of laws and administrative rules, excessive discretionary powers and lack of accountability and mechanism of controls and sanctions, show an impressive resistance despite an awareness of their shortcoming (Papadoulis 2005).

Within the EU context, two complementary approaches can be viewed in centre-periphery relations: decentralization and planning, both of which are far from being typical of the Greek administrative system and style. The emphasis placed on those features by EU public policies often contributes to an awareness of the need for institutional reform, to the extent that especially unitary countries fear being disadvantaged because of inadequate regional administration (Lavdas, 1997; Spourdalakis, 1998; Toonen, 1992).

2.2 MINORITY ISSUE IN GREECE IN FRAME OF EUROPEANIZATION PROCESS

2.2.1 The Council of Europe and Minority Protection

The Framework Convention for the Protection of the Council of Europe⁴ can be regarded as a belated result of the changes after 1989 in Europe. As Gal asserts, the Framework Convention is a milestone in converting the political declarations and intents into legal terms, thus becoming the first legally binding international instrument generally devoted to minority protection which shall be elaborated infra.

However, for concerning to understand the urgent need to overcome divisions and conflicts in Europe, the Council of Europe indeed has a longer history dating back to its early days of establishment after World War II. Though seen in the context of human rights at the time, the Council's mission was perceived primarily as “ (...) to achieve a greater unity between its member states,(...) on the basis of a specific political project: the commitment of

⁴ (Here after referred to as “Framework Convention”) The framework Convention was adopted by the Committee of Members of the Council of Europe on 10 November 1994. It was opened for signature on 1 February 1995 and it entered into force on 1 February 1998 following the required number of ratification which was 12. The numb of signature not followed by ratifications is 8, while the number of ratification is 34 (data as of 22 November 2001). Among the full members of the European Union, France is the only state is not sign the Framework Convention. Greece signed it on 22 September 1997, however it did not ratify; see Kinga Gal, “The Council of Europe Framework Convention for the Protection of National Minorities and Its Impact on Central and Eastern Europe”, *Journal on Ethno-politics and Minority Issues in Europe*, (Winter 2000), p:2, in <http://ecmi.de> , European Center for Minority Issues. For a complete account of the current status of the Convention, visit <http://conventions.coe.int/treaty/EN/searchsig.asp?NT=157&cm1&DF=>; also see <http://stars.coe.fr/gen/aintro/htm> .

the member states and their peoples to the principles of a pluralist democracy, human rights and rule of law.”⁵

The main objective of the Council of Europe is seen in the “European Convention on Human Rights” of 1950, wherein the rights of minorities were also secured essentially by employing the term “everyone” and not expressions such as “people, public, citizen” and the like, particularly observed in Article 9, 10, 11 Additional Protocol, Article 2.⁶

Against this background, the European Commission for Democracy through law known as the “Venice Commission”, a unit consisting of eminent jurist and constitutional experts set up in 1989 under the aegis of the Council of Europe took the initiative to examine the proposal for a draft European Convention for the Protection of Minorities. Nevertheless, after lengthy discussions and deliberations, the Council, in October 1993, in Vienna, agreed to call for a new framework convention in order to assure the protection of minorities, which would also be open for signature by non-member states.

On the other hand, an idea for protection of regional or minority languages was proposed by the Standing Conference of Local and Regional Authorities of Europe, which drew the draft of the Charter of European Regional or Minority Languages which was subsequently adopted in June 1992 by the Committee of ministers.⁷

As Henrard asserts, in examining the characteristics of the Charter, it is remarkable that “(...) the Charter does not grant any rights to speakers of certain (minority) languages or to certain linguistic groups but is focused on the languages themselves, and thus on a recognition, protection and promotion of multilingualism.”⁸

⁵ Klaus Schuman, “The Role of the Council of Europe” in *Minority Rights in Europe: The Scope for a Transnational Regime*, Hugh Miall ed. (London: Pinter Publishers, 1994), p: 87.

⁶ See *ibid.* p: 90 for these articles.

⁷ The Charter entered into force on 1 March 1998; for further reading see Henrard, “Devising an Adequate System of Minority Protection”, p:217; also see Maria Amor Martin Estébanez, “The Protection of National or Ethnic, Religious and Linguistic Minorities” in *The European Union and Human Rights*.

⁸ Henrard, “Devising an Adequate System of Minority Protection”, p: 215.

Secondly, the Charter envisages that the Contracting states can within a certain frameworks choose their obligations a la carte, thus leaving so much choice to member-states. As this naturally denotes each member-states can determine itself which languages are minority language in their territory.⁹

The contribution of the Charter to minority protection seems to be modulated and balanced in view of its flexibility as regards state's choosing its options. In general, the Charter offers guidelines to member-states on the fashion to deal with the issues of accommodation of linguistic diversity and it confirms the importance of multicultural including multilingualism.¹⁰

Turning to the Framework Convention for the Protection of Minorities, through close analysis, it can be seen that several articles of the Framework Convention take up human rights articles of the European Charter of Human Rights while introducing at times extra requirements for securing minority rights.¹¹

On the other hand, the Framework Convention does not define the subject in its text. As such, certain states as Bulgaria, Denmark, Estonia, Germany, Switzerland and Macedonia added their interpretations of the term, which consequently resulted in addition of declarations to the ratification of the Framework Convention and also the Convention stipulates that every signatory report on its implementations every five years.¹²

In general, there exist both positive and negative evaluations regarding the contribution of the Framework Convention is the most impact but detailed European arrangement to date inter alias designated

⁹ *Ibid.*

¹⁰ Athanastasia Spiliopoulou-Akermark, "Justification of Minority Protection in International Law", London : Kluwer Law International, 1997, p: 331

¹¹ Henrard, "Devising an Adequate System of Minority Protection", p: 211-212

¹² Gal, "The Council of Europe Framework Convention for the Protection of National Minorities and Its Impact on Central and Eastern Europe", p: 2-3

The council of Europe continues to be active in the field; in 1997 an Advisory Committee was designated to assist the Council of Ministers monitor agreements, and in 1998; an intergovernmental Committee of Experts was established to deal with minority-related issues (DH.MIN).¹³

By way of conclusion, in contrast to arguments stating that the Council at best facilitates the work of those states which aim at ameliorating the treatment of minorities,¹⁴ it may be seen that the Framework Convention represents a step forward in internalizing the European minority policies. Besides, it may be argued that not the documents itself, but the negative stances of full member as that of Greece by means of not ratifying the Convention complicates and heralds the achievement of a unified approach in Europe.

2.3 POLICIES AND PRACTICES OF GREECE WITH RESPECT TO ITS MINORITIES

2.3.1 Framework Convention for the Protection of National Minorities and Greece

Greece signed the Framework Convention for the Protection of National Minorities in Strasbourg on 22 September 1997, yet not ratified it.¹⁵ As per the article 28.1 of the Greek Constitution, ratified international instruments take precedence over Greek Domestic Law:

*The generally recognized rules of the international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law.*¹⁶

¹³ Henrard, "Devising an Adequate System of Minority Protection", p: 214

¹⁴ Daniel D. Froast, "The Emergence and Selective Enforcement of International Minority-Rights Protections After the Cold War", Macarthur Consortium Working Papers in Peace and Cooperation, (December 1996), p: 11, from Columbia International Affairs Online, [http:// www.ciaonet.org](http://www.ciaonet.org)

¹⁵ Martin Alexanderson, " Why the Framework Convention Should be Ratified", in *Mare Balticum*, vol. 3, August 1997, p: 21-22, available on www.riga.lv/minelres/publicat/Alexan_1.htm .

¹⁶ Greek Helsinki Monitor (GHM) AND Minority Right Group- Greece (MRG-G), "Report About Compliance With the Principles of the Framework Convention for the Protection of National Minorities", available on www.greekhelsinki.gr/Minorities-of-Greece.html .

However, just as the case, if international instruments are not ratified, the sole of provision in the Greek Constitution that operates concerning the right of minorities is Article 5.2:

*All persons living within the Greek territory shall enjoy full protection of their life, honor and liberty irrespective of nationality, race or language and religious or political beliefs. Exceptions shall be permitted only in cases provided by International Law.*¹⁷

Though the Greek Constitution does in no form or shape define “minority”, it acknowledges the existence of only one among the all, in religious character, which are the Muslims of Thrace whose right have been guaranteed the 1923 Treaty of Lausanne. However, Greek laws use the term “omogenis” and “allogenis” when the differentiating between ethnicity.¹⁸It has been noted in the 1999 Report of Greek Helsinki Monitor and Minority Rights Group-Greece that such “allogenis” Greek citizens have been stripped of their citizenship if they settled abroad for future with respect to Article 19 of the Greek Citizenship Code, which eventually came to be abolished in 1998:

*A person of non-Greek origin leaving Greece without the intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality is both their parent and the surviving parents have lost the same. The Minister of the Interior decides in these matters with concurring opinion of the National Council.*¹⁹

¹⁷ Ibid.

¹⁸ The term refers to “national and ethnic Greeks” and “non-ethnic Greek”, respectively. See *ibid.*, Article 3.

¹⁹ See Lois Whitman, “Destroying Ethnic Identity: The Turks of Greece”, *A Helsinki Watch Report (New York :Human Rights Watch,1990),p :11*

The same report writes that while the bulk of 60.000²⁰ people who lost their citizenship under Article 19 between 1955 and 1998; *omogenis* people of Greek origin who were citizens of other countries could swiftly acquire Greek citizenship.

These constitute but two example of the Greek official attitudes and practices among many observed to date²¹. Yet, official voices of pro-integration in the Greek Parliament are also known to have raised questions regarding the ratification of the Convention on minority issues. In 1999 when MP Maria Damanaki of the Progressive Left Coalition requested that the Parliament discusses and ratifies the Convention, the Minister of Foreign Affairs in his written answer declared that “The ratification of the Framework Convention of Council of Europe is a matter time”²². However, the ratification of the Convention still remains to be seen while many reports make reference to the necessity of the implementation of the related international instruments by Greece.²³

2.3.2 Turks in Greece

The settlement and subsequent presence of the Turks in Western Thrace is reflected as dating to the 2nd century B.C²⁴; while some related accounts note the first Turkish traces in the

²⁰ Figure provided by the then Minister of Interior Alekos Papadopoulos, “Avghi”, 24 January 1998

²¹ See the “Report about Compliance with the Principles of Framework Convention for the Protection of Minorities”, wherein the Greek Helsinki Monitor and Minority Rights Group-Greece provide a neat observation. The report comprises of the 18 Articles of the Convention and Greece’s relevant practices and examples. See Appendix A.

²² “Parliamentary Question to the Minister of Foreign Affairs”, 18 October 1999, available on <http://www.greekhelsinki.gr/pressrelease/daman-18-10-1999.html>.

²³ See “United States of America, Congressional Record, Proceedings and Debates of the 107th Congress”, First Session, vol. 147, no. 0, Washington, 21 March 2001, “Celebrating Greek Independence Day”, available on <http://www.csce.gov/crs>; United Nations, General Assembly Reports A/51/542/Add.1, 7 November 1996, available on <http://www.unhcr.ch/>; United Nations Economic and Social Council, Report E/CN.4/1998/6, 22 January 1998, available on <http://www.unhcr.ch/>; “Press Release by the Political Secretariat of Rainbow”, Florina-Lerin, 11 October 1999, available on <http://www.florina.org>. Also see “Pres Release by 3 Minority Deputies and 28 Minority organizations and NGOs on the Occasion of the Universal Day Against Racism (21 March)”, 19 March 1999, available on <http://www.greekhelsinki.gr/pressrelease.htm>; “Human Rights Watch World Reports 2002: Greece”, available on <http://turkses.com/>. For a more comprehensive report, see “European Commission Against Racism and Intolerance : Second Report on Greece”, available on <http://www.turkses.com/>; see also “Statement to the 2001 OSCE Implementation Meeting Working Session on -Rule of Law-”, 18 September 2001, Greece :Unfair Treatment of Migrants and Minorities” available on <http://greekhelsinki.gr>; and “U.S Department of States, Country Reports on Human Rights Practices-2000:Greece”, available on www.state.gov.

²⁴ See “File on the Problems of Turkey-The Western Thrace Turks in Issue in Turkish-Greek Relations”, İstanbul: International Affairs Agency, 1992, p:9-11; Murat Hatipoğlu, “Yunanistan’da Etnik Gruplar ve

region as 12th century²⁵. In line with the latter, which is sounder, Oran in his comprehensive writings marks the history of the Turks of Western Thrace as beginning with the Ottoman conquest of the region in the 12th century; more neatly illustrated as the 1363 conquest of Eastern Thrace and the subsequent 1364 conquest of Western Thrace.²⁶

In geographic terms, Western Thrace is a narrow portion of land of 8,578 square kilometers, stretching horizontally across the northern coast of the Aegean, surrounded by Bulgaria, Turkey and the Aegean Sea. Statistics reflect the overall population of Turks in the region in 1922-23 as 129,120; yet the current figure is 110,000²⁷. 80% of the minority is traced to be localized in rural areas displaying a high birth rate of 3%, which on the other hand was not reflected as an increase in the number of population due to emigration to Turkey amounting to 250,000²⁸. Nevertheless, the figure for those Western Thrace Turks residing in Turkey announced by the Minister of Internal Affairs of Turkey is 2874 as January 2002²⁹; consisting of those “heimatlos”³⁰ or “iskat”³¹.

In general terms, the Turks of Western Thrace criticize and accuse the Greek state on the grounds that it follows a discriminative policy denying the rights granted by multilateral and bilateral agreements; and those granted by Greek citizenship³². The reaction by the Greek state against these allegations has been observed as objection to the accusations, stressing that the Greek laws have not been and are not exercised, the Greek official stance is known to

Azınlıklar” (Ethnic Groups and Minorities In Greece), Ankara: Stratejik Araştırma ve Etüdler Milli Komitesi, 1999, p: 22

²⁵ See Whitman, “Destroying Ethnic Identity”, p:1

²⁶ Baskın Oran, “Türk-Yunan İlişkilerinde Batı Trakya Sorunu” (Western Thrace Question In Turkish-Greek Relations), Ankara: Mülkiyeliler Birliği, 1986, p:8

²⁷ “Turkish Minority in Greece-Greek Minority in Turkey”, p:9 (Author’s name, date and place of publication not printed, accessible in the library of Turkish Grand National Assembly). For an extensive account on Turkish existence in the Balkans and in Thrace, see Edward Stanford, “Carte Ethnologique de la Turquie D’Europe et de la Greece et Mémoire sur la Répartition Actuelle des Races Dans la Péninsule Illyrque Avec Tableau Statistique”, E. Dentu ed., Paris: Paris-Royal, 1877.

²⁸ Baskın Oran, “Batı Trakya’daki Müslüman Türk Azınlığı”, in “Türk-Yunan Uyuşmazlığı”, Semih Vaner ed., İstanbul: Metis, 1990.p:152

²⁹ Yeni Şafak newspaper, 7 January 2002

³⁰ “Stateless”

³¹ “Deprived of Greek citizenship”

³² Oran, “Batı Trakya’daki Müslüman Türk Azınlığı”, p:52

have manifest a tendency to substantiate the issue on a counter-argument as an answer: the argument that the Greek Orthodox population in Istanbul decreased from 90,000 to 5,000 and that the Turkish government was responsible for this³³.

Through legal instruments and arrangements, it is seen that the first international agreement on minority protection in Greece was the 1830 London Protocol which declared Greece independent, with Great Britain, France and Russia acting as the brokers of Greek political and international affairs. It guarantees the protection of the Muslims in the territories of Greece³⁴. The second international agreement similar to the London Protocol is the 1881 Istanbul Convention signed on the one hand by France, Germany, Austria-Hungary, Britain, Italy, Russia; and the other hand by the Ottoman Empire, again guaranteeing the rights of Muslim minorities in the territories given to Greece³⁵. The third is the known as the 1913 Athens Agreement which was signed between Ottoman State and Greece and the fourth is the Greek Sevres signed on 10 August 1920³⁶. This last agreement is larger in scope in that it undertakes to protect the right of not only the Muslims but also all other minorities. The fifth and the last international agreement is the 1923 Treaty of Lausanne, specifically Article 45 and preceding Article 37-44 that it makes reference to³⁷. As Oran argues, also the Convention Concerning to Exchange of Greek and Turkish Populations, signed concurrently in Lausanne, the 1926 Athens Agreement, 1930 and 1933 Ankara Agreements relate to rights of Turkish minority in Western Thrace³⁸.

³³ *Ibid.*

³⁴ Baskın Oran, "Türk Dış Politikası ve Batı Trakya", in "Türk Dış Politikası Analizi", Faruk Sönmezoğlu ed., İstanbul: Der Publications, 1998, p:311

³⁵ Oran, "Türk Dış Politikası ve Batı Trakya", p:312

³⁶ *Ibid.*

³⁷ *Ibid.* See Appendix B

³⁸ *Ibid.* For full text of these conventions and agreements, see Stephen Ladas, "The Exchange of the Minorities: Bulgaria, Greece and Turkey", New York: The Macmillan Company, 1932, part II passim and appendices there in. Texts in French.

Poulton argues³⁹ that given the cited legal arrangements, Turkey has seen itself as having the rights to say over the issues relating to Turkish community more, for example, than the slid case of Bulgaria where a solid amount of Turkish population also exists, yet; where no much specific treaties do; and but less than the case in Cyprus for instance, where Turkey displays more power as one of the guarantor states. Poulton, further notes⁴⁰ that the consistent features of the way the Greek government handless issues pertaining to Western Thrace since 1960s has been reciprocation, one which implies tit-for-tat arguments as aforementioned⁴¹.

Viewed in retrospect, the history of Western Thrace Turks reflects attempts of independence movements, the first of which took place after the 1878 San Stefano Agreement. This agreement gave Western Thrace to Bulgaria, causing the Turks in the region to revolt which resulted in the establishment of an interim government named “Rhodope Government”⁴². Yet, owing the revision of the agreement in the Congress of Berlin, this government was annulled after eight years in 20 April 1886. The second attempt is seen during the 1913 Balkan War when Enver Bey ordered Commander Kuşçubaşı Eşref and his 116 soldiers to reach the region where they had been notified the Turks were being annihilated by Bulgarian gangs. The Turkish battalion quelled the riot and “Western Thrace Government” was set up on 31 August 1913 which would last only fifty-eight days⁴³. The third Western Thrace Turkish Administration was set up by Fuat (Balkan) on 30 July 1915, which power until 27 September 1817. This government also proved to be short-lived due to the negative international and regional conjuncture of the time⁴⁴. The fourth and the longest attempt of independence movement was the “Western Thrace National Government” which

³⁹ Hugh Poulton, “Ethnic Turks and Muslims in the Balkans and Cyprus”, in *Mediterranean Politics*, Richard Gillespie ed., London: Pinter, 1996, p:110-112

⁴⁰ Poulton, “Ethnic Turks and Muslims in the Balkans and Cyprus”, p: 112

⁴¹ Hakkı Akalın, “Turkey and Greece: On the Way to Another War?”, Ankara: Net, 1999, p:162

⁴² Hatipoğlu, “Yunanistan’da Etnik Gruplar”, p:23, Oran, “Türk-Yunan İlişkilerinde Batı Trakya Sorunu”, p:9

⁴³ *Ibid.*

⁴⁴ Celalettin Yücel, “Dış Türkler”, İstanbul: Hun, 1976, p:133

annulled itself as a consequence of the 1923 Treaty of Lausanne⁴⁵. The last phase in the chain of attempts is the ideological struggle which soon turned to the disapproved by the Turkish community, as it was aimed at starting a new independence movement, however is the time under Stalinist principles. The Turkish community came to realize that was not a national struggle and it did not take long before it dissolved in its time⁴⁶.

Through these phases, Turkish community came to be labeled as a Muslim minority by Greece, which in due course manifests uneasiness in several aspects of life. To start with, as regards Article 19, Turks are known to have lost citizenship, the mostly heard of examples being students who went abroad to study in Turkey or Germany and found that they had lost citizenship when they tried to return to Greece and were not permitted to come back⁴⁷. Before the laws are abrogated in 1998, it was acknowledged by lawyers representing the Turkish minority that if an ethnic Turk was out of the country, the police would ask his/her neighbors if she/he would return to Greece. If they received “no” as an answer, the police would send a notice to the Ministry of the Interior to deal with the matter, which mostly was followed by a decision of stripping citizenship. The decision would be printed in the official gazette, yet the person would not be notified thereof⁴⁸. Among all, it is notable that Semahat Haliloglou and Arap Haliloglou lost their citizenship when they were doing their military service in the Greek Army⁴⁹. It has also been reported that despite encouraging Turks to go to different regions in Greece to find job, the Greek authorities later stipulated that the Turks stayed where they settled and threatened them on the grounds that they would be expelled from their job unless they took Greek names⁵⁰.

⁴⁵ Ahmet Kayhan, “Lozan ve Batı Trakya”, İstanbul: Türkiye Basımevi, 1967, p: 11

⁴⁶ *Ibid.*

⁴⁷ Whitman, “Destroying Ethnic Identity”, p:12

⁴⁸ *Ibid.*

⁴⁹ Hatipoğlu, “Yunanistan’da Etnik Gruplar”, p: 35, Whitman, “Destroying Ethnic Identity”, p:12

⁵⁰ Hatipoğlu, “Yunanistan’da Etnik Gruplar”, p:35, Oran, “Türk-Yunan İlişkilerinde Batı Trakya Sorunu”,

Secondly, education stands another field in which certain friction has been traced particularly since 1950s. As per a culture agreement concluded on the basis of reciprocity (1951), Turkey send teacher to Greece and young people of Western Thrace come to Turkey to take teachers' training with the aim of going back to Western Thrace and to teach there⁵¹. In the 1950s, the official Greek changed and Greece chose to use the term o "Muslim" for schools, peoples, etc...⁵²

When the Junta administration took power in 1967, the education of the Turkish minority embarked in its most uneasy phase whereby the Greek government began to appoint the administrative boards of Turkish schools, which until then were chosen by Turkish parents. Transfer of schoolbooks from Turkey was stopped by 1951 and the uses of Turkish names were banned⁵³. Ethnic Turkish children have been reported to be taught with out-dated Turkish schoolbooks and it is also acknowledged that Turkish languages teachers are trained in a special academy in Thessaloniki; they do not speak Turkish well due to a backward curriculum they receive, with little contact with developments in Turkey⁵⁴. A Greek law dated May 1984 that stipulated that the entrance examinations to the two secondary Turkish minority schools in Kotomini and Xanthi, as well as graduation examinations had to be in Greek led to remarkable decline in the number of pupils- from 227 in Xanthi and 305 in Kotomini in 1983-83, to 85 and 42 respectively 1986-87⁵⁵. As reported by Helsinki Watch, according to the former Turkish Consul to Komotini, Mr. Önder Alpmen, fewer than 10% of the students who graduate from Turkish elementary schools⁵⁶ continue attend secondary school.

