

What the EU can do to support further minority protection in Turkey

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What the EU can do to support further minority protection in Turkey

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Considering the recent developments in the EU member states, such as French dismantling of Roma camps, minority protection within the EU has increasingly become questionable. Although the EU often neglects the track record of member states' records in minority rights, minority protection has increasingly received EU's attention in the accession process of Central and Eastern European Countries (CEECs). Minority discontent as a potential threat to the stability of Europe in the aftermath of the Cold War has triggered the EU to focus on minority rights. However, the improvement of minority rights in candidate countries remains limited, especially considering the implementation of minority rules adopted in the pre-accession process.

Turkey, on the other hand, presents a relatively successful example for the Europeanization of minority rights in a EU candidate country. Since 2001, the country has launched a number of reforms in minority rights, including both legal adoption and implementation of minority rules. Many controversial issues, such as denial of the existence of the Kurds, or the lack of property rights granted to non-Muslim minorities in the country, have made progress. Europeanization of minority rights in Turkey represents a good case to unpack the conditions that facilitate or limit the improvement of minority protection in candidate countries because the country has experienced a positive development in minority rights during its accession process to the EU. Therefore, this policy brief aims at identifying the factors that influence Turkey's minority policy and at providing recommendations to EU policy makers in the European Commission, the Council of the EU, and EU member states to further support the process.

Minorities and Minority Rights in Turkey

Turkey has historically been a home for a variety of different religious, ethnic and linguistic groups. However, the definition of the concept of 'minority'

and accordingly minority rights was restrictive in the country prior to the launch of reforms by 2002. The concept of 'minority' in Turkey is derived from the 1923 Lausanne Peace Treaty, which is still the official policy in regard to minority rights. The Treaty defines minorities on the basis of religion comprised merely of non-Muslims as limited to three non-Muslim groups: Armenians, Greeks and Jews. Therefore, until 2012 Turkey did not provide any protection to other minority groups because of its restricted definition pertaining to the term 'minority'.

Prior to the launch of the reforms as part of the EU accession process in the early 2000s, minority rights in Turkey were, thus, a restricted policy area, both rhetorically and practically. Since 2002, this picture has begun to change due to the adoption and amendment of a number of legal rules in regard to minority protection with intense implementation in more recent years. This transformation of minority rights in the country necessitates exploring various factors that lead to an increasing approximation of Turkey's minority protection rules to the EU rules.

External and Domestic Factors for Minority Rights: Exploring the EU's Impact vs. Domestic Politics

Considering the EU-related and domestic factors that influence minority-related change in Turkey, three points arose. First, despite being noteworthy, the impact of the EU on minority-related change in Turkey remains limited due to four factors: The decreasing credibility of EU conditionality, the lack of clarity in minority standards, the EU's exclusive focus on certain minorities, and the absence of clear benchmarks on implementation. Stemming from the linkage to political criteria, the credibility of EU conditionality in Turkey's accession process has been weakened over time due to the increase of references to non-political criteria for Turkey's membership, such as the EU's

absorption capacity or the open-ended nature of accession negotiations with Turkey. Especially the privileged membership debate among EU member states in 2005 and the suspension of various negotiation chapters due to the Cyprus problem in 2006 caused a loss of momentum in Turkey's accession process by 2005.

A number of problems in the EU's minority regime further limited the EU's impact on minority rights in Turkey. For instance, the EU has still not defined the term 'minority' and did not adopt a common minority standard applicable to all member and candidate states. This, in return, led to the EU's differential treatment of member and accession countries and generated concerns about double standards in minority rights. The EU's exclusive focus on some minorities in Turkey's accession process as was in the CEECs' has also weakened its minority approach. Issues related to non-Muslim minority groups recognized by the Lausanne Treaty, the Kurds, Alevis and Roma, being addressed in all progress and regular reports for Turkey illustrate this. Furthermore, the EU lacks clear benchmarks to measure the progress in minority-related policy change in candidate countries and a monitoring agency for the implementation of minority measures in candidate states.