⁵¹ Oran, "Batı Trakya'daki Müslüman Türk Azınlığı", p:158-159

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Poulton, "Ethnic and Muslims in the Balkans and Cyprus", p:112

⁵⁵ *Ibid.*

⁵⁶ Whitman, "Destroying Ethnic Identity", p:40

As regards the out-dated content of the books, the Greek government sources, as reported in *Dateline*, 19 May 1990, claim that the schoolbook issue was the fault of Turkey and not Greece. The former Greek Prime Minister Costantine Mitsotakis is known to have stated that schoolbooks were supposed to be specifically adopted for use by Greek nationals who are members of Muslims minority, under the terms of the 1923 Treaty of Lausanne. Mitsotakis claimed that he had requested changes to be made by the Turkish educational authorities which he claimed were never done. In line with this, Greek authorities objected to those schoolbooks as, they said, these were intended to educate citizens of Turkey⁵⁷.

The Greek government was also reported to inhibit Turks' freedom of movement through passport seizures, which by the Turkish community was said to be "many" in 1989. In some cases, people returning to Greece were told that their passports were no longer valid, while in some cases the passport were returned after two to eight months, yet with no explanation. The number of such of people amounted to 40-50 in 1989.⁵⁸

Regarding to denial of ethnic identity, it is notable that the Greek policy changed over the years⁵⁹ whereby for instance 1) a geography book of 1933 written in Turkey was described as "a Turkish book" by Greece 2) a Turkish school in Komotini about forty years ago, in which a sign of identified the school as "Turkish elementary school", on which the name was written in Turkish and Greek 3) protocols of curricula in Turkish elementary schools for the educational year 1957-58; wherein the schools were referred to as "Turkish schools", 4) an elementary school diploma dated 10 June 1957, written in Greek and Turkish, in which 13-years-old Hatice İmam was identified as a "Turk" and 5) two emergency orders dated 1954 and 1955 in which the chief administrator of Thrace ordered relevant municipalities to change all signs from "Muslim minority" to "Turkish minority"⁶⁰.

⁵⁷ *Ibid.*, p:42

⁵⁸ *Ibid.*, p:13

⁵⁹ Whitman, "Destroying Ethnic Identity", p:14

⁶⁰ *Ibid.*

The two figures that stood out as the negative recipients of these policies were Dr. Sadik Ahmet and İsmail Şerif, against which cases were brought as of January 1990 during an election campaign on the grounds that they distributed campaign literature referring by name to “Turkish minority”; pursuant to which they received subpoenas on charges with:

- Slander and misinformation in Komotini during the last ten days of October 1989, in violation of Articles 245, 320 and 321 of the Criminal Procedure Law, by saying that candidates of New Democracy, Left Coalition and PASOK parties had created an atmosphere of terror and anarchy; and;
- Violating Article 192 of the Penal Code by “openly or indirectly inciting citizens to violence or creating rifts among the population at the expense of social peace” by the use of the word “Turkish”.⁶¹

Dr. Ahmet and Mr. Şerif were found “not guilty” of slander and misinformation; but “guilty” of disturbing public order as per Article 192 of the Greek Penal Code. They spent 64 days in prison in Thessaloniki; yet the Court of Appeals released them on the condition that they paid their fines \$1875, respectively; in place of the remainder of their prison terms; Dr. Ahmet was soon elected an independent MP on 8 April 1990.⁶²

On the other hand, Turks of Western Thrace are known to have complained that their religious freedom had been violated through refusal of permission to repair and/or to build old mosques, denial of the rights to choose muftis and through efforts to control the minority’s waqfs.⁶³ To cite but a couple of examples, it is known that on 4 February 1989, the Nomark of Komotini wrote that permission from the Greek Archbishop was required in order to build a mosque and in the village of Diomilia in the outskirts of Xanthi, exists an old mosque among many others, which has been waiting for permission of repair for 25 years.⁶⁴

⁶¹ Whitman, “*Destroying Ethnic Identity*”, p:17–18

⁶² Whitman, “*Destroying Ethnic Identity*”, p:21

⁶³ *Ibid.*, p:26–29

⁶⁴ *Ibid.*, p:27

Restrictions in political and social life such as those noticed in degrading treatment by the security forces, freedom of expression, license acquisition and restraints in business and professional life are reported to be the components of the suffering of the Turkish minority. Greek security forces frequently call in Turks for interrogation, who assist outside observers; magazines and newspapers from Turkey would not be permitted entry until recently, air and land traffic was heralded during 1989 elections and Turkish-Greek border crossing were closed shortly prior to the elections to keep Turks from returning to vote, Turks are rarely allowed to obtain driving licenses; there are reportedly no Turkish-owned factories, gas stations or pharmacies, no Turkish high-ranking civil servants. Turks can not take credit from Greek banks, either.⁶⁵

Apart from those reported, it is also documented that the Greek government's expropriation of land and cemeteries in Western Thrace incited complaints on the minority's end, in that for instance, the government confiscated 3000 to 4000 acres to build the University of Thrace on the outskirts of Komotini. Related with the issue, the Greek Information Office Director Nikos Papaconstantinou stated that "for the establishment of the University, in Komotini 85%of the (...) land belonged to Muslims, (...)in Xanthi,82% of the appropriated land belonged to Christians. The allegations regarding a discriminatory Greek land against the Thracian Muslims have no scientific base whatsoever."⁶⁶

2.3.3 Macedonians in Greece

In geographic terms, the heart of Greek Macedonia is the littoral plain of Thessaloniki, stretching inward, starting from Thermaic Gulf,across which flow the river of Haliakmon,

⁶⁵ Whitman, "Destroying Ethnic Identity", p:14

⁶⁶ Whitman, "Destroying Ethnic Identity", p:35, Oran, "Türk-Yunan İlişkilerinde Batı Trakya Sorunu", p:120-134

Loudas and Gallikos.⁶⁷ Poulton writes that Macedonia, in general terms, is the area surrounded in the north by the Skopska Crna Gora and Shar Planina Mountains; In the

East by the Rila and Rhodope Mountains; in the south by the Aegean Coast around Thessaloniki, Mount Olympus and Pindus mountains; and in the west by Ohrid and Prespa lakes.⁶⁸ The area is a geographic unit located around the Vardar/Axios, the Struma/Strimon and the Mesta/Nestos river valleys, which is referred to as “geographic Macedonia”, comprising of 67,000 square kilometers, divided between the Former Yugoslav Republic of Macedonia (FYROM), Greece and Bulgaria.⁶⁹

Viewed in historical perspective, it has been argued that the mindset which was traced as an influential on the official Greek practices and policies in the aftermath of the proclamation of the Greek state, more specifically later in 1880s, has been exemplified by the words of Kharilaos Trikoupi, the former Greek Prime Minister: “When the Great war breaks out, Macedonia will become Greek or Bulgarian, according to who wins (...) and if we take it, we will make them all Greeks”.⁷⁰ Atrocity in the region by Greeks in parallel terms with this policy in the 19th and 20th centuries has been documented officially as well as scholarly.⁷¹ The chronological history of Macedonia as of 725 B.C. the year when the Kingdom of Macedon was established, up until the 1913 Treaty of Bucharest, by which the Ottoman Empire lost the territory, reflects Hun, Slav, Bulgarian, Byzantine and Serbian encounters.⁷²

As Hill points out⁷³, estimates regarding Macedonians in Greek Macedonia vary between 10,000 and 300,000 citing the U.S Department of State accounts’ related reference as “under

⁶⁷ M.B. Sakellariou, “Greek Lands in History-Macedonia: 4000 Years of Greek Civilization”, Athens: Ekdotike Athenon S.A., 1983, p:14

⁶⁸ Hugh Poulton, “Who Are the Macedonians?”, London: Hurst&Company, 1995, p1

⁶⁹ Ibid.

⁷⁰ Hatipoğlu, quoting Kharilos Trikoupi, “History of Grek People”, vol. 14, Athens, p: 18, in “The MoslemTurks and Slavo-Macedonians of Greece: Denying Ethnic Identity in a Balkan State”, Ankara:Ofset, 1999, p:4

⁷¹ Ibid.

⁷² Erdoğan Öznal, “Makedonya Yunan Değildir”, Ankara: Genelkurmay Basımevi, 1993, p: 7-8

⁷³ Peter Hill, “Macedonians in Greece and Albania: A Comparative Study of Recent Developments”, in *Nationalist Papers*, vol.27, no.1 March 1999, p :17-30, John S. Koliopoulos, “The War Over the Identity and Numbers of Greece’s Slav Macedonians”, in “Ourselves and Others: The Development of a Greek Macedonian Cultural Identity Since 1912”, Peter Mackridge and Eleni Yannakakis eds., Oxford: Berg, 1997, p :39-57

10,000 to 50,000 or more” and also the Encyclopedia Britannica Books of the Year 1987 and 1992 as 180,000 and 150,000, respectively, together with Poulton’s estimate of 200,000. Historical statistics regarding Macedonian population estimated by Greece is noted with lower figures or even as non-existing as in the Greek census of 1940, wherein Greeks, Turks, Slavs, Vlahos and Jews were observed as constituents of population of Greek Macedonia, but Macedonians.⁷⁴ This practice in fact, through not precisely similar, appears to have a precedent in 1919, when with Article 56 of the Treaty of Neuilly it was stipulated that a “voluntary exchange of population be made” between Greece and Bulgaria. According to the agreement, ethnic Bulgarians of Greece (=Macedonians) would be exchanged for ethnic Greek of Bulgaria; however, this voluntary exchange in short term was transformed into a compulsory one by Greece as regards Macedonians, which forced them to immigrate to Bulgaria.⁷⁵ Relevant literature labels new settlements in Greek Macedonia as “a great success”⁷⁶ in term of Hellenizing the region by those coming from Anatolia after the 1922 Turkish-Greek War. Pursuant to WW I, the Greek practices persisted more or less the same; this time Macedonians were named as “Slavo-Macedonians” and towards the mid-1920s, all Macedonian named were change with Greek ones.⁷⁷ Yet, worse proved to be a dictatorship of General Metaxas who took power in 1936 with coup d’état which lasted five years, a period followed by an even worse one: World War II. Metaxas regime viewed the minority as a danger to Greece’s security and many Macedonians were interned from the border regions with Yugoslavia; furthermore night schools were opened to teach adults Slavs Greek.⁷⁸

⁷⁴ Öznal, “*Makedonya Yunan Değildir*”, p:29

⁷⁵ *Ibid.*, p:31

⁷⁶ *Ibid.*, p: 33, the author cites the “*Gerat Helen Encyclopedia*”, vol. 10, p: 410

⁷⁷ Öznal, “*Makedonya Yunan Değildir*”, p:34

⁷⁸ Poulton, “*The Balkans: Minorities and States in Conflict*”, London: *Minority Rights Publications*, 1991, p :177, Philip Carabott, “*The Politics of Integration and Assimilation vis-à-vis the Slavo-Macedonian Minority of Interwar Greece: From Parliamentary Inertia to Metaxist Repression*”, in “*Ourselves and Others: The Development of a Greek National Identity Since 1912*”, Peter Mackridge and Eleni Yannakakis eds., London: *Berg*, 1997, p: 59-78

The repression was stepped up during the Greco-Italian War in 1940, despite many Macedonians fighting loyally in Greece army against Italians. The ensuing Civil War saw the exodus of many Slavs together with Greek Communist Party (Kommunistiko Komma Elladas) members fleeing to Yugoslavia. In aftermath of the Civil War, Greek state took such steps as to remove “undesirable aliens” from border regions with Yugoslavia through Decree numbered 2536, dated 1953, and enacted to colonize these northern territories “with new colonists having healthy national consciousness”.⁷⁹ By 1954, Papagos government resolved to remove all Macedonians from official posts in Greek Macedonia and in bordering regions peasants were not permitted to move from their villages; moreover, inhabitants of villages near Lerin, Kostur and Kajlari were asked to publicly confirm before officials that they did not speak Macedonian; which to finally led to emigration to Australia or Canada.⁸⁰ Regardless of type of government in power, whether democratic or military dictatorship of 1967-74, the official practices with respect the Macedonian minority is observed almost constant which led to the evolution of a Macedonian nationalism stronger among emigrants from Greece, than nationals in Macedonia proper.⁸¹ It is also acknowledged that the property of those Macedonians who emigrated was confiscated by Greek government by Decree 2536/1953, with Article 19 of the Citizenship Code depriving them of their citizenship, as well. Through another law enacted thereafter, the Greek state decided that the property would be returned to refugees who were “Greek by birth” which required a change in their names. This practice was also observed when Lafer Lajovski, one of the participants of over 100 former refugees, wished to visit Greek Macedonia along with other refugees; but was turned back at the border by Greek officials stating he should change his name to a Greek one if he wanted to enter Greece; his Canadian citizenship apparently did not make any change.⁸²

⁷⁹ Poulton, *The Balkans: Minorities and States in Conflict*: 178

⁸⁰ *Ibid.*, p: 179

⁸¹ *Ibid.*

⁸² *Ibid.*, p:180

As of 1981, when PASOK came to the power with Andreas Papandreu at its head, actions against Macedonians escalated and Papandreu is known to have explicitly denied the existence of a Macedonian minority stating he would not accept any dialogue on the matter.⁸³

The Greek conservative party, Nea Demokratia, on the other hand also continued its hostility to Macedonia and in 1986 set up a monitoring center in Florina to monitor broadcast from Skopje.⁸⁴

Today it is known that teaching of Macedonian is banned and a Macedonian baby can not be given a Macedonian name, since the Greek priests who approve birth certificates accept only Greek names.⁸⁵ It is also reported that priests refuse to marry Macedonian couples unless assured no Macedonian dances shall take place, as this displays Macedonians feelings. Stating this “feeling” is also known to have caused two minority activists Christos Sideropoulos and Tasos Boulis to be sentenced to five months imprisonment and a fine of 100,000 drachmas; as these gentlemen stated that they felt “Macedonian”.⁸⁶ Also, in 1990 when 54 Macedonians decided to establish a Macedonian Cultural Association in Florina, Greek Courts refused the application as the applicants, they said, presumed there was a Macedonian minority in Greece. Forwarding the case to the European Court of Human Rights the minority received an answer that the Court considered the aims of the minority clear and legitimate; and convicted Greece. The Macedonian churches in Greece are also reported closed as the Greek Orthodox Church claims the Macedonian church in Ohrid is legitimate.⁸⁷ In line with this, a Macedonian monk name Nikodimos Tsarknias, who opposed the Greek Church was dismissed from ecclesiastical post due to his identification as a Macedonian.⁸⁸

⁸³ *Ibid*, p:181

⁸⁴ *Ibid*

⁸⁵ “Macedonian Minority in Greece”, Ministry of Foreign Affairs of Turkey, Ankara, 1999, p:8–10

⁸⁶ “Macedonian Minority in Greece”, p: 10-12, see also “Yunanistan’da Makedon Azınlık Sorunu”, in *Bati Trakya’nın Sesi*, no. 47, February, p:15

⁸⁷ “Macedonian Minority in Greece”, p: 10-12

⁸⁸ Poulton, “Who Are the Macedonians?”, p: 170–171

After Papandreu's fall from power in 1990, a mass demonstration in Skopje protesting the lack of minority rights for Macedonia was organized. The escalation was even deteriorated with the break-up of Yugoslavia and the proclamation of the Former Yugoslav Republic of Macedonia followed suit.⁸⁹ The use of the certain country symbols such as the star of Vergina on the Macedonia flag, harnessing nationalism in Greece led to vetoing this new state with name "Macedonia". Greece saw this provocative, as it is a symbol used by the ancient Macedonian royal dynasty in Greek Macedonia which was found in King Philip's tomb in Greece. Greece also received Skopje's adaptation of the image of the White Tower, the symbol of Thessaloniki in Greek Macedonia, on its commemorative currency as "threatening", multiplied by the use of name "Macedonia" itself, which caused Greeks to think that the new state coveted the relevant Greek territory.⁹⁰ It has been argued that the Macedonian issue was widely articulated by nationalistic Greek media in its length, projecting the issue on public through a bulk of headlines, distribution of articles, news reports and editorials; most significantly in newspaper of *To Vima*, *Eleftherotypia*, *Eleftheros Typos*, *Kathimerini* and *Macedonia*.⁹¹

Finally to speak about the attitudes of the society in Greece, it would not be erroneous to suggest that they vary depending on political affiliation or personal perceptions. Just as extreme "Greek chauvinists are known to have called for the liquidation of all Macedonians, whether in Greece or elsewhere"⁹², some left-wing and a portion of Greek population

⁸⁹ Poulton, "Who Are the Macedonians?", p: 170

⁹⁰ Nikolaos Zahatiadis, "Nationalism and Small State Foreign Policy: The Greek Response to the Macedonia Issue", in "Political Science Quarterly", vol. 109, no.4, 1994, p: 647-668, available on <http://www.hri.org/Macedonian-Heritage/downloads/library/Zach9904.pdf>, Kyriskos Kentrotis, "Echoes From the Past: Greece and the Macedonia Controversy", in *Mediterranean Politics*, vol. 1, Richard Gillepie ed., London :Pinter, 1994, p: 98

⁹¹ Nikolas Demertzis et al., "Media and Nationalism: The Macedonian Question", in *Harvard International Journal of Pres Politics*, vol.4, no.3, 1999, p: 26-50, available on <http://www.jhupress.jhu.edu/home.html>

⁹² Hill, "Macedonians in Greece and Albania", p:17-30

sympathize with Macedonians which might entail there exists amicable relations between Greeks and Macedonians in Greece, despite cases reported.⁹³

2.3.4 Albanian in Greece

Ethnic Albanians in Greece can be categorized in three groups: 1) Orthodox Albanians, 2) Cham Albanians and 3) migrant Albanian nationals who seek refuge in Greece for economic reasons.⁹⁴ In general however, Albanians have come to be believed to be of Illyrian origins, one of the ancient people of the Balkan Peninsula.⁹⁵ A number of dimension and restraints involved in wider Greek-Albanian relations have been described by Hall as significant as the project the strained nature of relations between the two states on the issues of mutual minorities as well.⁹⁶ First, Greeks tend to perceive Albanians as “Islamic”, historically associating them with the Ottoman rule, which leads to viewing them as an implicit threat to Greek Orthodoxy. Second, Greeks have been known to claim that the treatment of the ethnic Greeks in Albania reflects violation of human rights, while Albanians have traditionally been fearful of Greek irredentism in the region. Third, Greece views Albania as a source of a military threat, be it directly or be it through third parties, in that, it accuses Albania of having assisted Greek communist during the Civil War and it is also known that Greece was attacked by fascist Italy in WW II from Albania territory. Fourth, labor migration to Greece by Albanians seeking better economic and social standards became an issue and raised the level of attention drawn to Greece’s minority rights record. Fifth, the unfavorable Greek attitude towards newly born FRYOM, which had been touched upon in the previous section, coupled with an even stronger dubious attitude as regards the position of ethnic Albanians in Kosovo, FRYOM and Montenegro, with a number of issues of mutual interest between the countries involved. Sixth, while Greek entrepreneurs engaged in economic reinvigoration in Southern

⁹³ *Ibid.*

⁹⁴ “*Ethnic Albanian in Greece*”, Ministry of Foreign Affairs of Turkey, Ankara: 1999, p:2

⁹⁵ Hatipoğlu, “*Yunanistan’daki Etnik Gruplar*”, p:99

⁹⁶ Derek. R. Hall. “*Recent Developments in Greek–Albanian Relations*”, in *Mediterranean Politics*, p :82-83

Albania, the Greek state as opposed to that, help up EU assistance for Albania on the grounds that Albania mistreated Greek minority in its territory, also resenting at Italy's increasing ties with and domination of Albania in trade.⁹⁷

Related with the first point, it is known for example that within the Ottoman Empire, when revolt attempts by Greek nationalist would give signals, Albanians would be sent in to subdue the turmoil, which later incited Greeks to think the Albanians obstructed Greek independence.⁹⁸ Today, the Greek attitude towards Orthodox Albanians reflects similarity those Orthodox Albanians as "Greek", leaving aside their ethnic origins.

Regarding the population of ethnic Albanians in its territory, Greece announced two figures which belong to 1928 and 1951, reflecting the number of "those speaking Albanian" as 18,773 and 22,736, respectively; yet it is argued that subsequent censuses do not refer by name to the minority, in line with the claims of homogeneity of the country and its people.⁹⁹

In geographic terms, Albanians, who refer to themselves as "Shiqiptar", to their country as "Shqipëri" and to their language as "Arberishtja", are traced to be localized in Albania, Kosovo, FRYOM and in the region of Epirus, Thesprotia (Chameria), Attica, Islet of Angistri and in the island of Egina in Greece.¹⁰⁰

It has been posited that the Albanians tended to become hellenicized due to the Greek education and political system.¹⁰¹ By the same token, the Greek Helsinki reports underscore that army and urbanization have also been the most effective mechanisms of hellenization, aided by judiciary system ready to "denounce and punish all forms of behavior inconsistent with the state's nationalist culture".¹⁰² As Hatipoğlu and Poulton point out, the massive Albanian community in Greece could speak their mother tongue publicly and they had their

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ Hatipoğlu, "Yunanistan'da Etnik Gruplar", p: 100, Poulton, "The Balkans", p:189, Léon Maccas, "La Question Gréco-Albanaise", Nancy: Berger-Levrault, 1921.

¹⁰⁰ Hatipoğlu, "Yunanistan'da Etnik Gruplar", p: 101

¹⁰¹ Poulton, "The Balkans", p: 189

¹⁰² See www.greekhelsinki.gr/bhr/english/index.html, where Kitromilides is cited

own established court in Plaka.¹⁰³ Yet, later on, the situation was visibly altered with WW II, when Greece claimed that Albanians had cooperated with their fascist Italians against Greece; Albanians were later deported in masses or exiled to other regions in the country.

Today, the use of the Albanian language is banned; moreover it is known that there has been a rather widespread indifference among Albanians about the fate of their mother tongue along with self-depreciation in that, “they have been led by the dominant unilingual Greek culture to believe that these languages are deficient, lack proper grammatical structure, and have a poor vocabulary”.¹⁰⁴ Now and then, it is also observed that a young people discourage their parents from using the language in public, causing the middle-aged and elderly people of the minority to use the language, while a much less younger generation usually addressing older people in the family context to make fun of non-speakers of Greek speak Albanian.¹⁰⁵

Albanian have been seen as dispersed throughout Greece exiled or hellenicized , nevertheless, since 1980s, effort to preserve the culture have been made whereby four associations were created: *Arvantikos Syndesmos Hellados* (The Arvanite League of Greece), *Kentro Arvanitikou Politismou* (Center for Arvanite Culture), *Arvanitikos Syllagos Ano Liosion* (Arvanite Association of Ano Liosia) and *Syllagos Arvaniton Coritnhas* (Association of Arvanites of Corinthia).¹⁰⁶

As regard Cham Albanians, it is show that between 1921 and 1926, Greece began to deport Muslim Albanians from Chameria, so as to designate their lands to Greeks coming from Anatolia.¹⁰⁷ In 1924, the League of Nations protested about the deportation of the Charms, with no result. In 1944, the process was repeated since the Greek government was determined to establish ethnically homogeneous border regions whereby approximately 35,000 Cham Albanians fled to Albania, Turkey or to other regions in Greece. The championing

¹⁰³ Poulton, “The Balkans”, p:189, Hatipoğlu, “Yunanistan’da Etnik Gruplar”,p: 103

¹⁰⁴ See www.greekhelsinki.gr/bhr/english/index.html

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ Hall, “Recent Developments in Greek-Albanian Relations”, p:87–88

figure of this process was General Napeleon Zervas, opposed to both of the communist EAM-ELAS groups and non-Greek elements in Greece.¹⁰⁸ Within this period, on 27 June 1944, Greek criminal bands engaged in the worst ethnic cleansing in the town of Paramyty.¹⁰⁹

After the war, the Albanian government forwarded the issue to Paris Peace Conference which soon recognized the plight of Cham and demanded repatriation and recovery of their property.¹¹⁰ The Parliament of the Albanian Republic proclaimed 27 June 1944 as the Commemoration Day for the Massacred Albanians of Chameria and a related monument was built up in Konispol.¹¹¹ Former Greek Prime Minister Mitsotakis in a speech delivered in Tirana in 1992 stated that Cham Albanians were war criminals as they had cooperated with Germany and Italy in WW II and would not be permitted to return to Greece; despite the fact that Cham Albanians were loyally fighting against the Axis powers and that they had been the first group to resist the Italian invasion.¹¹²

With a view to modifying the demographic mosaic in Chameria, Greece localized the region with Greeks, Vlachs and the Roma, in the aftermath of WW II, as it appeared to the Greek government that the province would remain dubious with the Albanian population left therein.¹¹³

On the other hand, Greece saw an influx of Albanian migrants seeking better economic conditions, pursuant to the collapse of communist regime in Albania in 1991. As Hall stresses, those immigrants with family connections in Greece could more or less integrate themselves relatively easily, however, others rather found themselves constituting a lower class in society

¹⁰⁸ Hatipoğlu, "Yunanistan'da Etnik Gruplar", p: 104, EAM-ELAS refer to *Ethniko Apeleftherotiko Metopo-Ethnikos Laikos Apeleftherotikos Stratos* (= National Liberation Front- National Peoples Liberation Army)

¹⁰⁹ For details see "Ethnic Albanians in Greece", p: 7–8

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² For details see Hatipoğlu, "Yunanistan'da Etnik Gruplar", p: 107, "Ethnic Albanians in Greece", p: 8.. See also "Simitis, Pandors Box", Excerpt from "Shekuli", 25 December 1999, available on <http://www.turk-yunan.gen.tr/english/minority/index.html>

¹¹³ "Ethnic Albanians in Greece", p: 9. See also "The Cham Issue is Stil a Taboo for Greece", available on <http://www.turk-yunan.gen.tr/english/minority/index.html>

and economy, usually becoming scapegoats for increasing incident of crime¹¹⁴, also they were used by some Greek in black market and smuggling, by which Albanians were described willing to be exploited as they could make more money in such a way than in Albania.¹¹⁵

By December 1991, the Government began expulsion of illegal immigrants which through “Operation Scooba” amounted to 100,000; the reason for Greece for the removal of Albanians were at least three-fold: 1) Albanians were causing saturation in Greek labor market and thus unemployment, 2) their crime record appeared more than the average and 3) Greece was concerned on the issue of awakening of Islam in post-communist Albania and its possible impact on Greek Orthodox state.¹¹⁶

The Greek polis is said to have exerted physical violence and deported approximately 300,000 Albanian nationals who had in fact obtained required documents in the 1990s, furthermore, their savings and personal belongings were said to be confiscated.¹¹⁷ Apart from these, reports indicate that Albanians who accepted Greek citizenship and Orthodoxy were given work permits and even in some cases Greek passports.¹¹⁸ Citing Eugenia Droukas, Hatipoğlu¹¹⁹ writes that Albanians faced the same treatment as “*Helots*” of the antique period; *Helots* being those belonging to the lowest stratum in the society in ancient Greece, likening the term to the situation of the Turks in Germany which was once seen as such. On the other hand, it has been argued that Albanians along with other illegal immigrants in general are valuable and even essential for small business’ survival, especially in agriculture.¹²⁰ The same argument goes on to maintain that the “dangerous Albanian” stereotype was in fact invented

¹¹⁴ Hall, “Recent Developments in Greek-Albanian Relations”, p: 89

¹¹⁵ *Ibid.*

¹¹⁶ Hall, “Recent Developments in Greek-Albanian Relations”, p: 90

¹¹⁷ “Ethnic Albanians in Greece”, p: 10-11

¹¹⁸ *Ibid.*

¹¹⁹ Hatipoğlu, “Yunanistan’da Etnik Gruplar”, p: 112, citing Eugenia Droukas, “Albanians in the Greek Informal Economy”, in *Journal of Ethnic and Migration Studies*, vol.24,no.2, April 1998, p:359

¹²⁰ Martin Baldwin-Edward and Constantina Satilios-Rothschild, “Immigration and Unemployment in Greece: Perception and Realities”, in *South European Society and Politics*, vol .4,no.3, Winter 1993, p:214

initially by the Greek police and reinforced by the media and subsequently by the state, rather than the society itself.¹²¹

In general terms, Greece's far-fetched perception that Greeks have no link or intermingling in any form or shape with any ethnic groups in their vicinity manifests itself unchanged in the treatment of Albanian, too.¹²² In 2000, a 15-years-old boy named Odysseus Cenai, invoked much debate as to whether an Albanian boy should carry the Greek flag in national day parade. The boy happened to excel in his school, Nea Mihaniona High School in Thessaloniki, yet stayed at home instead of leading his school in the parade. Greek Justice Minister Evangelos Yannopoulos insisted that the flag could only be carried by Greeks on a national day. Ironically, the Greek Ministry of Education dictates that the student who has the best grades gets to lead the National Day Parade on October 28. However, despite his Greek name and the Greek education he received, Odysseus Cenai was not allowed to carry the flag and had to leave the task to a Greek student at school.¹²³

2.3.5 Vlachs in Greece (Koutsovlahs or Aromanians)

Vlachs are those Latin people who speak of Romanian, living mostly in Pindus Mountains, Epirus, Thessaly and Greek Macedonia. As regards population figures, émigré Vlachs claim approximately 600,000 Vlachs to be living in Greece and the Federal Union of European Nationalities put the figure as 300,000, while the 1935 and 1951 census in Greece showed 19,703 and 39,855 Vlachs in country.¹²⁴ Vlachs are mostly Hellenophile and are almost all Orthodox; they tend to identify themselves with Greeks owing to the Greek education they received; yet those who do not feel so are known to have emigrated causing a much stronger nationalist feeling in diaspora.¹²⁵ Apparently, there is no separatist movement among Vlachs in

¹²¹ *Ibid.*

¹²² Alexis Herklides, "Greeks and Albanians in Greece", AIM Athens, 7December 2000, available on www.aimpress.org.

¹²³ *Ibid.*

¹²⁴ Poulton, "The Balkans", p:189–190. See also "The Vlachs", on www.greekhelsinki.gr/bhr/english/index.html

¹²⁵ Poulton, "The Balkans", p:191

Greece, despite rarely reported hostility from nationalistic sections in Greek society against the use of Vlah languages.¹²⁶ It has been reported that Sotiris Bletsas of the Vlah minority was arrested in 1995 after distributing European Bureau for Lesser Used Languages (EBLUL) publications; which invoked the European Commission to ask the Greek government for more information on the conviction of the activist.¹²⁷ Just as Albanian language is discouraged to be used; so is the Vlah; although since 1984, an annual Vlah festival is organized in which Vlahs songs and dances are performed.¹²⁸ It might be posited that Vlahs are not viewed as threatening element against Hellenic unity, which is more neatly seen in the words of Greek President Kostas Stephanopoulos when he praised the patriotic spirit of Vlahs during his two-day visit in Pindus in 1998; emphasizing that the region was the backbone of Greece with its people constituting the backbone of Hellenism.¹²⁹ Still, the official viewpoint holds that “the Vlahs are those Greek people who speak an unusual dialect”.¹³⁰

2.3.6 Pomaks in Greece

Pomaks live in Western Thrace, with a population of around 30,000 and their language “Pomakika/Pomakçi” belongs to the Bulgaro-Macedonian linguistic group.¹³¹ They are officially recognized as a Muslim minority in accordance with the 1923 Treaty of Lausanne. Despite certain arguments asserting that very little is known about historical origins of Pomaks’ evolution,¹³² there indeed exist relevant literature on the issue, yet with remarkable controversy, in that Bulgarian, Greek and Turkish sources all refer to Pomaks as their respective national components. The Greek scholars are observed to consider Pomaks “to be

¹²⁶ *Ibid.*

¹²⁷ “European Commission Asks for More Information About Conviction of Grek Language Activist”, available on <http://www.aromanian.net/greece.html>

¹²⁸ Poulton, “The Balkans”, p:191. See also “The Vlahs”, on www.greekhelsinki.gr/bhr/english/index.html

¹²⁹ Birgül Demirtaş-Çoşkun, “The Vlahs: A Forgotten Minority in the Balkans”, London: F. Cass, 2001

¹³⁰ Poulton, “The Balkans”, p:191

¹³¹ See www.greekhelsinki.gr/bhr/english/index.html

¹³² *Ibid.*

the descendants of ancient Thracian tribes which were in turn Hellenized, Latinized, Slavized, Christianized and finally Islamized.¹³³

Pomaks tend to identify themselves with Turks, which has been argued as “helped by Greece” in 1951 to introduce Turkish education for Pomaks in an effort to dissociate them from Bulgarians.¹³⁴ Yet, currently the Pomaks resent new attempt of Greek authorities since 1994 to dissociate them from Turks as Greece holds the view that “(...)schoolbooks come directly from Turkey, all the Turkish TV channels pour out the Kemalic venom on the region, alienating the cultural structure of the Pomak peculiarity.”¹³⁵ In 1999 deputy Stavros Xarhakos of Nea Demokratia submitted a question to the European Parliament pinpointing “the odd Greeks tactics of forcing Pomak to be taught in Turkish school and thus is in line with EU principles and goals, a question of self-critique whose second half requires consideration by Greece, regarding all its minorities and not only the Pomaks.”¹³⁶

2.3.7 The Roma (Gypsies) in Greece

Living in Greek Macedonia, Western Thrace and Athens specifically, the Roma community is estimated as 140,000 by outside observers, while Greek official give far lower figures.¹³⁷ Tong writes that although Gypsies prefer nomadic life styles, there are many expectation in Greece such as stable factory workers or sharecroppers; yet still living under pressures of poverty, a fact about which the Gypsies make irony and call their ghetto in Thessaloniki “Little Paris”.¹³⁸

¹³³ *Ibid.*

¹³⁴ See “Pomaks” available on <http://www.turkses.com/culture/Pomak-eng/pomak-genis.htm>, Hüseyin Memişoğlu, “Pomak Türkleri'nin Tarihi Geçmişinden Sayfalar”, Ankara: Şafak, 1991, Cihat Özönder, “Pomak Türkleri”, in *Batu Trakya'nın Sesi*, no.4, May-June 1994, p: 16–19, Poulton, “The Balkans”, p:182–183, Yücel, “Dış Türkler”, p: 109–110, Mario Apostolou, “The Pomaks: A Religious Minority in the Balkans”, available on http://www.ciaonet.org/conf/iec03/iec03_14_96.html

¹³⁵ Panayotis Dumas, “A Victory for the Greek Pomaks”, available on http://www.egrammes.gr/2001/07/pomaks_en.htm

¹³⁶ *Ibid.*

¹³⁷ Poulton, “The Balkans”, p:188

¹³⁸ Diane Tong, “Photographing Gypsies”, in *Journal of Mediterranean Studies*, vol.2, no.1,1992, p: 98-99

After visiting Roma camps in Greece in 2001, Josephine Vespaget, Chair of the Specialist Group on Roma of the Council of Europe, stated that there was “institutionalized apartheid for many Roma in Greece whereby they were forcefully settled in segregated areas isolated from the rest of the society”, referring to Article 3.1 of a 1983 Ministerial decision.¹³⁹ Minority Rights Group in 1999 also reported that the local Greek authorities evicted Roma families in Evasmos, Ano Liossia, Ionnina, Trikala and Phoenikas.¹⁴⁰ Similarly, as Poulton argues, a 1979 law passed to enable the Muslim Roma to obtain identity cards had little effect due to lacking birth certificate; as these people have only in practice been accepted as Greek citizen after baptism by the Orthodox Church.¹⁴¹ Parallel to the European Commission Against Racism and Intolerance (ECRI) report that confirms Greece’s evictions without providing alternative accommodation and also exclusion of the Roma from citizenship rights¹⁴², the Greek delegation in OSCE Implementation Meeting on Human Dimension in Warsaw in 1998, accepted Roma’s situation with accuracy: “I wish to state in all honesty that I can not (...) justify the unjustifiable (...) we do recognize that the situation of Roma in Greece is still far from satisfactory (...)”¹⁴³.

Although recently a City Municipality Network for Gipsy Citizens was created together with 1996 Program of Social Integration of Greek Gypsies and an Ombudsman Office to better the situation of Roma; it is evident that the Roma are at the lowest stratum of social structure in Greece, as elsewhere in the world.¹⁴⁴

¹³⁹ “The lands for the organized encampments of the itinerant nomads (Gypsies, etc.) which are going to be designated, in accordance with the article 2 of the present ordinance, must be outside the inhabited areas and in good distance from the approved urban plan or the last consecutive house (...). Settlement is not permitted near archaeological sites, beaches, places of natural beauty, points visible from main roads or in areas where they might affect public health (sources of drinking water, etc.)”, from “Statement to the 2001 OSCE Implementation Meeting Working Session on –Roma–”, 20 September 2001, available on <http://www.greekhelsinki.gr>

¹⁴⁰ Ibid. These neighborhoods are in Thessaloniki, Attica, Epiros, and Thessaly respectively.

¹⁴¹ Poulton, “The Balkans”, p:188

¹⁴² See “Council of Europe Finds Racism in Greece” and “Greece: Racially Motivated Arson on a Roma Hut in Nea Kios”, available on <http://www.eurosianet.org/resource/regional/ihf-greece.html>

¹⁴³ “Report on Greece to the OSCE Review Conference 1999”, 22 September available on <http://www.greekhelsinki.gr>

¹⁴⁴ Poulton, “The Balkans”, p:189

2.3.8 Jews in Greece

The Jewish population in Greece is estimated as around 5,000; most of them living in Thessaloniki and Athens.¹⁴⁵ According to Strabo, Jewish presence in Greece dates to 85 B.C; yet it was in 1492 when Ferdinand and Isabella of Spain proclaimed the Edict of Expulsion for the Jews of Spain that over 20,000 Sephardic and Iberian Jews arrived in Thessaloniki in masses after Sultan Bayezid II proclaimed the exiled Jews would be welcome in the Ottoman Empire.¹⁴⁶ Lewkowicz, among many in the related literature, states that Jews enjoyed liberty among the Turks; pointing to the relative absence of anti-Ottoman sentiments among Jewish Greeks; while Orthodox Greeks associated the Ottoman rule with “four hundred years of slavery”.¹⁴⁷ Lewkowicz and Goldberg commonly posit that although almost every Jew faced times of anti-Semitic prejudice in Greece, the majority of Jews do not consider Greece an anti-Semitic state, while Goldberg labels Greek anti-Semitism “utterly subliminal”, so difficult to pinpoint, but less difficult to combat.¹⁴⁸

During WW II, Greece deported more than 65,000 Jews in 1943 to concentration camps despite protest of Greek intellectual and some religious leaders and in the ensuing years anti-Semitic sentiments persisted with the Panellinion Sosialistikon Kinema (PASOK) period, harboring much of the sentiment, when for instance Greece saw extreme right organizations, the press and other literature replete with comparison of Jews to Nazis during Israeli invasion of Lebanon, naming them “worthy descendants of Hitler” and one socialist MP accusing “the Jews, the Masons and the CIA” for 1967 coup d’état in Greece.¹⁴⁹

¹⁴⁵ Hannah Goldberg, “On Anti-Semitism in Greece”, AIM Athens, 7 December 2000, available on www.aimpress.org

¹⁴⁶ For a Thorough historical background analysis of Jews of Greece, see <http://www.greecetravel.com/jewishhistory/ancient.html> and Adina Weiss Liberles, “The Jewish Community of Greece”, in *The Balkan Jewish Communities*, Daniel J. Elazar et al. Eds., Lahman: University of America Pres, 1984, p:102-126

¹⁴⁷ See Bea Lewkowicz, “Greece is My Home, But...: Ethnic Identity of Greek Jews in Thessaloniki”, in *Journal of Mediterranean Studies*, vol.4, no.2,1994, p:233

¹⁴⁸ *Ibid.*

¹⁴⁹ Hannah Goldberg, “On Anti-Semitism in Greece”, AIM Athens, 7 December 2000, available on www.aimpress.org

Anti-Semitic incident in Greece are in general attacks on Jewish monuments, Swastikas and Nazi slogans written and painted on walls, houses and cemeteries of Jews and occasional anti-Semitic remarks of Church official and MPs¹⁵⁰ To cite one, as Smith reports, the crisis over civilians identity cards in Greece showed once again that Athens was the target of criticism by European Court of Human Rights for violations involving religious minorities, whereby Jews along with others were negative recipients ; in an atmosphere where one million Greeks cheered Archbishop Christodoulas in 2000 saying “Our faith is our foundation of identity. If you abolish one, you abolish the other”.¹⁵¹ Also on the 62nd anniversary of “Kristallnacht” in Germany, a commemoration day against racism ¹⁵²(9 November 1938), the Minority Rights Group-Greece and Greek Helsinki Monitor stated that the question by the anti-Semite MP Georgos Karatzaferis in November 2000 to Prime Minister Costas Simitis was the proof for present anti-Semitic sentiments in the Parliament. Karatzaferis asked the Prime Minister to publicly disclose if his daughter married in a synagogue according to Jewish rituals and if so, why it happened in secret. Karatzaferis went on to argue that “when the father of the bride happens to be the Prime Minister and the wedding ceremony coincides with a period when the Orthodox Greek is feeling that his faith is being persecuted by governmental actions, this raises questions that must be examined”, evidently disturbed by the concurrent identity cards issue in Greece at the time. It has been argued that the question did receive almost no condemnation, including the Central Board of Jewish Communities of Greece, characterizing the subliminal nature of anti-Semitism among Greek populace

¹⁵⁰ *Ibid.*

¹⁵¹ *Helena Smith, “The Misery of Being Greek”, available on <http://www.abl.net.com/pipermail/albsa-info/2000-August/000495.html>*

¹⁵² *November 9 is the international day designated to commemorate the Jewish slaughter in Germany of 9 November 1938, which is called “Kristallnacht”. For details see “Press Release by Greek Helsinki Monitor”, available on <http://www.greekhelsinki.gr/english/pressrelease/9-11-00.html>*

according to Goldberg, one which has “subtly and profoundly” permeated the psyche of Greeks to such an extent that even the most enlightened would be recognize.¹⁵³

Last but not least, the Catholic Christians’ complaints are among those who claim that the Church and the State discriminate them against Orthodox Greeks and the Catholic Church is seen as “foreign domination” lacking “legality”.¹⁵⁴

It is seen that the Greek treatment of minorities do reflect a multitude of policies and practices, yet it would be recognized that this variety stems from the constant fashion of viewing minorities as elaborated; therefore, the result represent itself in uniform pattern(s). Assimilation, expulsion and denial identity/existence stand as the common practice for Greece, yet still, they appear to be exacerbated by a couple of factors present in contemporary Greek societal structure.