Second, the case of Turkey demonstrates that domestic factors can act as drivers rather than constrainters in minority-related policy change, as the pro-minority position of the Justice and Development Party (Adalet ve Kalkınma Partisi-AKP) in Turkey proves. By adopting a two-tiered approach in minority rights, the AKP has identified minority problems and initiated a problem-solving approach. Since 2005, the AKP's approach has intensified, especially due to the loss of the EU's credibility in the area of conditionality. Yet, it is important to note that the pro-minority position of the AKP government stems from both the political values of the AKP and election calculations of the party seeking to attract votes from minority groups, such as the Kurds who comprise anywhere from 10 to 23 % of the entire population.

Third, despite the significant progress made, minority-related change in Turkey remains limited. The country still has problems in both the legal adoption and implementation of minority

rights. Therefore, further policy change requires a combination of both EU-dependent factors and pro-minority policy preferences in the domestic arena.

Recommendations

- *Defining the concept of 'minority' and adopting a minority standard:* The EU needs to adopt a definition for the term 'minority' on the basis of what constitutes a minority group. Additionally, the EU should adopt a common standard for minority rights in order to prevent double standards and facilitate its image as a fair norms promoter in its neighbourhood.
- *Launching a common platform for minority rights:* The EU as an effective democratic norms promoter in its neighbourhood should launch a common platform for all organizations dealing with minority rights (e.g. Council of Europe (CoE), Organization for Security and Cooperation in Europe (OSCE)). This platform should focus exclusively on minority rights by defining the concept, launching common standards and monitoring minority practices in EU member and candidate states as well as ENP partners of the EU. Such a platform is vital in strengthening minority protection in wider Europe and providing a strict monitoring system especially for the implementation of minority rights, which is problematic in both member and candidate countries.
- *Division of labor among organizations dealing with minority rights:* The European organizations, mainly the EU, OSCE, and CoE, should collaborate in dealing with minority rights via organizing a division of labor among themselves. For instance, the EU can use its bargaining power to promote minority rights in candidate or neighbourhood countries. Besides, the CoE can engage in naming and shaming to push targeted states for further minority protection.
- *Clear benchmarks and treatment of minorities on equal footing:* The EU, and the Commission in particular, should set clear benchmarks for candidate states to achieve goals based on the best practice of Europe and not the lowest common denominator. Moreover, all minority

groups should be treated on equal footing. The Union must not prioritize any minority groups over others as it did in the accession process of the CEECs and Turkey. Nonetheless, the Union can differentiate minorities on the basis of their need for urgent action.

- *Credible conditionality*: The EU must ensure that its conditionality remains credible. As an international actor actively engaging in the promotion of democracy, the rule of law and human and minority rights in its wider neighbourhood, the EU would lose its impact on democracy promotion through examples of its inability to generate rewards in response to policy compliance by candidate and ENP states.
- *Enhancing dialogue with transnational groups and providing expertise*: The EU should support pro-minority governments in candidate countries by providing a platform for learning and collaboration among policy makers and civil society organizations in these countries, as well as transnational groups. This platform should hold regular meetings on human and minority rights. The EU should also provide information and expertise to minorities and governments in the candidate states on the best practices on minority rights in Europe. This could be done via organizing exchange or study visits.
- *Strengthening civil society*: The EU should indirectly support minority protection by strengthening civil society in the targeted countries. However, this support should not be limited to funding. Instead, there is a need for new initiatives to strengthen the quality of civil society organizations, such as promoting exchange programs between the personnel of European and targeted country civil society organizations. Moreover, civil society organizations in candidate states should be encouraged to closely collaborate with pro-minority transnational groups in order to raise their awareness and learn from experience in other parts of the world to push minority protection. This could be done via the establishment of a pro-minority

platform for close cooperation between civil society organizations in candidate states and transnational groups, as suggested above.