¹⁵³ Goldberg, “On Anti-Semitism in Greece”, available on www.aimpress.org

¹⁵⁴ See “The Catholic Church in Greece”, available on <http://www.interkriti.net/cc/004.htm> and Kathy Tzilivakis, “Non-Orthodox Christians Have Complaints About Greek Church”, available on <http://athensnews.gr>

CHAPTER III

EUROPEANIZATION AND ADMINISTRATIVE CONVERGENCE:

THE TURKISH CASE

The recognition of Turkey as a candidate for accession at the Helsinki European Council in December 1999 was designated in a new era in the relations between Turkey and the EU. After the approval of the Accession Partnership by the Council and the adoption of the Framework Regulation on February 26, 2001, the Turkish Government announced its own National Program for the adoption of the *Acquis Communautaire* on 19 March 2001. In late 2004 another milestone was reached with the recommendation of the Commission of the European Communities that the European Council endorses the launching of formal accession negotiations and establishes a timetable. The Copenhagen European Council in December 2002 concluded that "if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay". The December 2004 Council decided to start membership talks with Turkey on 3 October 2005. (Togan, 2005, p: 7)

Despite hopes and fears on all sides, the relationship between the EU and Turkey has reached a new quality. The beginning of accession negotiations constitutes a new reality. Relations between the EU and Turkey are not those of a bilateral nature. They are aimed at integrating Turkey under the roof of the community of law that is the EU. This process will broaden the realities which constitute the EU, but moreover it will transform Turkey as understood by its current realities.

In this volume, we intend to explain the Turkey-EU relations' history, differentiation of perceptions, and the expectation of EU from Turkey in the frame of Accession period and

the Turkey's perception of the Europeanization toward the issue of minority and democratization Turkish political administrative.

3.1 TURKEY- EU RELATIONS HISTORY

3.1.1 The Ottoman Legacy and the Principle of Westernization

Before to start analyzing relations between Turkey-EU, we should take a look at both the characteristics of the Ottoman Empire and early years of the Turkish Republic, for understanding clearly the Turkey's Accession process. In this context, we aimed that be discussed over the Ottoman legacy and Kemalist ideology for providing a background to the current composition and structural problems of Turkey.

The end of World War I generated many new nation states, one of which was Turkey. Turkey was founded after the collapse of the Ottoman Empire in 1918 (Ergil, 1999, p: 19). With the revolution led by Kemal Ataturk, Turkey perceived to terminate the expansionist policy of the defunct Ottoman Empire and focused on an inward- looking nationalism while choosing to guide of Western values to itself. Gökalp's statement above indicates the reasoning that underlies Turkey's aspirations to join the EU. The founders of the Turkish Republic was decided to adopt the path of "Westernization" for making the political transition from the theocratic Ottoman Empire to a secular Turkish Republic. In fact, westernization was a result of this new country's desire to survive and a perpetuation of the nineteenth-century reform movements (Oran, 2003, p: 50).

The Turkish political elites was believed that the Ottoman Empire had collapsed because it could not pursue the developments of "West" and they argued that it is hard to expect a hard westernization process from a religiously-based government administration. Having learned crucial lessons from the Ottoman failures, the founders of Turkey, Mustafa Kemal Ataturk and his followers visualized a secular, Western-style, democratic country with

a liberal economy. Since then, Westernization has been the guiding principle of the Turkish Republic. (Gülşen, 2004, p: 11)

At the same time, Despite the efforts of the founder and first President of the Republic, Mustafa Kemal Atatürk, because of the Ottoman Empire's legacy was survived in the context of Turkish Republic, it trails a strong impact on the elements of modern Turkey's identity and thus influences of Ottoman Empire's strong impact was caused into the current problems between Turkey and the EU. Instead of rehashing the history of the Western world's relations with the Ottoman Empire, it is more useful to explain the connection between Turkey's history and its EU aspirations. Regardless of how it is described today, the Ottoman Empire was a European and an Asian great power. Its *military* capacity was a crucial factor in the emerging European balance of power in the sixteenth and seventeenth centuries, in the struggle between Britain and the Continent, and the Habsburgs and the Romanovs (Khosla, 2001, p: 346). Military officers were revered, and treated with great respect by the rest of the society. The Ottoman Empire was composed of many ethnic, linguistic, and cultural groups: Turks, Arabs, Slavs, Berbers, Jews, Greeks, Albanians and Kurds. The Ottoman authority and its interpretation of Islam which was based upon immense tolerance and respect toward other religions held them together (Khosla, 2001, p: 346).

Those minorities were afforded with the citizenship and the right to worship as they pleased, an arrangement that preserved domestic peace for centuries. Finally, the so-called "Sevres Syndrome"¹⁵⁵ (referring to the 1920 peace treaty between the World War I victors and Turkey) planted doubts about the goodwill of Western powers towards the Turks (Junk, 2001, p: 5). Decades later, we can say that this perception was trailed on the psychology of

¹⁵⁵ *Even though never enforced, the Treaty of Sèvres (1920), aimed at achieving territorial division of Turkey. It became the symbol of both the Ottoman defeat and the Turkish national resistance. This issue has revived with the Kurdish question and is still alive under the name of "Sèvres Syndrome", the conviction that there is an international conspiracy to weaken and to divide Turkey. See Dietrich Jung, 'The Sèvres Syndrome: Turkish Foreign Policy and Its Historical Legacy', in Bjorn Moller (ed.) Oil and Water: Cooperative Security in the Persian Gulf, (London: I.B. Tauris, 2001), pp.131-159.*

Turkish Political system and time to time it became visible in Turkey-EU relations. We can say that the harsh declarations of the Luxemburg Council where Turkey was denied candidate status exposed this syndrome between the Turkish-EU relations in 1997.

In contemporary Turkey, when we examined the Turkish administrative system, we can say that the army still plays a major role in civilian politics, the insistence of cultural and ethnic diversity and the Turks still guard their suspicions about the EU's willingness to see Turkey as a member country. Nevertheless, despite of all those suspicions, the policies of westernization, including many social, cultural and political reforms dating from the early years of the republic are still carried on under EU supervision.

If we examine the Turkish Political History, we can see that Turkey's march to the West became concrete in the early 1950s with its membership in NATO. The cold war and the redefinition of what constituted the "West" paved the way for the creation of a western security community (Aybet, 1999, p: 103). In this atmosphere, Turkey arranged their politics in the frame of Western orbit. Given its strategic importance and military capacity, it was a perfect and powerful partner for the western alliance against the Soviet threat (Aybet, 1999, p: 103). The Cold War period was a great occasion for Turkey in the acceptance as a European state and its relations with essential Western institutions was started in this period. Turkey which utilized effectively its occasion, became a founding member of the United Nations in 1945, a member of the OECD in 1948 and the Council of Europe in 1949, a founding member of the NATO in 1949 and an associate member of the Western European Union in 1926. After the establishment close political participation with Western Europe, Turkey expand its relations with the West, hoping to complement its political partnership with an economic one. To this end, it initiated a relationship with the European Economic Community (EEC) in 1957.

3.1.2 The First Phase of Turkey-EU Relations

The Turkish Republic that apart of it establish, has aimed to strengthen its relations with Europe rather than Asia. By refusing to attend the Asian Conference in 1949, speaking on behalf of the West at the Bandung Conference of Asian and African Nations in 1955, and siding with the colonialist powers against Algerian and other independence movements in the late 1950s Turkey was committed to participation in all of Europe's initiatives (Oran, 2003, p: 813).

However, Turkey's relations have had their ups and downs. In this sense, Turkey's bid for EU membership is markedly different from that of the other countries that have most recently been admitted to membership. The first phase in this relationship starts with the late 1950s when the EEC and Turkey agreed to sign the Ankara Agreement, and lasted until the late 1980s when Turkey experienced a structural economic transformation and the Communist regimes in Central and Eastern Europe fell. The second phase began in the late 1980s and has continued into the first decade of the twenty-first century. The Helsinki Council decisions in 1999 marked the start of a change in this relationship. (Gülşen, 2004, p: 12)

Turkey applied for associate membership in 1959,¹⁵⁶ immediately after Greece's application (Hale, 2000, p: 174-175). The reasons for Turkey's application were political rather than economic, even though the EEC had been established upon economic considerations. According to M. Ali Birand, a Turkish columnist and writer, the EEC was justifiably reluctant to approve this application (Birand, 2000, p: 68-69). Turkey's population was growing by 3 million people per year and carried a foreign debt of 500 million dollars,

¹⁵⁶ For more information about Turkey and its association with other international organizations refer to Şaban Çaliş, "Turkey's Integration with Europe: Initial Face Reconsidered" in; *Perceptions*, 5,2 (June-August 2000).

while its dollar reserves did not exceed 14 million dollars.¹⁵⁷ In addition, Turkey was undergoing a period of domestic unrest and disequilibrium. Özen argues that “...The economic dynamics of Turkey-European Community relations in the early years of the relations were quite weak, resulting from the structural problems of the Turkish economy. Both sides saw the unrealistic economic targets of this association.” (Özen, 1998, p: 44). Nevertheless, Turkey had a geopolitical importance and was a potential market for EEC goods and services (Birand, 1996, p: 69).

The EEC made its decision after the application and the Ankara Association Agreement was signed in 1963, opening for the door to full membership after preliminary and transition periods that prepared the Turkish economy for the mechanisms of the EEC (Robins, 2003, p: 105-106). Having finished the preparations Turkey entered the transition period in 1973. According to the Additional Protocol that signed in 1973, customs would be nullified between the EEC and Turkey in 22 years, and during this process Turkey would become a full member of the “club.” However, economic and political turbulence in Turkey during the 1970s and European disapproval of the military regime after the 1980 coup, strained relations. Although Turkey applied for full membership in 1987, the EEC rejected it, asserting that Turkey was not ready to fulfill its membership obligation. (Gülşen, 2004, p: 12)

3.1.3 Turkey’s Application for EU Membership in 1987

At the beginning of the 1980s, Turkey is starting to shift its economic policy from a closed economy to an open market. Three years later, the relations between Turkey and the Community that had been frozen because of the military intervention of September 1980 began to restructure in the solution of the economic developments, open market policies and the reapplication of multiparty elections in 1983. In the light of those encouraging developments, Turkey was applied for full membership in 1987 on the basis of the Rome

¹⁵⁷ Relations Between Turkey and European Union by Ministry of Foreign Affairs available on <http://www.mfa.gov.tr/grupa/ad/adab/relations.htm>

Treaty,¹⁵⁸ which gave any European country the right to apply for full membership. The European Council forwarded Turkey's application to the European Commission for an "opinion." The Commission's response in 1989 reconfirmed Turkey's eligibility that stipulated in the 1963 agreement; it is while determining that it was not the appropriate time for integration.¹⁵⁹

The Commission was stated to defer for the extensive analysis of Turkey's application until the appearance of a more favorable environment, due to the impending admission of Spain and Portugal and the preparations for the introduction of the single market. The Commission also drew attention to substantial development gap between the Community and Turkey, which meant that Turkey would have great difficulty at shouldering its economic and social obligations to the Community policies. The Commission also mentioned Turkey's disputes with Greece, the Cyprus problem and the fact that its respect for human rights and the identity of minorities had not reached in a desirable democracy level. Therefore, it was stated to recommend that no accession negotiations begin until after 1993 with Turkey. In the meantime, both sides had to concentrate on the completion of the Customs Union which was envisaged in Additional Protocol of 1973.

The EU's long-delayed February 1990 response,¹⁶⁰ issued in February 1990, was negative, confining itself to a list of Turkey's shortcomings and implying that Turkey should indefinitely postpone its membership plans. Islamic circles in Turkey welcomed this slap in the Turkish government's face, happily reasserting that the EU was a Christian club, while pro-modernization quarters regarded it as a an incentive for further democratization (Eralp, 2000, p: 179-180).

¹⁵⁸ For the treaty see <http://europa.eu.int/abc/obj/treaties/en/entoc05.htm>

¹⁵⁹ See the Commission's opinion on Turkey's Request for Accession to the Community, 20 December 1989 available on line http://europa.eu.int/comm/enlargement/turkey/pdf/sec89_2290f_en.pdf

¹⁶⁰ The Council of Ministers formally endorsed the Commission's "opinion" on February 5, 1990.

With the denial of application, the mission of Turkey's aim of attaining full membership was failed. However, the failure of the application was provided to enter a new phase, it resuscitated the Turkey-EU relations; both parties reinforced their efforts to improve their relations, the Association's political and a technical mechanism went into gear and plans to set up Customs Union.

After the Turkey's application, the ruling Motherland Party which had power in current politic arena, made an alteration over minor amendments to the constitution with the prediction the Commission's opinion. Apart from lowering the voting age from 21 to 20 and increasing the number of deputies from 400 to 450, the Motherland Party government simplified the process of amending the constitution and repealed Article 4 which had banned former party leaders from engaging in political activities (Özbudun, 2000, p: 61-62). This amendment made the constitution more flexible and increased civilian control over constitutional change. Prime Minister Özal stated that in the past constitutional changes had been possible only under military regimes, because such decisions had to be unanimous (Özbudun, 2000, p: 62). Encouraging developments started to appear not only in the political field but also in the economy. Between the late 1980s and the early 1990s, the full convertibility of the Turkish Lira was established, export subsidies were enforced, severe deterioration of public sector balances were brought under control, and production costs lowered. All of those efforts were undertaken in the name of economic liberalization (Boratav & Yeldan, 2001, p: 6-7). Even though some of these policies brought about unintended repercussions, they helped prepare the Turkish economy for a fully functional Customs Union in 1996.

The major substantiate for all these reforms that effected the Turkish strong political tradition, was the desire for the EU membership. As Prime Minister Özal claimed "The aim of the economic liberalization programme and our reforms was to facilitate our integration into

the European Community as a full member” (quoted in Hale, 2001, p: 178). However, this statement should not cast any doubt on the sincerity of the government’s reforms. From its first days in power, the Motherland Party government took every opportunity to liberalize the economy.¹⁶¹

In 1987, the Prime Minister took the unprecedented step of bypassing the military’s candidate for chief of the General Staff in 1987 in favor of his own nominee. Two years later, the General Assembly elected Prime Minister Özal as the first civilian president since the 1960s¹⁶² (Özbudun, 2000, p: 118). As president, he pursued different foreign and security policies particularly in the first Gulf War, which led to the resignation of the Chief of the General Staff. For the first time in Turkish history, the military bowed to civilian authority. In other words, the army was gradually accepting the supremacy of the civilian power, even within its field of expertise (Hale, 1994, p: 296).

The relatively smooth disengagement of the military from politics in the post-1983 period led many observers to think that a satisfactory degree of civilian control over the military had been achieved and that Turkey was no longer fundamentally different from Western democracies. Just like many others,¹⁶³ Hale argues that (1994, p: 288-290):

“By the beginning of 1990s it was apparent that the armed forces’ chiefs were beginning to abandon their traditional position of semi-autonomy within the state structure, in which defense policy was regarded as their private preserve, outside the control of the elected politicians...The Turkish army’s political role was now weaker than at any time since

¹⁶¹ Balkan, E. and E. Yeldan (1998) “Financial Liberalization in Developing Countries: The Turkish Experience” in Medhora, R. and J. Fanelli (ed.) *Financial Liberalization in Developing Countries* Macmillan Press, Cizre-Sakallioğlu, and U. and E. Yeldan (2000) “Politics, Society and Financial Liberalization: Turkey in the 1990s” in; *Development and Change*, vol. 31, Issue 1, pp.481-508.

¹⁶² Celal Bayar was the last civilian president in 1960 when he was ousted by the military coup.

¹⁶³ Ahmet Evin similarly argues that “a working relationship between the president and the political executive at the top made it easier for the military to withdraw into the barracks... The military gradually relaxed its control over the civilian regime and devolved its powers to the political authority...Civilianization of politics was fully realized in 1989, with the election of the first civilian president since 1950s.” See Evin, Ahmet, “Demilitarization and Civilianization of the Regime” in; *Politics in the Third Turkish Republic, 1994*, Boulder-Westview Press, 23-40. See also Metin Heper and Aylin Guney, “Military and The consolidation of Democracy: The Recent Turkish Experience”, in; *Armed Forces and Society*, Vol.26, No.4, pp.625-647

1950s... There was a gradual shift towards a new balance, in which the generals would become the servants of an elected government, as in the western democracies.”

These statements, however, were overly optimistic. The behavior of the Turkish military in the 1997 crisis¹⁶⁴ suggests that it still saw threats to its deeply held values, such as the indivisibility and the secular character of the state (Özbudun, 2000, p: 120). European circles have traditionally paid close attention to the political power of the military. Many EU documents, including progress reports, Council decisions, communications, Accession Partnerships (AP) and the like, expressed the EU’s reasonable doubts about these antidemocratic interventions. At the same time, they always endorsed the progress made by Turkey since the 1990s; for example in its 1998 Regular Report on Turkey the Commission concluded:

*“The Commission acknowledges the Turkish government's commitment to combat human rights violations in the country but this has not so far had any significant effect in practice. The process of democratic reform on which Turkey embarked in 1995 must continue.”*¹⁶⁵

As the Commission pointed out, in 1995 Turkey initiated an important democratization process, a process that had started a year earlier. Article 133, which is about the state’s monopoly over radio and television broadcasts, was abolished by a two-thirds majority of the National Assembly in 1994. The Constitution had been introduced by the military after the 1980 coup and it contained many articles which severely restricted democratic political activity. In July 1995, the National Assembly ratified 16 amendments which removed the references in the preamble praising the military intervention of 12 September 1980 and many other undemocratic articles (Poulton, 1999, p: 7). Most

¹⁶⁴ Prime Minister Mr. Erbakan from Welfare Party, which had a high level of tolerance for religious activities, was implicitly coerced to resign from its duty by the army due to an increase in so-called revolutionary separatist religious activities.

¹⁶⁵ See Regular report from the Commission on Turkey’s progress towards accession on http://europa.eu.int/comm/enlargement/report_11_98/pdf/en/turkey_en.pdf

amendments dealt with freedoms of association and political activity. The following is the summary of other important amendments (Özbudun, 2000, p: 64-68):

The parliament lifted the constitutional ban on political activities by labor unions, professional organizations and cooperatives (Articles 52, 135, and 171). Article 68 was amended to allow university personnel and students to join political parties, but the ban on party membership for pre-collegiate students, civil servants, and the members of the armed forces remained in force. Article 75 increased the size of the parliament from 450 to 550 , Article 127 allowed for the simultaneous national and local elections, gave Turkish citizens living abroad the right to vote, lowered the age of party membership from 21 to 18, and permitted political parties to establish women's and youth branches, foundations, organizations in foreign countries. Article 149 was amended to allow the Constitutional Court to accept oral testimony when such testimony was deemed necessary. The amendment to Article 149 also instructed the Constitutional Court to "hear the defense of the chairman of the party whose dissolution is in process or of a proxy appointed by the chairman." Another change concerning the closure of political parties was the modification in Article 84 which made expulsion of members of the National Assembly harder.

All of those amendments fell far short of popular expectations. The amendments related to political participation and were useful in that regard, but they brought about no improvements in the rule of law and protection of fundamental rights and liberties. In short, those amendments were piecemeal changes rather than the comprehensive protection of individual rights that had been requested by the European Parliament (EP) before the Customs Union.

3.1.4 The Second Phase: Custom Union

The beginning of the 1980s was marked by the adoption of "structural adjustment policies" for Turkey in the field of economics. In 1994 and 1995, political developments

contributed substantially to this reformist trend. On the other hand, in those years European Community evolved into the European Union with the signing of the Maastricht Treaty in 1992. This signified a comprehensive momentum for integration within the European Community. Moreover, the former communist states in Central and Eastern Europe applied for EU membership. In 1993, the Copenhagen Council introduced membership criteria, setting minimum prerequisites for the candidate countries. With all these developments, EU-Turkey relations were revitalized in the early 1990s (Birand, 2000, p: 480). Parties started to discuss and to launch the Customs Union.

However, Greece announced that because of Turkey's poor human rights record, it would veto the Customs Union (Villaverde, 1998, p: 32). It put forward certain conditions for Turkey to satisfy in exchange for lifting its veto. Under these circumstances, Turkey agreed to remain silent regarding the accession negotiations between the EU and the (Greek) Republic of Cyprus, to ratify Customs Union without receiving financial aid to which it was entitled under the Association Agreement, and to ensure the improvement of democratic standards and human rights through constitutional reform (Sözen & Ulusoy, 2003, p: 9).

In March 1995, The Association Council, the highest ranking body of the Association, composed of the foreign ministers of Turkey and of the 15 EU member states, adopted its decision on the completion of the Customs Union between Turkey and the EU in industrial and processed agricultural goods by December 31, 1995.¹⁶⁶ The Council also decided to set up new measures in several sectors to strengthen institutional, financial cooperation and to intensify political dialogue.

Under the Maastricht Treaty, the agreement with Turkey had to be ratified by the European Parliament (EP). The EP, however, had been very sensitive about the human rights and democracy problems in Turkey since the 1980s. The EP had repeatedly expressed its

¹⁶⁶ <http://www.mfa.gov.tr/grupa/ad/adab/relations.htm> accessed on 12 April 2004

concerns and sometimes adopted sanctions in response to activities which were seen as undemocratic and incompatible with the western norms. For example, in 1991 Greece had persuaded the EP to insist upon a set of resolutions¹⁶⁷ concerning human rights violations in Cyprus and the call for an autonomous Kurdish state¹⁶⁸ (Krauss, 2000, p: 226). Greece delayed its assent to two financial aid packages which were scheduled in the Association Agreement following the arrest of two Kurdish members¹⁶⁹ of the National Assembly. Those members of the Parliament had worn headscarves representing colors of the nonexistent Kurdish state for which Kurdish terrorist of the PKK¹⁷⁰ had caused the loss of thousands of people. They had also made public statements supporting the activities of this separatist movement.

Following the suspension of those Kurdish MPs' parliamentary immunity, the EP passed a resolution¹⁷¹ condemning the Turkish government's attitude towards freedom of expression and demanded Turkey amend Article 8 of the constitution which criminalized support for Kurdish separatist movements. Given the fact that Turkey's poor human rights record in those years and the European Parliament's consistent policy with regard to this issue, no one expected the EP to endorse the Customs Union agreement with Turkey.

In contrast to predictions, on December 13, 1995 the European Parliament assented to the Customs Union. The Commission thought that, had the agreement not been ratified, Turkey might become disillusioned with the EU and reoriented its foreign policy eastwards

¹⁶⁷ See EP-Resolution 18.6.1987, JO 1987, C 190/119, 20.7.1987, EP-Resolution 11.7.1990, JO 1990, C 231/172 17.9.1990

¹⁶⁸ This brought about immense reactions out of Turkey, as the supposed Kurdish state would be established on some part of Turkish territory. This resolution is still reminded by some Turkish euro-sceptics from time to time. The most recent example is the booklet printed by Ankara Chamber of Commerce which is listing the phrases used by the EP that endorse activities of the militant independence movement (PKK.)

¹⁶⁹ As a result of EU harmonization packages to satisfy the Copenhagen Political Criteria, Turkey released them in June 2004 after some ten years of being under sentence.

¹⁷⁰ PKK (Kurdistan Worker's Party) is considered to be a terrorist group by some circles. The European Commission defines PKK as "...Kurdistan Workers Party whose goal is to create an independent state of Kurdistan in south-eastern Turkey, and which employs terrorist methods." (Progress Report, 1998, p: 19). Needless to say, In Turkey it is unquestionably regarded as a terrorist group.

¹⁷¹ European Parliament, Carnero report A 4-0332/95, 11.12.1995, 7. Quoted in Krauss, Stefan, "The European Parliament in EU External Relations: The Customs Union with Turkey" in; *European Foreign Affairs Review*, Vol.5, 2000, pp. 226

(Ugur, 1999, p: 148). Also, effective lobbying by many parties, including the U.S. government and Europe's social democrats, highly influenced this decision (Krauss, 2000, p: 229-230). The agreement endorsed by the European Parliament in December came into force on January 1, 1996. With the establishment of the Customs Union, Turkey abolished all duties and equivalent charges on imports of industrial goods from the EU. In the same vein, Turkey harmonized its tariffs and equivalent charges on the importation of industrial goods from third countries with the EU's Common External Tariff and progressively adapted to the EU's commercial policy and preferential trade arrangements with specific third countries.

Despite considerations about its vulnerable economy, Turkish governments both harmonized and enacted most of the legislation needed for the Customs Union's proper functioning.¹⁷² According to the Commission Representation in Ankara, the Turkish government has gone a long way towards adopting EU's trade policy (signing free trade and textile agreements). The few snags in Turkey's ability to comply with some decisions were not impediments to the implementation of those decisions. Most of these practical problems were dealt with through existing channels, such as the Joint Customs Union Committee and the Association Council.

In fact, in the first year of the Customs Union, Turkey showed little sign of keeping its promises. Democratization amendments did not please many people either in Turkey or in the EU. The EU had convened in Barcelona two months before the abolition of the barriers with Turkey, and decided to set up a new partnership with the twelve Mediterranean countries¹⁷³ including Turkey.¹⁷⁴ The principal financial instrument of this partnership was named

¹⁷² The web site of Representation of European Commission in Turkey;
<http://www.deltur.cec.eu.int/english/CUtradeproblems-revised1.rtf>

¹⁷³ The other countries are Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia and the Palestinian Authority. Among these countries full membership was relevant to only Turkey, Cyprus and Malta.

¹⁷⁴ I was formed to "establish a common Euro-Mediterranean area of peace and stability (political and security partnership), to create an area of shared prosperity through the progressive establishment of a free trade area between the EU and its partners and among the Mediterranean Partners themselves, which was accompanied by substantial EU financial support for economic transition in the partners (economic and financial partnership), to

European Programme for South Mediterranean Countries (MEDA)¹⁷⁵ and the EP used its budgetary powers to pressure Turkey to keep its promise. Because of the ongoing human rights violations, most of which were related to the military operations against the Kurdish separatist group, - and bloody clashes in Cyprus, the EP passed another resolution,¹⁷⁶ declaring that political bases for the assent to the Customs Union had eroded. Soon thereafter, the European Parliament blocked the credit which had been allocated in the EU budget (Krauss, 2000, p: 235). Moreover, because of the dispute between Greece and Turkey over the Imia Island dispute the Commission reminded Turkey that the Customs Union agreement was based on respect for international law.¹⁷⁷

On the Turkish side, entrance to Customs Unions brought about many interesting debates¹⁷⁸ on its necessity and efficiency. Differences of opinion between the parties in government and the opposition were apparent. The governing True Path coalition parties and the socialist SDPP supported the move toward Customs Union, declaring that it brought Turkey closer to full membership, while opposing parties questioned its value without full membership, citing that the government had conceded too much (Eralp, 2001, p: 81). For the critics, the Customs Union was just an artificial and one-sided system designed to incorporate Turkey within the EU without granting it the benefits of membership. Under the Customs Union framework, Turkey was in a position of implementer but not a decision-maker. The

develop human resources, promote understanding between cultures and rapprochement of the peoples in the Euro-Mediterranean region, develop free and flourishing civil societies (social, cultural and human partnership)" (Barcelona Declaration, 1995). Declaration is available on line on Available online on http://europa.eu.int/comm/external_relations/euromed/bd.htm

¹⁷⁵ European Programme for South Mediterranean countries. For more information on MEDA see Holden, Patrick, 2003, "The European Community's MEDA Aid Programme: A Strategic Instrument of Civilian Power?" in; *European Foreign Affairs Review*, Vol.8, pp. 347-363 and Philippart, Eric, 2003, "The Euro- Mediterranean Partnership; A Critical Evaluation of an Ambitious Scheme", in; *European Foreign Affairs Review*, Vol.8, pp. 201-220

¹⁷⁶ 19 September 1996 The Resolution on "Europe and the global information society - recommendations to the European Council' and on the Commission communication 'Europe's way to the information society: an action plan"

¹⁷⁷ See Agence Europe, 9 February 1996, p.3

¹⁷⁸ See Neuhval, N., A., "The EU-Turkey Customs Union: Balance but No Equilibrium", in: *European Foreign Affairs Review*, Vol. 4, 1999, pp. 37-62 and Kabaalioglu, H. "Completion of the Customs Union and the Accession of Turkey to the European Union" in; *ECSA, The European Union in a Changing World, A Selection of Conference Papers*, 1998, pp. 385-427.

system created by the Customs Union would not bring Turkey closer to the EU but merely enforce its dependence. Due to all these disadvantages, no country apart from Turkey had concluded a Customs Union with the EU without securing or having a guarantee of full membership. For the supporters, it would lead to adoption of western values, such as democracy and human rights, attract foreign investment, create jobs, and thereby strengthen the country's economy.

The first years of the Customs Union were not very promising for Turkey. The figure below shows that after completion of the Customs Union in 1996, Turkey's imports from the EU rose by 37.2% over the previous year and reached \$23.1 million while its exports, amounting to \$11.5 million rose by only 4.2%. However, since 1999, the benefits of the Customs Union are apparent; imports have increased by 50%, whereas the exports from the Union have risen by 68%. These numbers prove that after a rough start, Turkey has begun to benefit from the Customs Union and strengthen its economic ties with the EU.

Economic rather than political changes gained momentum in the second phase of Turkey- EU relations. The completion of the Customs Union was a turning point, displaying the actual capacity and the performance of the Turkish economy, which had been transformed in the 1980s and 1990s. Today, alongside the controversy over Turkey's candidacy, the most intensive Turkey-EU relations are carried out through the Customs Union.

3.1.5 The Luxembourg European Council (December 1997)

At the Luxembourg European Council of December 12, 1997, the EU scheduled accession negotiations with six candidate countries, Hungary, Poland, Estonia, the Czech Republic, Slovenia and Cyprus for the spring of 1998. The European Council confirmed Turkey's eligibility for accession but pointed out that "the political and economic conditions allowing accession negotiations were not satisfied." The Council, nevertheless, decided to set

up a strategy aimed at preparing Turkey for accession. Together with the other applicant states Turkey was invited to the forthcoming European Conference.

In hopes of solidifying Turkey-EU bonds, the Luxembourg Council underlined the necessary conditions that Turkey should meet: “pursuit of the political and economic reforms on which it has embarked, including the alignment of human rights standards and practices on those in force in the European Union; respect for and protection of minorities; the establishment of satisfactory and stable relations between Greece and Turkey; the settlement of disputes, in particular by legal process, including the International Court of Justice; and support for negotiations under the aegis of the UN of a political settlement in Cyprus on the basis of the relevant UN Security Council Resolutions.”¹⁷⁹

According to Eralp, there were four possibilities (Eralp, 2000, p: 175-176) regarding Turkey’s position in the EU enlargement process prior to the Luxembourg Council. One possibility was its exclusion from the membership process. Its longstanding economic and political problems, high population and needs for considerable financial assistance would have doomed its membership hopes. In addition to Greece and Germany’s¹⁸⁰ opinions, the Commission’s *Agenda 2000* report on enlargement which was released just before the Luxembourg summit suggests this possibility. The report repeated the political and economic arguments against Turkey and made no reference to Turkey’s full membership objective (Erdoğan, 2002, p: 45). The second possibility was giving Turkey a special relationship to the EU without membership. But, the stance of some EU members, like Italy, and that of the United States, which sympathized with Turkey’s close links with the EU rejected this option. The third possibility was granting Turkey a special status as well as a road map toward full membership. Turkey would be included in the enlargement process despite the absence of

¹⁷⁹ European Council. Luxembourg, December 12, 1997. Presidency Conclusions. EU website at <http://www.europa.eu.int>.

¹⁸⁰ At that time CDU-CSU coalition was in power in Germany. The CDU has always been against Turkey’s membership to the EU.

“pre-accession strategy” and the financial support provided other eleven candidates to speed up their progress. Turkey’s efforts would determine the EU’s future decision. In so doing, the EU would not stretch its financial resources and Turkey would be responsible for its European destiny by means of reforms and regulations as stipulated by the Copenhagen criteria. The fourth approach was to grant Turkey the same candidate status as other applicants.

However, no member states supported this option; Greece and Germany were strongly opposed to it. German Chancellor Helmut Kohl was probably the most vocal opponent of candidate status for Turkey, let alone opening up membership hopes. In retrospect, at that time Turkey was far from adopting the principles of the EU, which actually makes Turkish officials’ harsh criticisms of the Luxembourg decisions partly baseless.

During the meeting in Luxembourg, some EU leaders were unusually straightforward in their criticism of Turkey. Luxembourg’s Jean Claude Juncker, then EU president, declared that the “EU should not negotiate with a country where there is torture” (Kubicek, 2001, p: 40). The Belgian Christian Democratic Party leader Wilifried Martens also stated that Turkey’s culture rendered it “unacceptable” for EU membership (Kubicek, 2001, p: 40).

In such an environment, the European Union chose the third option. Turkey’s eligibility for membership was confirmed and a “strategy”- to prepare it for accession was designed. The development of Turkey-EU relations was made conditional on certain economic, political and foreign policy questions. In that way, the EU avoided actually excluding Turkey¹⁸¹ while hoping to meet at least some of Turkey’s expectations.

The Luxembourg decisions, however, infuriated Turkey. On December 15, the Turkish government declared its outright rejection of the Council decision, asserting that “Turkey has not been evaluated within the same framework, the same well-intentioned approach and objective criteria as the other candidate countries...Partial, prejudiced and exaggerated

¹⁸¹ *Milliyet Daily*, 15 December 1997

assessments were made about Turkey's internal structure and its foreign policy including the issue of Cyprus...With these invalid approaches, attempts have been made to impose unacceptable political conditions which have concealed intentions"¹⁸² Turkey also rejected the invitation to the European Conference; political dialogue that the Association Agreement had initiated stalled, meaning that Turkey was no longer willing to discuss Greek-Turkish tensions, Cyprus, or human rights with the EU (Eralp, 2000, p: 182).

Although membership at a later stage was still on the table, Turkey took the decision simply as a refusal of its application. As the only applicant country which had abolished customs with the EU, Turkey had expected a completely opposite decision in Luxembourg. For Turkey, the Ankara Agreement had already set in motion the process for full membership and endorsed its incontestable Europeanness. While fledgling democracies of former Soviet empire were being granted tangible membership prospects, the discussions of its structural problems that include cultural and political concerns made Turkey feel like it was the victim of a double standard. Worse still, inclusion of Cyprus in the six countries destined for early accession did nothing but to further inflame Turkish reaction (Eralp, 2000, p: 182).

Accession negotiations with Cyprus were opened in March 1998 by British Foreign Minister Robin Cook, who stated that "the Union regrets that it has not been possible to achieve a political solution to the continuing division of Cyprus in time for the accession negotiations." Cook reaffirmed the Union's view that "progress towards accession and towards a just and viable solution to the Cyprus problem will naturally reinforce each other" and once more expressed the Union's "full support for the search for a solution under the aegis of the UN" (Cameron, 1999, p: 16-17). In other words, the EU did not let itself be intimidated by the Cyprus problem and continued the accession process with Cyprus, reconfirming its support for the Greek Cypriot government as the sole legitimate authority on

¹⁸² *Turkish Press View, Directorate General of Press and Information Office of Prime Minister, on <http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING97/12/97X12X16.HTM>, and Hürriyet Daily December 16, 1997*

the island.¹⁸³ Unfortunately, Turkey's apparent willingness to put an end this problem did not bear fruit until 2003.

As the Luxembourg Council requested, with the consent of the Cardiff European Council (the first summit since June 1998) the Commission, on November 4, 1998, announced its first regular report on Turkey and on other applicant countries, which showed that all applicants, including Turkey, were being judged by the same Copenhagen criteria (The First Regular Report, 1998, p: 4). The Luxembourg European Council had noted that "the strategy will be revived by the Associational Council on the basis of Article 28 of the Association agreement in the light of the Copenhagen criteria."¹⁸⁴ The important point is that this time Turkey was put in the same category as the other applicant countries, even though the first Commission Report drew attention to the structural problems in Turkish democracy: the role of army in civilian politics, restrictions on civil society, and fundamental freedoms. Since the report touches upon many critical issues which later reports follow up, it is meaningful to examine its content. Below are the most important points that the Commission made (The First Regular Report, 1998, p: 9-20):

1) The rights of the individual and freedom of expression fall short of EU standards; 2) in combating terrorism Turkey should find civil solution rather than military one, while upholding human rights and rule of law; 3) the Turkish legal system is ambiguous with regard to civilian political control of the military; 4) State Security Courts are not compatible with a democratic system and run counter to the principles of the European Court of Human Rights (ECHR); 5) torture as well as corruption are regularly recorded despite the government's commitment to ending such practices; 6) freedom of association, press, religion and assembly

¹⁸³ For detailed information on Cyprus problem and Greece-Turkey Relation see: Öncü Ziya, 2003, "Greek-Turkish Relations and the Role of the European Union: Perpetuator of Conflict or Contributor to Peace?", in Christos Kollias and Gülay Günlük-Senesen, (eds), *Greece and Turkey in the 21st Century: Conflict or Cooperation?*, Nova Publishers, New York and Oncu Ziya, "Greek-Turkish Relations and the European Union: A Critical Perspective", in *Mediterranean Politics*, Vol.6, No.3, 2001

¹⁸⁴ Article 28 states that "as soon as the operation of the Agreement has advanced far enough to justify envisaging full acceptance by Turkey of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey to the Community."

are subject to limitations. 7) having occupied the northern Cyprus, Turkey has not made constructive contribution to the solution of this problem yet. 8) the EU worried about the implications for democratic pluralism upon the ban on the Refah (Welfare) Party and its stance on secularism¹⁸⁵; 9) laws permitting capital punishment violate the European Convention on Human Rights; 10) the cultural rights and identities of the Kurdish people are not recognized and there is no possibility of broadcasting in a language other than Turkish.

The 1999 Regular Report covered the same content as the 1998 report. The European Commission reiterated its expectations concerning problems related to the Copenhagen criteria: "...the EU expects Turkey to resolve its problems by political means with full respect for human rights, the rule of law in a democratic society and in full accordance with Turkey's commitments as a member of the Council of Europe." In the introduction, the EU-Turkey relations were carried out within the framework of the new developments, particularly represented by the arrest and trial of PKK's leader Abdullah Öcalan, as well as the death sentence pronounced against him by the Ankara State Security Court. Though the death penalty had not been exercised since 1984, the verdict by the Ankara Court made the EU uneasy. With this report, the EU clearly displayed its opposition to the execution, while praising the constitutional reform (1999) which removed a military judge from the State Security Courts (The Regular Report, 1999, p: 9). In the same vein, the report included the call for abolition of the death penalty and underlined that restrictions on fundamental freedoms such as freedom of press, association, expression and assembly did not change. In regard to Kurdish problem, the EU once again emphasized the importance of the legal grounds for protecting minority rights, implying that Turkey should have treated all citizens- including the Kurds- equally and made necessary regulations for, for example, TV and radio

¹⁸⁵ It is noteworthy to remind that dissolution of the RP by the Turkish Constitutional Court was not found in violation of Article 11 of ECHR by the European Court of Human Rights (Koçak & Örüciü, 2003, 417- 418) Hence, it was accepted that this party had been dissolved in the name of democracy. See "the Refah Partisi Erbakan, Kazan and Tekdal and Others v. Turkey Judgment", Nos. 41340/98, 41342/98, 41343/98, 41344/98, Decision of 3.10.2000, para 59. Also, 31 July 2001

broadcasting in Kurdish and toleration of cultural traditions (The Regular Report, 1999, p: 14). The report also noted that no major changes had been observed concerning civil, political, social and cultural rights as well as Cyprus problem. Nevertheless, the Commission praised amending the Political Parties Law to make it more difficult to close parties down and ban its members from engaging in political activities, and the removal of the military judge from State Security Courts (The Regular Report, 1999, p: 9 -10).

3.1.6 The Helsinki European Council (December 1999)

In the light of those developments, the European Council meeting in Helsinki in December bears great significance in Turkey-EU relations. This meeting signaled a switch in the EU's policies towards Turkey. In Helsinki, crucial decisions were taken to consolidate European security and defence. In this context, it was no coincidence that the EU's view on Turkey's bid changed, given its strategic importance in the Middle East, the Mediterranean and Eurasia (Eralp. 2000, p: 185).

Another important factor in this policy shift is the Turkish-Greek rapprochement after two devastating earthquakes that both countries suffered in 1999. Greece was reluctant to veto the decision on Turkey again because of their shared suffering (Eralp 2000, p: 185). As a result of Greek Foreign Minister George Papandreou's realization that a "European" Turkey was in Greece's own national interest, this change in relations between the two countries directly affected the EU's perception of Turkey's membership (Avci, 2002, p: 97).

Germany also changed its policy towards Turkey when the Social Democrat Gerhard Schroder replaced Helmut Kohl as German chancellor. Even though Schroder understood the difficulties of admitting Turkey to the EU, prior to the Helsinki Summit he and Foreign Minister Joschka Fischer depicted the EU as a secular organization which should embrace all European cultures (Avci, 2002, p: 98). Schroeder accepted that Turkey's membership aspirations could not be excluded on grounds of identity, and that peace between Greece and

Turkey, like that of between France and Germany, might be achieved within the European framework. In December 1999, Schroeder persuaded the Swedish Prime Minister Göran Persson that a multicultural Europe could not exclude Turkey and the Greek Prime Minister Kostas Simitis that peace with Turkey could best be achieved by including Turkey. Moreover, because of trade relations and a shared mediterranean identity, Italy and Spain were proponents of Turkey's membership during the 1990s (Brewin, 2001, p: 15).

At the European Council in Helsinki Turkey formally obtained the status of candidate state, "destined to join the Union on the basis of the same criteria as applied to the other candidate states," and was included in the accession process. Like the other applicants, it could benefit from an Accession Partnership, -which defines the priority areas where action is to be taken by the applicant through a National Programme-, designed to help it meet the Copenhagen criteria for accession.

The Regular Report of 2000 was issued right before the Helsinki summit. The Commission's third "Regular Report" on Turkey reiterated the usual assessments: "Turkey still does not meet the political Copenhagen criteria (...) the economic, social and cultural rights situation has not improved..." (Regular Report, 2000, p: 21). Unlike the previous reports, however, Cyprus was not mentioned in the general evaluation section, even though information about the negotiations, under the aegis of the UN, was reported in the main body of the document. According to the 2000 Report, corruption was still of major concern and the functioning of the National Security Council were major concerns.

The Accession Partnership¹⁸⁶ with Turkey, which was approved by the Council on March 8, 2001, included the extension of citizenship rights and the elimination of human rights violations. The targets set ranged from freedom of expression and freedom of association to abolition of torture. The envisioned reforms also covered improvements in the

¹⁸⁶ *Accession Partnership, 2001 available on line on*
http://europa.eu.int/eurllex/pri/en/oj/dat/2001/l_085/l_08520010324en00130023.pdf

functioning and efficiency of the judiciary and the removal of legal provisions forbidding the education of Kurdish citizens in their mother tongue or the use of their native language in TV and radio broadcasting. By the end of 2001, Turkey was expected to “strongly support the UN Secretary General’s efforts to bring a successful conclusion to the process of finding a comprehensive settlement of the Cyprus problem.” In fact, Greece had proposed to add this clause and when the Commission realized that Turkey was, at least, trying to discuss this sensitive issue privately for the sake of the negotiations, it asked member states to delete this clause (Brewin, 2001, p: 11-12). However, according to Brewin, “Twelve states in the Council overrode the Commission's objections by supporting the Greek amendment in the Accession Partnership and sent it to the Parliament for its assent” (2001, p: 11-12).

Among the medium-term objectives cited in the Partnership, is the duty to “make every effort to resolve any outstanding border disputes and other related issues” and to “lift the remaining state of emergency in the South-East,” the area where Turkish military forces were involved in operations against Kurdish guerrillas. After the approval of the Accession Partnership by the EU in March 2001, Turkey submitted its National Program for the Adoption of the EU acquis. Turkey did not deny its poor human rights record or deficiencies in its democracy and provided a list of short and medium-term goals. However, as Onis argues, Turkish authorities’ unwillingness to implement reforms in human rights and fundamental freedoms were noticeable in the National Programme (Öniş, 2003, p: 13). Criticisms by the EU have revolved around the lack of a timetable for the abolition of the death penalty, vague redefinition of the military’s role and unclear protection of the rights of ethnic minorities. This uneasiness was reflected in the Regular Report of 2001:

“...Despite a number of constitutional, legislative and administrative changes, the actual human rights situation as it affects individuals in Turkey needs improvement.Turkey does not yet meet the Copenhagen political criteria and is therefore encouraged to intensify and

accelerate the process of reform to ensure that human rights and fundamental freedoms are fully protected in law and practice, for all citizens, throughout the country (Regular Report, 2001, p: 32-33)

Following the recommendations of the National Programme, Turkey initiated a series of reforms before the end of 2001. In addition to the Civil Code of 2002, which strengthened civil society and entirely changed women's status¹⁸⁷ in the family by according them equality in decision-making, property rights, and the right to choose to work outside of the home, more than one fifth of the 177 articles of the Constitution addressing human rights, the rule of law and democratic institutions, were amended. Similar to Öncü's assessment, Örucü claims that Turkey might have completed this "sweeping series of amendments" in order to pay lip service to the demands of the EU (Örucü, 2002, p: 201). Nevertheless, without doubt the accession process begun in Helsinki turned into a powerful incentive for Turkey, leading to continuing harmonization of reforms. In addition to the 2001 reforms, a number of measures to improve the implementation of constitutional and legal guarantees were introduced by the Turkish government until the legislative elections in November 2002.

3.1.7 The Copenhagen European Council (December 2002)

The Copenhagen European Council was a milestone in Turkey-EU relations in that it both accelerated the pace of Turkey's reforms, which had already started in 2001, by setting a firm date for accession negotiations and by forcing Europe to think seriously about the implications of Turkish membership. Up to that point, the prospect of Turkish membership, given the inherent difficulties in undertaking the reforms required, appeared to be a distant prospect. The decisiveness on the part of Turkey, as seen in the brisk pace of reforms in the post-Helsinki era, clearly suggested that Turkish membership was no longer merely a theoretical possibility. Hence, the fact that Turkey had made considerable progress in

¹⁸⁷ For more information see Anil, Ela and Arin, Canan, 2002, "The New Legal Status of Women in Turkey", Published by Women for Women's Human Rights, Istanbul

satisfying EU conditions raised the question of accommodating a large country with a predominantly Muslim population (Keyman & Öniş, 2004, p: 26). It was also important in the sense that the Copenhagen decisions showed Turkey that progress achieved before the summit did not mean that reforms were complete. The EU did not find Turkey's efforts sufficient to open accession talks and wanted to see further progress along with practical implementation of all the reforms.

“It strongly welcomes the important steps taken by Turkey towards meeting the Copenhagen criteria, in particular through the recent legislative packages and the subsequent implementation measures which cover a large number of key priorities specified in the Accession Partnership. The Union acknowledges the determination of the new Turkish government to take further steps on the path of reform and urges in particular the government to address swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation but also in particular with regard to implementation.” (Presidency Conclusions, 2002,p: 5)

The ten candidate countries, including Cyprus were all welcomed into the EU on May 1, 2004. Despite Mr Erdoğan and Mr.Gül's international lobbying, given promises, the U.S.'s pressure and the most importantly Turkey's determination to restructure its system, the Copenhagen Summit concluded:

“The Union encourages Turkey to pursue energetically its reform process. If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay” (Presidency Conclusions, 2002,p: 5).

The events that led to this conclusion bear mentioning. The reforms approved by the president of Turkey, A. Necdet Sezer, in February 2002 amended legislation which has been

criticized as being the legal basis for the detention and sentencing of many intellectuals for expressing their political views. The second harmonization package, which came into force in April 2002, provided further scope for the freedom of expression and thought, freedom of the press, and freedom of association and peaceful assembly.¹⁸⁸ New measures for the prevention of torture and ill-treatment were introduced. The second harmonization package also established strong bases to deter public personnel from human rights violations.

The third legislative package, which entered into force in August 2002, was nothing short of revolutionary. Article 312 of the Turkish penal code, expanded the right to freedom of expression. The capital punishment, albeit not applied for almost 20 years, was abolished (except for war crimes and acts of terrorism). The right to broadcast in languages other than Turkish, such as Kurdish or Armenian, was ensured (Tanlak, 2002, p: 8-12). The Commission's declaration following the August reforms was cheering to many circles in Turkey. It stated that reform packages by the Turkish Parliament were a clear signal of the determination of the Turkey's political leaders towards further alignment to the values and standards of the European Union.¹⁸⁹ Important developments continued to take place as 2002 drew to a close. One was the massive electoral victory of the Justice and Development Party (the AKP), ending the highly unstable coalition politics of the 1990s (Keyman & Öniş, p: 97). So far, the AKP, in contrast to traditional Islamist perception, has exerted the greatest effort to be more committed to the task of EU membership, not as a fake policy but as a commitment to satisfy the associated conditions. Striking development in November 2002 was the introduction of the UN Plan, the so-called "Annan Plan" for the resolution of the Cyprus dispute. Given the fact that Cyprus issue was a major obstacle to Turkey's full-membership, the Annan Plan, suggested a mutually acceptable resolution to this long-standing conflict.

¹⁸⁸ Ministry of Foreign Affairs of Turkey, *Turkey-EU Relations, Post-Helsinki Phase on*
<http://www.mfa.gov.tr/grupa/ad/adc/latest.htm>

¹⁸⁹ Commission welcomes package of reforms in Turkey, (Brussels, 4 August 2002), accessible on
http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/02/1197|0|AGED&lg=EN&display
=

Meanwhile, elections in Germany turned out to be another victory for the Chancellor Schroder who was known to support Turkey's membership. His rival, the CDU candidate Stoiber, opposed Turkey's membership aspirations. With the historic August 3 reform package and German Chancellor Gerhard Schroeder's surprising electoral win, Turkey raised its expectations (Gültaşlı, 2002, p: 100). In addition, the capture of the PKK's leader, A. Ocalan in 1999, had finally put an end to fights with Kurdish separatists in eastern Anatolia, a campaign that had been highly criticized by the EU on the grounds that this military way of solving a political problem was a blatant violation of human rights and democratic principles. In this context, on every possible occasion Turkey voiced that it did its homework and now it was the EU's turn¹⁹⁰. Right after the 2002 Regular Report, which noted that despite substantial reforms in virtually every issue underscored by the Commission the 2001, Turkey had a long road ahead before negotiations could begin. Unlike the previous reports, practical implementation of the reforms became one of the major demands. The word "implementation" was used 137 times whereas it was used 89 times in the previous report. As usual, peaceful settlement of the Cyprus dispute under the UN's leadership was reiterated. By saying that Turkey did not meet the Copenhagen criteria (Regular Report, 2002, p: 47) the Commission became the target of nationwide criticism. In fact, the Commission was not the only scapegoat. Valery Giscard d'Estaing, President of the European Convention, announced to *Le Monde* on November 8, 2002 that "Turkey can not be admitted as a member to the EU, simply because it is Asian. Those who have most pushed enlargement in the direction of Turkey are the adversaries of the European Union. Turkey's membership will put an end to European integration."¹⁹¹ With these words Giscard d'Estaing not only expressed his

¹⁹⁰ President Sezer, for example, expressed that Turkey had already fulfilled membership criteria by carrying out important reforms. (*Turkish Daily News*, 10, December, 2002). Also the opposing leader Baykal said "There is no doubt that Turkey has the legal right. Turkey has the right to get a date for negotiations." (*Turkish Daily News*, 2, December, 2002), in a meeting with Danish Prime Minister, Turkish Prime Minister said that efforts already made by Turkey to meet EU requirements (*Turkish Daily News*, 29 November, 2002).

¹⁹¹ See *EU Observer* <http://www.euobserver.com/index.phtml?aid=8315>

objection to Turkey's integration with Europe, but he also triggered a debate over Turkey's place and identity in Europe. Mr. Erdoğan, as the leader of the AKP, and Mr. Gül, as the Prime Minister began to meet with European leaders, saying that Turkey was part of Europe and its Islamic identity could not be a barrier to EU accession. This immense lobbying contributed to the heated debate. By the time Erdoğan and Gül's meetings with European leaders were over, only Britain, Italy, Spain and Greece's support were guaranteed out of fifteen countries (Gültaşlı, 2002, p: 107). The two locomotives, Germany and France, however, became reluctant to extend an invitation to Turkey. At a meeting in Germany, Chancellor Schroder and French Prime Minister Chirac concluded that "accession talks could only begin in 2005, if Turkey meets Copenhagen political criteria until the December 2004 summit."¹⁹² That meant that Turkey would have to convince 25 member states instead of 15 and given the relatively poor economies of new member states together with Cyprus's well-known attitude towards Turkey, it would be much more difficult for Turkey to negotiate (Gültaşlı, 2002, p: 107). Despite the United Kingdom (UK) and Italy's announcements which drew attention to the charges of religious discrimination, the Copenhagen summit adopted the conclusion offered by Germany and France. The US's intense pressure for Turkey's membership over the EU prior to the summit backfired and generated a perception of Turkey as an "American Trojan Horse." With these developments, the decision reached at the EU Council's Copenhagen Summit of December 2002 represented another step forward in Turkey's membership aspirations.

At the Copenhagen Summit, Turkey was given a date, namely December 2004, with the prospect of opening accession negotiations thereafter depending on the proper implementation of reforms. Resolution of the Cyprus conflict was also cited as one of the key determinants of future Turkey-EU relations.

¹⁹² <http://www.euobserver.com/index.phtml?aid=8658>

3.2 TURKEY'S PERCEPTION ON THE MINORITY ISSUE AND EU EXPECTATIONS

3.2.1 Minorities under Turkish Juridical System

Minorities under the Turkish Juridical system can be legally examined by having reference to the Treaty of Lausanne, which is the basic treaty in the construction of the Turkish Republic and the current Turkish Constitution.

In the Turkish Juridical system, there is no reference to the minority rights as a rule. The concept of minority, whether internal or external, is not first in the importance in Turkey. The rights of religious minorities that are guaranteed in the Treaty of Lausanne constitute the only exception. Therefore, in the perspective, in order to understand the legal status of minorities in Turkey “one should look at the Treaty of Lausanne, signed on 24 July 1924, which is a basic law of the Turkish Republic” (Türkiye’de İnsan Hakları, 2000, p: 258). It was signed by Turkey, the Allied Forces and other related nations at the end of Turkish War of Independence. It is considered as the basic law of the Turkish Republic because, “the Treaty of Lausanne was not only a treaty arranged the end of a war, but it also radically changed the principles and applications that had constituted the core of the international relations with other nations. With respect to areas that it regulates, it is not only functional in international relations and territorial aspects, but also it manifests its impact on the issues regarding the judiciary, administration, economy and other issues regulating daily lives of the people.” (Türkiye Dış Politikasında 50 Yıl, 1973: V).

In this respects Sander also agrees that it is mistake to consider the Treaty as only a single treaty regulating the end results of a war.¹⁹³ According to him, Turkey’s membership in several international Europe organizations owes much to this Treaty. In sum, “Lausanne is not

¹⁹³ This idea of Oral Sander and the following citation was taken from the speech of him in the international seminar entitled *The Treaty of Lausanne in Its 70th Anniversary (70. Yılında Lozan Barış Antlaşması)*. All speeches in this seminar were edited by the İnönü Foundation and published as a book in 1994 with the same name.

only a long lived treaty signed after a national independence war. Lausanne is a treaty that changed a 1000 years of world history, (...) for the first time enable a nation-state in the Middle East to enter the European system and which seized the sprit of the Renaissance.” (Saner, 1994, p: 14)

In this basic law of the Turkish Republic, “the Kemalist state was affected by the Ottoman legacy with respect to internal and external minorities”, and it regards only non-Muslims as a minority and again similar to the Ottoman Empire, “does not consider the Muslim citizens as minorities, although they have some differences in several respects” (Oran, 2000, p:122). Under these conditions, the only minorities in Turkey are the religious minorities; namely Armenians, Jews and Orthodox Greeks whose status are regulated under articles of 37-45 of the Treaty of Lausanne. These articles of the Treaty guarantee the freedom of religion and conscience and also regard these people, those who are the non-Muslim Turkish citizens, as equal before the law. This is the reason why “the spokesmen of the Turkish state claim that there is no minority problem and declare that everything about the minority issue was solved with the Treaty of Lausanne” (Türkiye’de İnsan Hakları, 2000, p: 259)

When the Treaty is examined, it can be seen that the basic theme in the part regarding the minority issue is non-discrimination. Zürcher mention that “as far as the minorities were concerned, a clause was inserted, in which Turkey bound itself to protect its citizens, regardless of creed, nationality or language...”¹⁹⁴ (Zürcher, Turkey: A Modern History, 1994, p:170). Turkish citizens belonging to non-Muslim minorities will benefit from the same civil and legal rights that the Muslim population benefits from. According to the Treaty, “the whole people of Turkey will be equal before the law without any religious discrimination”.¹⁹⁵

¹⁹⁴ Article 38 of the Treaty states that, “Turkish government reaffirms that it will provide a great protection for the lives and freedoms of all citizens without any discrimination of religion, race, birth, nation and language”.

See Appendix B

¹⁹⁵ Article 39 of the Treaty of Lausanne

The agreement also grants some specific rights and freedoms, like freedom of education in their mother language to the non-Muslim population that is regarded as minorities. This right is guaranteed in Article 41 of the Treaty of Lausanne. Education in minority school can be held in their mother tongue as well as Turkish. The students belonging to minorities can take their education both in their own school or in Turkish schools; it is left to their own choice.

Therefore, it is clear that the minority issue in Turkey was first legally arranged by the Treaty of Lausanne. The constant usage of the term “Turkish citizens belonging to non-Muslim minorities” in the Treaty shows the generally accepted perception towards the minority issue. It is obvious that the importance is given to the concept of “equality before the law”; non-Muslim benefited from the same political and civil rights as the majority Muslims, namely the stress is on citizenship. This stresses the non-discriminative nature of the Republic. Since the Treaty of Lausanne is the fundamental document regarding minorities in Turkey, it reflects the attitude of the state toward minorities, which attaches importance to citizenship together with non-discrimination.

3.2.2 The Constitution and the Minorities

Other than the agreement and the treaties, some articles of the Turkish Constitution also refer to the non-discriminative nature of the Turkish Republic. Article 10 of the Constitution states that:

“All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such consideration. No Privilege shall be granted to any individual, family, group or class.”

In addition, according to the Article 24, “everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services and ceremonies shall be conducted freely...” In the framework of these article of the constitution,

all citizens benefits from the same rules and laws and have the same obligations without any discrimination or privilege regardless of any difference.

On the basis of above-mentioned information, “the Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal and nationalism of Atatürk and based on the fundamental tenets set forth in the Preamble” (Article 2). What underlines a democratic country is the notion that everybody who is bound to the states by citizenship is considered equal irrespective of religion, language and ethnicity, which was the ultimate aim of Atatürk and his friends in the process of the establishment of the Turkish Republic. And it is obvious that there is no space for any notion of minority in this kind of understanding, since, in such a state all citizens from all religious or ethnic backgrounds are first class citizens.¹⁹⁶ There is no class of citizenship. Additionally, all citizens are treated equally before the law and it is guaranteed by several articles of Constitution. Therefore, constitutional citizenship is one of the main principles upon which the Turkish state was founded and as İçduygu and Soyarik mention, in the issues of ethnic, religious and minority rights, “constitutional citizenship is repeatedly pronounced” (1999, p:188). The Turkish Constitution stipulates that the State and the Nation are indivisible and that all citizens irrespective of their ethnic, racial or religious origin are equal before the law. As Özbudun states (1998), this is the principle of “one state, one nation”¹⁹⁷, in which a nation, as the citizens of the state, unite for the sake of the state and any kind of secessionist trend that may endanger the unity of both the nation and the state is forbidden.

In the light of the above, it can be understood that the official policy of the Turkish state towards the discussion of minority is as follows: it is the ultimate right of people to have and preserve their ethnic identity, but these people are in equal degree obligated to be loyal to

¹⁹⁶ The term of “first class citizens” is used by Emre Kongar in one of his article published in Cumhuriyet on 24 July 2000, p:3

¹⁹⁷ Which is more a fiction rather than a reality according to İçduygu and Soyarik

the state, which was also the basic priority in the Ottoman Empire. If some groups having different ethnic or cultural differences act as if they are not citizens of a given state, the state will not be able to free itself from chaos and anarchy. It is claimed to be an indisputable reality that all Turkish citizens are free to equally exercise their rights guaranteed by the Constitution and by relevant laws. There is no discrimination on the basis of ethnic origin, race, creed, gender, language or religion. Indeed, discrimination on these bases are very much alien to Turkish culture and it is prohibited under applicable laws. Therefore, the perception is that there is no need to stress ethnic or other differences, since the equality of all citizens is constitutionally guaranteed.

3.2.3 Constitutional Citizenship

This kind of an understanding has its implications in the theory of citizenship. In the theory of citizenship, as Stolcke (1997, p: 61) mention that “there are analytically three distinct dimensions to membership in a nation-state”. These three dimensions or components of citizenship are citizenship as a legal status, citizenship as an identity and citizenship as a civic virtue. In the legal status part, the acquisition of citizenship rights became conditioned by specific legal rules and there is “legally ordered qualifications which make the individuals members of a nation state” (Stolcke, 1997, p: 62). However, according to Kymlicka and Norman “citizenship is not just a certain status, defined by a set of rights and responsibilities. It is also identity, an expression of one’s membership in a political community” (1994, p: 369). In addition to this, they also mention that it requires an emphasis given to the virtues. Therefore, it would not be wrong to claim that, the concept of citizenship is a combination of all these three dimensions or components.

It is obvious that the Turkish state’s perception is to conceive citizenship as a legal status showing similarities with the French system or perception. As Üstel claims (1999), citizenship in France focuses more on the constitutional values, not on historical, cultural or

political ones. Therefore, it is claimed that the French people are equal according to Constitution without any discrimination and regardless of any difference based on culture, ethnicity or language. In this respect it is fact that this kind of a system is egalitarian in the way that it considers individual rights and freedoms of the citizens.

The Turkish view of citizenship is similar to this notion, that is, it has a constitutional value. In this notion, in which citizenship has a legal-status, citizenship is essentially a matter ensuring that everyone has specific citizenship rights and is treated as a full and equal member of the society. According to Marshall (1992), the membership to the nation is ensured by a number of citizenship rights. He divides citizenship rights into three categories: civil rights, political rights and social rights. As mentioned before, this kind of understanding attaches importance to the non-discriminatory nature of the system, as it is experienced in the Turkish system, which pays immense importance to the legal status of citizenship and in which all citizens are given the same formal and legal rights regardless of gender, race, ethnicity, religion or class.

The above mentioned understanding called “legal citizenship” by Üstel (1999, p:147) and it is basically rooted in the understanding of citizenship as a legal status, which is not very different than the concept of “constitutional citizenship” in the Turkish understanding, as she claims. She mentions that Süleyman Demirel first brought the notion of constitutional citizenship to Turkey in 1992 and he defines it has follows:

“Constitutional citizenship is the notion combining all the citizens of the nation in the terms of rights and duties on the grounds of equality. All the citizens of the nation, owing to the principle of constitutional citizenship, experienced the right to be volunteers to all duties and able to undertake these duties regardless of differences of religion, language, ethnicity and gender.

(...) the constitutional citizenship is the enjoyment of these rights and duties on the ground of equality and being ensured about not being deprived of the right to be employed in the state apparatus, the rights to elect and to be elected because of specific reasons.” (Üstel, 1999, p: 151)

This notion of constitutional citizenship has its traces in the understanding of “constitutional patriotism”, which was first formulated by Habermas in 1992¹⁹⁸. He gives the examples of Switzerland and United States as multicultural societies and according to him these states:

“Demonstrate that a political culture in the seedbed of which constitutional principles are rooted by no means has to be based on all citizens sharing the same language or the same ethnic and cultural origins. Rather, the political culture must serve as the common denominator for a constitutional patriotism which simultaneously sharpens an awareness of the multiplicity and integrity of the different forms of life which coexists in a multicultural society.” (Turner and Hamilton, 1994, p: 347)

In addition to this, as İçduygu and Keyman states, “the reference point in constitutionality is not only common identity, but also is a subject bringing the demands of differences into the public realm” (1998-9, p: 147). Therefore, the role of constitutional citizenship is more the acceptance of differentiations. In this respect, the “constitutional patriotism” of Habermas, which was founded on difference, had been changed into “constitutional citizenship” in its Turkish understanding. Therefore, the current understanding of constitutional citizenship is not something different from the understanding of citizenship in the beginning of the Republic. Articles of the Constitution stating some basic rights and obligations of the citizens and their non-discriminative nature clearly show the tendency in the Turkish Republic. On the other hand, the founders of the Republic have chosen constitutional

¹⁹⁸ See in Turner and Hamilton, “Citizenship Critical Concepts”, vol.2, p: 347

citizenship, but this was a choice in accordance with the necessities, conditions, realities and the legacies of the time.

3.2.4 Expectations of the European Union from Turkey

The EU made a historical decision in 1993 in the Copenhagen European Council that “the countries in Central and Eastern Europe that so desire shall become members of the Union. Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and political conditions.”¹⁹⁹ Within the framework of this decision, the Union put forward some principles and values in accordance with the historical legacies, which were dealt with the economical, political and with the citizenship discourse. These general principles are liberal democracy, multicultural policies and human rights. Additionally, “the transformation of these principles such as democracy and human rights into criteria necessary to be a member a state of the Union became possible in the Copenhagen Summit in 1993.” (Usul, 2002, p: 9). According to this, if the candidate states obey the Copenhagen Criteria, they will likely be accepted as a member state of the Union.

In this perspective, the Union has an accession strategy. The first expectation of the Union is compliance with the Copenhagen Criteria. Accession Partnership documents are second step towards the integration. In response to the Accession Partnership, candidate countries prepare their national program for the adaptation of the aquis. Apart from this, the European Commission publishes Regular Reports and each Regular Report underlines achievements as well as shortcoming of the candidate nations. Regarding these regulation, “on 10-11 December 1999, the European Council Helsinki Summit welcomed the positive developments in Turkey as noted in the Commission’s Progress Report on Turkey and in turn Turkey announced its intention to continue with reforms towards complying with the Copenhagen Criteria” (Hanlı, 2001, p:28).

¹⁹⁹ *European Commission Strategy Paper, 2000*

3.2.5 The Copenhagen Criteria

As mentioned above, the first priority is the Copenhagen Criteria for Turkey, as it is for other candidate states. “In June 1993, the European Council in Copenhagen concluded that the candidate countries must be able to satisfy a number of important economic and political conditions known as the Copenhagen Criteria” (Hanlı, 2001, p: 27).

As stated in the Copenhagen Document, 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;*
- *The ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.*

has created:

- *The conditions for its integration through the adjustment of its administrative structures, so that European Community legislation transposed into national legislations implemented effectively through appropriate administrative and judicial structures.*

As it can be realized, the Criteria is based on two grounds; economic and political. In terms of Turkish integration, the political criteria become much more important than the economic ones, since most of problems occur in that field. Verheugen also states “political reforms are nevertheless a sticking point for the Commission and the member states” (2001, p: 62). The political criteria are not just limited by the Copenhagen Document but further developments are also important in that field. Countries wishing to become members of the EU are expected not just to subscribe to the principles of democracy and the rule of law, but

actually to put them into practice in daily life. Respect for fundamental rights is a prerequisite of membership and is enshrined in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocol allowing citizens to take cases to the European Court of Human Rights. Freedom of expression and association and the independence of the media must also be ensured. The integration of minority populations into society is a condition of democratic stability. A number of texts governing the protection of national minorities have been adopted by the Council of Europe, in particular the Framework Convention for the Protection of National Minorities which safeguard the individual rights of persons belonging to minority groups.

As it mentioned above, Turkey has displayed a sensitive attitude towards the issue of human rights with respect to its constitution and international agreements. In this respect, the most important obstacle for Turkey in the process of integration is democracy and minority protection. The claims and criticism against Turkey about human rights are not basically on legal or constitutional grounds but rather on some shortcomings of them in practice. On the other hand, it is not the issue of whether there are criticisms or whether they are right or wrong, the realization of the Copenhagen Criteria is the first and basic expectation of the Union from the candidate nations. This document constitutes the seed of integration. Verheugen also stresses the importance of the Criteria by saying that "the Copenhagen political criteria (...) have to be met before the accession negotiations properly can start" (2001, p: 62). Besides this, the fulfillment of this seed later becomes possible with the Accession Partnership document and with the regular reports.

3.2.6 The Accession Partnership Document

The Accession Partnership are the central pre-accession strategy instrument.²⁰⁰ As it is stated in the Objectives part of the Annex of the Document for Turkey, "the purpose of the

²⁰⁰ *The European Commission Strategy Paper 2000, II, p:1*

Accession Partnership is set out in a single framework the priority areas for further work (...) towards membership of the European Union”. The purpose of this is to specify the priority areas and achieve progress in these fields in order to reach to the standards of the Union. These areas and the progress on them determine the future relations of that given country with the Union.

“The Accession Partnership document for Turkey was declared on November 8, 2000 by the European Commission (...) and ratified on March 8, 2001” (Usul, 2002, p: 15). This document includes short term and medium term priorities for Turkey to realize in order to begin accession negotiations. In this way, as Verheugen declares, this document plays the role of a “road map” for Turkey and also it includes “the expectations from Turkey and priorities in the way of full membership”.²⁰¹

When the Document is closely examined, it can be seen that the Accession Partnership demands, Turkey is obliged to permit TV and radio broadcasts in the short term and the medium term, that contains cultural variation, that it must guarantee cultural rights for all citizens and that it must abolish all kinds of obstacles including in the field of education. Moreover, as Usul mentions, “Kurdish becomes first in the above mentioned required implications” (2002, p: 17). For example, in the Part 4.1 (political criteria) of the Document, it is stated that:

- *Strengthen legal and constitutional guaranteed for the right to freedom of expression in line with article 10 of the European Convention of Human Rights.*
- *Strengthen opportunities for legal redress against all violations of human rights*
- *Remove any legal provisions forbidding the use by Turkish citizens of their mother tongue and TV/radio broadcasting*

And the Document adds in the medium term criteria that:

²⁰¹ These declarations were taken from <http://www.ntvmsnbc.com/search/search.asp> on March 9, 2001

- *Guarantee full enjoyment by all individuals without any discrimination and irrespective of their language, race, colour, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms. Further develop conditions for the enjoyment of freedom of thought, conscience and religion.*
- *Review of the Turkish Constitution and other relevant legislations with a view to guaranteeing rights and freedoms of all Turkish citizens as set forth in the European Convention for the Protection of Human Rights; ensure the implementation of such legal reforms and conformity with practices in EU member states.*
- *Ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin. Any legal provisions preventing the enjoyment of these rights should be abolished, including in the field of education.*

It is clear from the document that the political criteria are important and in this framework, cultural rights are emphasized. The Union specifies the priority area in the Document as political criteria and specifically, importance is attached to human rights and cultural rights. The Commission strongly encourages Turkey to bring about substantial improvements, not only in the constitutional provisions and the laws concerning the protection of human rights, but above all in the human rights situation in practice. This requires reform of many existing structure and practices.

The document has some features with respect to political change in Turkey. First of all, it underlines a social model. It is obvious that the Document takes a multicultural society as a model by addressing the aim of opportunities in broadcasting and education of different cultures. As a matter of fact, in the medium term, the demand is to strengthen the cultural differences of the people irrespective of the origins of people and guarantee the cultural rights

and the abolishment of the aquis creating obstacles in doing so. Secondly, the Union indicates its sensitivity on the issues of freedom based on democratic regulations and finally, the Union stresses he necessity of application on these matters.

From the Turkish perspective, these demands on broadcasting and educational rights under the heading of cultural rights are alien to the Turkish perception of the minority issue and citizenship. Therefore, the fulfillment of these demands would “bring out radical changes in Turkey about the minority concept. These changes, to great extent question the nation-state characteristic of Turkey” (Usul, 2002, p: 9). Oppositions were raised both from the military and state elites after the ratification of the Accession Partnership document. For example, Brigadier General Halil Şimşek declared in his speech on 11 January 2001 in the Armed Forces Academy that;

*“our nation in under danger of separation under the name of cultural rights, broadcast in the mother tongue and educational rights for our Kurdish origin citizens, who are the parts of the establishment and the integral components of the state, in the Accession Partnership document in the scope of individual rights and freedoms”.*²⁰²

This statement echoes the press declaration of the National Security Council on January 2002 stating that the demands on cultural rights, educational rights and broadcast rights are separatist movements in nature and “they are the initiative of the PKK”.²⁰³

Similarly, Prime Minister Ecevit of this period, in a statement, declared that he conveyed to Mr. Verheugen, the member of the European Union Commission responsible for enlargement, that “the inclusion of Kurdish into the education program is unacceptable. People if they wish can freely talk Kurdish. They also can be seen on TV. However, it is impossible to take Kurdish into the program of foreign language courses”.²⁰⁴ In addition to this, in another declaration of the Prime Minister Ecevit, he stated, “everybody should freely

²⁰² The full version of his speech is available at www.ntvmsnbc.com/news/56105.asp

²⁰³ 30 January 2002, *Hürriyet*

²⁰⁴ 6 February 2002, *Radikal*

explain and publish their thoughts. If there are shortcomings in this field, they will be corrected. However, I do not find it suitable if it is transformed into an element of education”.²⁰⁵

Other than international documents, some statement was reflected by high ranking European Union officials, the perception and demands of the Union. In this respect, the most important official for Turkey is Günher Verheugen. He is some of the most influential figures in the Turkish integration process since he is responsible for the enlargement process. His declarations are as important as the documents ratified. In other words, his declarations can be considered as the verbal demands coming from the Union.

3.2.7 Demand on Cultural Rights

The demands coming from the Union are not limited to documents. Other than the Copenhagen Criteria and the Accession Partnership document, the statements and declarations of Verheugen also was stated the necessity to satisfy cultural rights, educational rights and broadcast rights. He was also mentioned that “the beginning of membership negotiations depends on Turkey’s capability of fulfilling the European Union Criteria” and was added that “the next step for Turkey should be the necessary constitutional amendments on the death penalty and education in the mother tongue”.²⁰⁶ Since these issues are included in the Accession Partnership and also part of the EU Criteria, Turkey needed to take necessary steps in order to begin membership negotiations. Furthermore, in his special declaration given to NTV representative Murat Akgün, he was mentioned that all these “regulations and necessities are preset and these are the rules of the game”²⁰⁷ and he was added that some areas were not touched upon. As to areas of shortcoming, he again gives the example of cultural rights and specifically education and broadcast rights.

²⁰⁵ 22 February 2002, *Hürriyet*

²⁰⁶ 15 February 2001, *Cumhuriyet*

²⁰⁷ For full text of declaration www.netvmsnbc.com/news/136085.asp

These further statements on cultural rights have created unrest both in the state and military elite. These statements basically refer to the Kurds, which is a very sensitive topic for both the elite and also for the society as a whole. “The Kurdish question is certainly one of the most difficult tasks that the Turkish state has to handle, particularly since it involves concerns of security against separatism” (Duner and Deverell, 2001, p: 5). Other than this separatism concern when the concern is the minority issue “there is no domestic debate on giving the Kurds special status as minority. The main argument against this is that they are regular Turkish citizens” (Duner and Deverell, 2001, p: 5).

Overall, political criteria are primary in terms of the integrations of Turkey into the Union. In this perspective, The Copenhagen Criteria, the Accession Partnership document and some statements of high ranking officials of the Union set the “rules of the game”. The result of this game is depended on the ability of Turkey to respond to the rules. Nonetheless, “by nature, a significant share of responsibility is taken by Turkey; on the other hand we think that it is natural for us to expect a careful evaluation of our sensitivities and visions from the European Union” (Loloğlu, 2001, p:181).

3.3 THE KURDISH QUESTION AND CYPRUS PROBLEM: A BRIEF ASSESMENT

3.3.1 Kurdish Problem

Until the foundation of the Turkish Republic, the Anatolian lands had been home to a mosaic of ethnic and religious groups. The National Assembly included members of different ethnic origins (Kirişçi & Winrow, 1997, p: 96).Despite that, Mustafa Kemal Atatürk, preferred to use the term of “Nation of Turkey” instead of “the Muslim Ottoman nation”. .” As early as 1922, he had signaled this change by saying “three and half years ago we were living a religious community. Since then we have been living as a secular nation” (Aras & Gökay, 2003, p: 151). In the light of this information, we can mention that, the perception of Atatürk signaled the sign of the foundation of nation based state structure. Furthermore, the

radical reforms as the subsequent avoidance of the Caliphate and the introduction of a new educational system were denominated the first sign to create new nation identity.

Through the ages, Ottoman Empires hosted to the different ethnical cultures within its borders. This house ownership, in spite of its effective Muslim identity, was not caused any problems between the minorities who was lived within the borders of Ottoman Empire. From the sixteenth century to the collapse of the empire, each sultan assumed the role of leadership of Islamic World and it was representing the descent of Muhammad within the all Islamic World. But, when we study the administration of Ottoman Empire, we can see that the effect of this representation role was evolved all institutional base of its administrative structure. Even though every religious community was able to worship freely, judicial, educational and administrative systems were all based on religion which was believed to prevent modernization.

All of this religious structure of Ottoman Empire, develop a new administrative system, it was seemed a hard situation for the founders of Turkish Republic. Republican reforms put an end to this order. The objective of these reforms was a secular, democratic country. Abolition of the Caliphate was the first step. The Caliphate, however, had been the most important link between the Turks and the Kurds for ages. Then, religious schools and Islamic courts were replaced by secular modern ones. Religion had to be placed on the level of individual practice, because it had a potential to rally the masses against the new Republic. However, those religious schools enabled the Kurdish people to preserve their cultural identity (Aras & Gökay, 2003, p: 152). Within this institutional system, Kurdish people were able to live their cultural identities as speaking their own language, which were adhered to the rules of Islam. Furthermore, on the foundation of Turkey Republic, the perception of nation was established on the concept of “Unique Nation” and a unitary social structure. This structure was implemented with a common language and common education system by

Mustafa Kemal Atatürk and its followers. The social structure of Turkish Republic was getting into changing process with the collapse of Ottoman Empire and it experienced the problems to form into a unitary nation structure from multicultural nation system. The first Constitution of Turkish Republic, builded up to this unitary nation structure and regarded being Turkish a national and political identity, rather than an ethnic one.

The Turkish government feared that if the Kurds were allowed to speak their own language and attend ethnic schools, other groups such as the Greeks, Armenians, Albanians and Jews would demand the same and undermine the common Turkish identity. During the 1920s, Kurdish nationalism started as a reaction against rising Turkish nationalism, (Oran, 1990, p: 204-205). According to the Turkish Constitution, Turkey is a unitary state and its only minorities are the non-Muslims, such as the Jews, Greeks, and Armenians. The Kurds are Muslims and for this reason they are Turkish citizens with the same rights as other Turkish citizens. However, they were not entitled to speak their own language in the public sphere. Even the Kurdish names that were used to designate the eastern parts of Anatolia were replaced with Turkish ones (Aras & Gökay, 2003, p: 153). Another example that highlighted the perception of Turkish ethnicity and language of Turkish Government was the Settlement of Law that accepted in 1934. Under this law, the people who lived within the Turkish Republic borders, divided into three groups: The people who was belonging to Turk ethnicity and Turkish language, people who were culturally Turkish but who did not speak the language, and who neither speak Turkish nor belong to the Turkish culture.

This law also divided the country into three parts. The first part was for people from Turkish origin and this area covered the eastern and southeastern Anatolia where mostly Kurdish people settled. The Mediterranean region was inhabited by people whose Turkish identity had to be supported with settlement policies. Finally, third region was closed to settlement for fear of insurrections (Kirişçi & Winrow, 1997, p: 103). According to the law,

the people of the first region were told to migrate to the second region and vice versa. The intention was to mix all ethnic elements and create an integrated social order. Even though this law did not explicitly target the Kurdish population, the Kurds evinced the greatest resistance. Kurdish rebellions began breaking out in 1925 (Aras & Gökay, 2003, p: 154). Newspapers and political parties that were believed to sympathize with the Kurds were closed down. The Tunceli²⁰⁸ rebellion of 1937 that came about as a protest against the Settlement Law lasted more than a year. In fact, all circles which opposed a secular state and which had received generous benefits from the Ottoman Empire, gathered around Kurdish insurgences, overshadowing the real intentions of the Kurdish people, As it is explained below, “The main problem for them was not the emergence of the Turkish Republic, but the absence of their cultural rights.” They demanded freedom of language and freedom of settlement. But, they never called for a restoration of the Ottoman Empire.

External factors created a state of turmoil so that Sevres Treaty could be put into practice (Oran, 2003, p: 259). The protestors wanted the restoration of an Islamic regime and the Ottoman Empire. Of course, this was a demand. In the end, many people either died or were executed by the Republican authorities. Since then, Islam and Islamic movements are seen as a potential threat to both national security and the secular roots of the republic. This mentality became the major cause of the three military coups that the country experienced between 1960 and 1980.

Every revolution provokes nostalgia for the previous order. There will always be some people who much prefer the old regime. The Kurds were in this category, but they did not call for an independent Kurdish state. Under the Ottoman Empire they had never had their own state and had never demanded one. They even fought with the Turkish against the Entente powers²⁰⁹ to help them establish a Turkish state (Oran, 2003, p: 103). The main problem for

²⁰⁸ This city is called Dersim in Kurdish and considered to be their capital.

²⁰⁹ France, Britain, Greece, Italy etc. whom tried to divide up Ottoman Empire's all remaining territory. See

them was not the emergence of the Turkish Republic, but the denial of their cultural rights. However, they could not voice their opposition. They let other factors change the direction of the events; in the end, demands for a Sharia/Islamic regime drowned out the voices for Kurdish rights. That is why many of those revolts are remembered as religious uprisings. Those demands automatically made Ankara resort to violence in order to suppress revolts.

3.3.2 The PKK²¹⁰ (Kurdistan Worker's Party- Partiya Karkeren Kurdistan)

Until the 1980s the Kurdish problem seemed to have been solved. With the beginning of the multi-party system in 1950s, parties in favor of more freedom for the Kurds came to the fore. The constitution of 1961 led to emergence of Kurdish journals, newspapers, and parties (Bruinessen, 1995, p: 341-342). However, the military coups of 1971 and 1980 and the activities of the terrorist Kurdish independence movement, the PKK- hindered the emergence of an environment in which they could enjoy their cultural rights.

Resorting to guerrilla tactics for an independent Kurdish state, the PKK was established by Abdullah Öcalan in 1978 (White, 2000, p: 135). From 1984 to late 1998, PKK did not differentiate between civilian and military targets. To make Turkey cede southeastern Anatolia to the Kurdish control, some 37,000 people from both sides were killed (Çakmak, 2003, p: 71). Turkey also witnessed PKK attacks upon tourist centers, energy resources, and schools (many of which were attended even by Kurdish children), communication and transportation facilities. After all those unfortunate events, PKK was on the top of the world list of terrorist organizations between 1988 and 1998.

The PKK elevated the Kurdish issue into another dimension. It was no longer merely a matter of cultural rights; instead it was a matter of the continuity of Turkish territorial unity. Turkish authorities took military measures against the PKK in the southeast (Çakmak, 2003, p: 76-77) and therefore allowed to increase the number of humanitarian losses. Further

Hale, William, 2000, *Turkish Foreign Policy 1774-2000*, London, Frank Cass Publishers pp. 44-79

²¹⁰ The PKK changed its name as 'Kurdistan Freedom and Democracy Congress' (KADEK) as of 2002.

damaging Turkey's image and raising doubts about its EU membership, the Kurdish issue became directly linked to the human rights problem in the country. Turkey had to put an end to human rights violations; otherwise it would destroy its chance for EU membership. At last, bloody clashes between the Turkish army and PKK came to an end with the capture of the PKK leader Abdullah Öcalan in 1999. More importantly, after this event Turkish policy towards the Kurds began to change, mostly because of the positive signals coming from the EU after the Helsinki Summit which made Turkey realize that this issue was a major test of the rule of law and respect for human rights. (Gülşen, 2004, p: 79)

In May, 2004 capital punishment was completely removed from the Constitution by adding the sentence "No one can be sentenced to death penalty."²¹¹ In 2002, Turkey's new approach to the issue of Kurdish identity was once again revealed by reforms that lifted all restrictions on broadcasting, publishing and education in languages other than Turkish.

In what only one year earlier would have seemed impossible, the reforms were a testament to the incredible change taking place in Turkey and an indication that even the most sensitive subjects were not only being brought out into the open and debated, but also being acted on. In 2003, two additional democratization packages entered into force which made retrials of court cases possible as long as ECHR demanded that Turkey do so. This amendment paved the way for the retrial of the former Kurdish nationalist deputies, one of whom is Leyla Zana. With the so-called sixth harmonization package in June 2003, , the ban on broadcasting in Kurdish on radio and TV channels as well as education in Kurdish language have been lifted. Even so, the EU²¹² and international human rights groups, such as Amnesty International,²¹³ criticized the country for failing to implement the new adjustments.

²¹¹ *Turkish Daily News* May, 22, 2004

²¹² See 2003 *The Regular Report on Turkey's Process* page 31

²¹³ See 2003 *Amnesty International Turkey Report Summary* page 2

Schools offering instruction in the Kurdish language were opened²¹⁴ in March 2004, broadcasting in languages other than Turkish, including Kurdish, started at the beginning of 2004, and most important of all Leyla Zana and other Kurdish deputies were released in June. In addition, following the lifting of the state of emergency in the eastern region in 2002, the State Security Courts (DGM), which had been handling terrorism cases, were abolished with the last reform package of May, 2004.²¹⁵

However, expecting to see Turkey putting into practice every single reform right after the enactment might be impractical. The implementation part of the transformation process is a time consuming activity. And, on the other hand, this does not nullify the criticisms over implementation deficits. But, one may rightfully expect the same flexibility from the EU towards Turkey that was displayed in the accession process of the CEECs. In a conference held in Istanbul in June, 2004, Verheugen, the EU Enlargement Commissioner described those reforms as “extraordinary successes” and stated that disputes on Turkey’s admission to or exclusion from the EU were irrelevant and therefore the EU should decide when to commence negotiations.²¹⁶ The Commission found those reforms significant, while calling upon Turkey to address the remaining issues under the Copenhagen criteria:

*The Commission welcomes the adoption by the Turkish Parliament of a series of constitutional amendments on 7 May. This new package shows once again the strong commitment of Turkey to political reforms and constitutes another step towards compliance with the Copenhagen political criteria...Some of the changes are particularly significant such as the abolition of the State Security Courts..(May 10, 2004).*²¹⁷

²¹⁴ In the cities of Sanliurfa and Batman two private schools began to provide education in Kurdish language as of March 2004, which was followed by many others. Also on June 7, 2004 the first Kurdish broadcast was aired on a state owned channel. See “European Union Communication Group” web site for detailed information on the implementation of those reforms; <http://www.abig.org.tr/en/abig.asp>

²¹⁵ Turkish Daily News May, 22, 2004

²¹⁶ Hürriyet Daily, June, 18, 2004

²¹⁷ The EU home page press reviews on

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/624&format=HTML&aged=0&language=EN&guiLanguage=>

Apart from these positive developments, another important decision coming from the Council of Europe (CE) pleased the Turks. In June 2004, the Council of Europe decided to end monitoring Turkey after the amendments to the Constitution. The CE had been monitoring Turkey since 1996 and this situation had become a symbol of its infamous human rights record and its democratic shortcomings. In explaining this decision, the CE declared that the abolition of the death penalty, “zero tolerance” towards torture, the lifting of many restrictions on freedom of expression, association and religion, the abolition of the State Security Courts, and the granting of certain cultural rights to Turkish citizens of Kurdish origin demonstrated Turkey’s commitment to and ability to fulfill membership obligations of the CE.²¹⁸ While such reforms are a huge step, there remains much to be done in the southeastern Anatolia to improve the conditions of the Kurdish population. The infrastructure, living standards and public services such as schools and hospitals are lagging behind the rest of the country. Ever since the halt in fighting against PKK, Turkey has focused on the development of the region. However, more investments and job creation will improve the lives of the Kurdish population. Unquestionably, Ankara’s new Kurdish policy change issue is a late awakening, but one can only ask why the Spain’s fight against Basque separatists²¹⁹ is viewed as a struggle against terrorism, Turkey’s fight against Kurdish separatists is considered brutal oppression. The answer might be that the West has always been sympathetic to the Kurds. While Öcalan was seen as a terrorist in Turkey, he was often regarded as a freedom fighter by many European politicians, although resort to violence is always condemned by every Western organization, including the EU.

²¹⁸ *The Council of Europe press releases (22/06/2004) on [http://press.coe.int/cp/2004/313a\(2004\).htm](http://press.coe.int/cp/2004/313a(2004).htm)*

²¹⁹ *Basques separatists are seeking to establish an independent state in northern Spain and southwestern France.*

3.3.3 The Military and the Cyprus Dispute

As we mentioned before, Turkish Republic was builded upon the idea of a unique nation and state. Turkish Republic, since its establishment, continued being a unique case among other Muslim states in that it has always been a Western oriented modern state.

On this Western oriented modern state structure, the military in Turkey has always played a role in shaping polities even when the army is thought to be in the barracks. The military in Turkey has always played a role in shaping politics even when the army is thought to be in the barracks. They have usually played a moderator role having veto power in the National Security Council (since 1961) meetings, which were held once a month. This consists of the President, the Prime-Minister and a few other ministers, such as the ministers of Defense, Interior, Foreign Affairs, the Chief of Staff and the Deputy Chiefs of Staff of the military. The most recent intervention of the military as a moderator was on 28 February 1997 where a 'semi'-intervention of the praetorian military to demand stronger adherence to secularism (laicism), democracy and Atatürk's reforms, took place in the National Security Council meeting (Sözen, 2005, p: 10).

In addition to this, the Turkish military also played a role which alike a moderator but more than a moderator, it has a similarities with the guardian role for maintaining the secularist structure of state. In 1960 (until 1961) and in 1980 (until 1983), the military coups actually toppled the civilian governments and the military ruled the country with technocrats for brief periods. They even discarded the old constitutions (of 1924 and 1961) and designed new constitutions (of 1961 and 1982). However, the Turkish military's role in the 1960 and 1980 coups could not be regarded as 'rulers.' Their role was more like guardians who came to save the country from going into chaos. (Sözen, 2005, p: 10).

In order to understand the perception of Turkish military, we have to study in detail the military interventions into politics and Atatürk's legacy on the Turkish military.

As we mentioned before, Atatürk's revolutions/ reforms that founded Turkish Republic instead of semi-theocratic monarchy Ottoman Empire, was effected by the French model nation-state. Atatürk proposed six tenets as the guidelines for his revolutions for the young Turkish Republic: Nationalism, Republicanism, Statism (Etatism), Secularism (Laicism), Populism and Revolutionism. Atatürk pointed to Europe, which he identified with civilization, democratic systems and liberal economy, as an example for the Turkish Republic. He started with the basics; a reformed language; a new system of law, and; a new sense of national identity, based on a newly invented (or created) tradition and culture excluding Islamic and Arabic elements (i.e., the Ottoman heritage) (Sözen, 2005, p:11).

At this stage, to keep in mind is that Atatürk prepared the Turkish military as a guardian of the reforms/ revolutions. It means that the Turkish military is the guardian of Atatürk's six tenets and its efforts to westernize the Turkish state. Another important thing to keep in mind, since the establishment of Turkish Republic, the military have been the most powerful and vigorous supporter of reforms/revolutions, and since Atatürk's death, they have been the strongest guardians of the Atatürk legacy.

The Turkish military officers regard themselves as the followers of Atatürkism and the guardians of its principles. Hence, this implies that the Turkish army should not deal with or should not be involved in, the day-to-day of government policies but, rather, should be a depoliticized institution, helping to guard the reforms/revolutions from such movements as ethnic separatism and religious fundamentalism both within and outside Turkey. So far, the training of the young cadets has uncompromisingly been conducted in that direction, and it seems this will continue in that same direction for some time. It is no surprise that one can see a strong opposition from the Turkish army to the democratization steps in the areas related to ethnicity and religion. The Turkish military announces very clearly that it regards issues such as ethnicity and religion, as very sensitive and closely related to national security. In that

regard, for example, the military might see freedom of expression as a separatist threat by the PKK or as a threat by the religious fundamentalists to transform the country into a theocracy. (Sözen, 2005, p: 12).

Due to of this respectful position of military, the Turkish people almost never felt uneasy about this role, because the military had rescued Turkish Cypriots from Greece's domination, prevented the country from being a traditional Islamic regime and stopped internal conflicts three times. It might have been a valid assumption that the democratic reform process in the last four or three years would have been slower and more complicated in Turkey considering its domestic history. But it did not happen this way.

For the first time in its history the army was forced to defer to civilian authority. The Seventh Adjustment Package of August 2003 is the major element of this new order. For the first time, political leadership in Turkey was in a position to tackle the thorny question of civil-military relations and the civil-military balance within the National Security Council (NSC) an advisory body on national security issues bringing together the commanders of the armed forces, the president, prime minister and other ministers (Hale, 2003, p: 120). This new reform package significantly diminished the role of the military in politics, through measures including limiting the executive powers and areas of responsibility of the NSC, increasing the civilian presence on the NSC, and bringing military expenditures under the inspection of the Court of Accounts.²²⁰

The last reform package of May, 2004 also removed the Office of Chief of Staff's right to appoint a member of the Supreme Education Board (YOK), paving way for the establishment of new specialized courts.²²¹

Cyprus was one of the most difficult problems for the Turks. Every incentive policy of Turkey for a peaceful solution resulted in a deadlock and so it had no chance to satisfy the

²²⁰ *Hürriyet Daily, July 3, 2003.*

²²¹ *Turkish Daily News, May 22, 2004*

EU. Although it was not directly linked to the Copenhagen Criteria, almost on every occasion and in every progress report the EU underlined the importance of a solution, implying that Turkey's membership was virtually impossible if the Cyprus dispute remained unsettled. In the last progress report, issued in December 2003 the European Commission reflected the same attitude:

"...the absence of a settlement could become a serious obstacle to Turkey's aspirations.....To this end, the EU should reiterate its call to all parties concerned, in particular Turkey and the Turkish Cypriot leadership, to resume the talks on the basis of UN Secretary General's proposal." (Gülşen, 2004, p: 83)

At the same time, this issue became a real test-case for the Turkish democracy in the sense that military officials had expressed their grave reservations regarding the viability of the Annan Plan.²²² In fact, there was a common belief both inside and outside Turkey that it was the Turkish army and Denktaş, the president of the Turkish Cypriots, who hindered any possible solution on the island. Indeed, just like Denktaş's views, head of the General Staff of the Turkish Ground Forces General Ilker Başbuğ stated in a press conference that a solution to the Cyprus dispute must depend on the principle of political equality based on two sovereign states and Turkey's active military presence on the island as a security guarantee.²²³ Clearly, this notion was incompatible with the basic precepts of the Annan Plan, which suggests bi-zonal federation with a single federal government that represents the unified Cyprus on the international stage (Pabst, 2003, p: 9).

Also, the Greek and Turkish military personnel stationed on the island since 1974 were to return home. Despite objections from the military and Denktash's uncompromising attitude, Ankara was determined to put an end to this problem, as it was apparent in Turkish

²²² See NTVMSNBC November 27, 2002, available on <http://www.ntvmsnbc.com/news/189890.asp>

²²³ *Hürriyet Daily*, July, 19, 2003

PM Erdoğan's words, "we need peace, we no longer gain anything from quarrelling."²²⁴ Since the army's political influence had been limited under with the previous year's reform packages, the military could only interfere in civilian politics through another coup. Harsh declarations from high-ranked military authorities were signaling this possibility. The most strident came from Aegean Army Commander Gen. Toron who said on January 22, 2004 that Turkey had raised many exceptional people but lately it had started to raise traitors, referring to the AKP government.²²⁵ However, for the first time in Turkey's military history, generals came to realize that the government makes political decisions and that politicians are able to pursue the national interest. (Gülşen, 2004, p: 84)

Determined to abolish barriers to Turkish membership, the AKP government tackled the Cyprus dispute along the lines of a revived Annan plan. After a series of meetings in Ankara, Erdoğan first convinced Denktaş to negotiate the plan with the Greeks and then pursued a coherent policy in favor of accepting the plan, despite Denktaş's severe opposition at a later stage. The Greek side had always seemed eager to reach an agreement and blamed Turkey for the problematic status of the island. Shockingly, only one week prior to simultaneous referendums, the Greek Cypriot government of President Papadopoulos reversed itself and called on the voters people to reject the plan.²²⁶ Ever since the beginning of negotiations, he had promised to support the Annan plan and his government would never miss this historic opportunity to relieve the pain of the Cypriots.

However, at the most crucial time of the Cyprus conflict, this unexpected policy change dispersed all hopes for peace. Regarding this attitude as extremely regrettable, Verheugen expressed his disappointment in his speech before the European Parliament on April 21, 2004:

²²⁴ *BBC News* May, 17, 2003 on <http://news.bbc.co.uk/2/hi/europe/3037093.stm>

²²⁵ <http://www.eubusiness.com/afp/040122121842.55t40gc5>

²²⁶ <http://www.guardian.co.uk/cyprus/story/0,11551,1202077,00.html>

“I am going to be undiplomatic, I feel cheated by the Greek Cypriot government. We have never been so close to an agreement, yet there is now little hope left. Greek Cypriot leadership had promised not to bring down a proposed agreement. But President Tassos Papadopoulos surprised everybody by pursuing a rejectionist strategy”²²⁷

The failure of the Greek Cypriot government to ensure that the UN plan was being presented in a fair way to voters resulted in a clear “No” vote by the Greeks in the referendum, whereas the Turkish part overwhelmingly voted in favor of the plan. Years of efforts had been wasted. Consequently, only the Greek Cypriots joined the EU with no jurisdiction over the northern part and the Cyprus problem remained unsettled. The EU’s decision to admit the Cyprus Republic directly affected Greek Cypriots’ attitude in the referendum. They had less incentive to solve the problem, knowing that outcome of the referendum would feature no crucial change in their position in the international arena. Nevertheless, Greek Cypriots lost considerable prestige after the referendum, as Turkey took a deep breath with the happiness of keeping its promise to the EU. Indeed, the most important consequence of the referendum for the Turkish EU membership became the fact that by saying “Yes” to the Annan plan the Turks showed their willingness to find a solution to the division of the island. By changing a 30-year-old Turkish Cyprus policy despite the firm opposition of the military, the AKP government did its utmost to remove the largest obstacle to Turkey’s EU membership, also showing the international community that the army was no longer as politically powerful as it had been. (Gülşen, 2004, p: 85)

More importantly, the referendum results invalidated any possible accusation against Turkey being solely responsible for the status of the island. Though the Cyprus dispute remains unsettled, the era of regarding it as an obstacle to Turkish membership is over. That is why the last European Council of Brussels (17-18 June 2004) appreciated Turkey’s sincere efforts and did not mention the link between a settlement and Turkish membership:

²²⁷ <http://europa-eu-un.org/article.asp?id=3421>

“The European Council welcomes the positive contribution of the Turkish government to the efforts of UN Secretary General to achieve a comprehensive settlement of the Cyprus Problem.”
(Gülşen, 2004, p: 85)

In response to the demand of the Council, the Commission was determined that ended the economic isolation of the Turkish Cyprus community, designated that “as the Turkish Cypriot community expressed overwhelming support for the UN Plan to reunify Cyprus, it would have been unfair, to say the least, to leave it out in the cold.”²²⁸ Apart from the Cyprus problem, there are two other territorial problems between Turkey and Greece. Although not as complicated as the Cyprus problem, disputes on the length of the continental shelf and airspace control brought about serious tensions between the two NATO members. Despite that, in parallel to enhanced relations after the earthquakes of 1999, reciprocal negotiations commenced in 2000.²²⁹

In addition to this, we can say that another important issue regarding Turkish democracy is the National Assembly’s the unexpected decision to deny crossing of US troops through Turkey to Iraq during the second Gulf War in 2003. Since the US had assumed that Turkey would defer to the demands of its indispensable ally, the decision to refuse transit rights to US troops came as a total surprise to the Americans. This decision was, at the same time, costly for the Turks. Turkey not only rejected a great deal of US financial compensation package but also the possibility of helping to shape the future of Northern Iraq.²³⁰

Paradoxically, by straining Turkish-American relations, Turkey found itself in a closer position to the EU. This decision indicated that the Turkish democratic system is able to operate smoothly, despite US’s pressure. Turkey’s action swept away arguments about Turkey being a “Trojan horse” of the USA in the EU. On the other hand, the Second Iraq War

²²⁸ *European Commission Press Releases, July 7, 2004 on*
<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/857&format=HTML&aged=0&language=en&guiLanguage=en>

²²⁹ *Hürriyet, July, 10, 2004*

²³⁰ *Bilir, Bahri, “Irak’a Asker Göndermek Bu Koşullarda Akıllı Bir Politika Değildir” on*
http://www.liberal-dt.org.tr/guncel/Diger/bb_irak.htm

showed the unpredictability of this region of the world. No matter how effectively Turkey could bridge the East and West, drawing EU borders so close to the Middle East and Caucasus is itself a serious question mark about Turkish membership. Nonetheless, if one takes into account the EU's efforts to establish peace and support democratic regimes all around the world and counterbalance the US's assertiveness in the new world order, expanding its borders to the Middle East could be a perfect opportunity. What's more, one may ask why the volatility in the midst of Europe, did not make CEEC's entry more difficult, if the stability of the region that candidate country in is an important element of the accession process (Gülşen, 2004, p: 86).

All in all, important developments have been recorded in the past four years of Turkey's EU full membership preparation process. Comprehensive reforms by the AKP government changed legislation to improve human rights, broaden freedom of expression, expand cultural rights and consolidate civilian democracy. The implementation of those reforms began to take place, albeit slowly. Above all, Turkey is no longer obligated to solve the Cyprus problem.

CHAPTER IV

CONCLUSION

As we mentioned previous chapter, the establishing a candidate status of Turkey with the Helsinki Summit, Turkey- EU relations was entered upon a new phase of its history. In this period and in front, we experienced that the transformation process of Turkey is advanced in a harsh path because of the Turkish political culture and its perception, and the psychological suspicious of EU.

Turkish-EU relations began as a dream of a distant ideal of full accession in the early 1960's. After nearly forty years, the prospect of full membership suddenly became an active possibility in December 1999 at the Helsinki EU Summit.

The turnaround, just two years after the Luxembourg Summit when it seemed to most observers that the door was being slammed in Turkey's face, was so rapid that both sides were unprepared. In the Commission, there are a relatively limited number of people equipped to cope with Turkey as a candidate moving towards negotiations. In Turkey itself, the man and woman in the street seem to have assumed until now that they faced permanent exclusion from the European order. Public opinion, so exuberant over football victories, has been subdued.

Perhaps this is because of an understandable suspicion that the present phase cannot last, and that there will eventually be another and bitterer breakdown in EU-Turkey relations. But it would seem that many Turkish people have not yet fully taken on board the fact that the door to EU membership really is open for Turkey, if the usual conditions of membership are met, and that the time has come to respond to the challenge. (David Bachard, 2000, p: 3)

In this context, when we focused the benefits of Turkey's membership for EU. With the membership of Turkey, the area that we can describe as East Europe, Middle East, Caucasian and the Arab Peninsula will be transformed by political-economy-cultural basis. In

shortly, we can say that the membership of Turkey would transform the region that it exists. We can see that this transformation expectation from the membership of Turkey by EU, in the European Commission's own reports that was expressed by indirectly. The Commission identifies long term goals that point very much in exactly this direction:

- Establishment of a common area of peace, stability and prosperity.
- Gradual establishment of a Euro-Mediterranean free-trade zone.
- Accelerated sustainable socio-economic development within the zone leading to improved living conditions for the inhabitants.
- Increased regional co-operation.
- Intensified socio-cultural dialogue and cooperation between the Euro-Mediterranean partners.²³¹

If we examine the conditions between Turkey and EU, for the Turkey side, the benefits of being in the EU, would bring higher standards of living and freedom to engage in travel and dialogue, not only with the advanced industrial countries of Western Europe from which Turks are largely shut out at the moment, but also other Mediterranean countries. In addition to this, EU membership could also help resolve many of Turkey's deepest preoccupations. Its external security situation, for example, would look quite different inside the European Union – and it would face no questions about its full status within ESDI. Indeed, as the EU can be expected to develop into a more effective actor on the international stage in the coming decades, with an active foreign policy and security interests outside the NATO area, Turkey could play a very important role in its future peacekeeping and security strategy. (David Bachard, 2000, p: 5-6)

²³¹ European Commission National Indicative Programme 2000-2002 Republic of Turkey

However, near of these foresights, there are pessimistic alternative scenarios according to probability of breakdown the relation between Turkey and EU. Upon that Turkey could not overcome to several obstacles front of the membership to EU. For example, If Turkey is excluded from the EU because of its rivalry with Greece over Cyprus; it will be an enormous missed opportunity. Political and business confidence will both be affected. There will be a real risk of a cycle of economic retardation, regression away from stability to political stagnation and authoritarianism, compounded by the internationalization of the country's internal disputes. In the worst case of all, this might culminate in the eventual coming to power of a radical political movement, certainly anti-European and perhaps with a religious tinge, after a period of internal turmoil. (David Bachard, 2000, p: 6)

The most important question for the future of Turkey-EU relation, is how we can provide to establish a healthy partnership condition between Turkey-EU within the existence common interest and the conditions that distress due to the non-application of this interest? The solution is the change of perception of EU and Turkey. When North America perceived Turkey as an important country that would provide the stability in its area with its developed economy; Europe highlighted Turkey as its human rights violations and its cultural differences problem. In addition to this, the image that was indicated in the European media like in "Oriental" country instead of industrialize country and the unpleasant experiences which occurred between Turkey and Europe, created stratum which don't want the membership of Turkey in Europe. Although all of this bad impression, Turkey qualified to the accession process by fulfilled all obstacles of the Copenhagen Criteria and with the signing of negotiation framework on 3 October 2005.

In the enlargement process and Europeanization conditions, EU must decide how describe the Europe? Defined by politically or culturally? As a structure, EU contains a lot different origin people as Orthodox Greeks, Catholic Italians and Muslim Turks. Due to these

cultural substances, the EU attaches great importance to the concepts of human rights and democratic principles. In other words, EU, at least at the formal and legal level, has concerns about democracy, human rights and the rule of law in both its domestic and external affairs. However, the political indefiniteness within the Union, as a “Fundamentalist”²³² view of some parliamentarian in the European Parliament, lack of the specific political decision concerned with the minority issue, drags the EU to the instability with relation between Turkey and this instability policies are caused to perceive as “hypocrisy” by Turkey.

By way of the addition all of this, Fossum argues²³³ in prospect that the EU in future might see four different directions in integration process; the first is supranational EU based on federal norms and rights which rather reflects the current portrait; the second is an EU as a collection of national cultural communities; the third is an intergovernmental EU as collection of democratic (rights-oriented) member states and the fourth is an EU marked by “deep diversity” rather than coherence, grounded on nationalist claim. In this context, we can say that Greece, which a member state of EU since 1981, with its political culture, its perception of minority, etc., would take its place in fourth scenario. In spite of the Greece example, that not a acceptable level within the context freedom of speech, freedom of expression, rule of law, respect of human rights, etc., which Turkey was encouraged by EU for showing improvement in this context, EU can not expressed obviously its demands from Turkey. In addition to this, although Turkey fulfilled all obstacles of Copenhagen Criteria, in the negotiations, it was obligated to pay attention with Cyprus problem and the coercion of unified Greek votes, means that political disagreements instead of the technical negotiations and this situation was caused misunderstandings and damages to the relation between Turkey and EU.

²³² *The view that contain only the six founders of EU and proposed to establish an privileged partnership to the other membership of EU*

²³³ *Jon Erik Fossum, “Identity Politics in the European Union”, available on http://www.arena.uio.no/publication/wp01_17.htm*

On the other hand, in the negotiation process, Turkey slowed down its reform process and its applications of these reforms, due to of domestic political conflicts as election of president of republic, turban problem, secularist resistance to the present AKP government, that Islamic-Conservative oriented political party of Turkey. EU, deservedly, reacted to this situation.

To sum up, the Union expects the principles stability of institutions guaranteeing democracy, the rule of law, human rights and respect for protection of minorities for full membership of Turkey. Although the fear of Turkey on cultural rights, it fulfill the all obstacles of Copenhagen Criteria, especially by giving importance to protection of minorities issue, and bearing in mind the Greek case on the EU, Turkey was indicated to be full membership of EU. However, structural greatness of Turkey, its demographical structure and the prejudice of Europe to the Turkey and non-acknowledgement between each other, the full membership of Turkey would be harder path than the other candidate state.

APPENDIX A
FRAMEWORK CONVENTION FOR THE PROTECTION OF
NATIONAL MINORITIES²³⁴
(Strasbourg, 1.2.1995)
(The first relevant eighteen articles)

Section I

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities' forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3

Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

²³⁴ Available on <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>

Section II

Article 4

The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 5

The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 6

The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

Article 9

The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not discriminated against in their access to the media.

Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10

The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 11

The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Article 12

The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 13

Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

The exercise of this right shall not entail any financial obligation for the Parties.

Article 14

The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible

and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 15

The Parties shall 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 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.

Article 18

The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.

Where relevant, the Parties shall take measures to encourage transfrontier co-operation relating to this framework Convention.

APPENDIX B²³⁵

TREATY OF LAUSANNE

(Article 37-45)

SECTION III- PROTECTION OF MINORITIES. ARTICLE 37

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

ARTICLE 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defense, or for the maintenance of public order.

ARTICLE 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honors, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

²³⁵ Lois Whitman, "Destroying Ethnic Identity: The Turks of Greece", *New York: Human Rights Watch, 1990, p: 47-50*

ARTICLE 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

ARTICLE 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

ARTICLE 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

ARTICLE 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

ARTICLE 44

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

ARTICLE 45

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

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